

ELKHART COUNTY BOARD OF ZONING APPEALS

ADMINISTRATION BUILDING
MEETING ROOMS 104, 106, & 108
117 N. 2nd STREET, GOSHEN, INDIANA

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 17th DAY OF APRIL 2025 AT 9:00 A.M.
MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING
117 N. 2nd STREET, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Board of Zoning Appeals was called to order by the Chairperson, Randy Hesser. Staff members present were: Mae Kratzer, Plan Director; Jason Auvil, Zoning Administrator; Danielle Richards, Planner; Danny Dean, Planner; Laura Gilbert, Administrative Coordinator; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

Absent: John Gardner, David Miller.

2. A motion was made and seconded (*Miller/Cramer*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 20th day of March 2025 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Warner/Cramer*) that the Board accepts the Development Ordinance and Staff Report materials as evidence into the record and the motion was carried with a unanimous roll call vote.

4. The application of ***Derek Lynn Miller & Dorcas R. Miller, Husband & Wife*** for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the East side of CR 27, 25 ft. North of CR 126, common address of 60482 CR 27 in Jefferson Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0152-2025*.

There were eleven neighboring property owners notified of this request.

Jeremiah Hochstetler, Freedom Builders, 54824 CR 33, Middlebury was present representing the petitioner. He stated the property owner purchased the property a few years ago, but he was not aware of the need for a Special Use for the animals. Mr. Hochstetler continued by saying the barn that the horses are kept in burned down and when he came to get the permit to rebuild he also applied for the Special Use. Mr. Warner asked about waste removal from the property. Mr. Hochstetler responded his understanding is it is spread on the field.

Mr. Auvil presented an email from Miranda Kinney, 60481 CR 27, Goshen, in remonstrance [Attached to file as Staff Exhibit #1]. He went on to explain the concerns in the letter regarding several animals, dogs, ducks, and chickens, that have gotten out onto her property as well as others and the road. Mr. Warner asked if code enforcement has received any complaints, and Mr. Auvil responded no. Mr. Hesser clarified approval of horses with a Special Use does not permit any other ag animals.

Mr. Hochstetler came back on. He stated that he does not know about any other animals present on this property.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/11/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of three (3) adult horses at any one time.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

5. The application of *Jeffrey M. Lorenz & Kelly E. Lorenz, Husband & Wife* for a Special Use for a home workshop/business for a pet cremation business on property located on the East side of CR 21, 515 ft. South of CR 46, common address of 68600 CR 21 in Jackson Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0161-2025*.

There were nineteen neighboring property owners notified of this request.

Jeffrey Lorenz, 68600 CR 21, New Paris, was present for this request. He stated they have lived on the property since 1997. He added he has been working on this property for a few years, and he plans to purchase a pet cremation unit that will sit inside two commercial shipping containers. He stressed that no smoke or smell will come out of the unit, but some vapor will occasionally come out of the unit. He further explained that he will have two freezers to hold the animals until he can cremate them. He added that he will pick up the animals from veterinarian's offices and no customers will be coming to the property. Mr. Hesser asked if the business will just be for small pets. He responded yes. Mrs. Cramer asked about the cremated remains. Mr. Lorenz stated the ashes will be given to the veterinarians or any that are not picked up will go to the landfill. Mr. Warner asked about state regulations, and Mr. Lorenz responded he is unsure of the regulations at this time. Mr. Miller clarified the petitioner is stating this process will not emit odors for the neighbors. Mr. Lorenz responded the company he is purchasing the unit from assured him there will be no odor.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. White asked if a permanent foundation will be required, and Mr. Dean responded yes. Mr. Lorenz explained the shipping containers are 10'x 20', so the total sq. ft. is 400 sq. ft. He added staff informed him a permanent foundation is required.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a pet cremation business be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County advisory Board of Zoning Appeals staff for placement in the petition file.
2. The cremation facility will require an engineered footing and a commercial building permit.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/12/2025) and as represented in the Special Use application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

6. The application of **Ariel R. Yoder** for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the Southwest corner of Westlake Dr. & Erin Ct., 330 ft. South of U.S. 20, common address of 601 Westlake Dr. in Middlebury Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0172-2025*.

There were twenty-one neighboring property owners notified of this request.

Ariel Yoder, 601 Westlake Dr., Middlebury, was present for this request. She stated she would like to raise chickens for her family. Mr. Miller asked if the chicken coop will be fixed or move, and she responded fixed.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for staff approval (1) showing the shed at least 10 ft. from the rear property line and at least 7.5 ft. from the south property line, (2) showing the chicken coop at least 7.5 ft. from the south property line, and (3) showing the east property line.

The following commitments were imposed:

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of six (6) chickens at any one time, no roosters.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

7. The application of ***Kraig D. Kliewer & Sonny J. Kliewer, Husband & Wife*** for a Special Use for a home workshop/business for a poultry supply business on property located on the West side of CR 131, 1,250 ft. South of CR 4, common address of 52241 CR 131 in York Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0134-2025*.

There were seventeen neighboring property owners notified of this request.

Kraig Kliewer, 52241 CR 131, was present for this request. He stated they would like to have a larger storage space for their business. He explained they sell poultry supplies online. Mr. Warner asked the size of trucks that make deliveries to the property. Mr. Kliewer responded they receive a few semi deliveries a year. Mr. Warner clarified the Board requires semis turn-around on the property, not on the street. Mr. Kliewer explained he is adding gravel for a semi turn-around.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Cramer commented that Board should add the commitment prohibiting backing onto or off of the property.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a poultry supply business be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/5/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 131 is prohibited.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

8. Danielle Richards presented a minor change request for Devon R. Schrock (SUP-0641-2024) approved October 17, 2024. The request is to extend the ILP requirements for 6 months.

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Steve Warner that the Board approve the request as a minor change.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

9. Mae Kratzer presented the staff item for the Agreement for Legal Services for Barkes, Kolbus, Rife & Shuler effective July 1, 2025-July 1, 2026. She explained the new contract will be with the Firm and not just with Attorney Kolbus as he is retiring.

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Steve Warner that the Board approve the Agreement for legal services July 1, 2025 – July 1, 2026.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

10. The application of *Ray J. Hershberger & Lizzie Hershberger, as Trustees of the Ray & Lizzie Hershberger Revocable Trust* for a Special Use for a home workshop/business for a welding shop and for a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow an existing accessory structure 3 ft. from the rear property line on property located on the West side of CR 37, 1,580 ft. South of CR 30, common address of 62270 CR 37 in Clinton Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0116-2025*.

There were 5 neighboring property owners notified of this request.

Mr. Hesser clarified the Developmental Variance from the property line is only for the existing building, because the addition meets setback requirements.

David Bontrager, 62021 SR 13, Goshen, was present representing the petitioner. He explained the property owner would like to construct an addition to allow for the welding shop. He went on to add that the current owner must go to another shop to finish the product, thus the need for the addition. Mr. Hesser asked about any waste from the welding. Mr. Bontrager replied there will be none. Mr. Hesser then clarified the addition will be 10 ft. from the property line. Mr. Bontrager stated yes it will be 10 ft. from the property line.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a welding shop be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/26/2025) and as represented in the Special Use Application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 37 is prohibited.

Further, the motion also included that a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow an existing accessory structure 3 ft. from the rear property line be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 2/26/2025) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

11. The application of *Lavon Dale Miller & Martha Ann Miller, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, and for a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the centerline of the right-of-way on property located on the Southwest side of CR 8, 2,780 ft. Northwest of CR 35, common address of 13974 CR 8 in York Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0160-2025*.

There were ten neighboring property owners notified of this request.

Lavon Miller, 13974 CR 8, Middlebury, was present for this request. He stated he would like to construct a 30' x 40' barn for the two horses and then tear down the existing barn. He continued to say he will also be moving some fencing. Mr. Hesser asked for clarification of the pasture and if it will be fenced in. Mr. Miller replied yes.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/12/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses and twelve (12) chickens at any one time, no roosters.

Further, the motion also included that a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the centerline of the right-of-way be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 3/12/2025) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

Motion: Action: Rescind, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the request for a Special Use for horses from the previous owner be rescinded at the request of staff.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

12. The application of **Tanner D. Bunch & Kaicee B. Bunch, Husband & Wife** for a Special Use for a home workshop/business for a dog grooming business, for a Developmental Variance to allow for 7 outside employees (Ordinance allows 4) and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the East end of the easement, East of CR 29, 2,640 ft. North of CR 52, common address of 00000 CR 29 in Jackson Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0171-2025*.

There were 8 neighboring property owners notified of this request.

Tanner & Kaicee Bunch, 206 E. Wabash Ave., Wakarusa, were present for this request. He explained they are building a residence and accessory structure for a grooming salon on their property. He added they would like to decrease the size of the building from 60' x 72' to 50' x 60'. Mr. Hesser clarified they will be constructing a residence on the subject property. Mr. Hesser clarified the residence and business will both be constructed on the back parcel. Mr. Bunch explained the front parcel is for a family member. Mrs. Cramer noted their property will utilize an access easement to access the property. Mr. Bunch affirmed they will use the access easement for the new residence and accessory structure. Mr. Warner commented that with the number of dogs they want to groom each day; they will need plenty of parking spaces. Mrs. Cramer asked if

the seven requested employees are full-time or part-time. Mr. Bunch answered there are currently four employees, but they would like approval for seven. Mr. Hesser clarified all seven employees will not be working at the same time.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser expressed concern about the size of the operation. Mr. Miller commented that the business will be in an area that will not affect the neighbors. Attorney Kolbus suggested a revised site plan be required, since the size of the proposed structure has changed.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a dog grooming business be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
 2. The petitioner must provide a revised site plan reflecting the new building size for approval.
- The following commitment was imposed:

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for 7 outside employees (Ordinance allows 4) and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 3/17/2025) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

11. The application of *Tri-County Land Trustee Corporation (Land Contract Holder) & Norman E. Lehman & Katie Lehman (Land Contract Purchasers)* for an Amendment to an existing Special Use for a home workshop/business for a retail store to allow for an addition, for a Developmental Variance to allow for the total square footage of the accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4) on property located on the North side of CR 16, 1,815 ft. West of CR 43, common address of 11351 CR 16 in Middlebury Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0130-2025.

There were 9 neighboring property owners notified of this request.

Mike Bontrager, 59155 CR 41, Middlebury, was present representing the petitioner. He explained the petitioner would like to add a 50' x 70' addition for a small office and warehouse space. He added there is only one full-time employee currently and four outside employees in total, but they would like to add one more employee.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an Amendment to an existing Special Use for a home workshop/business for a retail store to allow for an addition be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for Staff approval showing both parcels.

The following commitments were imposed:

1. The request is approved in accordance with the revised site plan to be submitted for Staff approval and as represented in the Special Use Amendment application.
2. Any further expansion requires a DPUD.

Further, the motion also included that a Developmental Variance to allow for the total square footage of the accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4) be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the revised site plan to be submitted for Staff approval and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

12. The application of *Creekside Church of the Brethren, Inc.* for an Amendment to an existing Special Use for a place of worship to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence on property located on the West side of CR 113, 2,400 ft. South of CR 26, common address of 60455 CR 113 in Concord Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0162-2025.

There were forty-one neighboring property owners notified of this request.

Mr. Miller clarified that dimming of the sign is a state regulation.

Stephanie Lehman, Signtech Sign Services, 1508 Bashor Rd., Goshen, was present representing the petitioner. She explained Creekside Church would like to remove their existing sign and replace it with an electronic message board. She added the sign will be within 300 ft. of residences, and the church spoke to the neighboring property owners regarding the sign. She explained electronic message boards are regulated by the state, and they must dim by dusk. Attorney Kolbus asked about flashing messages. Mrs. Lehman responded that is not allowed. She added they make all customers aware of the regulations. Mr. Hesser clarified the location of the messages. Mrs. Lehman added the proposed sign is a basic message center.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an Amendment to an existing Special Use for a place of worship to allow for an electronic message board be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A recorded deed must be submitted excluding parcels 20-06-35-176-008.000-009 and 20-06-35-326-046.000-009.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/13/2025) and as represented in the Special Use Amendment application.

Further, the motion also included that a Developmental Variance to allow for an electronic message board within 300 ft. of a residence be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 3/13/2025) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

13. The application of *Tri-County Land Trustee Corporation (Land Contract Holder) & Martin Graber & Lucinda Graber (Land Contract Purchasers)* for a Special Use for a home workshop/business for a woodworking shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the West side of CR 31, 2,130 ft. South of CR 14, common address of 56831 CR 31 in Jefferson Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0095-2025*.

There were ten neighboring property owners notified of this request.

Mr. Hesser noted he lives two properties north of the subject property, but he has no financial interest in this property. He added this proposed Special Use will not affect his property.

Martin Graber, 56831 CR 31, Goshen, was present for this request. He stated they would like to construct a small woodworking shop, and all the work would take place inside. Mr. Hesser needed clarification regarding the other party on the application. Mr. Graber stated that the other party is the general contractor. Mrs. Cramer clarified the petitioner lives on the property. She also asked the hours the generator will be running. Mr. Graber responded approximately 6 a.m. to 2:30 p.m. Mr. Hesser mentioned the remonstrator from last month's meeting had a concern about the generator being close to his residence which is south of the petitioner's property. Mr. Graber replied that the shop is going to be on the north side of the building. Mr. Hesser noted the site plan shows the generator in the middle of the building, and the site plan will need to be revised, if it will be located on the north side of the building. Mr. Graber responded he would like to keep the generator in the location shown on the site plan. Mr. Hesser stated he does not believe the barn on the site plan is to scale or in the correct location on the property. Mr. Hesser noted no sign is shown on the site plan. Mr. Graber said he is unsure where the sign will be located. Mr. Hesser asked the required setback for a sign. Mr. Dean stated the sign cannot be in the right-of-way. Mr. Miller asked about the discharge from the spray booth. Mr. Graber responded it will either go north or straight out of the building. Mr. Miller stressed his concern is with the diesel generator and the spray booth discharge outside. He went on to say he does believe this business will affect the neighboring property owners. He added the generator can be quieted, but it is still a constant noise. He continued saying the vapor will also be smelled. He stressed he struggles with woodworking shops affecting the neighbors. Mr. Hesser asked if noise buffering could be added to the building. Mr. Graber responded he is open to whatever is needed for approval.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Cramer agreed with Mr. Miller's concerns about the noise and smell produced by the business. She went on to say the petitioner mentioned they can make the generator quieter, but they do not have a clear plan to make it quieter. Mr. Hesser noted the topography of the property does affect where the business can be located. He continued by saying that placing the building further back would help with the noise. Mr. Hesser suggested tabling the request and require specific plans for noise buffering. Mr. Miller stressed once the business is approved, the neighbor must deal with the noise. Mr. Warner asked if there is a standard for spray booth emissions. Mr. Miller noted the County can go out and measure the sound and the emissions from a spray booth. He stressed noise from a generator cannot be fully eliminated. Attorney Kolbus explained that a

few petitioners have been required to bring in detailed plans with insulation and muffler details for the generator.

Mr. Graber came back up to the podium. Mr. Hesser again stated the Board's concern about this operation is the noise produced by the generator. He asked if they can bring back a proposal for muffling the sound by next month's hearing. Mr. Miller stated he would like the petitioners to work with the neighbor next door. Mr. Hesser stated the Board will need to see a revised site plan that shows more accurately the size and location of the buildings, including the exact location of the diesel generator. He continued by saying the revised site plan should show the location of the sign and include the proposal for muffling the sound of the diesel generator. Mr. Graber requested two months to provide the information. Mr. Miller added the spray booth exhaust also needs to be addressed, and he would like to see a plan regarding that as well. Mr. Warner added the plan for the spray booth should provide detail as well.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that this request for a Special Use for a home workshop/business for a woodworking shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be TABLED until the June 19, 2025 Advisory Board of Zoning Appeals meeting to allow the petitioner time to provide a detailed plan for mitigating generator exhaust, and vapor impact.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Deb Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

14. The meeting was adjourned at 10:26 a.m.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2025

Transaction Number: SUP-0227-2025.

Parcel Number(s): 20-12-34-200-018.000-008, 20-12-34-200-020.000-008.

Existing Zoning: A-1.

Petition: For a Special Use for an existing town park.

Petitioner: Millersburg Park & Recreation Board.

Location: North side of Larimer Dr., 1,115 ft. north of East Elm St., west of North Benton St. (SR 13), in Clinton Township.

Site Description:

- Physical Improvement(s) – Town Park - ball fields & courts, pavilions, accessory structures.
- Proposed Improvement(s) – New pavilion.
- Existing Land Use – Parks and open space.
- Surrounding Land Use – Residential, municipal utilities (water tower), & manufacturing.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a town park is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 23.80-acre property in a mixed-use area in the Town of Millersburg and the property will remain a park.
3. The Special Use will substantially serve the public convenience and welfare by bringing an existing park into compliance and allowing for the addition of a new pavilion.

BZA Staff Report (Continued)

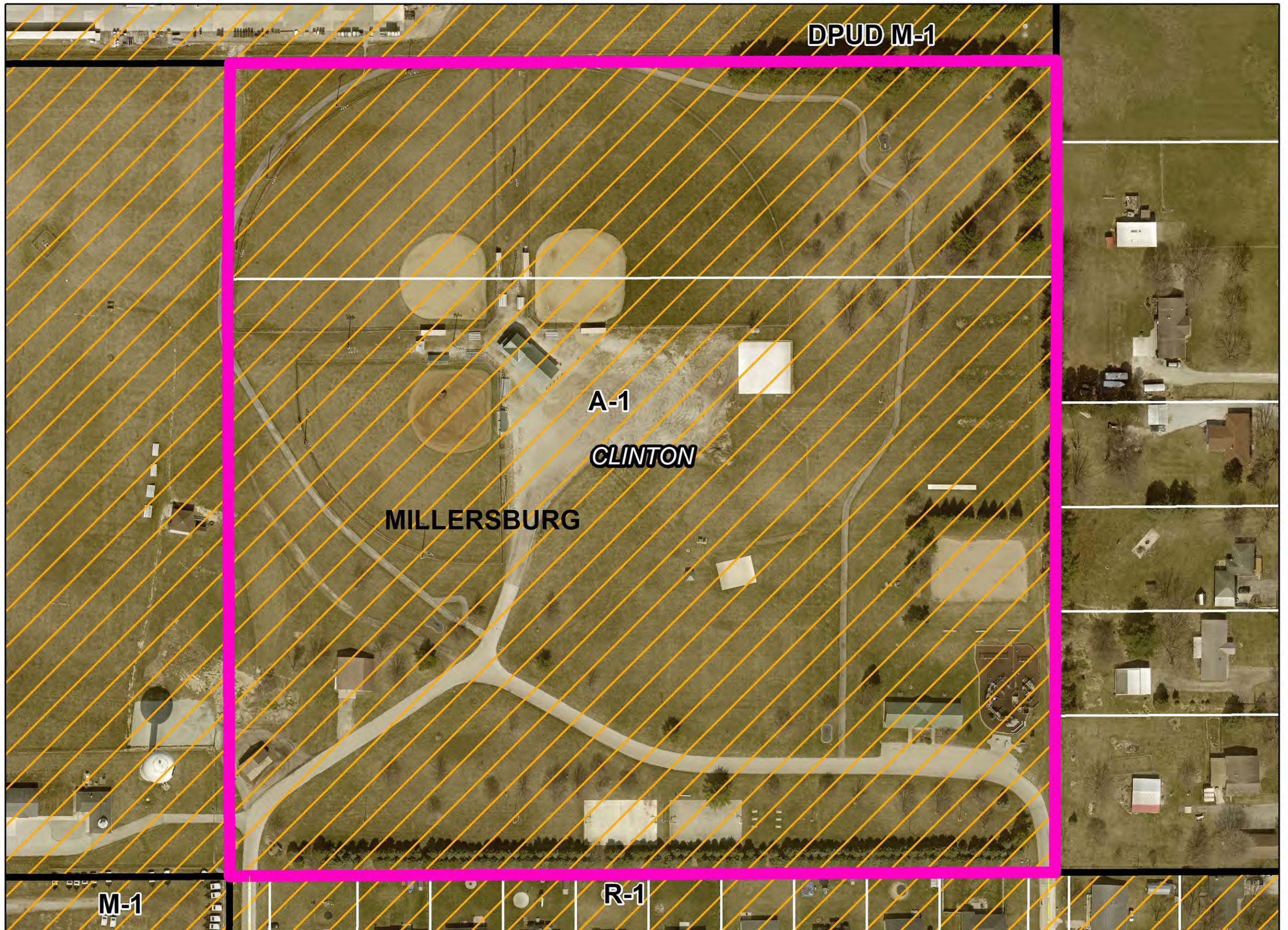
Hearing Date: May 15, 2025

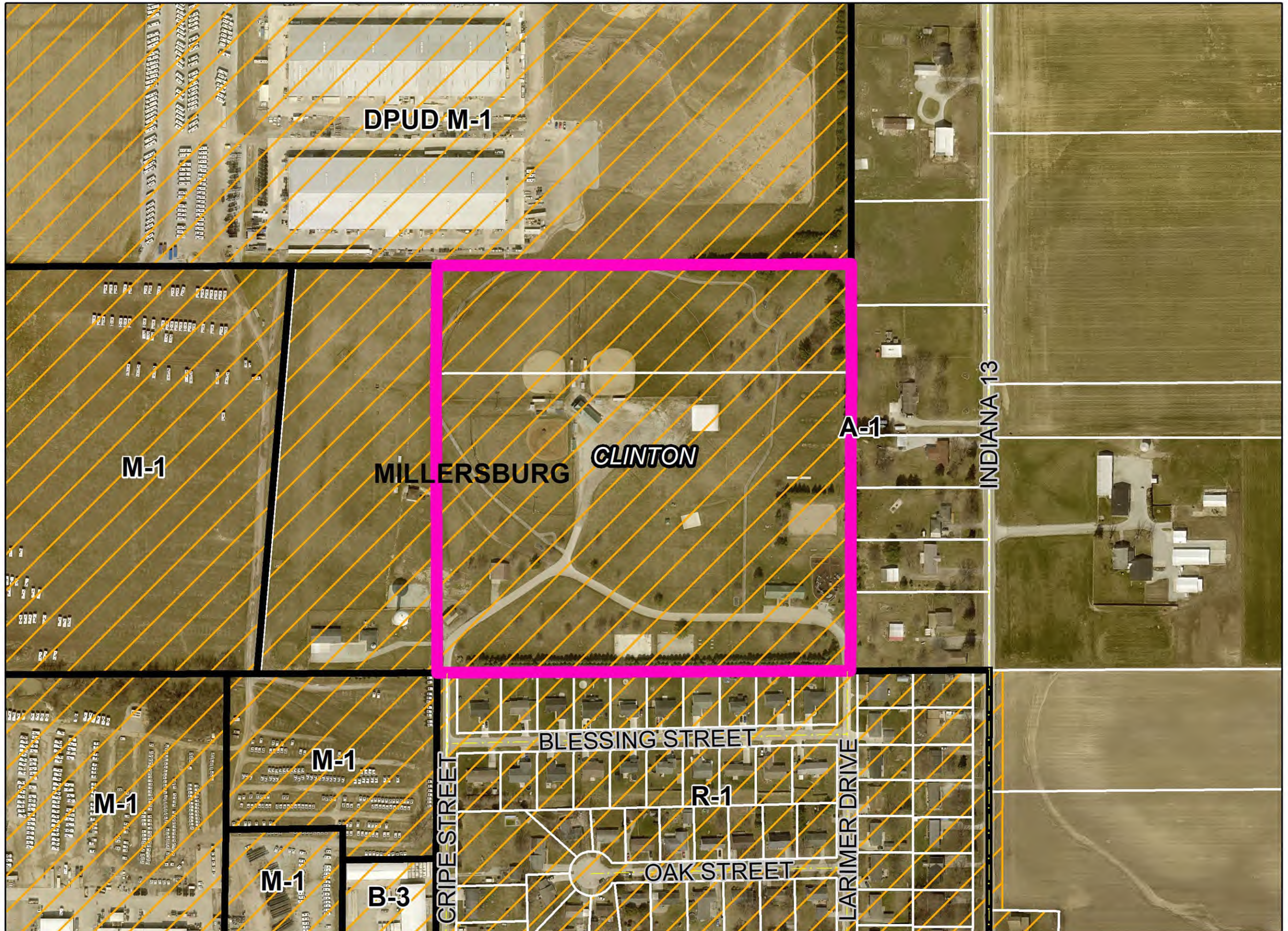
Staff recommends **APPROVAL** with the following condition(s) imposed:

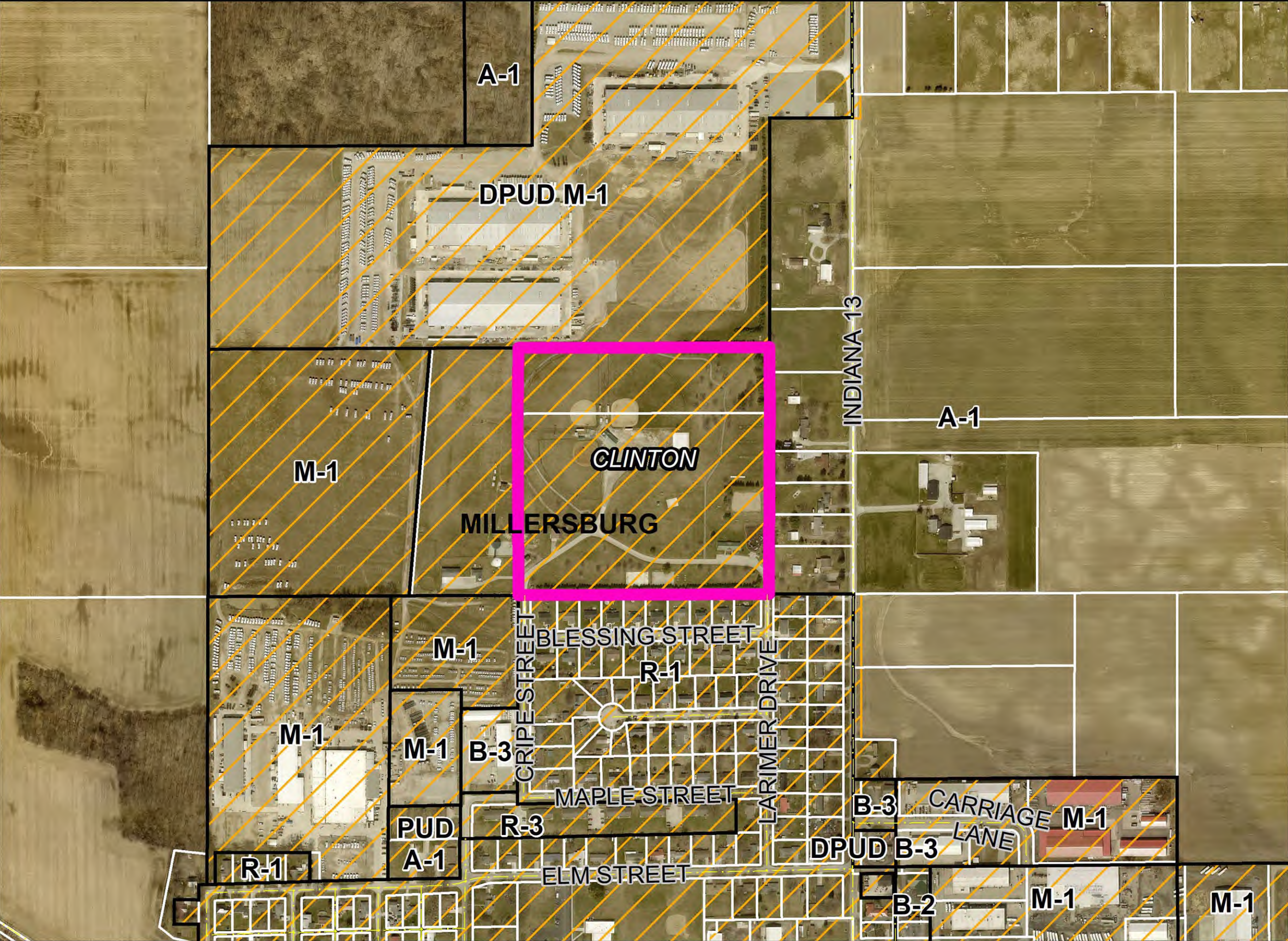
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted (dated 4/9/2025) and as represented in the Special Use application.









Subject property facing north



Facing south



Facing east



Facing west

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

**Elkhart County Planning & Development
Public Services Building**

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/09/2025 Meeting Date: May 15, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0227-2025

Description: for a Special Use for an existing Town park

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Maple City Roofing 64265 County Road 35 Goshen, IN 46528	Maple City Roofing 64265 County Road 35 Goshen, IN 46528	Millersburg Park & Recreation Board Po Bo 278 Millersburg, IN 46543

Site Address: 00000 Larimer Dr MILLERSBURG, IN 46543	Parcel Number: 20-12-34-200-018.000-008 20-12-34-200-020.000-008
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Township: Clinton
Location: NORTH SIDE OF LARIMER DR., 1,115 FT. NORTH OF E ELM ST., WEST OF N BENTON ST (SR 13)

Subdivision:	Lot #
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Lot Area: 23.80	Frontage: 1,025.60	Depth: 1,010.85
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Zoning: A-1	NPO List:
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Present Use of Property: TOWN PARK

Legal Description:

Comments: PARCEL CREATION DATES ARE 9/11/1978 AND 5/25/1988
COOK STATION PARK

Applicant Signature:	Department Signature:
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Application

Site address: 578 Larimer Dr

Parcel number(s): 20-12-34-200-018 and 200-020

Current property owner

Name: Town of Millersburg Town Clerk: Makinzie Taylor

Address: Town Hall: 201 W Washington St. Millersburg IN 46543

Phone: 574-642-3976 cell 574-238-5566 Email: m.taylor@millersburg.org

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Maple City Roofing LLC Chris E. Yoder

Address: 64265 CR 35 Goshen IN 46528

Phone: 260-350-4479 Email: maplecityroofing@gmail.com

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Chris Yoder

Staff Use Only

Description: for a special use for an existing county park

Cook Station Park

Parcel creation date: 5/25/1988

Subdivision required? ☐ Y ☒ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: _____

Location: (N) S E W corner (side) end of Larimer Dr,
1,200 ft. (N) S E W of E Elm St, 350 ft West of CR 13
in _____ Township

Frontage: _____ Depth: _____ Area: 17.5+63 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: Chris E. Yoder Maple City Roofing LLC

1) Tell us what you want to do. Build an 18'x24' pavillion beside pickle ball court

2) Tell us why this activity won't hurt your neighbors or the community. Every one wants to use parks + adding shelter is an exciting addition.

3) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N
If yes, tell us about it. Existing freelines at northeast, east, and south.

6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

7) Will the activity use buildings or additions? ^{adding a shelter} ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Existing? ☐ Y ☒ N Size and height to the peak: 11' 6" 18 x 24
Tell us what you'll use it for. Shelter + shade, building a pavillion for pickle ball court at Park
Building or addition 2 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and how many of each. _____

Next page ➡

Special Use — Questionnaire

- 9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? ☐ Y ☒ N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? 200' x 300' 150 x 300 center

How many parking spaces do you want? not more 16 x 170 southeast

Will there be outside storage or display areas on this property? ☐ Y ☒ N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? ☐ Y ☒ N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day? _____

Will there be pickups or deliveries on this property? ☐ Y ☒ N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width). 4 ft. x 6 ft., 7 ft. oAH

Existing? ☒ Y ☐ N Double faced? ☐ Y ☒ N

Electronic message board? ☐ Y ☒ N If no, lighted? ☐ Y ☒ N

Freestanding? ☒ Y ☐ N Wall mounted? ☐ Y ☒ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

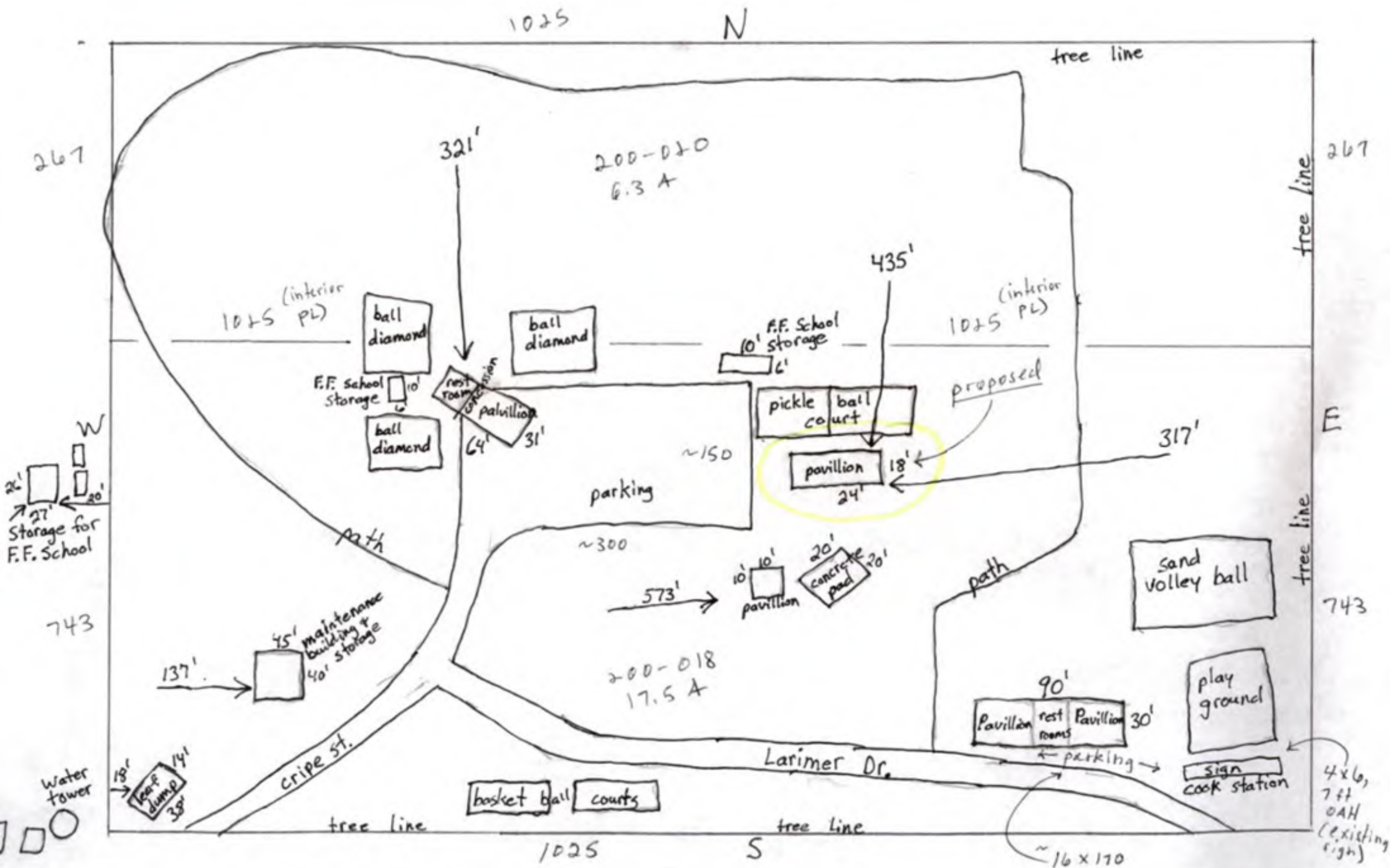
Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. There will be no utilities or electric or plumbing to this Pavillion shelter



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2025

Transaction Number: SUP-0233-2025.

Parcel Number(s): 20-10-21-100-019.000-016.

Existing Zoning: A-1.

Petition: For an amendment to an existing Special Use for an agri-business to allow for a new building.

Petitioner: Raymond Z. Oberholtzer & Martha Oberholtzer, Husband & Wife.

Location: East side of CR 9, 2,350 ft. south of CR 36, in Harrison Township.

Site Description:

- Physical Improvements – Single Family Residence & Accessory Structures.
- Proposed Improvement – Storage building.
- Existing Land Use – Agricultural.
- Surrounding Land Use – Agricultural.

History and General Notes:

- **January 15, 2004** – The BZA approved a Special Use for an Agri-business and a Developmental Variance to allow the total square footage of accessory structures to exceed that of the primary (2003-4705).
- **February 16, 2006** – The BZA approved renewal of a Special Use for an Agri-business (20061073).
- **July 19, 2018** – The BZA approved an amendment to an existing Special Use for an Agri-business to add property and a building (SUP-0397-2018).

Staff Analysis:

Staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. This is an existing Special Use for an Agri-business for greenhouse, nursery, and produce supplies.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a large 20-acre parcel in a low-density residential and agricultural area and the property will remain agricultural in character.
3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing for the existing Agri-business to add a new storage building.

BZA Staff Report (Continued)

Hearing Date: May 15, 2025

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted (dated 4/11/2025) and as represented in the Special Use Amendment application.



COUNTY ROAD 9

A-1

HARRISON

SUP-0233-2025



2021 Aerials

1 inch = 300 feet







Subject property facing east



Facing west



Facing north



Facing south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use Amendment - Non Mobile Home

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0233-2025

Date: 04/11/2025 Meeting Date: May 15, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0233-2025

Description: for an Amendment to an existing Special Use for an Agri-Business to allow for the construction of a new building

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Jeryl M. & Monica J. Martin H & W 62054 Cr 9 Goshen, IN 46526	Jeryl M. & Monica J. Martin H & W 62054 Cr 9 Goshen, IN 46526	Raymond Z Oberholtzer & Martha Oberholtzer, Husband & Wife 64482 County Road 9 Goshen, IN 46526

Site Address: 64482 County Road 9 Goshen, IN 46526	Parcel Number: 20-10-21-100-019.000-016
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Township: Harrison
Location: East Side Of County Road 9, 2,350 Feet South Of County Road 36

Subdivision:	Lot #
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Lot Area: 20.00	Frontage: 665.00	Depth: 1,308.00
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Zoning: A-1	NPO List:
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Present Use of Property: AGRI-BUSINESS

Legal Description:

Comments: SEE SUP-0397-2018 APPROVED 7-19-2018
SEE SPECIAL USE 20061073 APPROVED 2-16-2006
SEE SPECIAL USE 2003-4705 APPROVED 1-15-2004

Applicant Signature:	Department Signature:
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Application

Site address: 64482 CR9 GOSHEN IN

Parcel number(s): _____

Current property owner

Name: RAYMOND OBERHOLTZER

Address: 64482 CR9 GOSHEN IN

Phone: _____ Email: _____

Other party ☒ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: JERYL MARTIN

Address: 62054 CR9 GOSHEN IN

Phone: 574-538-1545 Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: J. Martin

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? ☐ Y ☒ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: N/A

Location: N S (E) W corner (side) end of CR9
2,350 ft. N (S) E W of CR36

Special Use — Questionnaire

Name: ADDITION TO STORAGE

1) Tell us what you want to do. 45X80 - 10X80 open porch storage BARN
16' eave -

2) Tell us why this activity won't hurt your neighbors or the community. INSIDE STORAGE

3) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N

If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.

Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N

If yes, tell us about it. _____

6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N

Does the property need a new septic system? ☐ Y ☒ N

If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

7) Will the activity use buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Existing? ☐ Y ☐ N Size and height to the peak: 45X80 - 24' peak

Tell us what you'll use it for. Storage

Building or addition 2 Existing? ☐ Y ☐ N Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3 Existing? ☐ Y ☐ N Size and height to the peak: _____

Tell us what you'll use it for. _____

8) Does this application include animals? ☐ Y ☒ N

If yes, tell us what kind and how many of each. _____

Special Use — Questionnaire

- 9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? ☒ Y ☐ N If yes, fill out below.

How many employees do you have now? Full time: 0 Part time: 1

How many employees do you want? Full time: same Part time: 1

How many of the employees won't live onsite? 1

What will be the days and hours of operation on this property? FARMER HOURS

How many parking spaces do you have now? 4

How many parking spaces do you want? same

Will there be outside storage or display areas on this property? ☐ Y ☒ N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? ☒ Y ☐ N

If yes, tell us what will be sold. AGG produce supplies

Approximately how many customers (clients, guests, students, members) will be on this property per day?

Seasonally 5-6

Will there be pickups or deliveries on this property? ☒ Y ☐ N If yes, fill out below.

Tell us how often. Seasonally 1-2 a week

Tell us the kind of vehicles used. semi

Does the application include signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

10) Tell us anything else you want us to know. _____

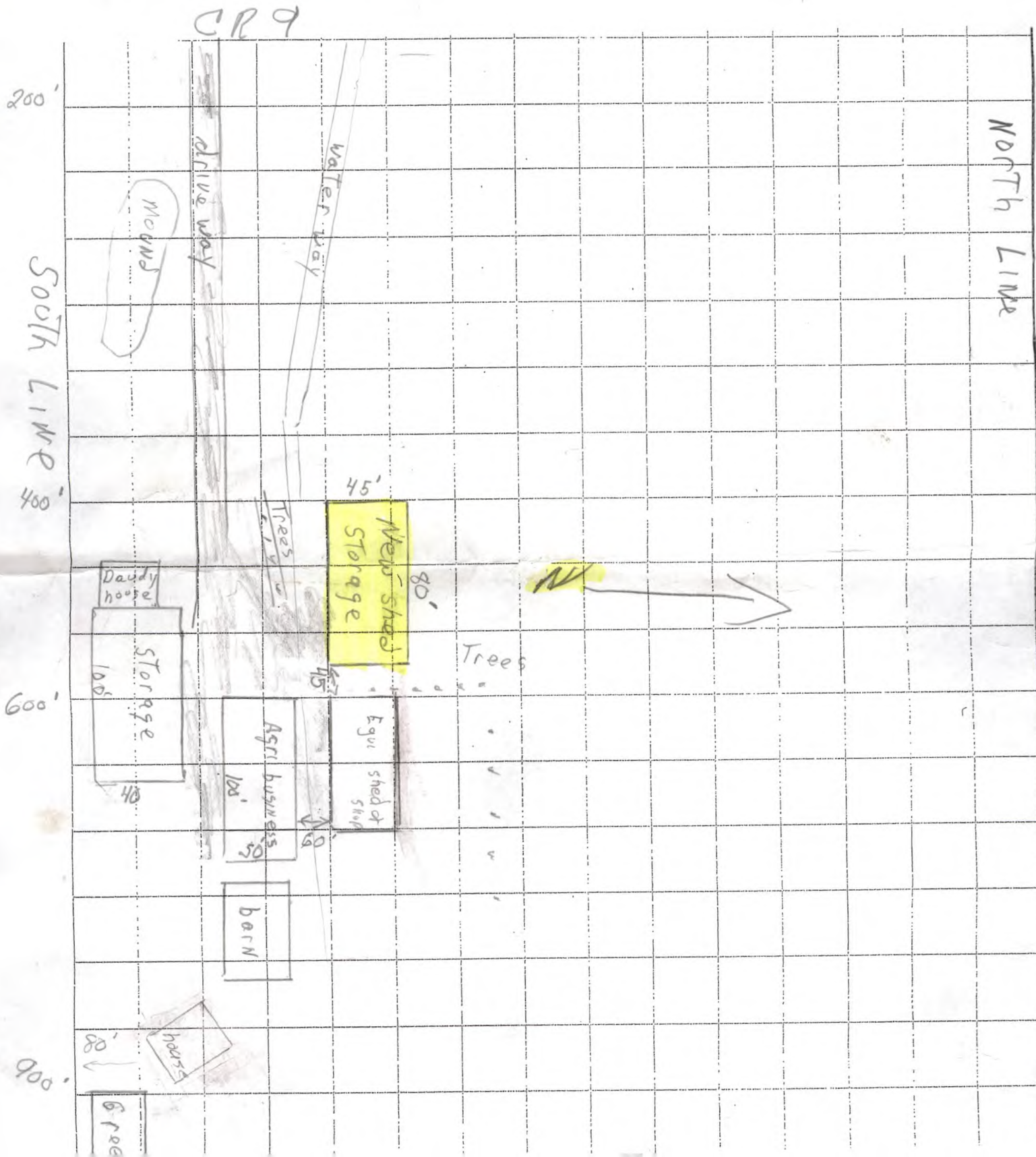
APR 11 2025

Name: Raymond & Martha Oberholtzer

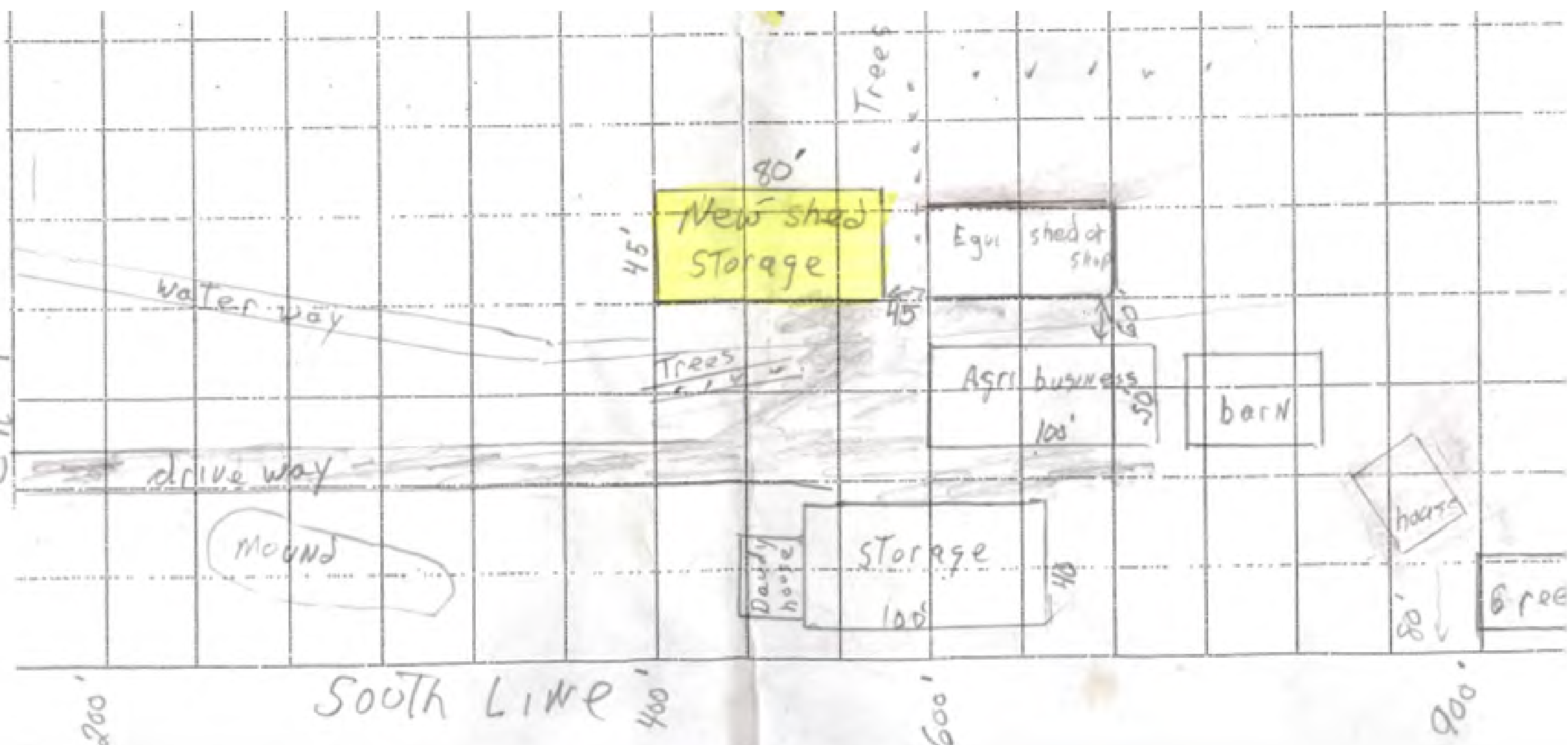
Site address: 64482 CR9 GOSHEN IN 46526 PH 574-862-1359

Subdivision and
lot number: _____

Parcel number: 20 Acres



CR 9



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2025

Transaction Number: SUP-0226-2025.

Parcel Number(s): 20-15-01-300-017.000-018, 20-15-01-300-020.000-018.

Existing Zoning: A-1.

Petition: For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Mark B. Bowman & Mikki G. Bowman, Husband & Wife.

Location: South side of CR 44, 1,175 ft. east of CR 127, in Jackson Township.

Site Description:

- Physical Improvement(s) – Residence and accessory structures.
- Proposed Improvement(s) – Accessory structure addition & remodel.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. An agricultural use on less than 3 acres is allowed by Special Use in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1.44-acre property in a low-density residential and agricultural area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a hobby/project opportunity for 4-H and a local source of food.

BZA Staff Report

(Continued)

Hearing Date: May 15, 2025

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for staff approval showing pasture area and a corrected east side setback for the existing barn.
3. A secondary replat and a recorded deed showing both parcels are required.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
2. The request is limited to a maximum of three (3) adult cows, three (3) adult pigs, & three (3) adult sheep at any one time.

For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, staff finds that:

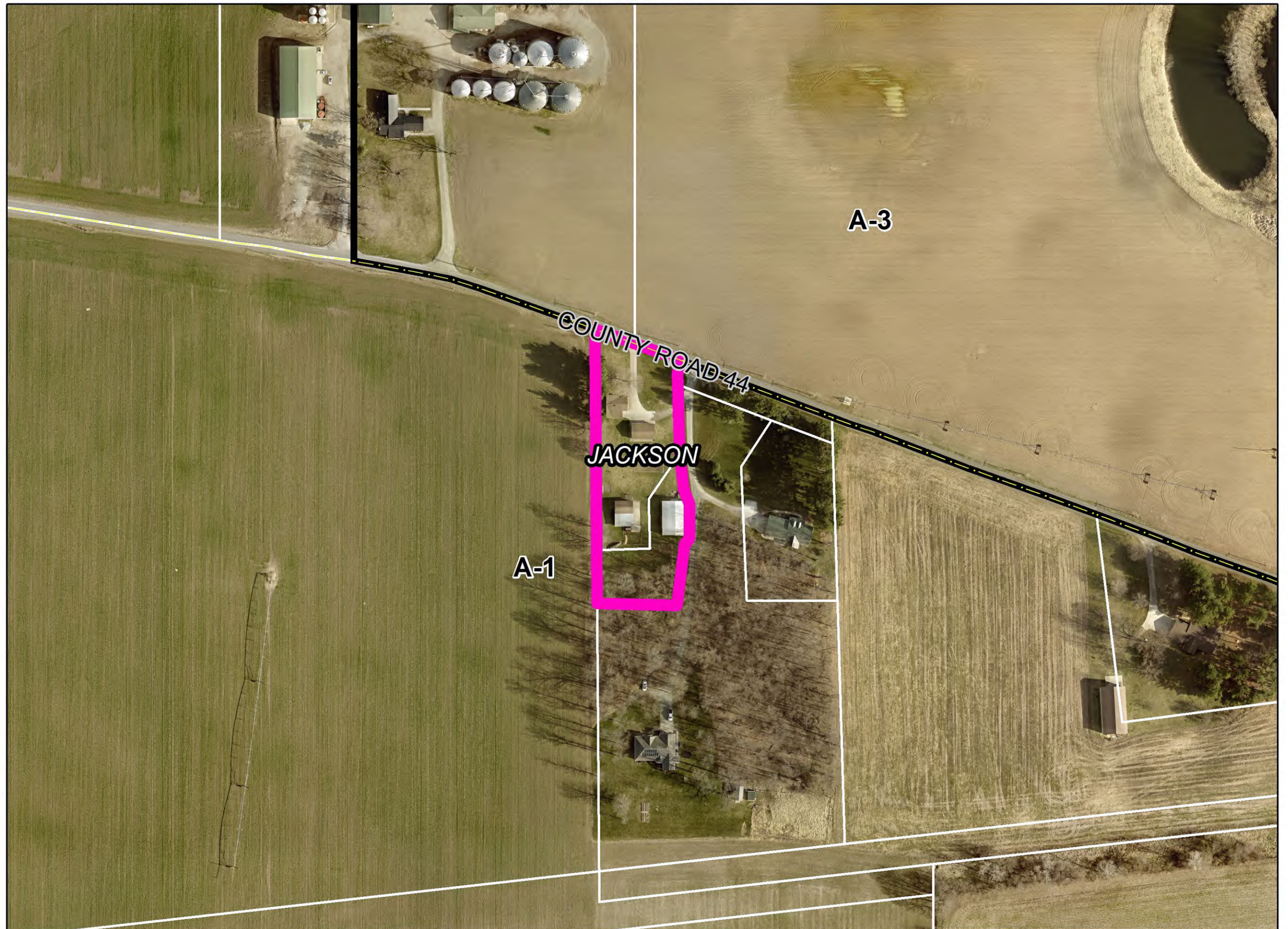
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 4,666 sq. ft., or 67.4 percent, over what is allowed by right. The percentage is higher due to the proposed 760 ft² loft in the proposed accessory structure remodel with addition.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.44-acre property in a low-density residential and agricultural area, and the proposed accessory structure remodel with addition will be located at the rear of the property.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Larger accessory structures are common in low-density residential and agricultural areas.

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless a subdivision plat is recorded within 180 calendar days from the date of the grant.
2. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

SUP-0226-2025









Subject property facing south



Facing north



Facing east



Facing west

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

**Elkhart County Planning & Development
Public Services Building**

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/09/2025 Meeting Date: May 15, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0226-2025

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres,
AND for a Developmental Variance to allow for the total square footage of accessory structures to exceed that
allowed by right

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Shipshewana Homes 613 Colorado St. Goshen, IN 46526	Shipshewana Homes 613 Colorado St. Goshen, IN 46526	Mark B Bowman And Mikki G Bowman, Husband And Wife 16790 County Road 44 Goshen, IN 46526

Site Address: 16790 County Road 44 Goshen, IN 46526	Parcel Number: 20-15-01-300-017.000-018 20-15-01-300-020.000-018
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Township: Jackson
Location: SOUTH SIDE OF CR 44, 1175 FT EAST OF CR 127

Subdivision:	Lot #
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Lot Area: 1.44	Frontage: 155.00	Depth: 344.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE: 9/26/2008
TO COMBINE A PARCEL FROM PRAIRIE GROVE SUBDIVISION WITH THE MAIN PARCEL, WILL NEED REPLAT OF
PRAIRIE GROVE TO BE SUBMITTED BEFORE COMMITMENT RELEASE.
SUBDIVISION NOT NEEDED SINCE RESIDENCE ALREADY EXISTS.
RESIDENCE = 1380 SF X 110% EQUALS 1518 SF MINUS 864 SF DETACHED GARAGE, 2280 SF BARN FOR STORAGE,
3040 SF PROPOSED BARN (INCLUDES 20X38 LOFT) WHICH LEAVES 4666 SF OVER PERSONAL STORAGE
ALLOWANCE

Applicant Signature:	Department Signature:
----------------------	-----------------------

Application

Site address: 16790 CR 44 Goshen

Parcel number(s): 20-15-01-300-017.000-018 / 20-15-01-300-020.000-018

Current property owner

Name: Mark and Miki Bowman

Address: 16790 CR 44

Phone: (620) 327-7471

Email: _____

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Anthony Glentz

Address: 613 Colorado St Goshen, IN 46526

Phone: (810) 223-7060

Email: Tony@shipsheerhomedesign.com

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: _____

Staff Use Only

Description: FOR A SPECIAL USE FOR AN AGRICULTURAL USE FOR THE KEEPING OF ANIMALS ON A TRACT OF LAND CONTAINING LESS THAN 3 ACRES, & FOR A DEVELOPMENTAL VARIANCE TO ALLOW FOR THE TOTAL SQUARE FOOTAGE OF ACCESSORY STRUCTURES TO EXCEED THAT ALLOWED BY RIGHT.

Parcel creation date: MAIN PARCEL - PARCEL CREATION DATE 9/26/08.

Subdivision required?

Y ☒ N

If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable:

SEE ATTACHED SHEET.

REPLAT OF SUBDIVISION.

Location: N (S) E W corner (side) end of CR 44
1.175 ft. N S (E) W of CR 127

in JACKSON Township

Frontage: 155 Depth: 344 Area: 0.933 ACRES.
0.5 acres

Subdivision and lot number, if applicable:

FAIRE GROVE SUB NW 1/4 Lot 2

Present use: _____

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. build onto existing barn + redo old barn for storage

2) Tell us why you can't change what you're doing so you don't need a variance. need the extra space so can store tractors + camper, ect

3) Tell us why the variance won't hurt your neighbors or the community. will bring property value up because older barn is faded and will give the property a better appearance

4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☒ Y ☐ N

Does the property need a new septic system? ☐ Y ☐ N

If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

5) Does the application include variances to allow for buildings or additions? ☐ Y ☐ N If yes, fill out below.

Building or addition 1 Size and height to the peak: 38x60 barn 23' to peak

Tell us what you'll use it for. storage of camper, ect.

Building or addition 2 Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____

Tell us what you'll use it for. _____

6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N

If yes, fill out below.

Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N

Tell us who owns (will own) the land under the easement. _____

Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

8) Does the application include a variance for parking spaces? ☐ Y ☐ N

If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. _____

Special Use — Questionnaire

Name: _____

1) Tell us what you want to do. _____

2) Tell us why this activity won't hurt your neighbors or the community. no agricultural
in nature already

3) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N
If yes, tell us about it. _____

6) Does the property need well and septic? Well: ☐ Y ☐ N Septic: ☐ Y ☐ N
Does the property need a new septic system? ☐ Y ☐ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

7) Will the activity use buildings or additions? ☐ Y ☐ N If yes, fill out below.

Building or addition 1 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 2 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? ☒ Y ☐ N

If yes, tell us what kind and how many of each. Cows, sheep, pigs
3 of each

Next page ➡

Special Use — Questionnaire

- 9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? ☐ Y ☒ N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? ☐ Y ☐ N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? ☐ Y ☐ N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day? _____

Will there be pickups or deliveries on this property? ☐ Y ☐ N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? ☐ Y ☐ N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width). _____

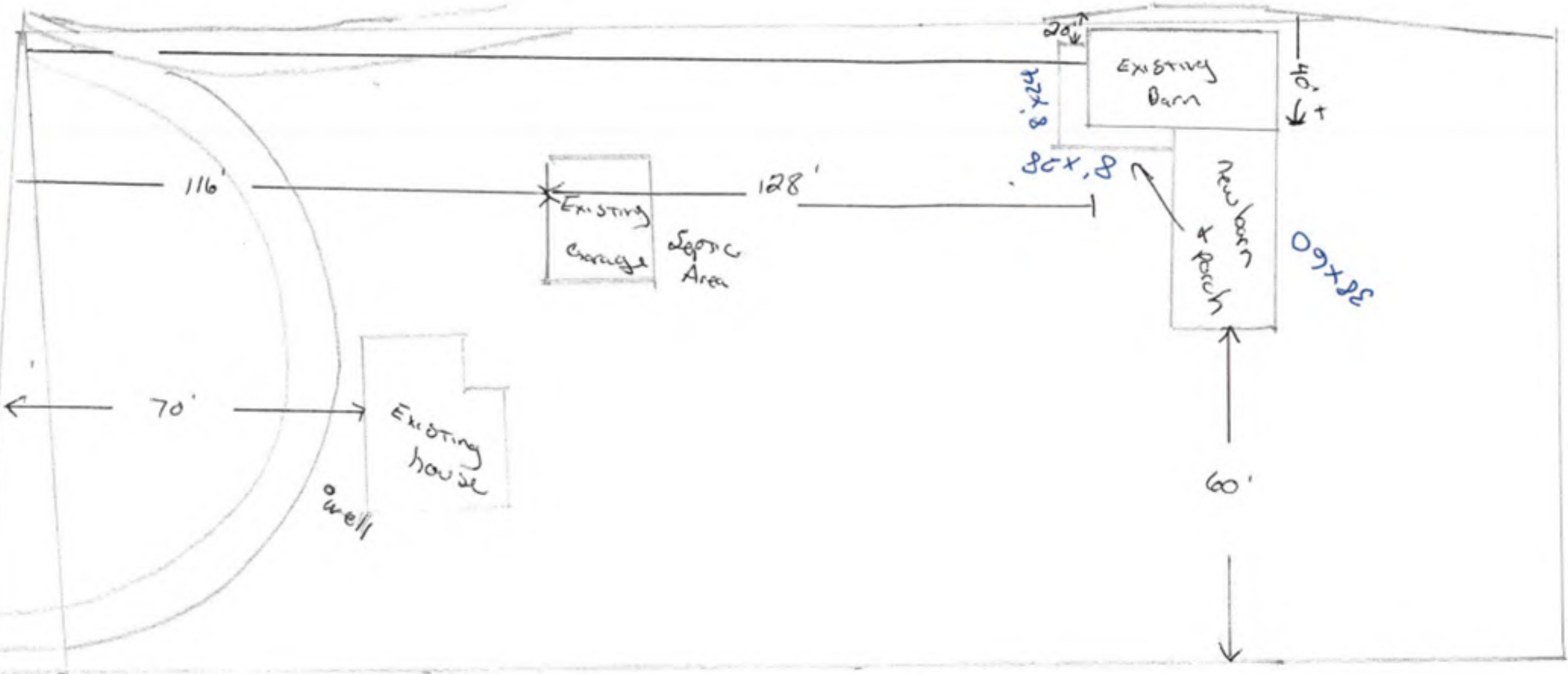
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. Far H animals far the
Kids on one side of the barn

CR 44



← Z

Apr - 9 2025

Mark & M. K.
16790 CR 4
Goshen, IN

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2025

Transaction Number: SUP-0186-2025.

Parcel Number(s): 20-09-26-483-016.000-025.

Existing Zoning: R-1 & R-2.

Petition: For an amendment to an existing Special Use for a place of worship to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence.

Petitioner: Missionary Church, North Central Region, Inc.

Location: Northwest corner of W. Waterford St. & N. Olive St., in Olive Township.

Site Description:

- Physical Improvement(s) – Church, accessory structure.
- Proposed Improvement(s) – Electronic message board.
- Existing Land Use – Church.
- Surrounding Land Use – Residential, church.

History and General Notes:

- **April 15, 1982** – The BZA approved a Special Use for a church youth activity center (82-40-SU).
- **May 18, 1995** – The BZA approved an amendment to an existing special use for a church to allow for a storage building and off-street parking (92-2122).
- **May 21, 1998** – The BZA approved an amendment to an existing special use for a church to allow a building addition (982094).
- **December 16, 1999** – The BZA approved an amendment to an existing special use for a church to add property (19994643).

Staff Analysis:

For an amendment to an existing Special Use for a place of worship to allow for an electronic message board, staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. This is an existing Special Use for a church.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 3.72-acre parcel in a high-density mixed area in the Town of Wakarusa, and the parcel will remain a campus for a church.
3. The Special Use Amendment will substantially serve the public convenience and welfare by providing for a communication tool commonly used by places of worship.

BZA Staff Report (Continued)

Hearing Date: May 15, 2025

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

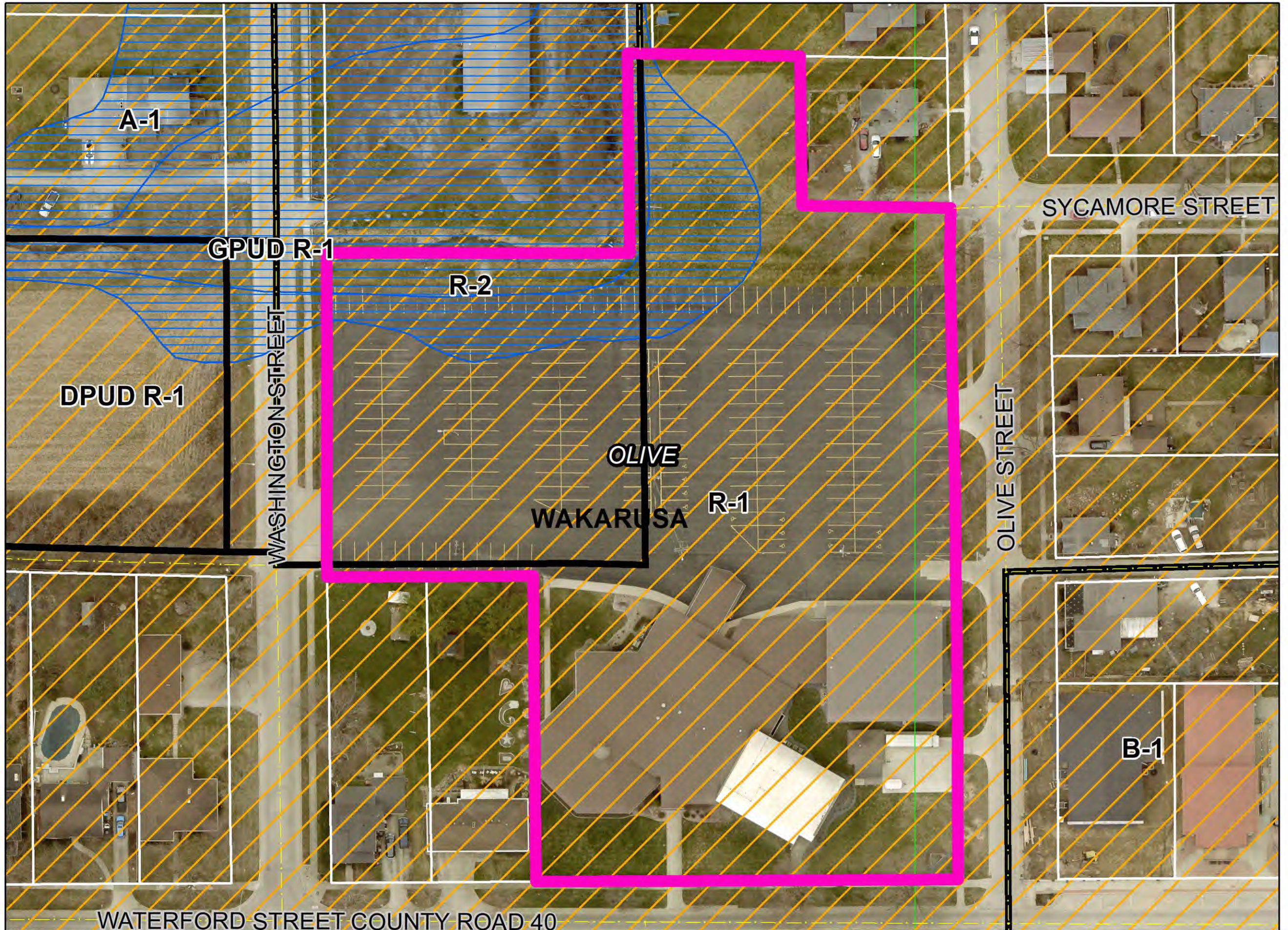
1. The request is approved in accordance with the site plan submitted (dated 3/26/2025) and as represented in the Special Use Amendment application.

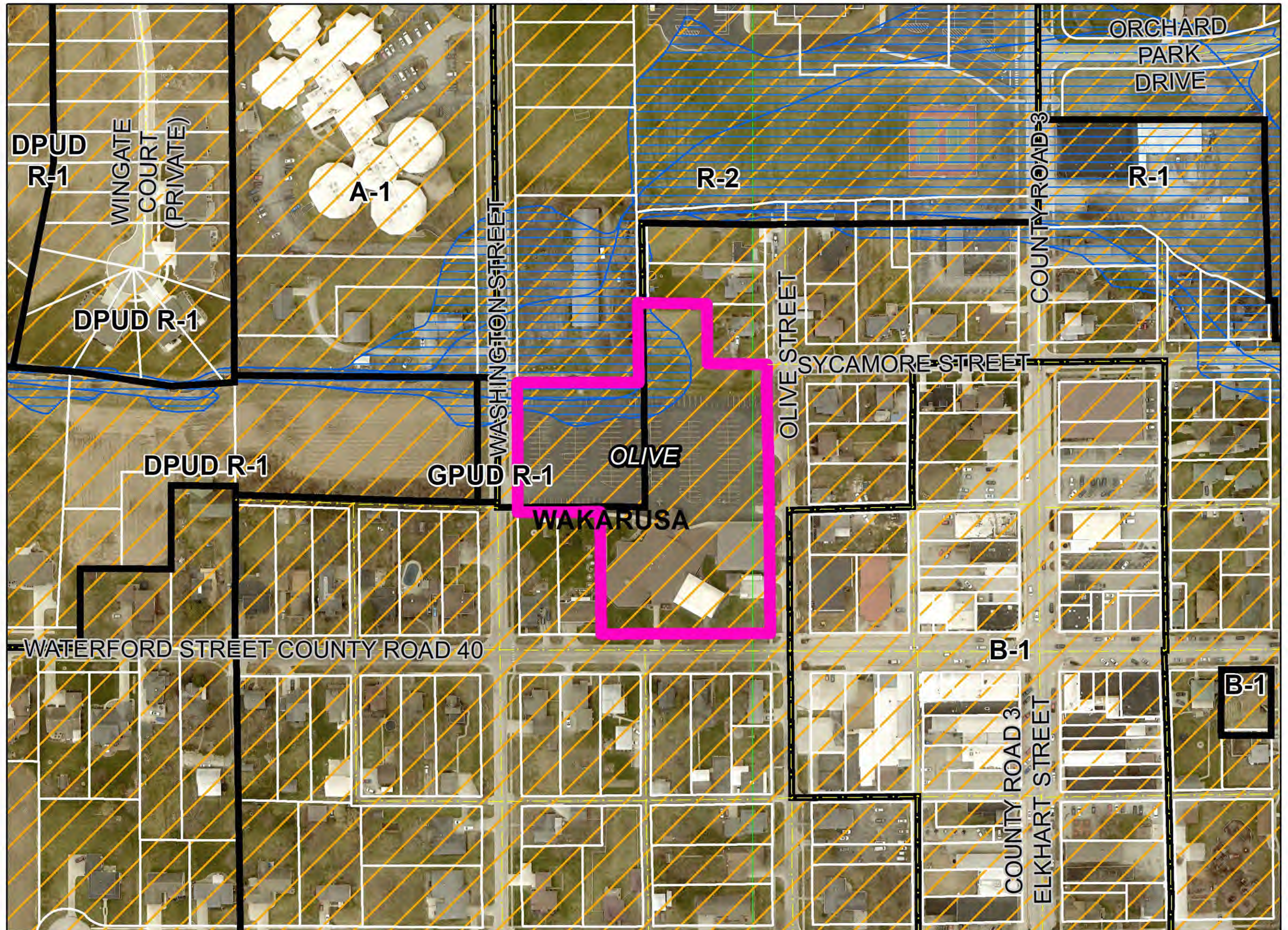
For a Developmental Variance to allow for an electronic message board within 300 ft. of a residence, staff finds that:

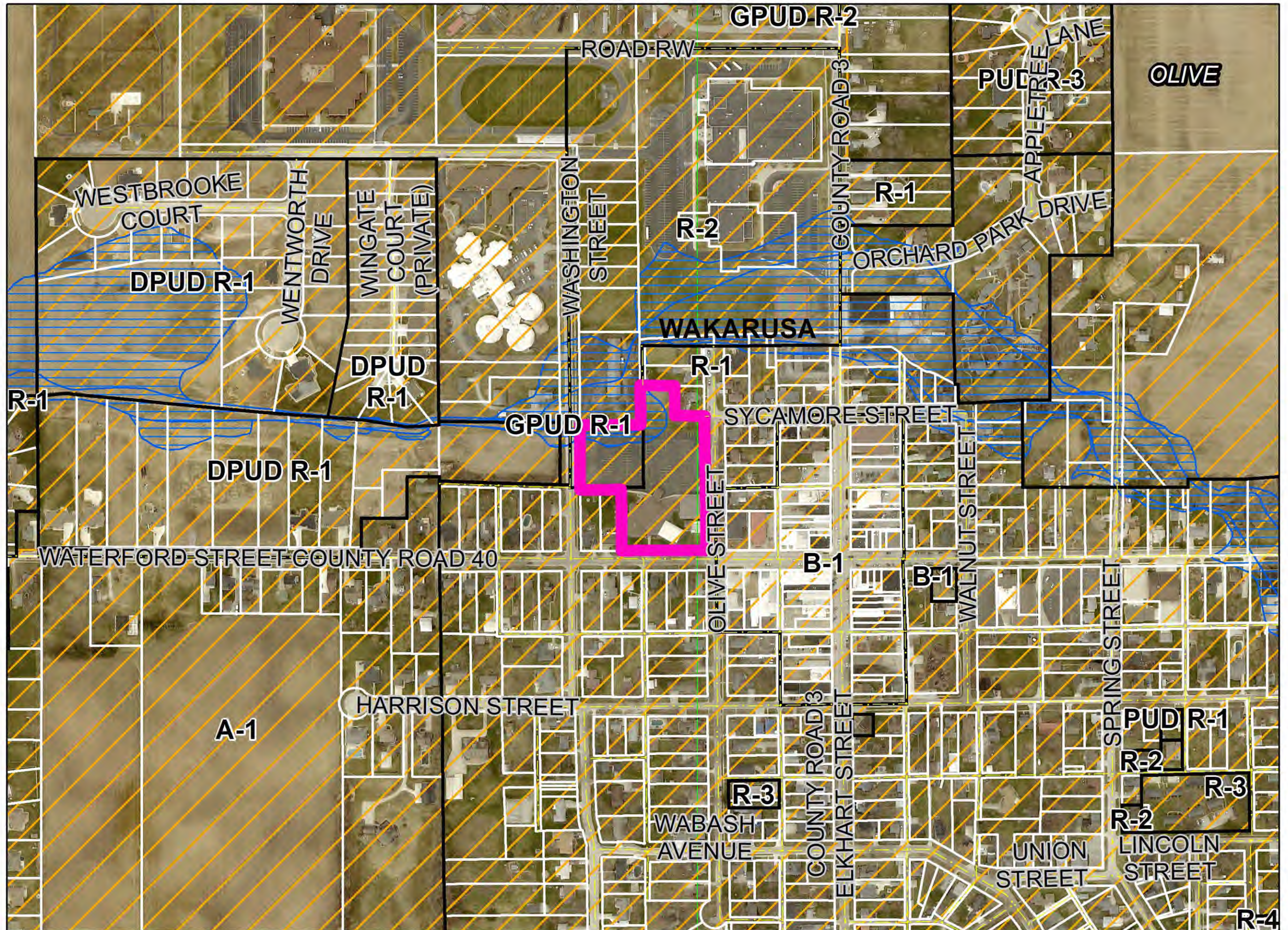
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. Electronic message boards must follow state rules for illumination, and the dimensions of the existing and replacement signs are the same.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 3.72-acre parcel in a high-density mixed area in the Town of Wakarusa, and the parcel will remain a campus for a place of worship.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Strict application would prevent the use of a communication method commonly used by places of worship.

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 3/26/2025) and as represented in the Developmental Variance application.









Subject property facing north



Facing south



Facing east



Facing west

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use Amendment - Non Mobile Home

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 03/26/2025 Meeting Date: May 15, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0186-2025

Description: for an Amendment to an existing Special Use for a place of worship to allow for an Electronic Message Board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Wakarusa Missionary Church	Wakarusa Missionary Church	Missionary Church, North
202 W Waterford St	202 W Waterford St	Central Region, Inc.
Wakarusa, IN 46573	Wakarusa, IN 46573	3301 Benham Ave
		Elkhart, IN 46517

Site Address: 202 W Waterford St Wakarusa, IN 46573	Parcel Number: 20-09-26-483-016.000-025
--	---

Township: Olive
Location: NORTHWEST CORNER OF W. WATERFORD ST. AND N OLIVE ST.

Subdivision: GEISINGERS 1ST LOT 1	Lot # HOLDERMAN'S LOTS 7-1
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Lot Area: 3.72	Frontage: 210.25	Depth: 396.00
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Zoning: R-1, R-2	NPO List:
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Present Use of Property: PLACE OF WORSHIP

Legal Description:

Comments: PARCEL CREATED 3/1/1983 (MAYBE? - COMBINED DATE!)
SEE SPECIAL USE #82-40-SU APPROVED APRIL 15, 1982 FOR YOUTH ACTIVITY CENTER, SPECIAL USE/DV #92-2122
FOR EQUIPMENT STORAGE AND OFF-SITE PARKING APPROVED 5/18/1995, SPECIAL USE #982094 FOR ADDITION
TO EXISTING CHURCH APPROVED 5/21/1998, AND SPECIAL USE #19994643 FOR ADDITIONAL PROPERTY FOR
CHURCH RELATED ACTIVITIES APPROVED 12/16/1999

Applicant Signature:	Department Signature:
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Application

Site address: 202 W. Waterford St. Wakarusa, IN 46573

Parcel number(s): 20-09-26-483-016.000-25

Current property owner

Name: Missionary Church North Central Region

Address: 3301 Benham Ave. Elkhart, IN, 46517

Phone: (574) 293-1332

Email: dan@mcncr.org

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

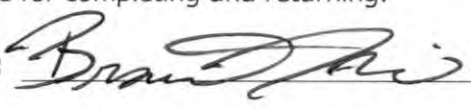
Name: Wakarusa Missionary Church

Address: 202 W. Waterford St. Wakarusa, IN, 46573

Phone: (574) 862-2102

Email: bnine@wakymc.org

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: 

Staff Use Only

Description: _____

Parcel creation date: 3/1/1983

Subdivision required?

☐ Y

☒ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable: _____

Location: (N) S E W corner (side) end of West Waterford St

600 ft. N S E (W) of Elkhart St (CR 3)

in Oliver Township

Frontage: 210.25

Depth: 396

Area: 3.723 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: Wakarusa Missionary Church

- 1) Tell us what you want to do. We desire to replace our current sign with an LED digital sign on the Southeast corner of our church property.
- 2) Tell us why this activity won't hurt your neighbors or the community. There is already a sign present. We will not have the sign turned on past 11pm or beginning prior to 5am
- 3) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☒ N
- 4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N
If yes, tell us about it. _____

- 6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☒ N
- 7) Will the activity use buildings or additions? ☐ Y ☒ N If yes, fill out below.
Building or addition 1 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 2 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
- 8) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and how many of each. _____

Next page ➡

Special Use — Questionnaire

- 9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? ☒ Y ☐ N If yes, fill out below.

How many employees do you have now? Full time: 7 Part time: 8

How many employees do you want? Full time: 7 Part time: 8

How many of the employees won't live onsite? 15

What will be the days and hours of operation on this property? Sunday (7am - 12pm)
Monday - Thursday (8:30am - 3:30pm)

How many parking spaces do you have now? 200

How many parking spaces do you want? 200

Will there be outside storage or display areas on this property? ☐ Y ☒ N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? ☐ Y ☒ N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day?

600 - Sunday; 200 - Wednesday; 15-20 - Monday, Tuesday, + Thursday

Will there be pickups or deliveries on this property? ☒ Y ☐ N If yes, fill out below.

Tell us how often. Daily

Tell us the kind of vehicles used. Amazon, UPS, etc.

Does the application include signs? ☒ Y ☐ N If yes, fill out below.

Sign 1 Dimensions (length and width). 8ft by 3ft

Existing? ☒ Y ☐ N Double faced? ☐ Y ☒ N

Electronic message board? ☒ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☒ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. Just replacing the old sign (same size; same location). Just updating to digital.

Application

Site address: 202 W Waterford St. Wakarusa, IN 46573
Parcel number(s): 20-09-26-483-016.000-025


Current property owner

Name: Missionary Church North Central Region
Address: 3301 Benham Ave. Elkhart, IN, 46517
Phone: (574) 293-1332 Email: dan@mcncr.org

Other party ☒ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: Wakarusa Missionary Church
Address: 202 W. Waterford St. Wakarusa, IN 46573
Phone: 862-2102 Email: tmaurer@wakymc.org

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: 

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of _____ ,
_____ ft. N S E W of _____ ,
in _____ Township

Frontage: _____ Depth: _____ Area: _____ acres

Subdivision and lot number, if applicable: _____

Present use: _____

Developmental Variance — Questionnaire

Name: Wakarusa Missionary Church

- 1) Tell us what you want to do. We desire to replace our current sign with an LED digital sign on the southeast corner of our church property.
- 2) Tell us why you can't change what you're doing so you don't need a variance. This is the best location for us to put this sign in order for us to be able to communicate w/ our community what is happening within our ministry.
- 3) Tell us why the variance won't hurt your neighbors or the community. There is already a sign present. We will not have the sign turned on past 11pm or beginning prior to 5am.
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☐ Y ☒ N If yes, fill out below.
- Building or addition 1** Size and height to the peak: _____
Tell us what you'll use it for. _____
- Building or addition 2** Size and height to the peak: _____
Tell us what you'll use it for. _____
- Building or addition 3** Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☐ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☒ Y ☐ N If yes, fill out below.
- Sign 1** Dimensions (length and width): 8ft by 3ft
Existing? ☒ Y ☐ N Double faced? ☐ Y ☒ N
Electronic message board? ☒ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 2** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 3** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. _____

Waterford Street

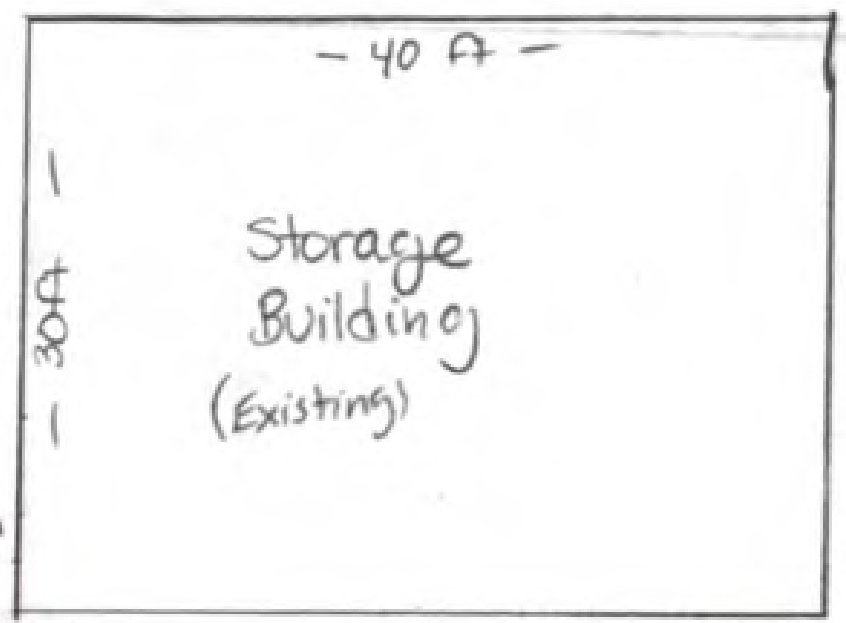
Church Building
(Existing)

N →

South property line

"sidewalk"

Grass Area



Existing signage will stay

45 ft

Existing signage will stay

- 5 ft -

- 7 ft -

12 ft. x 4 ft. overall structure

New LED sign
(one sided digital)

7 ft.

- Each side is 8 ft x 3 ft (EMB itself)
- Signs total height is just over 4 ft. (overall structure)
- EMB will replace existing externally illuminated 8 ft. x 3 ft. sign

- 12 ft -

"sidewalk"

- 5 ft -

east property line

- 16 ft -

Grass Area

Olive Street

MAR 26 2025

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2025

Transaction Number: SUP-0235-2025.

Parcel Number(s): 20-10-17-400-004.000-016 & 20-10-17-400-003.000-016.

Existing Zoning: A-1.

Petition: For a Special Use for a roadside stand and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Heber R. Imhoff & Christina F. Imhoff, Husband & Wife.

Location: Northwest corner of CR 9 & CR 36, in Harrison Township.

Site Description:

- Physical Improvement(s) – Residence, detached agricultural and accessory structures.
- Proposed Improvement(s) – Accessory structure.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

For a Special Use for a roadside stand, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A roadside stand for the sale of produce is allowed by Special Use in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a large 40-acre parcel in low-density agricultural and residential area and the property will remain agricultural and residential in character. The roadside stand is set far off the roadside with room for cars to pull in off the road as to not cause traffic concerns.
3. The Special Use will substantially serve the public convenience and welfare by providing locally grown produce to the community.

BZA Staff Report (Continued)

Hearing Date: May 15, 2025

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted (dated 4/11/2025) and as represented in the Special Use application.

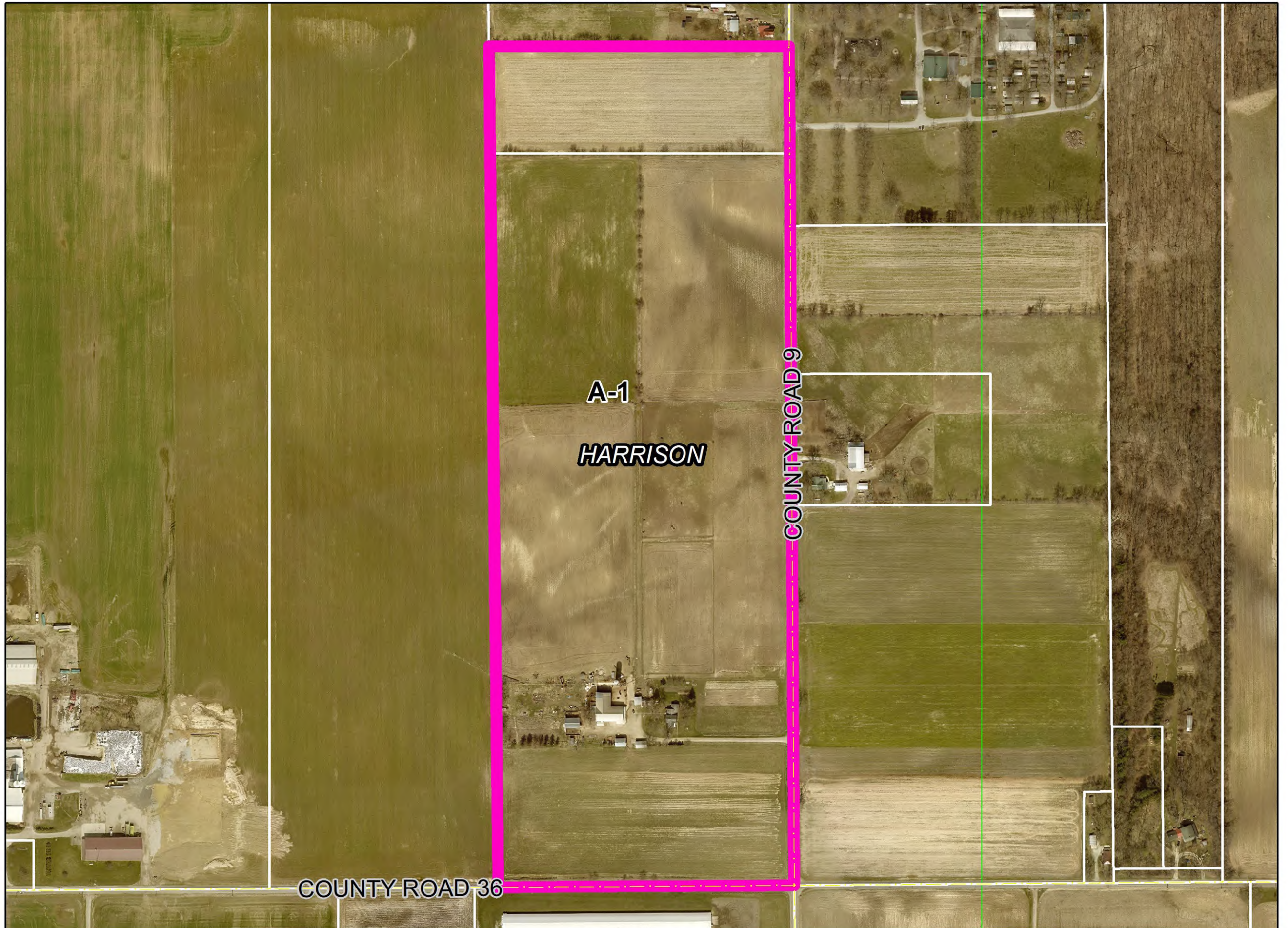
For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, staff finds that:

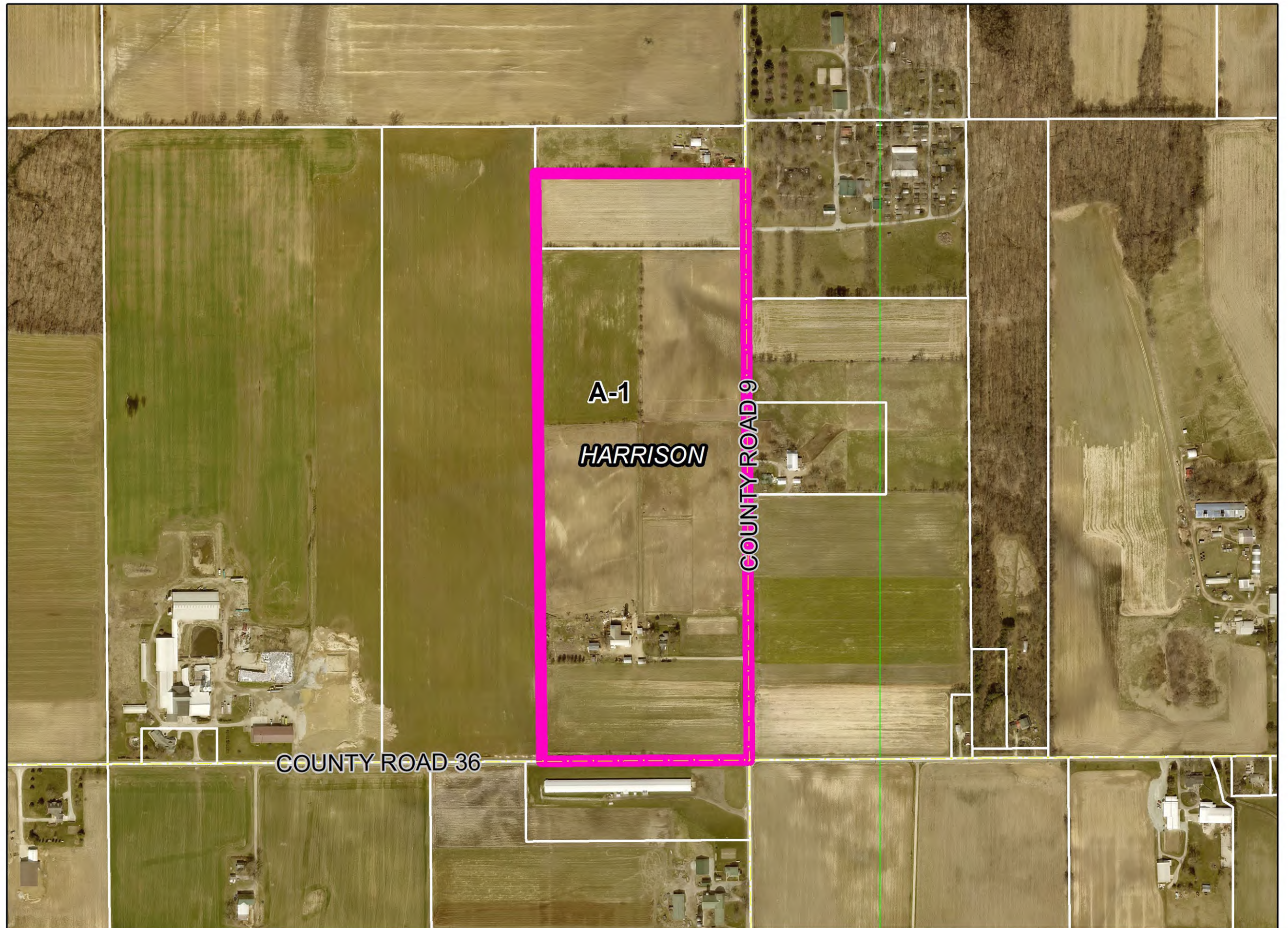
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 1,317 sq. ft., or 35%, over what is allowed by right and is meeting all other development requirements. The structure will allow for more storage space to keep equipment and supplies from being stored outdoors.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a large parcel in a rural area and this size of structure can be found on neighboring properties.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance the accessory structure couldn't be built and there wouldn't be enough storage space to keep items inside.

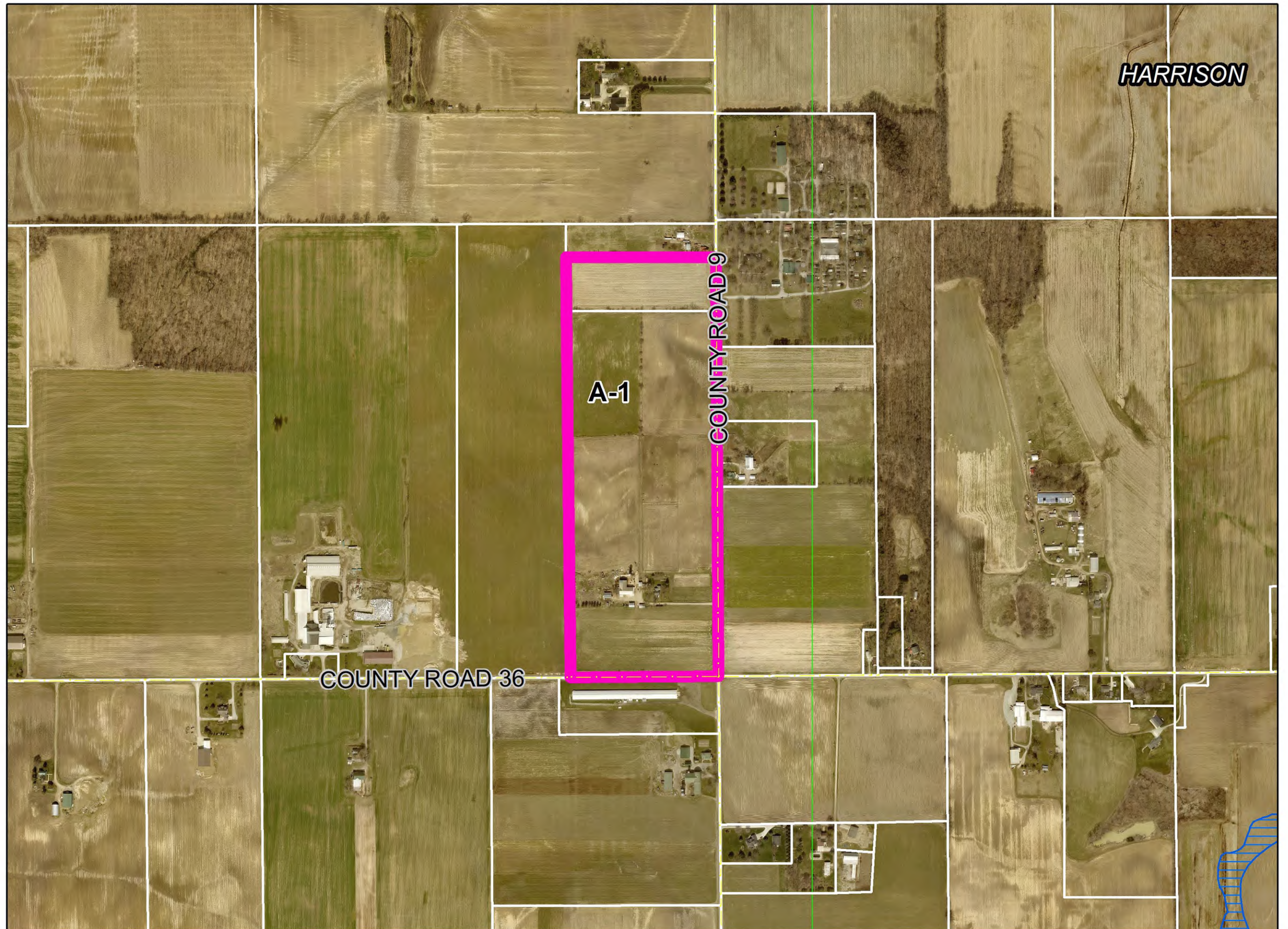
Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 4/11/2025) and as represented in the Developmental Variance application.

SUP-0235-2025









Subject property



Roadside Stand location, facing northwest



Facing south



Facing north



Facing east

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

**Elkhart County Planning & Development
Public Services Building**

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/11/2025 Meeting Date: May 15, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0235-2025

Description: for a Special Use for a roadside stand and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Heber R. Imhoff & Christina F. Imhoff, Husband And Wife 63909 Cr 9 Goshen, IN 46526	Heber R. Imhoff & Christina F. Imhoff, Husband And Wife 63909 Cr 9 Goshen, IN 46526

Site Address: 63909 County Road 9 Goshen, IN 46526	Parcel Number: 20-10-17-400-003.000-016 20-10-17-400-004.000-016
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Township: Harrison
Location: NORTHWEST CORNER OF CR 9 & CR 36

Subdivision:	Lot #
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Lot Area: 47.15	Frontage: 3,241.00	Depth: 835.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL/AGRICULTURAL

Legal Description:

Comments: RESIDENTIAL DWELLING: 1,900 SQFT X 200%= 3,800 SQFT MINUS BARN (PERSONAL STORAGE) 512 SQFT, SHED 320 SQFT = 2,908 SQFT MINUS 50 X 72 = 3,600 SQFT + 625 SQFT (LOFT) = 4,225 SQFT = -1,317 SQFT AVAILABLE STORAGE.
ELEC-R-2377-2022-COMplete. AW
PARCEL CREATION DATE: 3/1/1962

Applicant Signature:	Department Signature:
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Application

Site address: 20-10-17-400-004. 000-016.

Parcel number(s): 63909 CR 9 Goshen IN 46526

Current property owner IMHOFF

Name: Heber R + Christing F. Imhoff, HUSBAND + WIFE.

Address: 63909 CR 9 GOSHEN IN 46526

Phone: 574-501-0633 - 574-862-2892 Email: _____

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: _____

Address: _____

Phone: _____

Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Heber R. Imhoff

SND-ROAD SIDE STAND + KENNEL.
DV- OVER 50 FT.

Staff Use Only

Description: SEE ATTACHED SHEET FOR DESCRIPTION.

Parcel creation date: 3/11/1962.

Subdivision required?

☐ Y

☒ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable:

SEE ATTACHED SHEET.

Location: N S E W corner side end of CR 9.
425 ft. N S E W of CR 36.
in HARRISON Township

Frontage: 3,241 Ft. Depth: 835 Ft. Area: 47.15 ACRES acres

Subdivision and lot number, if applicable: N/A.

Present use: AG / RESIDENTIAL.

Application

Site address: 63909 CR 9 GOSHEN IN 46526

Parcel number(s):

Current property owner

Name: Heber Imhoff

Address: 63909 CR 9 GOSHEN IN 46526

Phone: 574-501-0633 Email:

Other party ☐ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name:

Address:

Phone: Email:

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Heber R. Imhoff

Staff Use Only

Description:

Parcel creation date:

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable:

Location: N S E W corner side end of
ft. N S E W of
in Township

Frontage: Depth: Area: acres

Subdivision and lot number, if applicable:

Present use:

Special Use — Questionnaire

- 9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? ☐ Y ☒ N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? 8 am - 6 pm M-Sat.

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? ☐ Y ☐ N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? ☒ Y ☐ N

If yes, tell us what will be sold. Produce

Approximately how many customers (clients, guests, students, members) will be on this property per day?

week days 2 to 5

Saturdays up to 20

Will there be pickups or deliveries on this property? ☐ Y ☒ N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. _____

Special Use — Questionnaire

Name: _____

1) Tell us what you want to do. Build a shed for storage - shop & produce
washing. 72 x 50

2) Tell us why this activity won't hurt your neighbors or the community. There are no close
neighbors.

3) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N
If yes, tell us about it. _____

6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☐ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

7) Will the activity use buildings or additions? ☐ Y ☒ N If yes, fill out below.

Building or addition 1 Existing? ☐ Y ☐ N Size and height to the peak: 15 x 20, ≈ 13 ft. ht.

Tell us what you'll use it for. Cooler & storage

Building or addition 2 Existing? ☐ Y ☐ N Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3 Existing? ☐ Y ☐ N Size and height to the peak: _____

Tell us what you'll use it for. _____

8) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and how many of each. _____

Next page ➡

Developmental Variance — Questionnaire

Name: _____

- 1) Tell us what you want to do. additional storage & produce sales
- 2) Tell us why you can't change what you're doing so you don't need a variance. Need more storage so I don't have stuff sitting out side.
- 3) Tell us why the variance won't hurt your neighbors or the community. no close neighbors
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☐ N
Does the property need a new septic system? ☐ Y ☐ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
- Building or addition 1** Size and height to the peak: 50' x 72' 20' height
Tell us what you'll use it for. _____
- Building or addition 2** Size and height to the peak: _____
Tell us what you'll use it for. _____
- Building or addition 3** Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☐ N If yes, fill out below.
- Sign 1** Dimensions (length and width): 2 x 5 Produce Flag
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 2** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 3** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. _____



North

50 rods

400-003

400-004

Fence

Fence

APR 11 2025

drive to back 2 1/2 hrs

Green house

produce cleaning area

2 old sheds removed
New shed

Trees

pasture

Dwell

grapes drive

R Pine trees

open parking area

CR 9

300 sq ft
off road display wagon

west boundary

300'

420' New shed

open feed bunk

slid

Cattle & horse barn
600 sq ft

1000 sq ft

pine trees

chicken calf barn
25' x 40'

dog runs 12 x 20 sq ft
240 sq ft

corn crib

1100 sq ft

storage

32 ft

512 sq ft

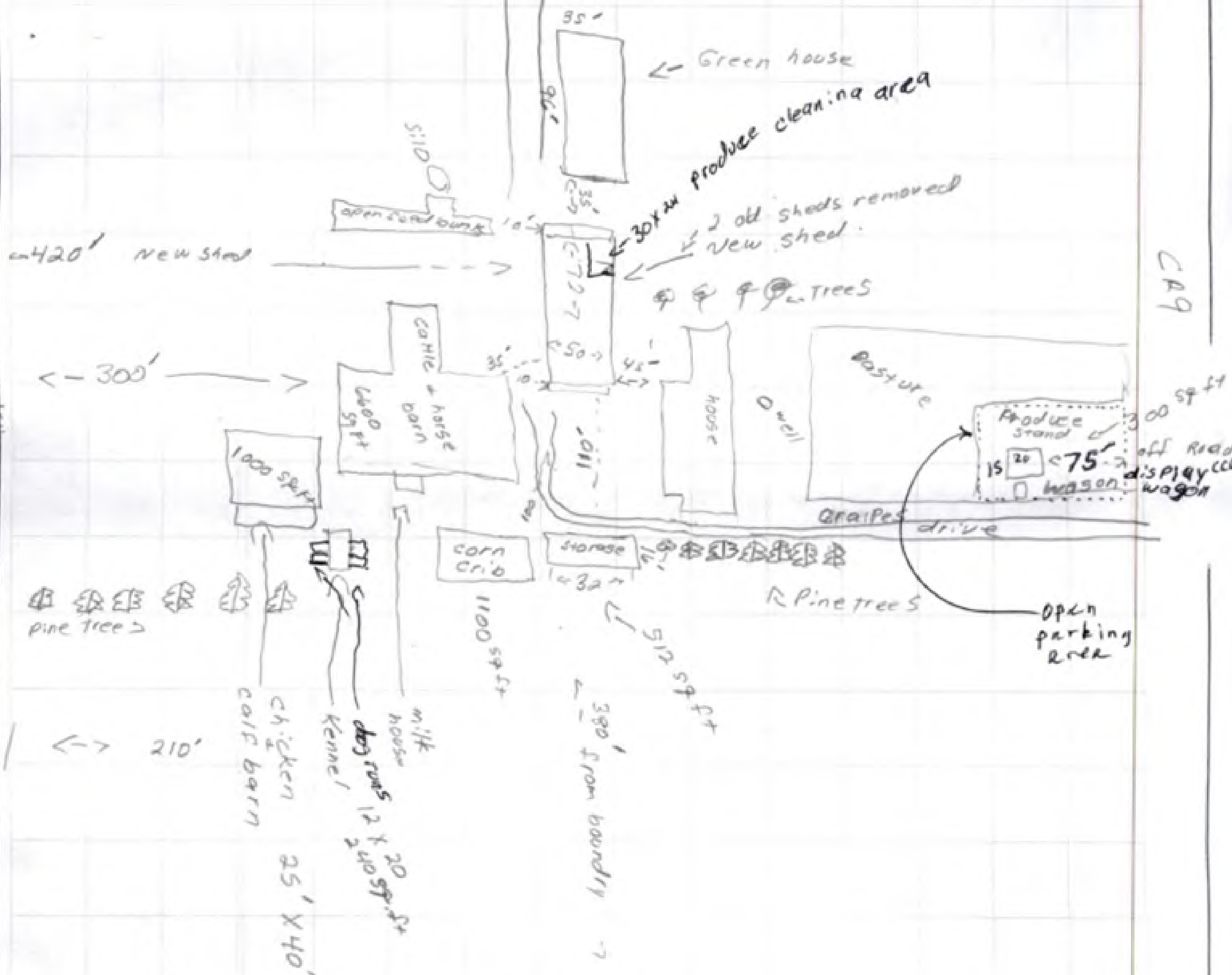
380' from boundary

CR 36

50 rods

west boundary

CR 9



CR 36

50 rods