

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 20th DAY OF NOVEMBER 2025 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, 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: Jason Auvil, Zoning Administrator; Danielle Richards, Planner; Danny Dean, Planner; and Don Shuler, Attorney for the Board.

Roll Call.

Present: Debra Cramer, Steve Warner, John Gardner, Roger Miller, Randy Hesser.

Absent: Cory White.

2. A motion was made and seconded (*Miller/Warner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 16th day of October 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 Zoning 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 **Patricia Little** for a Special Use for a home workshop/business for a nail and hair salon and 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 North side of Decamp Blvd., 3,175 ft. Northwest of CR 18, common address of 23713 Decamp Blvd. in Concord Township, zoned R-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0666-2025*.

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

Mr. Hesser asked for clarification on the condition of the DNR permit requirement. Mr. Dean stated it is because the property is in the floodway.

Patricia Little, 23713 Decamp Blvd, Elkhart, was present for this request. Ms. Little stated she would like to add a 1-person salon to the back of her home. She continued saying she was not aware that she needs a Special Use for her existing chicken coop. Mrs. Cramer asked Ms. Little how many chickens she currently has. Ms. Little stated she has 13, but 5 of them are very old. Mr. Hesser asked Ms. Little if she plans to replace the 5 older chickens when they die. Ms. Little responded no.

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 nail and hair salon and 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 DNR building permit and a local building permit must be obtained for the chicken coop, and the chicken coop must meet flood protection standards.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 10/13/2025) and as represented in the Special Use application.
2. The agricultural use is limited to thirteen (13) chickens at any one time, no roosters.

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

Yes: Debra Cramer, Steve Warner, John Gardner, Roger Miller, Randy Hesser.

5. The application of **Scott L. Miller** for a Special Use for the keeping of chickens on a tract of land containing less than 3 acres on property located on the East side of Claudia Ln., 715 ft. Southeast of Westlake Dr., South of US 20, common address of 608 Claudia Ln. in Middlebury Township, zoned R-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0664-2025.

There were thirty-six neighboring property owners notified of this request.

Scott Miller, 608 Claudia Ln, Middlebury, was present for this request. Mr. Scott Miller stated his children are involved in 4H and they want to show chickens. He continued by saying he has 12 chickens and no roosters. He also stated the chickens are in a shed in crates. Mr. Hesser clarified the birds are for show.

Mrs. Richards presented a letter in remonstrance emailed from Lydia & Eric Romzek, 609 Spring Arbor Dr., Middlebury. The letter states they oppose the noise from the chickens, and they oppose having chickens in the subdivision.

Mr. Scott Miller came back to the podium and stated that he did have 5 roosters in August/September. He added he has butchered the roosters, so they will not return to the property. He stressed that he now only has 12 hens.

The public hearing was closed and then reopened to hear the remonstrators present.

Kevin Miller, 607 Spring Arbor Dr., Middlebury was present in remonstrance. Mr. Kevin Miller stated he lives directly behind Scott Miller and recorded the noise from the chickens and roosters. He stressed he can hear the chickens inside his residence. He continued by saying this is a subdivision, not a farm and there is no place for chickens. He also stated the homes are relatively close together. Mr. Hesser asked Mr. Kevin Miller if there are covenants and restrictions for the subdivision prohibiting chickens. Mr. Kevin Miller stated the town of Middlebury has an ordinance against it. He noted the roosters may be gone but he can still hear the chickens.

Jeff Raymond, 605 Spring Arbor Dr., Middlebury was present in remonstrance. Mr. Raymond stated he lives behind Scott Miller and to the north. He continued by saying chickens do not belong in a subdivision. He also stated chickens are dirty, stinky and the bird flu can spread to humans. Mr. Raymond said his health is bad and the bird flu would cause him serious health problems. He reiterated the chickens stink, no matter the number. Mr. Hesser clarified there were no other houses with chickens in the subdivision.

Mr. Scott Miller came back to the podium. He reiterated the noise level should be minimal, because he no longer has roosters. He continued by saying each chicken has its own crate, and they are not open range. He also stated the trays under the crates get cleaned weekly, and the waste is disposed of offsite. Mr. Hesser clarified the location of the shed used for the chickens on the site plan. Mrs. Cramer clarified, the shed only has one overhead door and the vent in the back of the shed. Mr. Scott Miller confirmed. Mr. Scott Miller noted the garage door faces his residence. He continued by saying he plans to insulate the shed for the winter, so it should help with any noise or possible smell. Mr. Hesser clarified the chickens do not leave the shed. Mr. Gardner asked if he had checked with the town of Middlebury about any ordinance regarding chickens. Mr. Scott Miller said he did not.

The public hearing was closed at this time.

Mr. Hesser stated the use is consistent with what the Board has approved in the past.

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 the keeping of chickens 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 9/12/2025) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of twelve (12) chickens, no roosters, at any one time.

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

Yes: Debra Cramer, Steve Warner, John Gardner, Roger Miller, Randy Hesser.

6. The application of ***Richard Mason & Carolyn Mason, Husband & Wife (Lessor) & Aaron Martinez (Lessee)*** for a Special Use for a home workshop/business for a construction and restoration business, for a 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for the construction of an accessory structure 3 ft. from the north side property line 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 Southgate, 745 ft. North of Tower Rd., common address of 56861 Southgate in Baugo Township, zoned R-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0587-2025*.

There were 2 neighboring property owners notified of this request.

Manuel Martinez, 56861 Southgate, Elkhart, was present for this request. Mr. Martinez began by saying he did not realize a permit was needed to build the accessory structure and construction has begun. He continued to say the accessory structure to be used for the home workshop will be a glorified shed with no electricity or running water. Mr. Miller clarified the equipment to be stored will not be larger than a fan blower, and that there will not be any delivery

trucks as part of the business. Mr. Martinez confirmed. Mr. Hesser asked if there is a hardship that the proposed accessory structure will be 3 ft. from the property line. Mr. Martinez responded, saying he was not aware of property line setbacks. He continued by saying the existing shed is falling apart and will be torn down after the new accessory structure is built. He also stated the reason for starting the new accessory structure is because the existing shed is falling apart.

Carolyn Krzyzanowski, 56804 Burbank, Elkhart, was present in remonstrance. Mrs. Krzyzanowski noted concerns due to a business in the neighborhood. She continued by saying Elkhart has a multitude of buildings available for sale that could house a business. She also commented on the deplorable condition of rental homes in the neighborhood, including the petitioner's home. Mrs. Krzyzanowski also stated she believes the business will further bring down the surrounding property values.

Donna Krzyzanowski, 56804 Burbank, Elkhart was present in remonstrance and stated she lives behind the subject property. Mrs. Donna Krzyzanowski stated she is also worried about having a business in the neighborhood. She continued by saying she is worried about trucks coming in and out of the property. She also noted concerns about the current condition of the property and future maintenance. She stressed this is a residential area and the petitioner should rent a place in the appropriate zoning for his business. She added concerns about vehicles and items being stored outside.

Mr. Martinez came back to the podium. He once again stated the storage building for his equipment will be a glorified shed. He continued to confirm there will be no trucks coming in or out of the property and things will remain as they have for the last year. Mr. Hesser confirmed there will be no outside storage. Mr. Martinez responded by saying the new building will store all his equipment. He continued by saying the equipment is currently stored in the garage. Mr. Martinez also stated there are sheds of similar sizes currently in the neighborhood along with an RV manufacturing site. Mrs. Cramer asked Mr. Martinez if he owns this property. Mr. Martinez stated he and his brother are renting from their in-laws. He continued by saying the lease is up in March and they intend to purchase the property. Mrs. Cramer expressed concerns about the fence and being able to load equipment onto his truck. Mr. Martinez stated the equipment is not large and can be loaded without pulling up to the shed. He noted wood and dry wall needed is delivered to the job site. Mr. Hesser had concerns because Mr. Martinez is not the owner. Don Shuler clarified a lessee can have a home workshop/business if they occupy the home. Mr. Manuel Martinez clarified that he lives there part-time, but his brother Aaron Martinez lives there full-time and is the owner of the business.

The public hearing was closed at this time.

Mr. Hesser noted the request is consistent with other Board approvals and most work will take place at the job site. He added he is not concerned with the square footage Developmental Variance, but he does not see a need to approve the setback Developmental Variance.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** John Gardner 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 construction and restoration 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. A revised site plan must be submitted for staff approval showing a north side setback of 5 ft. or greater for the proposed structure.
3. Existing shed to be removed immediately after new accessory structure is built.

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.

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser

No: Steve Warner.

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** John Gardner 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 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. 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. A revised site plan must be submitted for staff approval showing a north side setback of 5 ft. or greater for the proposed structure.
3. 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 passed (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

No: Steve Warner.

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

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** John Gardner 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 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for the construction of an accessory structure 3 ft. from the north side property line be denied.

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

Yes: Debra Cramer, Steve Warner, John Gardner, Roger Miller, Randy Hesser.

7. The application of *Jesus Ocampo* for a Special Use for a home workshop/business for a roofing business, for a Developmental Variance to allow for 5 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 side of CR 7, 3585 ft. South of CR 6, common address of 53670 CR 7 in Osolo Township, zoned R-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0605-2025*.

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

Mr. Hesser clarified the percentage of overage on the Developmental Variance for the total square footage to exceed that allowed by right is two times the amount permitted by right.

America Martinez, 53670 CR 7, Elkhart, was present for this request. Ms. Martinez stated she wants to store 3 trailers and 2 trucks on their property and build a '60' x '40' pole barn to store personal items, materials from the business and possibly an RV. Mr. Hesser asked if the current request is different from the previously withdrawn request. Ms. Martinez stated yes and added that the dumpsters previously requested have been removed from the property. Mr. Miller asked if the noise from the truck that backs up onto the property is still there. Ms. Martinez stated no, and she noted they live close to an airport that produces more noise than their trucks. Mr. Miller then asked about the truck in a photo with the petition. Ms. Martinez stated it can be parked in the front as it is not used for picking up materials, and she noted the truck pictured does not make a backup noise. Mr. Miller then stated they are diesel trucks, and they are noisy just by being diesel. Ms. Martinez offered to store the diesel truck on the front of the property, then stated the neighbor in back was complaining about truck noise. Mr. Hesser again needed clarification on how this new request is different from the previously withdrawn request. Mrs. Richards stated that the new request has Developmental Variances added to it, so staff recommended the request be withdrawn and resubmitted with the Variances. Mr. Hesser clarified the roofing business will be offsite after he questioned trusses currently being on the property. Ms. Martinez stated the trusses are for the pole barn they want to build, not their business. She added materials for the roof go straight to the job site and only gutters are stored on the property. Mr. Hesser verified the gutters will be stored inside. Mr. Miller clarified the trucks for business are just pickup trucks to haul the trailers. Mrs. Cramer asked if the dumpsters have been removed, because they are shown in staff pictures taken in October. Ms. Martinez said yes, but they did have one on the property due to remodeling the house. Mrs. Cramer noted there were four dumpsters on the property in October. Ms. Martinez explained they are renting a lot next to the landfill to store their nine dumpsters, so they are no longer on the property. Mr. Hesser questioned staff's negative findings. Mrs. Richards clarified staff's findings were based off testimony at the previous hearing.

David Stroman, 26867 Edwards Rd., Elkhart was present in remonstrance. Mr. Stroman stated he bought his property 45 years ago to be in a quiet residential neighborhood with no commercial properties close by. He continued by saying there is only one road in and out of the neighborhood and the proposed building would be in line of sight to all the neighbors and close to his property line. He also stated a '40 x 60' building, 16 ft. in height, should be considered commercial. Mr. Stroman continued by saying he is certain this will affect the quality of life and property values of the surrounding neighbors. Mr. Stroman also stated that until a month ago nothing had changed even after the petitioner's request was denied. He stressed dumpsters full of trash and dump trailers remained on the property until a month ago. Mrs. Cramer clarified that the dumpsters are gone. Mr. Stroman believes the petitioner only removed the dumpsters because of the hearing date being a month away. He continued saying he does not believe they will abide by the rules. Mr. Gardner asked Mr. Stroman if he can see the large pole barn that is near his property. Mr. Stroman replied, no. Mr. Stroman reiterated that the petitioner is not good at following through with rules or restrictions.

Mr. Auvil came to the podium to clarify that the truck that is currently parked in the grass is in violation of the County Development Ordinance, due to the size (commercial) and the fact that it is parked on the grass.

Rex Lovett, 26890 Edwards Rd., Elkhart was present in remonstrance. Mr. Lovett stated his main concern is the noise. He likes to enjoy a quiet, peaceful neighborhood. Mr. Lovett continued by saying he believes a home workshop is more like a hobby and not a roofing business.

Kevin Head, 26895 Edwards, Rd., Elkhart was present in remonstrance. Mr. Head started by saying, because of his proximity to the petitioner he feels like they are invading his privacy. He continued saying this is a quiet residential neighborhood, and he would like it to remain that way. He noted four dumpsters were parked on the subject property last winter.

Ms. Martinez came back to the podium. She stated the building could be made smaller, they just asked for a larger size to see if it would be approved. Mr. Hesser stated the main concern seems to be the height of the proposed building. Ms. Martinez agreed the height could be less. She continued by saying the noise will only be an issue in the morning when the trucks pick up the trailers and the evening when the trailers get dropped off. Mr. Warner asked what she will do with the large commercial truck currently parked in the grass. Ms. Martinez stated they could park it with the dumpsters but would prefer to have it on site. Mr. Hesser reiterated that the truck cannot be parked on the property due to the County Development Ordinance. Ms. Martinez then stated the truck can be parked with the dumpsters that are offsite. She continued to say that the plan is to build a fence. Mr. Miller asked the height of the fence. Ms. Martinez stated it will be an 8 ft. fence. Mrs. Cramer clarified the trusses for the proposed pole barn are already on the property. Ms. Martinez responded yes, they got them for free. Mr. Hesser asked about gutters that are pictured and being stored on the property. Ms. Martinez stated they will be stored in the new pole barn when built. Mr. Hesser asked about outside employees onsite, and Ms. Martinez noted only one employee will be on site to pick up a trailer. She also brought up the fact that she requested a sign to be put on the property as part of the application, but she was not sure what size she is allowed to have. Mr. Hesser stated that normally a 4 sq. ft. sign is allowed. Mrs. Richards responded by saying the size requested on the application would be allowed if the Board approves it. Mr. Gardner stated he would like to see a proposal from the petitioner with a smaller and shorter building. Mr. Warner pointed out a shorter building will be hard to accommodate an RV.

The public hearing was closed at this time.

Mr. Stroman came up to the podium to point out that it is a residential neighborhood, and a business does not belong in a residential neighborhood. Mr. Hesser stated that is the purpose of a home workshop Special Use.

Mr. Hesser stated the issue is past use and non-compliance. He continued by saying the Board approves the type of business the petitioner is requesting, all the time. He pointed out that the business takes place offsite, other than storing materials. Mr. Miller agreed with Mr. Hesser's assessment of past use and non-compliance. Mr. Warner suggested language be added so that there will be no return of the dumpsters. Mr. Hesser asked the petitioner if the Board were to deny the home workshop/business, would she still want to build the pole barn. Ms. Martinez stated yes. Mr. Miller stated if the Board would follow staff recommendations for the petition, any violations could be filed as a code complaint and would give the neighbors some way to remedy violations. He continued by saying he does not have a concern with the size of the proposed pole barn. Mr. Hesser asked the Board their thoughts on the home workshop. Mrs. Cramer stated the Board has

denied petitions in the past when the petitioners have not been compliant. She continued by saying the petitioner has moved the dumpsters and appears to be complying. Mr. Hesser stated the business and the proposed building are separate issues and one is not dependent on the other. He then asked staff if the approval of the business could be time limited. Mrs. Richards replied that it can be time limited. Mr. Hesser stated that since staff recommended denial of the home workshop/business they did not offer conditions and commitments. He continued by saying there will need to be conditions and commitments with respect to this business. Mrs. Cramer commented on the need for the Developmental Variance for the total square footage allowed by right seems to be rather large. Mr. Hesser stated he was initially concerned; however, he understands the need given the small lot size. He continued by saying it is his understanding that the Board could request a revised site plan, with the petitioner proposing a smaller size for the proposed pole barn. He then stated that if the Board were to approve the home workshop/business, then he will want to give staff time to come up with appropriate conditions and commitments. Mr. Hesser asked Mr. Shuler if the Board would need to reopen the public hearing to accept a revised site plan, conditions and commitments. Mr. Shuler responded by saying the new conditions and commitments as well as the site plan would need to be open for public comments and review. Mr. Auvil stated if this petition is bounced back to staff to create conditions and commitments, they will want to limit the business to one year. He also stated that regulating hours of operation and employees are difficult things to monitor and enforce and could be problematic. Mr. Hesser asked if it would be reasonable to expect staff to submit conditions and commitments at next month's hearing. Mr. Auvil responded that it should not be a problem if the Board tables the hearing until next month. Mr. Hesser summarized that the hearing will be tabled to allow the petitioner time to modify the site plan, if she chooses, and allow staff time to recommend conditions and commitments if the Board approves the home workshop/business.

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

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Steve Warner that the request for a Special Use for a home workshop/business for a roofing business, for a Developmental Variance to allow for 5 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 tabled until the December 18, 2025 Advisory Board of Zoning Appeals meeting to allow the petitioner time to modify the site plan and staff time to recommend conditions and commitments, if the Board approves the home workshop/business.

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

Yes: Debra Cramer, Steve Warner, John Gardner, Roger Miller, Randy Hesser.

8. The application of *Town of Wakarusa* for an amendment to an existing Special Use for a municipal facility (maintenance building) to allow for the construction of an addition, for a 3 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of a maintenance building addition 47 ft. from the centerline of the right-of-way of High St. and for a 1 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of a maintenance building addition 49 ft. from the centerline of the right-of-way of South Indiana St. on property located on the Northwest corner of High St. and S. Indiana Ave., common address of 312 High St. in Olive Township, zoned R-4, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0623-2025*.

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

Tony Berkshire, Zimmerman Construction, 64470 SR 19, Goshen, was present for this request. Mr. Berkshire stated the addition will allow the Town of Wakarusa to keep up with their responsibilities. Mr. Hesser inquired about a road entrance to the new addition. Mr. Berkshire stated access will be through the existing building. Mr. Hesser then asked why the Town of Wakarusa did not originally build a larger building. Mr. Berkshire stated Zimmerman Construction did not build the original building, so he is unsure.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser asked staff about the non-compliance issue. Mr. Auvil stated the building was not placed where it was supposed to be constructed. Mr. Hesser clarified that staff has not received any complaints. Mr. Auvil responded by saying the non-compliance was discovered when the applicant applied for the permit to build an addition.

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 municipal facility (maintenance building) to allow for the construction of an addition 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 commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 9/29/2025) and as represented in the Special Use Amendment application.

Further the motion also included a 3 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of a maintenance building addition 47 ft. from the centerline of the right-of-way of High St. and for a 1 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of a maintenance building addition 49 ft. from the centerline of the right-of-way of South Indiana St. 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 9/29/2025) and as represented in the Developmental Variance application.

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

Yes: Debra Cramer, Steve Warner, John Gardner, Roger Miller, Randy Hesser.

9. The application of *Eagle Real Estate Group, LLC* For a Special Use for an agri-business, for a Special Use for a home workshop/business for a diesel repair shop, for a Developmental Variance to allow for 32 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 Northwest corner of CR 142 and CR 17, common address of 22153 CR 142 in Union 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-0663-2025.

There were 8 neighboring property owners notified of this request.

Mr. Hesser clarified the diesel repair shop was never approved and the agri-business has grown beyond the original scope of the Special Use. Mr. Auvil confirmed the agri-business has doubled in size. Mr. Auvil stated staff is not necessarily against the request, but staff believe the best instrument forward is a DPUD.

Tony Berkshire, Zimmerman Construction, 64470 SR 19, Goshen, was present for this request. Mr. Berkshire stated he did not receive the letter with staff's recommendations, so he was not aware of staff recommending denial. He continued by saying he will need time to explore the DPUD process with Mr. Auvil and the owner. Mr. Berkshire stated the owner experienced a fire in the main building back in January. He also stated that since they are growing as a company, they would like to rebuild larger than the previous structure. Mr. Miller confirmed the request is for 32 outside employees. Mr. Berkshire stated there are 4 office employees, 4 or 5 truck mechanics, and the rest are truck drivers. Mr. Hesser asked Mr. Berkshire if he would be opposed to the Board tabling this request until the next meeting. Mr. Berkshire stated that it sounds like the best option, since he was not aware of the denial recommendation. Mr. Auvil asked why the Board would table this request. Mr. Hesser responded it would give the petitioner time to review the best options for this request. Mr. Miller then asked Mr. Auvil what his recommendation would be. Mr. Auvil replied the staff is recommending denial based on the Special Use application but would then recommend starting the DPUD application. He continued by saying the uses consist of residential, agricultural, cell tower, and business, and this is best handled by a DPUD. Mr. Hesser clarified if the Board continues with this request, it will be denied. He continued by saying to be fair to the petitioner and Mr. Berkshire as the representative, the Board should allow time to make a presentation.

Mr. Berkshire came back to the podium to inquire about the time frame of creating a DPUD for this property. Mr. Auvil responded by saying the Plan Commission filing deadlines are the 1st Monday of each month with the meeting taking place the following month. Mr. Hesser asked if anyone knew why the petitioner's agent listed is not at the meeting. Mr. Berkshire stated he turned in the paperwork for the Special Use, but he did not list himself as the applicant or agent. He then stated he will meet with Mr. Auvil to get the DPUD process started. Mr. Hesser stated again that his concern is due process for the petitioner, and to table the hearing will be the best option. Mr.

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: Table, **Moved by** Randy Hesser, **Seconded by** John Gardner 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 agri-business, for a Special Use for a home workshop/business for a diesel repair shop, for a Developmental Variance to allow for 32 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 tabled to allow the petitioner time to prepare a presentation.

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

Yes: Debra Cramer, Steve Warner, John Gardner, Roger Miller, Randy Hesser.

10. The meeting was adjourned at 10:51 A.M.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary