

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS

NOVEMBER 20, 2025
9:00 A.M.

PUBLIC SERVICES BUILDING
MEETING ROOMS A & B
4230 ELKHART ROAD, GOSHEN, INDIANA

Call to Order

Roll Call

Approval of Minutes of the last regular meeting of the Elkhart County Board of Zoning Appeals held on the 16th day of October 2025.

Elkhart County Development Ordinance and Staff Report materials are to be entered as evidence for today's hearings.

SPECIAL USES

9:00 A.M. **(HESSER)**

- A. Petitioner: ***Patricia Little*** **(Page 3)**
 Petition: 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.
 Location: North side of Decamp Blvd., 3,175 ft. Northwest of CR 18, common address of 23713 Decamp Blvd. in Concord Township, zoned R-1. SUP-0666-2025
- B. Petitioner: ***Scott L. Miller*** **(Page 4)**
 Petition: for a Special Use for the keeping of chickens on a tract of land containing less than 3 acres.
 Location: 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. SUP-0664-2025

SPECIAL USES/DEVELOPMENTAL VARIANCES

- C. Petitioner: ***Richard Mason & Carolyn Mason, Husband & Wife (Lessor) & Aaron Martinez (Lessee)*** **(Page 5)**
 Petition: 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.
 Location: West side of Southgate, 745 ft. North of Tower Rd., common address of 56861 Southgate in Baugo Township, zoned R-1. DV-0587-2025

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 16th DAY OF OCTOBER 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; Laura Gilbert, Administrative Coordinator; Danielle Richards, Planner; Danny Dean Planner; and Don Shuler, Attorney for the Board.

Roll Call.

Present: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

Absent: Debra Cramer.

2. A motion was made and seconded (*Miller/Hesser*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 18th day of September 2025 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Miller/Warner*) 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 **Yassine Mahamat** for a Special Use for a kennel (pigeons) on property located on the South side of Alex Ln., 370 ft. West of Meadow Glen Dr., North of Tower Rd., common address of 30520 Alex Ln. in Baugo 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-0567-2025.

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

Mr. Hesser asked why this was not brought in as an agricultural use. Mr. Dean responded that staff felt pigeons were more pets than agricultural.

Yassine Mahamat, 30520 Alex Ln., Elkhart, was present for this request. Mr. Mahamat stated he wants to keep the 8 pigeons because they belonged to his children's grandmother that passed away 4 months ago. Mr. Mahamat also stated he cleans the cages every day and keeps them caged so they cannot fly. Mr. Miller asked if he will be breeding the pigeons or just keeping the number to 8. Mr. Mahamat responded he intends to just keep the 8 pigeons that belong to the children's grandmother. Mr. Miller asked how the waste is disposed of. Mr. Mahamat and waste is put in the garbage can. Mr. Hesser clarified that Mr. Mahamat will not be breeding the existing pigeons. Mr. Mahamat continued by saying he does not intend to replace the 8 pigeons when they die.

Joe Sparks, 30499 Ryan Ln., Elkhart was present in remonstrance. Mr. Sparks stated the smell is horrible and prevents the use of his pool. He continued by saying the pigeons are attracting hawks to the area, and he is concerned for his small dog. Mr. Sparks also mentioned his son is asthmatic and the pigeons prevent him from going outside.

Mr. Mahamat came back on and reiterated that he cleans the coop every morning. He again mentioned they came from his children's grandmother, and his disabled daughter loves them. Mr. Miller asked if he will replace the pigeons once they die. Mr. Mahamat responded he will not replace them when they are gone and the coop will be removed.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steve Warner 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 kennel (pigeons) 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 9/3/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of eight (8) pigeons at any one time.
3. The petitioner will not replace the existing pigeons when they are gone.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

5. The application of ***New Life Christian Center, Inc.*** for an amendment to an existing Special Use for a place of worship to add a coffee shop on property located on the North side of SR 120, 2,300 ft. West of CR 131, common address of 15685 SR 120 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-0590-2025.

There were eleven neighboring property owners notified of this request.

Dusty Otis, 50657 Blackhawk, Granger, was present for this request. Mr. Otis stated they serve free coffee on Sundays and wanted to have the Church open 7 days a week serving coffee to the community. He continued by saying they want to bring Embassy Coffee to the Church to bring more of the community into the Church. He explained the sign exists, and they are just wanting to expand the hours from just Sunday to all week.

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** Roger Miller, **Seconded by** Steve Warner 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 add a coffee shop be approved with the following condition was 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 9/12/2025) and as represented in the Special Use Amendment application.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

6. The application of **Russell Teaser** for a Special Use for a home workshop/business for auto sales on property located on the West side of Conn Ave., 555 ft. North of E. Bristol St., common address of 54397 Conn Ave. in Osolo Township, zoned R-2, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as Case #UV-0577-2025.

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

Russell Teaser, 54397 Conn Ave., Elkhart was present for this request. Mr. Teaser explained he enjoys working on vehicles and would like to make some extra money selling vehicles off of his property. Mr. Teaser stated he wants 10 vehicles for sale at one time, but staff are recommending 5 vehicles for sale. He added he would like to expand his parking area and offer 2 cars, 2 SUVs, 2 vans, 2 trucks at one time. Mr. Miller asked if this is something he has been doing for a while. Mr. Teaser replied yes. Mr. Teaser continued by saying his neighbors are all aware of his desire to sell cars on his property and none of them have an issue with it. Mr. Miller stated his is more comfortable with staff's recommendation of 5 vehicles due to the location in a residential neighborhood.

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** Roger Miller, **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 auto sales 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 (dated 9/9/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of five (5) vehicles for sale at any one time.
3. All vehicles must be parked on an improved surface.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

7. The application of **The Peoples Bible Church, Inc.** for an amendment to an existing Special Use for a place of worship to allow for a new building and for a 10 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of a new building 45 ft. from the centerline of the right-of-way of Elkhart St. (CR 44) on property located on the Southeast corner of US 33 & Elkhart St. (CR 44), common address of 68074 US 33 in Benton Township, zoned B-2, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0589-2025.

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

Tony Berkshire, Zimmerman Construction, 64463 SR 19, Goshen, was present for this request. Mr. Berkshire stated the new building will be for a fellowship hall. He explained the existing one is in the basement of the Church and is very outdated. Mr. Miller asked about alleviating the limited parking situation at the Church. Mr. Zimmerman stated the outside basketball court will be used for additional parking. He continued by saying the new fellowship hall will have a half court for basketball inside. He explained approximately 6 parking spaces will be eliminated by the fellowship hall, but the basketball court should create approximately 8 new parking spaces. He added the parking plan is not finalized, but they are trying to utilize the property in a way that maximizes parking.

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** Roger Miller, **Seconded by** Cory White 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 a new building 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 9/12/2025) and as represented in the Special Use Amendment application.

Further, the motion also included that a 10 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of a new building 45 ft. from the centerline of the right-of-way of Elkhart St. (CR 44) 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 9/12/2025) and as represented in the Developmental Variance application.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

8. A staff item was presented by Mrs. Richards to rescind a Special Use for Culver Duck Farms (SUP-0337-2025) for commercial parking. She explained a DPUD has been approved on the property, so this request is no longer needed.

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

Motion: Action: Rescind, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board approve the request for rescission.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

9. The application of **Carl Martin, Jr.** for a Special Use for a home workshop/business for a small engine repair shop and for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 30 ft. from the centerline of the right-of-way on property located on the South side of CR 40, 490 ft. West of CR 11, common address of 25094 CR 40 in Harrison 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-0564-2025*.

There were nineteen neighboring property owners notified of this request.

Gary Martin, 25772 CR 40, Goshen, was present for this request on behalf of his brother, Carl Martin. Mr. Martin stated his brother currently lives in their deceased parents' house, but he also owns the house at 25094 CR 40. He explained he would like to move to the subject property and have his engine repair business there. Mr. Gardner clarified that there will only be 3-4 customers per day. Mr. Martin stated the number of customers will vary day by day. Mr. Warner asked if there will be enough parking spaces for the customers. Mr. Martin stated his brother plans to add a second driveway for large trucks to turn around, and there would be plenty of parking. Mr. Miller questioned outside storage. Mr. Martin stated they would like to construct the building addition so that there is no outdoor storage. Mr. Warner asked about the noise level. Mr. Martin stated the engine repairs are only on small items like a lawn mower or chain saw, which are typical types of noises heard during the day in a neighborhood.

Corrine Walter, 25064 CR 40, Goshen, was present in remonstrance. Mrs. Walter stated she is concerned about the proposed addition damaging a drainage line that is shared by 4 neighbors and runs underground across Mr. Martin's property. She stressed the tile is only a few years old and has helped their yards not flood. She added Mr. Martin is a great neighbor. She explained she is not against the business; she is only concerned about the drainage tile being damaged during construction.

Mr. Martin came back to the podium and stated there should not be an issue with new construction for the repair business affecting the underground drainage line. He stressed he will make sure he is available during construction to ensure it is not damaged.

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** 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 small engine repair 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 9/2/2025) and as represented in the Special Use application.
2. No outdoor storage or display related to the business is allowed.

Further, the motion also included that a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 30 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 9/2/2025) and as represented in the Developmental Variance application.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

10. The application of **Courtney A. Bevers** 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 50 ft.) to allow for an existing residence 35 ft. from the centerline of the right-of-way, and for a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 30 ft. from the centerline of the right-of-way on property located on the South side of W. Warren St., 1,160 ft. West of Main St. (SR 13), common address of 407 W. Warren St. 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-0594-2025.

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

Courtney Bevers, 407 W. Warren St., Middlebury, was present for this request. Mrs. Bevers stated she wants to raise chickens as a hobby with her daughter. She explained she intends to provide eggs for family and friends. Mrs. Bevers stated the chickens will be in a coop and that she has a fenced backyard. Mr. Miller asked how she will dispose of the waste. Mrs. Bevers said she has family with a chicken farm, and they will allow her to dispose of the waste on their farm. She added if she ends up with any roosters, they are also willing to take them to their farm.

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 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

Further, the motion also included that a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence 35 ft. from the centerline of the right-of-way, and for a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 30 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 9/12/2025) and as represented in the Developmental Variance application.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

11. The application of **Arthur R. Lusher, Jr., Trustee of the Arthur R. Lusher, Jr. Revocable Trust Agreement** for a Use Variance to allow for the construction of an accessory structure without a residence on property located on the East side of CR 109, 1,150 ft. North of Lake Dr., East of CR 9, common address of 51258 CR 109 in Osolo Township, zoned R-2, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0201-2025*.

There were ten neighboring property owners notified of this request.

Arthur Lusher, 51212 CR 109, Elkhart, was present for this request. Mr. Lusher stated he wants to construct an accessory structure on a property he owns near his residence. He explained he currently has a lean-to structure on the property for his boat. He continued saying he planned to add another one or two for his RV and other storage. However, he continued he would prefer to construct a building that would look nicer and fit the neighborhood.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser clarified there was a residence on this parcel that had been demolished. Mr. Miller and Mr. Hesser both stated the Board does not normally approve an accessory building on a vacant parcel. Mr. Miller noted the only times the Board approves these requests is on small lake lots, not on the water and tied to the residence property with a deed restriction.

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

Motion: Action: Deny, **Moved by** Steve Warner, **Seconded by** Randy Hesser 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 Use Variance to allow for the construction of an accessory structure without a residence be denied.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

It should be noted that John Gardner recused himself and stepped down

12. The application of **Timothy C. Miller & Tiffany N. Miller, Husband & Wife** for a Use Variance to allow for two existing dwellings and the construction of a third dwelling on a parcel, for a Special Use for a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence on property located on the North side of CR 34, 1,330 ft. West of CR 29, common address of 17025 CR 34 in Elkhart Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #UV-0616-2025.

Mr. Hesser clarified that the permit issued in 2022 for the accessory dwelling was allowed by right. Mrs. Richards stated yes, but the accessory dwelling was not in compliance because it was constructed over the maximum of 1,000 square feet. She continued by saying the accessory dwelling will need to be remodeled or the property subdivided to make it conform.

There were 9 neighboring property owners notified of this request.

Tim Miller, 17025 CR 34, Goshen, was present for this request. Mr. Timothy Milles stated the accessory dwelling was built for his mother. He continued by saying they wish to place a mobile home on his property for his mother-in-law who will be having surgery in a month. He continued by saying she will be in a wheelchair for at least 4-6 months. He explained the existing accessory dwelling is for his mother, and they did not anticipate his mother-in-law needing care so soon. Mr. Timothy Miller stated the mobile home would only be needed until his mother or mother-in-law passes away. He noted that after the mobile home is no longer needed on the property, it will be moved to another property for his son. Mr. Timothy Miller continued by saying the 2nd dwelling on the property was built as his site plan showed, but he then moved out a wall into the existing accessory structure for additional square footage. He also stated that doing a subdivision to make the property conforming would not solve the immediate need for the caring of his mother-in-law. He continued by saying a subdivision would not be time efficient as the need for the caring of his mother-in-law is current. Mr. Warner clarified that Mr. Timothy Miller's neighbors were aware of the possible placement of a mobile home, and they had no issues with it. He responded in the affirmative.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser clarified that the Board's jurisdiction is limited to land use. He continued by saying the Use Variance requires that highest standards and conditions that must be met. Mr. Warner agreed but also noted that this will be a temporary condition. Mr. Roger Miller suggested that the Board could limit the time allowed for the mobile home and proposed a one-year time approval. Mrs. Richards suggested a time constraint would be difficult to impose, because life expectancy is not predictable. Mr. Auvil stated the Development Ordinance allows the use of a

mobile home for the infirmed until the need is no longer there. Mr. White questioned the need for an additional septic for the third dwelling.

Mr. Timothy Miller came back to the podium. He stated the septic system was built larger than needed for the second house. He further added he does not anticipate issues with the septic. Mr. Timothy Miller explained the proposed mobile home will have three bedrooms, since it will be given to his son after they no longer need it. Mr. White offered that a different owner would be able to rent all 3 dwellings on the one property if so desired. Mr. White questioned whether the accessory dwelling is still a one bedroom with the additional living square footage added by attached accessory structure. Mr. Timothy Miller stated it is still only a one-bedroom dwelling.

Mr. Roger Miller clarified that even if this request is approved, the owner would need to rectify the accessory dwelling over the square footage allowed. Mr. Auvil stated this request is unique due to the request for a third dwelling and the fact that the second dwelling (accessory dwelling) is over the allowed 1,000 sq. ft. of living area. He continued by saying that if the owner could subdivide the property, it would relieve the current issues with the request and make the property compliant with the Development Ordinance. Mr. Warner noted that Mr. Timothy Miller stated that the neighbors are comfortable with the mobile home being place on the property. Mr. White stated he thinks there are viable options other than the 3 dwellings on one parcel. He continued by saying he would favor the staff analysis. Mr. Hesser noted there is nothing peculiar about this property land use wise, to warrant a Use Variance. Mr. White stated 1,200 square feet is representative of a 3-bedroom house. He continued by saying the main house is substantially larger, and he believes that there are other options available to the petitioner.

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

Motion: Action: Deny, **Moved by** Cory White, **Seconded by** Randy Hesser 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 Use Variance to allow for two existing dwellings and the construction of a third dwelling on a parcel be denied.

Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 0).

Yes: Cory White, Roger Miller, Randy Hesser.

No: Steve Warner

Excused: John Gardner.

The request for a Special Use for a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence was found to be **MOOT** as a result of the Use Variance denial.

It should be noted that Mr. Gardner returned at this time

13. The application of **Stephanie Fireline & Ted. R. Knauss, Jr., Husband & Wife** for a Use Variance to allow for the placement of a shipping container, for a Special Use for the placement of a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence on property located on the North side of CR 4, 430 ft. West of CR 9, common address of 26075 CR 4 in Osolo Township, zoned R-2, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as Case #UV-0604-2025.

There were fifteen neighboring property owners notified of this request.

Stephanie Fireline & Ted Knauss, 26075 CR 4, Elkhart were present for this request. Mr. Knauss began by saying he does not understand why the County will not allow a shipping container for storage. He continued by saying there is not a difference between a flat bed truck delivering a shipping container or a shed. Mr. Knauss then added the shipping container is painted green and will blend in with the landscaping. He noted his neighbors do not have a problem with the shipping container and like the color. Ms. Fireline noted there are storage containers all around their neighborhood, and she said they wish to keep the storage container. She added the want to put a mobile home on the property, because it is affordable. Mr. Hesser asked why they objected to building a shed instead of having a shipping container. Mr. Knauss responded shipping containers are cheaper to acquire than building a shed of the same size. He continued by saying that storage containers are also more secure. Mr. Miller stated that just because there are other shipping containers in the area doesn't mean that they are allowed to have them. Mr. Hesser agreed.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated he does not believe the Board has ever approved a shipping container on a residential property. Mr. Miller replied in agreement. Mr. Hesser continued by saying he doesn't see justification for a shipping container.

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

Motion: Action: Deny, **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 Use Variance to allow for the placement of a shipping container be denied.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

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 placement of a mobile home, be approved with the following conditions imposed:

1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - (a) The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - (b) The water supply and sewage disposal system shall be installed in accordance with County Health Department specifications.
 - (c) Adequate provisions for storage shall be provided at all times to eliminate storage of personal property, tools, and vehicles, except licensed motor vehicles.
 - (d) At all times, the premises shall be kept free of abandoned junk vehicles and parts thereof as described by Indiana State Law.
2. A revised site plan must be submitted for staff approval showing all property boundaries.

3. 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 the placement of a mobile home 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 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: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

14. The application of **Michiana Home Rentals, Inc.** for an amendment to an existing Special Use for a marina to allow for an electronic message board on property located on the East side of SR 15, 900 ft. North of SR 120, common address of 402 Mottville Rd. in Washington 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-0464-2025.

Mr. Hesser stated that they did not close the public hearing at the last hearing, and this was tabled until today. Mr. Miller stated the petitioner was just at a Plat and Plan meeting.

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

The petitioner was not present for this request.

There were no remonstrators present.

Mr. Hesser stated they can act on this without the petitioner present, or table it again. Mr. Miller stated they should act on this today.

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** 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 an amendment to an existing Special Use for a marina to allow for an electronic message board 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 7/14/2025) and as represented in the Special Use Amendment application.

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

Yes: John Gardner, Steve Warner, Cory White, Roger Miller, Randy Hesser.

15. The application of **Jesus Ocampo** for a Special Use for a home workshop/business for a roofing business on property located on the East side of CR 7, 3,460 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 #UV-0405-2025.

Mrs. Richards stated the Use Variance for the original petition was denied and the Special Use for a home workshop/business was tabled until today's meeting. She continued by saying since then the petitioner has requested to withdraw this Special Use.

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

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: Withdraw, **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 roofing business be withdrawn at the request of the petitioner.

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

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

Abstain: Cory White.

16. The meeting was adjourned at 10:28 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: November 20, 2025

Transaction Number: SUP-0666-2025.

Parcel Number(s): 20-06-14-127-002.000-009.

Existing Zoning: R-1.

Petition: 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.

Petitioner: Patricia Little.

Location: North side of Decamp Blvd., 3,175 ft. northwest of CR 18, in Concord Township.

Site Description:

- Physical Improvement(s) – Residence, chicken coop.
- Proposed Improvement(s) – Remodeling to convert part of attached garage to salon.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. The Special Uses will be consistent with the spirit, purpose, and intent of the Development Ordinance. Special Uses for home workshop/businesses and agricultural uses are allowed in the R-1 zone.
2. The Special Uses will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.56-acre lot on a minor street in a medium-density residential area. All activities will be served by existing structures with minimal neighbor impact.
3. The Special Uses will substantially serve the public convenience and welfare by providing for local salon services and a hobby opportunity.

BZA Staff Report (Continued)

Hearing Date: November 20, 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 DNR building permit and a local building permit must be obtained for the chicken coop, and the chicken coop must meet flood protection standards.

Staff recommends **APPROVAL** with the following commitment(s) 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.

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

SUP-0666-2025

Date: 10/13/2025 Meeting Date: November 20, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0666-2025

Description: for a Special use for a homeworkshop/business for a hair and nail salon and for a Special use for an agricultural use for the keeping of chickens on a tract of land containing less than 3 acres.

Contacts: Applicant Land Owner
Patricia Little Patricia Little
23713 Decamp 23713 Decamp
Elkhart, IN 46516 Elkhart, IN 46516

Site Address: 23713 Decamp Blvd Parcel Number: 20-06-14-127-002.000-009
Elkhart, IN 46516

Township: Concord
Location: NORTH SIDE OF DECAMP BLVD., 20 FT. NORTH OF GARDEN DR.

Subdivision: DECAMP GARDENS Lot # 38

Lot Area: 0.56 Frontage: 119.00 Depth: 199.00

Zoning: R-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: _____

1) Tell us what you want to do. I want to open a one chair hair & nail salon in my home.

2) Tell us why this activity won't hurt your neighbors or the community. There will be minimal traffic as I will be the only one working in the salon.

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: 8'x12' 6' height + peak
Tell us what you'll use it for. chicken coop + run (total 8'x12')

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. chickens 13

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: 0 Part time: 0

How many employees do you want? Full time: 0 Part time: 0

How many of the employees won't live onsite? 0

What will be the days and hours of operation on this property? Tuesday, Wednesday, Thursday, & Saturdays 1:30 - 7:00 t,w,th, sat. 10-2

How many parking spaces do you have now? 8

How many parking spaces do you want? at least 3 to be sufficient

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. hair products

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

2-6

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). 18" x 24" height - 2.5 feet

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

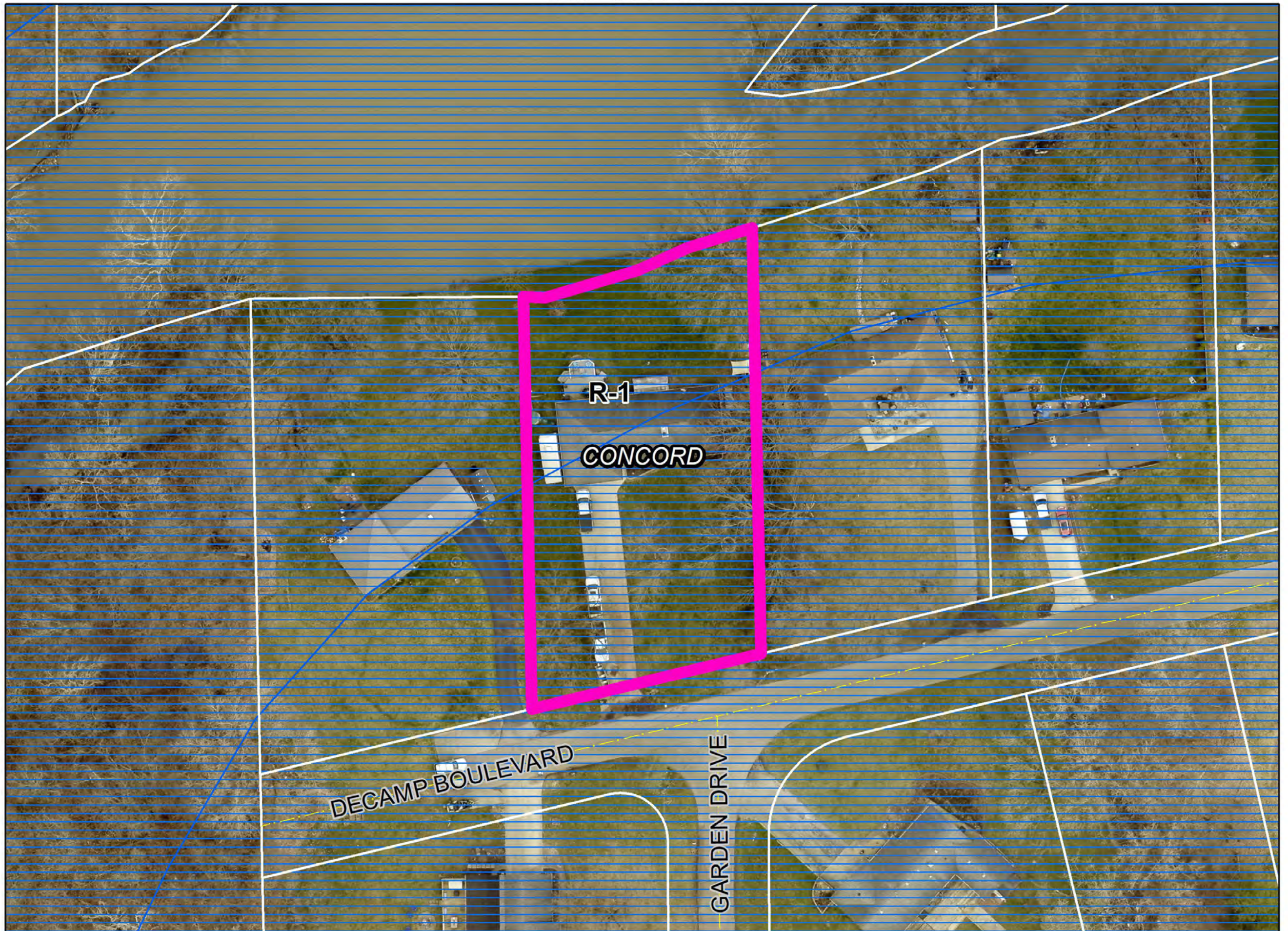
Sign 3 Dimensions (length and width). _____

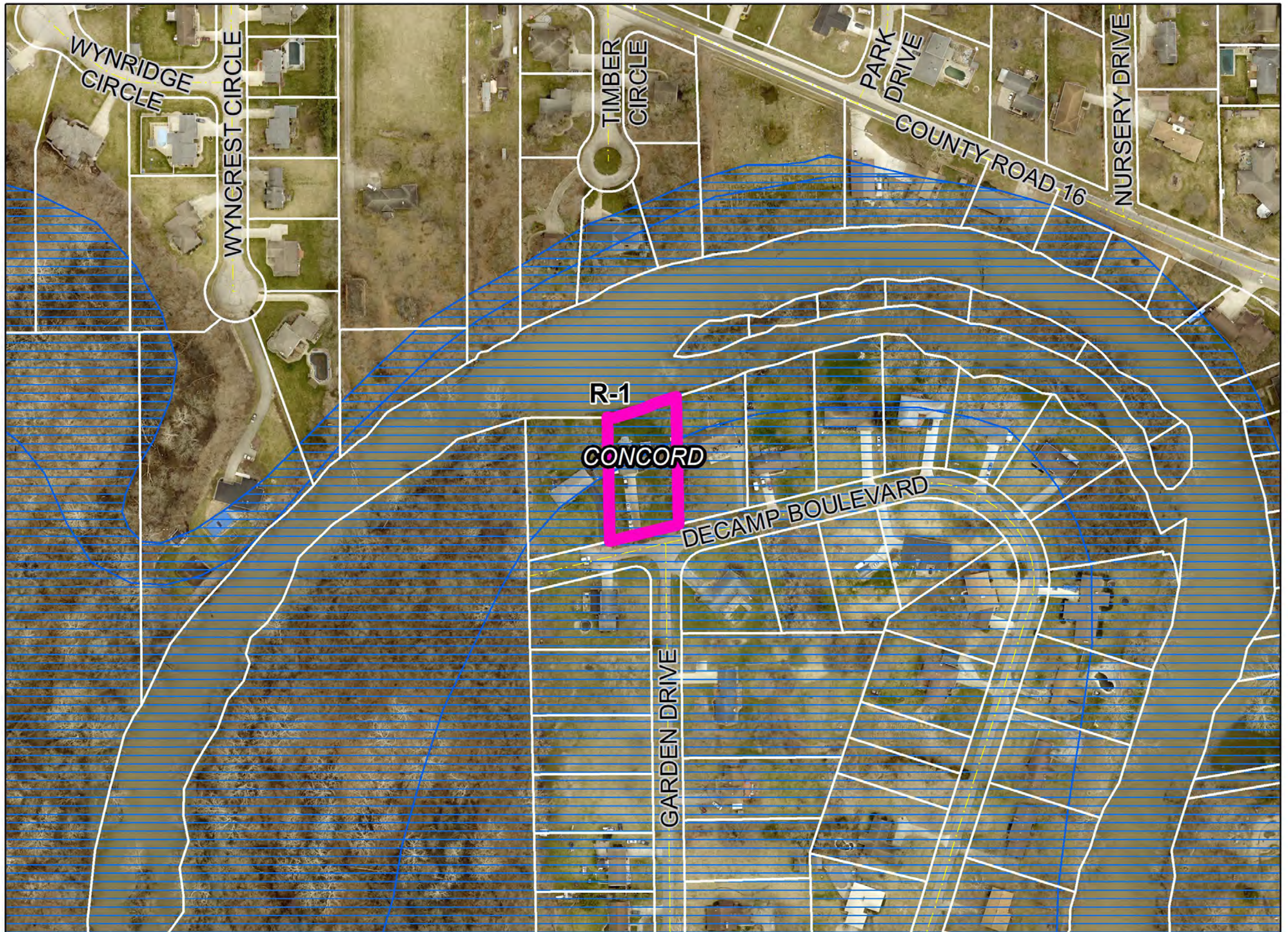
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

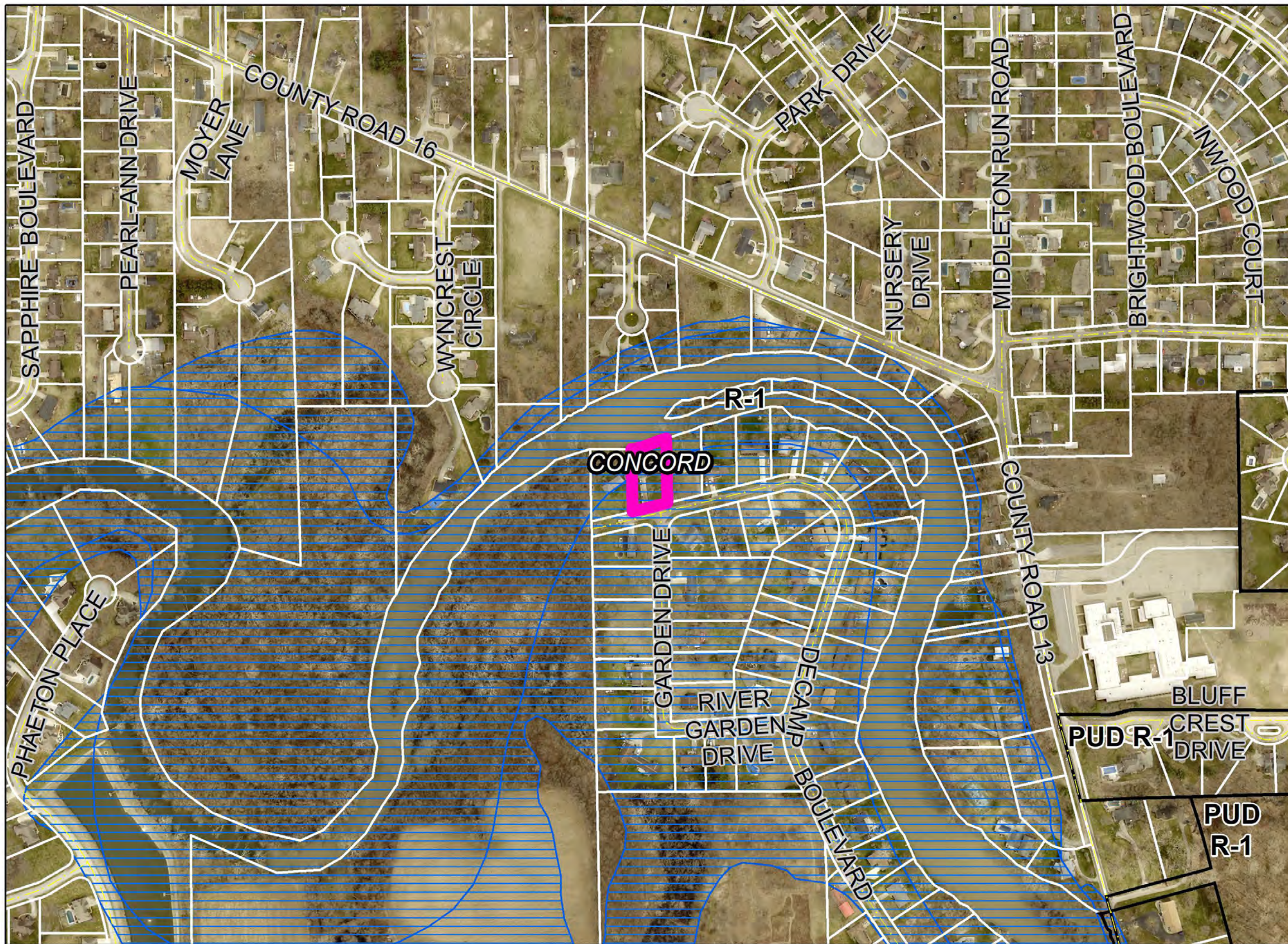
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

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

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









Subject property



Chicken area



Facing west



Facing east



Facing south

Elkhart
River

120 +

58' Building 1

-68' 6"
3 seasons rm.

8' Run chick coop 5' 8'x4'

existing deck

22' sliding door

10' 220 sq. ft.
proposed
salon area

Door

2,270
total sq. ft.
1520 sq. ft.

19'

Garage

Door

Door

X Pines
existing

existing
driveway

8' -44'

proposed
parking

X tree

X tree

18" x 24" x 30"
sign

mail box

3' to property line

116

X tree

existing
trees

NCT 13 2025

Key

PL - property
line

Street - Decamp Blvd.

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 20, 2025

Transaction Number: SUP-0664-2025.

Parcel Number(s): 20-08-17-229-009.000-035.

Existing Zoning: R-1.

Petition: For a Special Use for an agricultural use for the keeping of chickens on a tract of land containing less than 3 acres.

Petitioner: Scott L. Miller.

Location: East side of Claudia Ln., 715 ft. southeast of Westlake Dr., south of US 20, in Middlebury Township.

Site Description:

- Physical Improvement(s) – Residence & accessory structures.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. The keeping of animals on a tract of land containing less than 3 acres is allowed by Special Use in the R-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.34-acre lot in a moderately dense residential neighborhood in the Town of Middlebury, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a hobby opportunity and a local source of food.

BZA Staff Report (Continued)

Hearing Date: November 20, 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 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.

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

SUP-0664-2025

Date: 10/13/2025 Meeting Date: November 20, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0664-2025

Description: for a Special Use for an agricultural use for the of keeping of chickens on a tract of land containing less than 3 acres.

Contacts: Applicant Land Owner
Scott L. Miller Scott L. Miller
608 Claudia Ln. 608 Claudia Ln.
Middlebury, IN 46540 Middlebury, IN 46540

Site Address: 608 Claudia Ln Parcel Number: 20-08-17-229-009.000-035
Middlebury, IN 46540

Township: Middlebury
Location: EAST SIDE OF CLAUDIA LANE, 715 FT. SE WESTLAKE DR.

Subdivision: WEST LAKE ESTATE Lot # 58

Lot Area: 0.35 Frontage: 110.00 Depth: 143.00

Zoning: R-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments:

Applicant Signature: Department Signature:

Special Use — Questionnaire

Name: Scott L. Miller

- 1) Tell us what you want to do. I would like to have between 10-15 chickens on the property. These are 4-H chickens and will be ALL hens. No roosters
- 2) Tell us why this activity won't hurt your neighbors or the community. The chickens will be all hens. No roosters! All but two are bantam chickens. They will be housed inside a shed and inside chicken crates (see picture)
- 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. Clucking from hens may be heard when I leave shed door open for day. But, No Roosters! So, no crowing.
Tell us how you'll reduce the impact of those things on neighbors. By having No roosters. Only opening door during day.
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. Privacy fence. Inside shed.
- 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: 10'x10' 11'6" to peak
Tell us what you'll use it for. house the chickens, their feed, + 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. Chickens. 10-15 hens

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). _____

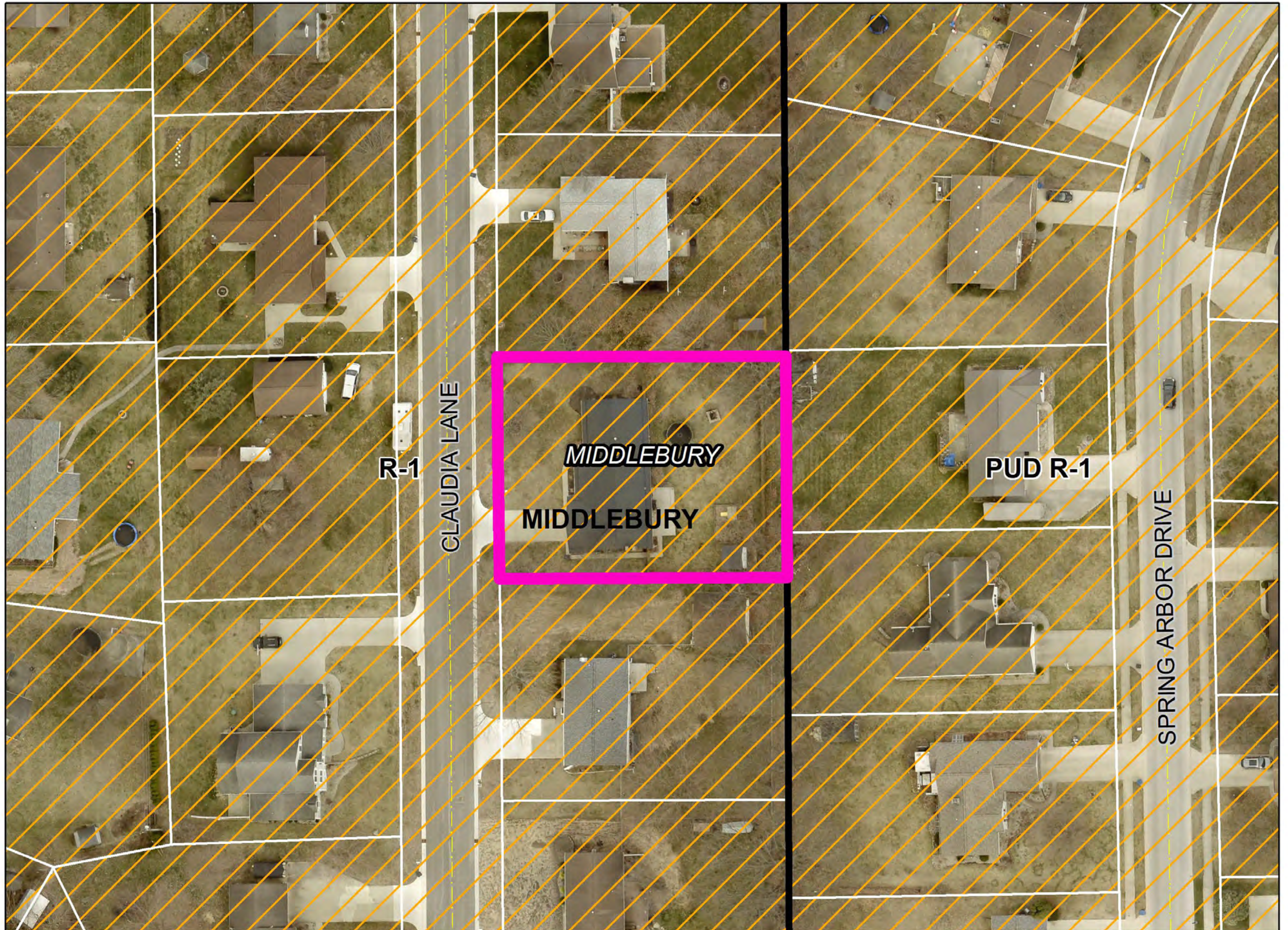
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

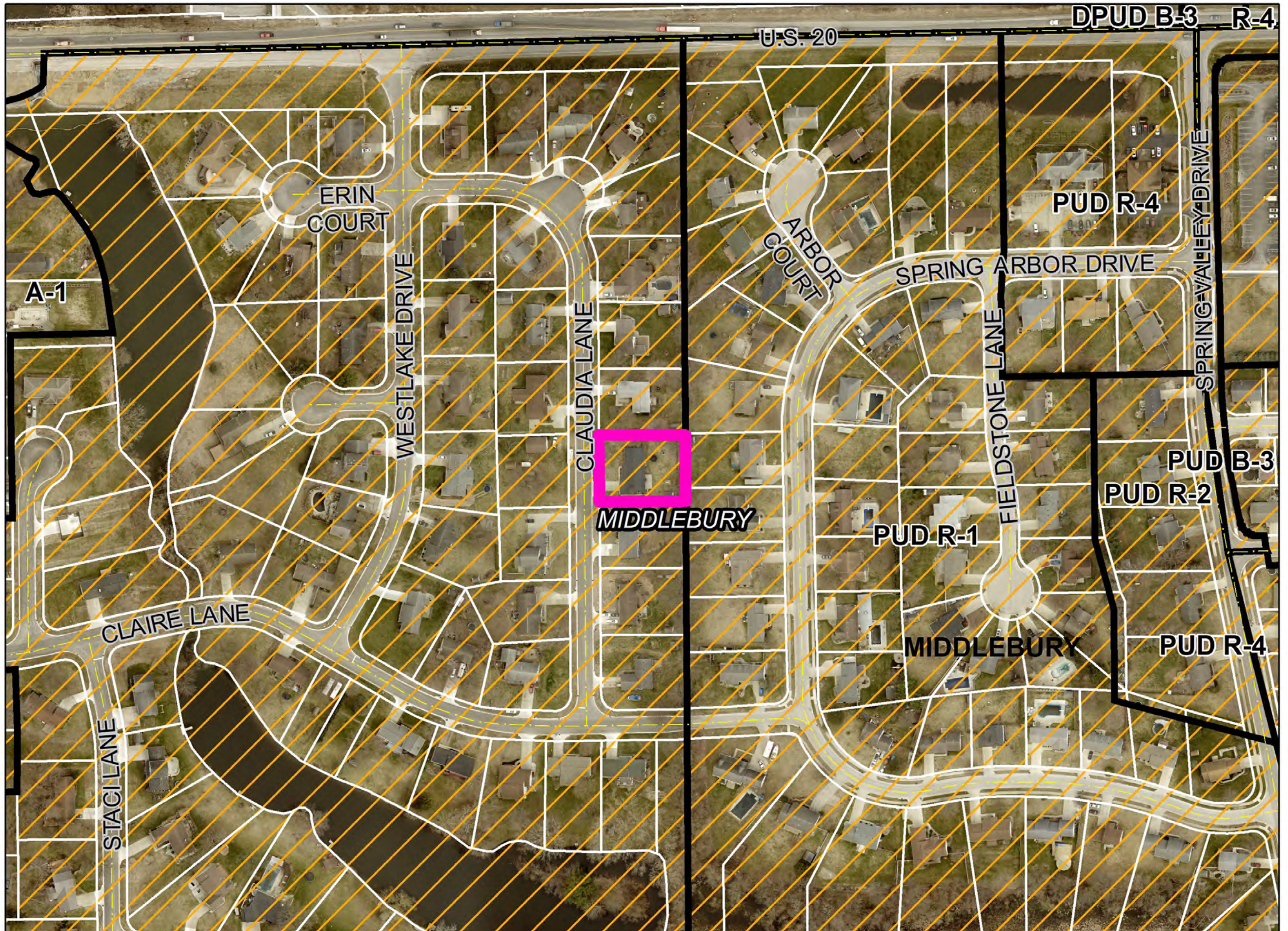
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

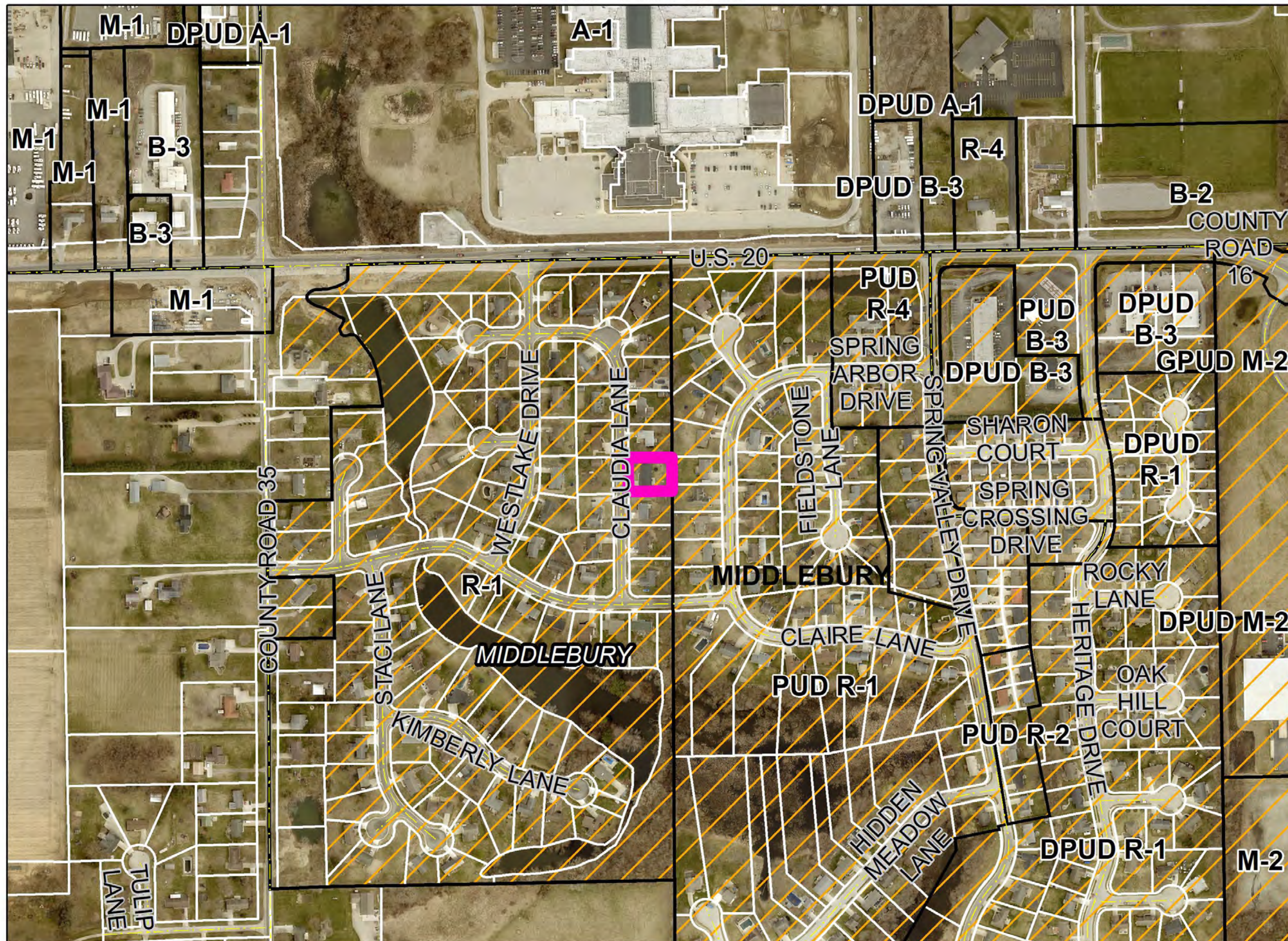
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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











Subject property



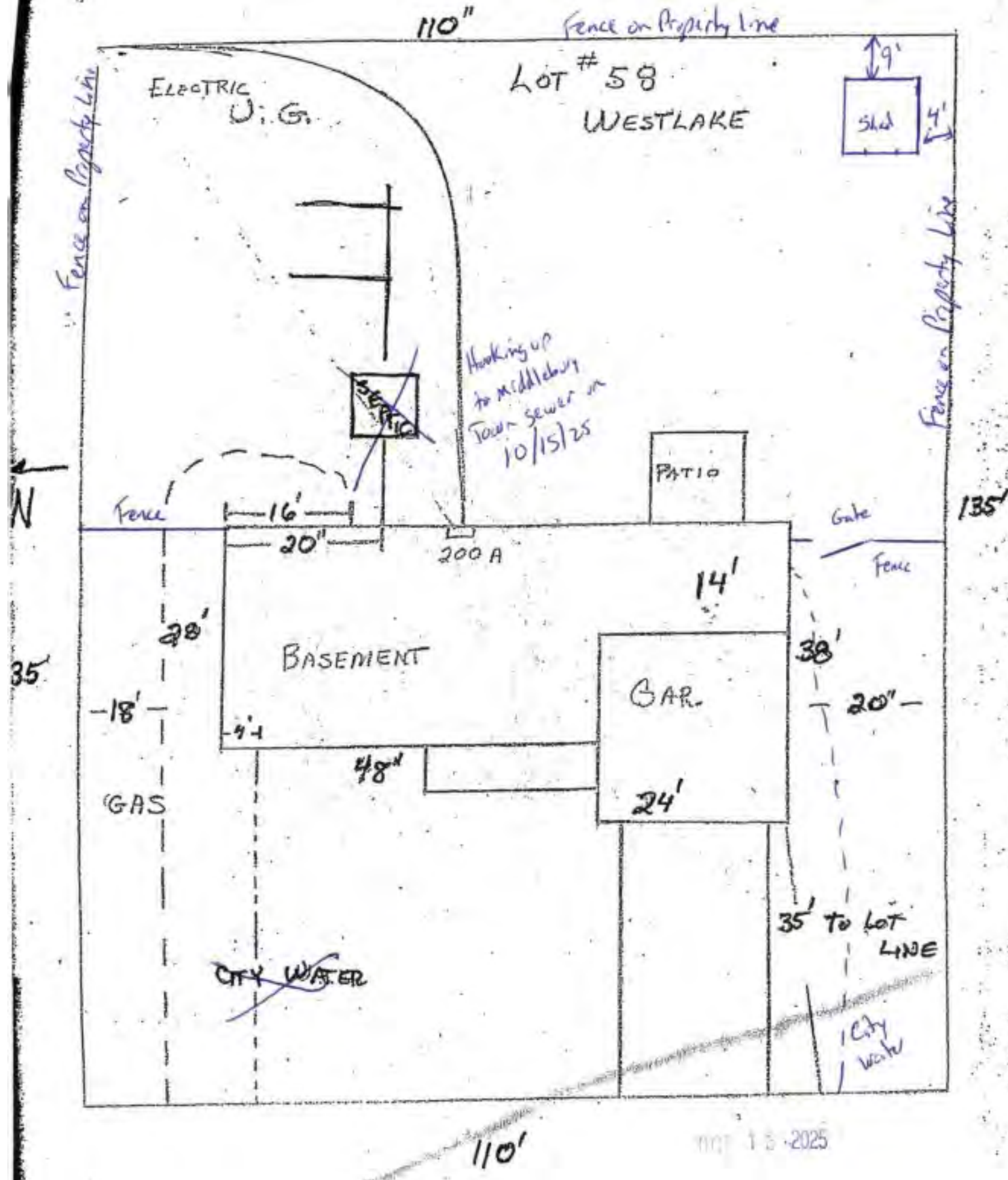
Facing south



Facing north



Facing west



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 20, 2025

Transaction Number: DV-0587-2025.

Parcel Number(s): 20-05-10-452-017.000-001.

Existing Zoning: R-1.

Petition: 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.

Petitioner: Richard Mason & Carolyn Mason, Husband & Wife (Lessor), & Aaron Martinez (Lessee).

Location: West side of Southgate, 745 ft. north of Tower Rd., in Baugo Township.

Site Description:

- Physical Improvement(s) – Residence, shed.
- Proposed Improvement(s) – Accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **September 3, 2025** – A complaint was made about building a pole barn without a permit (CODE-0632-2025).
- **September 9, 2025** – A stop-work order was issued, a variance application was submitted, and the case was closed.

Staff Analysis:

For a Special Use for a home workshop/business for a construction and restoration business, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. The ordinance allows less-intensity home businesses in residential areas, and the property will remain residential in character.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The restoration business will be conducted solely at the customers' properties and will not add traffic in this neighborhood as no employees will be coming to the subject property.
3. The Special Use will substantially serve the public convenience and welfare by providing a local restoration and construction business.

BZA Staff Report

(Continued)

Hearing Date: November 20, 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 a north side setback of 5 ft. or greater for the proposed structure.

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.

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, staff finds that:

1. Approval of the request will be injurious to public health, safety, morals, or general welfare. No need for the encroachment has been demonstrated. The petitioner would have observed the minimum setback, had he requested setback information before commencing.
2. Approval of the request will cause substantial adverse effect on neighboring property. At the requested setback, construction and maintenance cannot be done without trespass. This is a 0.34-acre lot in a medium-density residential area, and the lot should remain medium-density residential in character.
3. Strict application of the terms of the Development Ordinance would not result in an unnecessary hardship in the use of the property. An additional 2 ft. of north side setback will not prevent garage door access from the home's north gate.

Staff recommends **DENIAL**.

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 482 sq. ft., or 38 percent, over what is allowed by right, a result of modest home size.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.34-acre lot in a medium-density residential area, the lot will remain medium-density residential in character, and all other standards including maximum height are met.
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 a structure that fits the character of the neighborhood and indoor storage of personal and work items.

BZA Staff Report (Continued)

Hearing Date: November 20, 2025

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. 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.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

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

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 09/11/2025 Meeting Date: November 20, 2025 Transaction #: DV-0587-2025
Board of Zoning Appeals Public Hearing

Description: 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

<u>Contacts: Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>	<u>Land Owner</u>
Manuel Martinez	Manuel Martinez	Aaron Martinez (Lessee)	Richard Mason & Carolyn
56861 Southgate	56861 Southgate	56861 Southgate	Mason, Husband & Wife
Elkhart, IN 46516	Elkhart, IN 46516	Elkhart, IN 46516	(Lessor)
			25504 State Line Road
			Elkhart, IN 46516

Site Address: 56861 Southgate
Elkhart, IN 46516

Parcel Number: 20-05-10-452-017.000-001

Township: Baugo
Location: WEST SIDE OF SOUTHGATE, 745 FT. NORTH OF TOWER RD

Subdivision: TOWER ROAD SD Lot # 50

Lot Area: 0.34 Frontage: 100.00 Depth: 150.00

Zoning: R-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE CODE-0632-2025
CHANGED FROM DV TO SPECIAL USE (HOME WORKSHOP/BUSINESS) WHICH CHANGED IT TO THE NOVEMBER 20TH MEETING FROM THE OCTOBER 15TH HEARING - KB 9/30/2025

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Manuel Martinez RE: Richard Mason

1) Tell us what you want to do. Build a Larger shed than what is currently on property.

2) Tell us why this activity won't hurt your neighbors or the community. There are already a few other Large Burns in the neighborhood. This will be no Different

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: 24x43x14
Tell us what you'll use it for. storage of tools and equipment

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: 0 Part time: 0

How many employees do you want? Full time: 0 Part time: 0

How many of the employees won't live onsite? 0

What will be the days and hours of operation on this property? N/A

How many parking spaces do you have now? 2

How many parking spaces do you want? N/A

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?

0, I will not be selling anything

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. This shed/Barn will be used to store equipment and tools used in property restoration. No sales, No employees, No deliveries, No pick ups. Aaron will load tools into truck for the job and leave for the day. No business will ever take place at this address or shed. Simply for storage

Developmental Variance — Questionnaire

Name: Richard Mason

1) Tell us what you want to do. Build barn in backyard

2) Tell us why you can't change what you're doing so you don't need a variance. The Posts are already in the ground. Changing it would cost significantly more money

3) Tell us why the variance won't hurt your neighbors or the community. Structure is completely within my backyard. Not close to any power lines or trees or any other structure. Not near anyone's home

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: 24x43. Tallest peak 14ft
Tell us what you'll use it for. Storage for my tools and equipment

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

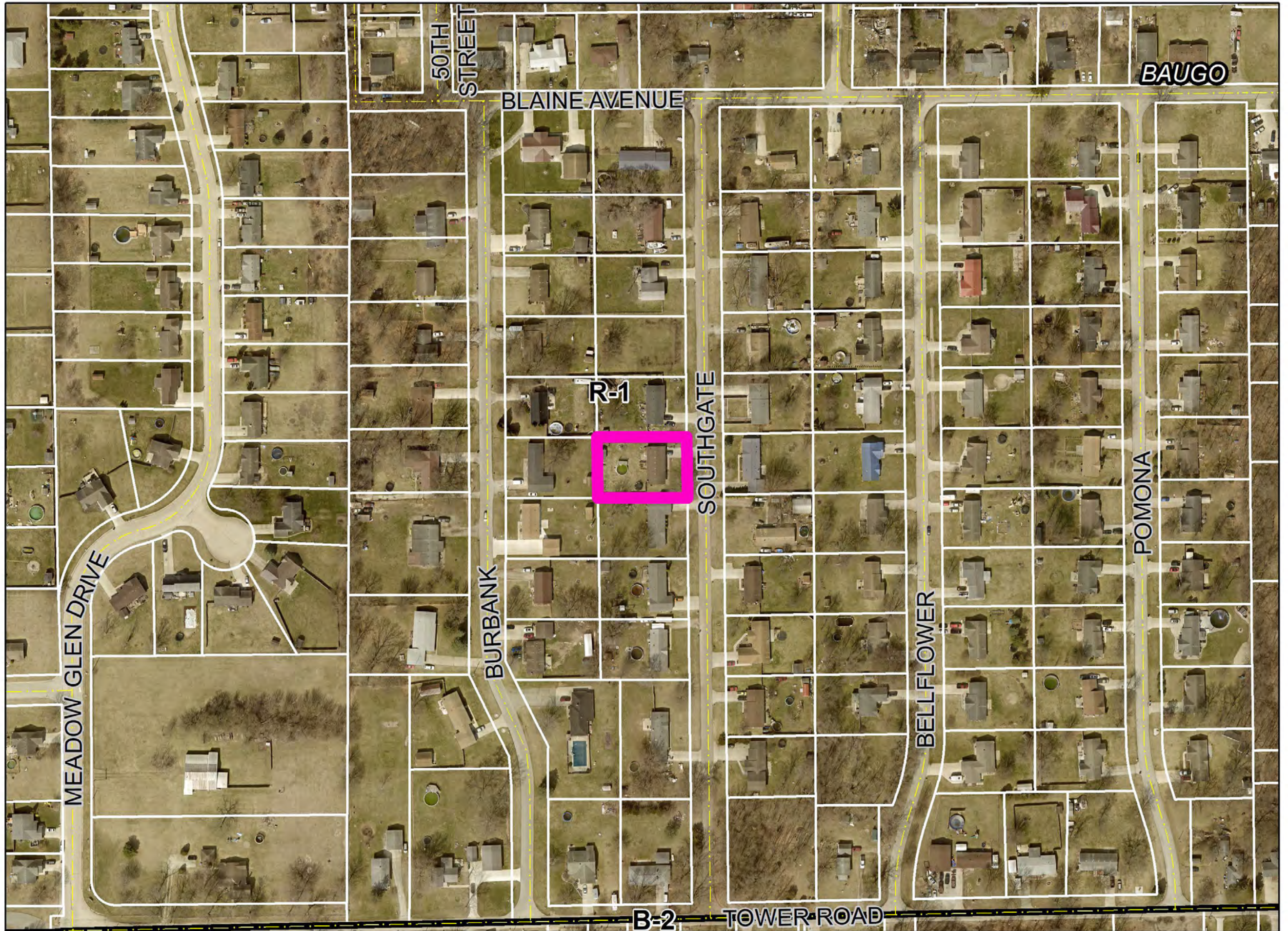
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

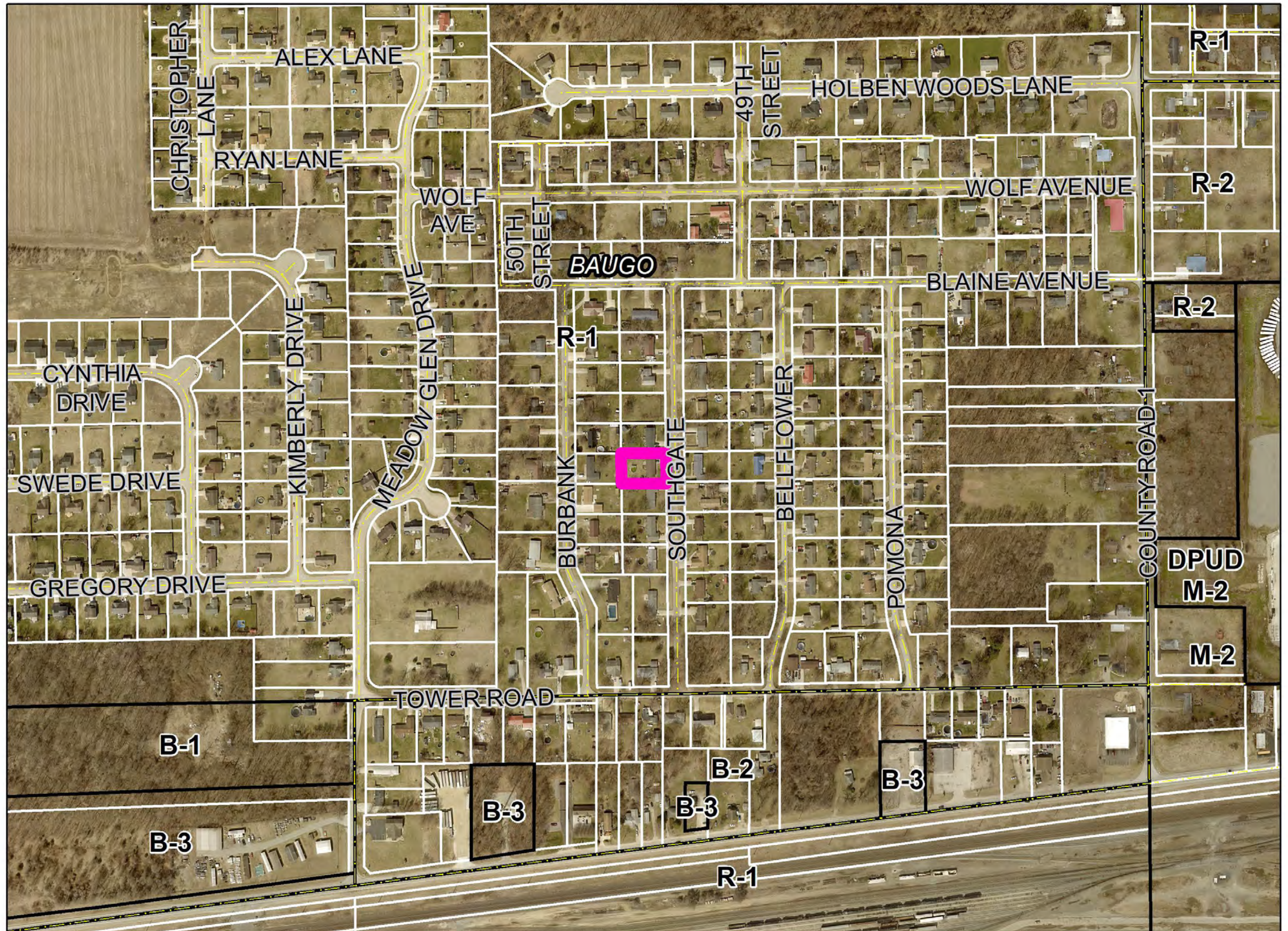
8) Does the application include a variance for parking spaces? ☐ Y ☒ N

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

9) Tell us anything else you want us to know. I didn't realize building this in my backyard would cause any trouble. The structure will be used for storage for material and tools needed for construction business. The posts are already in the ground. Restarting now would cost me a lot of money and further time before cold weather sets in.









Subject property



Subject property, proposed building site



Facing north



Facing south



Facing east

8 ft.
Trailer

3.5 ft



12 ft

(7) Proposed Building

43

24 grass

5
120

16
Existing shed

Existing
Pool

10
12
Deck

MASON RICHARD & CAROLYN
20-05-10-452-017-000-001
R-1

Baugo

56861

TOWER ROAD SUB.

gate

grass

Driveway

↑
pickup truck parking
(1 unmarked truck)

100

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 20, 2025

Transaction Number: SUP-0605-2025.

Parcel Number(s): 20-02-29-301-005.000-026.

Existing Zoning: R-1.

Petition: 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.

Petitioner: Jesus Ocampo.

Location: East side of CR 7, 3,585 ft. south of CR 6, in Osolo Township.

Site Description:

- Physical Improvement(s) – Residence, detached accessory structures, pool.
- Proposed Improvement(s) – Detached accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, commercial.

History and General Notes:

- **April 4, 2025** – A complaint was received about a roofing and dumpster business being run on the property (CODE-0158-2025).
- It should be noted that the B-2 zoned parcel to the west is used as an office location and went through the proper rezoning process in 2018. The B-2 zoning district is a transitional zoning that can be found located near residentially zoned districts.
- **July 17, 2025** – The BZA denied a Use Variance for a waste-related service and tabled the Special Use for a home workshop/business for a roofing business.
- **October 16, 2025** – The BZA approved the petitioner's request to withdraw the Special Use for a home workshop/business for a roofing business (UV-0405-2025).

Staff Analysis:

For a Special Use for a home workshop/business for a roofing business, staff finds that:

1. The Special Use will not be consistent with the spirit, purpose, and intent of the Development Ordinance. The ordinance states a need to regulate the density of residential uses and the intensity of the nonresidential uses. The intensity of the requested roofing business is above which is normally seen in a medium-density residential area.
2. The Special Use will cause substantial and permanent injury to the appropriate use of neighboring property. The roofing business has already caused concerns in respect to noise, lights, and trash to the neighboring properties, and those neighboring properties should be protected from the conflicting land use of the business.
3. The Special Use will not substantially serve the public convenience and welfare as the business can be operated on a property that is zoned for business uses.

Staff recommends **DENIAL**.

BZA Staff Report (Continued)

Hearing Date: November 20, 2025

For a Developmental Variance to allow for 5 outside employees (Ordinance allows 4), staff finds that:

As a result of the Special Use denial recommendation, this Developmental Variance is moot.

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 1,421 sq. ft., or 123 percent, over what is allowed by right and the building will be placed at the far back of the property as to not cause issues for adjacent properties.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.08-acre lot in a medium-density residential area, the lot will remain residential in character, and all other standards including maximum height are met.
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 a structure that fits the character of the neighborhood and indoor storage of personal items.

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 9/17/2025) and as represented in the Developmental Variance application.

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: 09/17/2025 Meeting Date: November 20, 2025 Transaction #: SUP-0605-2025
Board of Zoning Appeals Public Hearing

Description: 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

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Land Owner</u>
America Martinez	America Martinez	Jesus Ocampo
53670 County Road 7	53670 County Road 7	53670 Cr 7
Elkhart, IN 46514	Elkhart, IN 46514	Elkhart, IN 46514

Site Address: 53670 County Road 7 Elkhart, IN 46514	Parcel Number: 20-02-29-301-005.000-026
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Township: Osolo
Location: East side of County Road 7, 3585 ft. South of County Road 6

Subdivision:	Lot #
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Lot Area: 1.08	Frontage: 73.00	Depth: 635.00
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Zoning: R-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE ORIGINAL UV-0405-2025: THE UV GOT DENIED, THE SPECIAL USE WAS TABLED INDEFINITELY 7-17-2025 JB PETITIONER CAME IN TO WITHDRAW THE SPECIAL USE PORTION OF THE ORGIINAL REQUEST AND REAPPLY-DR 9/17/25
PARCEL CREATION DATE 3/1/62

Applicant Signature:

Department Signature:

Use Variance — Questionnaire

Name: _____

- 1) Tell us what you want to do. store 4 trailers & work truck in the back yard. Build a pole barn to store RV, materials, and personal items
- 2) Tell us why your case is different from other cases in the county so that a variance should be allowed.

- 3) Tell us why the variance won't hurt your neighbors or the community. will install Privacy fencing and store all materials inside. Keep the in and out to a minimum
- 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. New fencing will be installed in the back part of the house
- 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) Does what you want to do include buildings or additions? ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Existing? ☐ Y ☒ N Size and height to the peak: 50' x 40' x 12' L W H
Tell us what you'll use it for. Storage of materials & Personal RV
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) 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
- 9) Does this application include an accessory structure without a residence at this time? ☐ Y ☒ N
If yes, are there plans for a residence on this property? ☐ Y ☐ N If yes, fill out below.
Tell us when it will be built. _____
Tell us the approximate size. _____
- 10) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and the maximum number of each. _____

Use Variance — Questionnaire

11) 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: 6 Part time: _____

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

How many of the employees won't live onsite? 5

What will be the days and hours of operation on this property? M-F Sat. 7am 8pm

How many parking spaces do you have now? 5

How many parking spaces do you want? 5

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

If yes, tell us what will be stored outside or displayed. 4 trailers

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. Every Thursday

Tell us the kind of vehicles used. Truck Drops of Gutter materials

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

Sign 1 Dimensions (length and width). 5 ft x 3 ft

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

12) Tell us anything else you want us to know. No longer have dumpsters

CODE CASE DETAILED REPORT CODE-0158-2025

FOR REPORT TEXT LIBRARY: MUNICIPALITY_NAME

Case Type: Zoning **Project:** **Opened Date:** 04/04/2025
Status: Notice of Violation **District:** Osolo **Closed Date:** 05/06/2025
Assigned To: Richard Masters **Description:** RUNNING A ROOFING AND DUMPSTER BUSINESS OUT OF RESIDENCE.

Parcel: 20-02-29-301-005.000-026 Main	Address: 53670 County Road 7 EAST ON CR Main 7, NORTH OF EDWARDS RD. Elkhart, IN 46514	Zone: R-1 (Single-Family Residential District)
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Owner

Jesus Ocampo
53670 Cr 7
Elkhart, IN 46514
Mobile: 5743229129

Activity Type	Activity Number	Activity Name	User	Created On
Email	CMAActivity-0888-2025		Richard Masters	06/05/2025
Email	CMAActivity-0798-2025		Richard Masters	05/28/2025
Incoming Phone Call	CMAActivity-0701-2025		Richard Masters	05/15/2025
Letter	CMAActivity-0703-2025		Richard Masters	05/15/2025
Misc. Communication	MCCMAActivity-0817-2025		Amber Weiss	05/28/2025
Misc. Information	CMAActivity-0823-2025		Richard Masters	05/29/2025
Misc. Information	CMAActivity-1449-2025		Richard Masters	08/04/2025
Misc. Information	CMAActivity-1377-2025		Richard Masters	07/24/2025
Outgoing Phone Call	CMAActivity-1867-2025		Richard Masters	10/01/2025
Outgoing Phone Call	CMAActivity-1868-2025		Richard Masters	10/01/2025
Outgoing Phone Call	CMAActivity-0875-2025		Richard Masters	06/04/2025
Site Visit	CMAActivity-0702-2025		Richard Masters	05/15/2025
Site Visit	CMAActivity-1872-2025		Richard Masters	10/01/2025
Site Visit	CMAActivity-0636-2025		Richard Masters	05/06/2025

53670 CR 7, Elkhart. Photos taken by Ricky Masters on 10/01/25.

Alleged Violation: Running a business



I went by the site. I noticed that there were 4 dumpsters on the property. Two of the dumpsters were filled with trash. Two of the dumpsters were drop bins and the other two were dumping trailers. There was also trash and debris piled around the dumpsters.



53670 CR 7, Elkhart. Photos taken by Ricky Masters on 10/01/25.
Alleged Violation: Running a business



53670 CR 7, Elkhart. Photo taken by Kevin Head on 10/14/25.



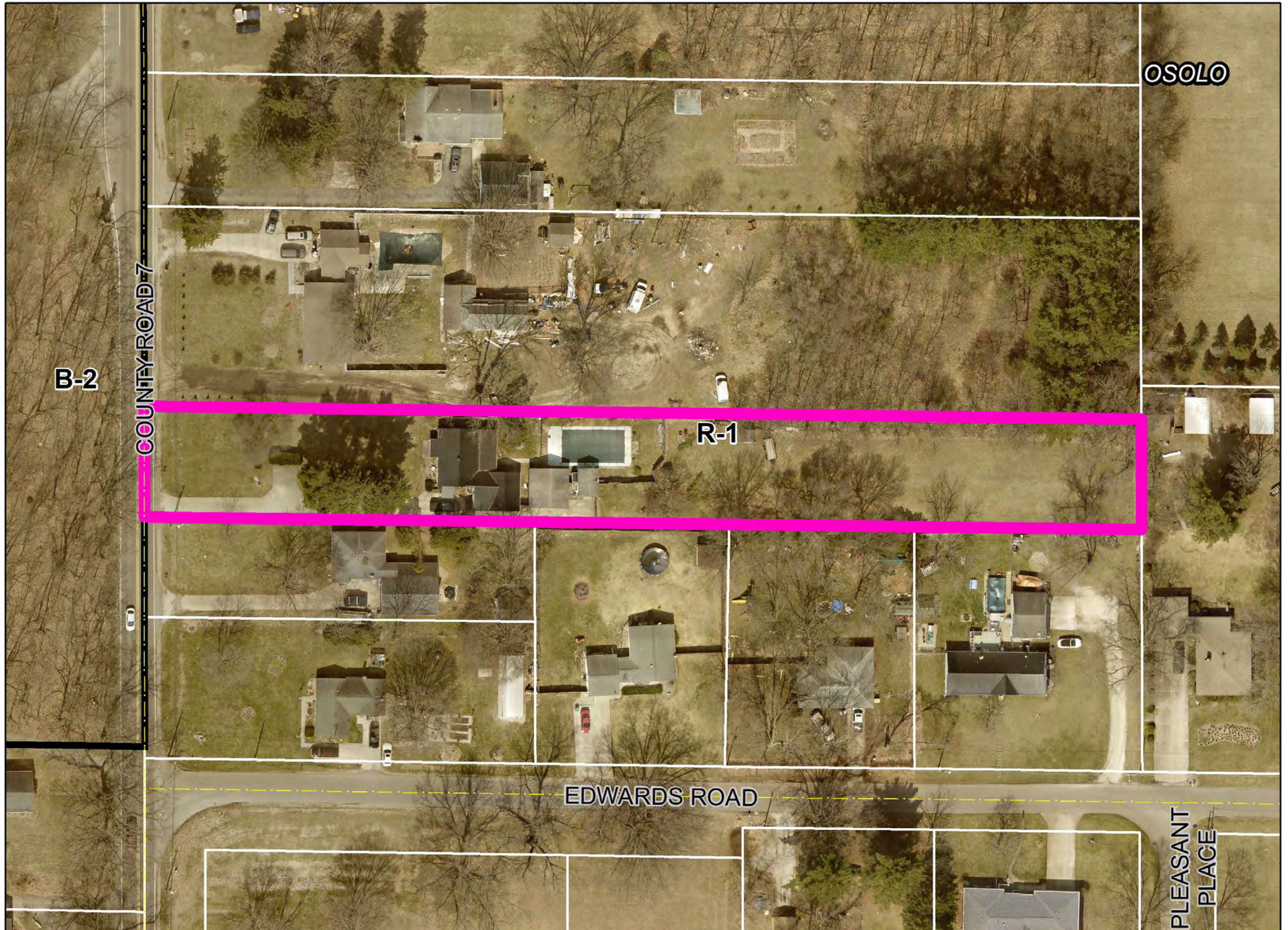


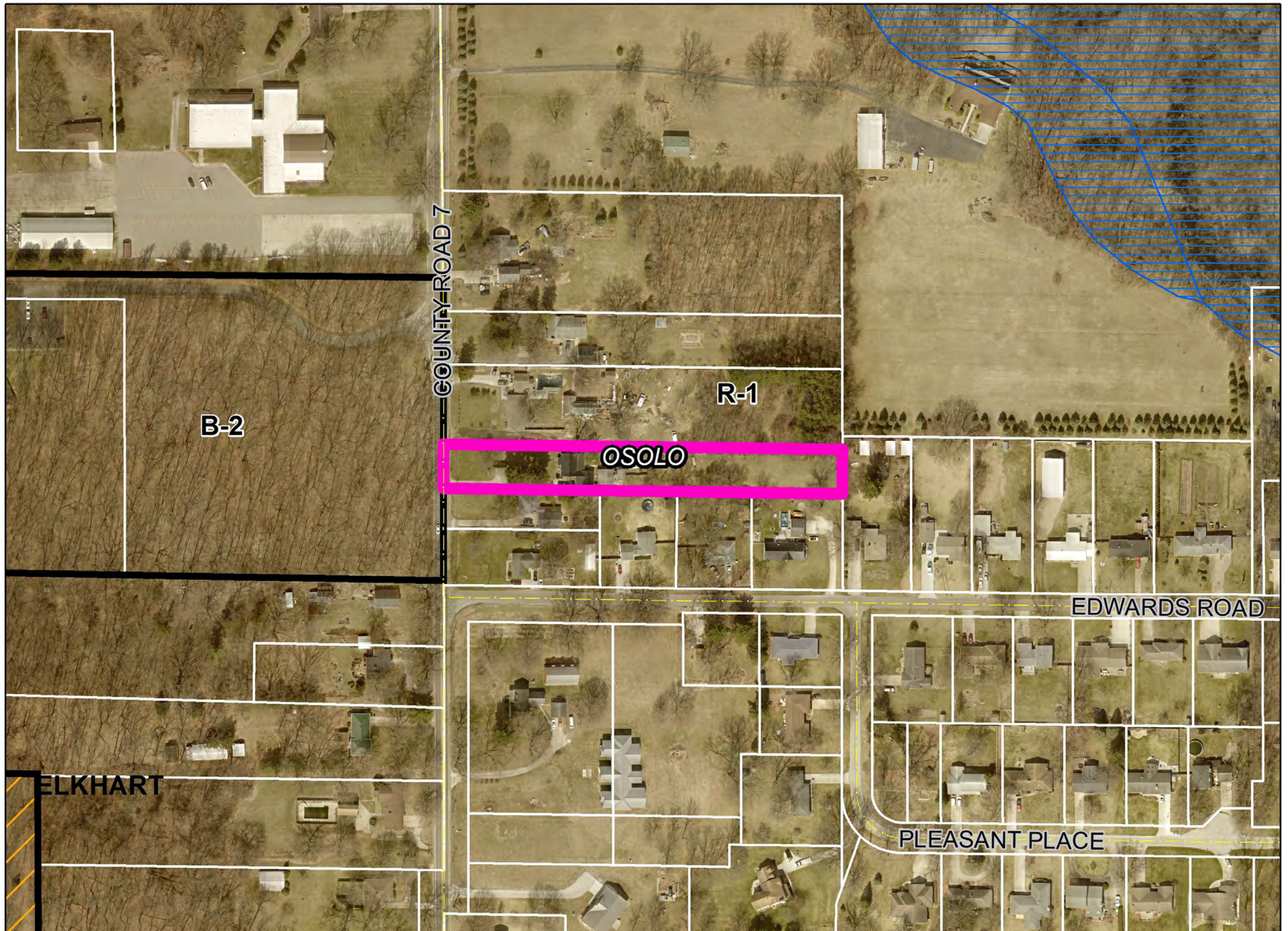
I went by the site. There was a large yellow truck that is used to move dumpsters or bins. The dumpsters were removed from the property, but there were two vehicles where the dumpsters were. A truck was parked in the middle of the grass, and a junked vehicle was also parked by their back fence. There were A Frames stacked along the other side of the property as well.

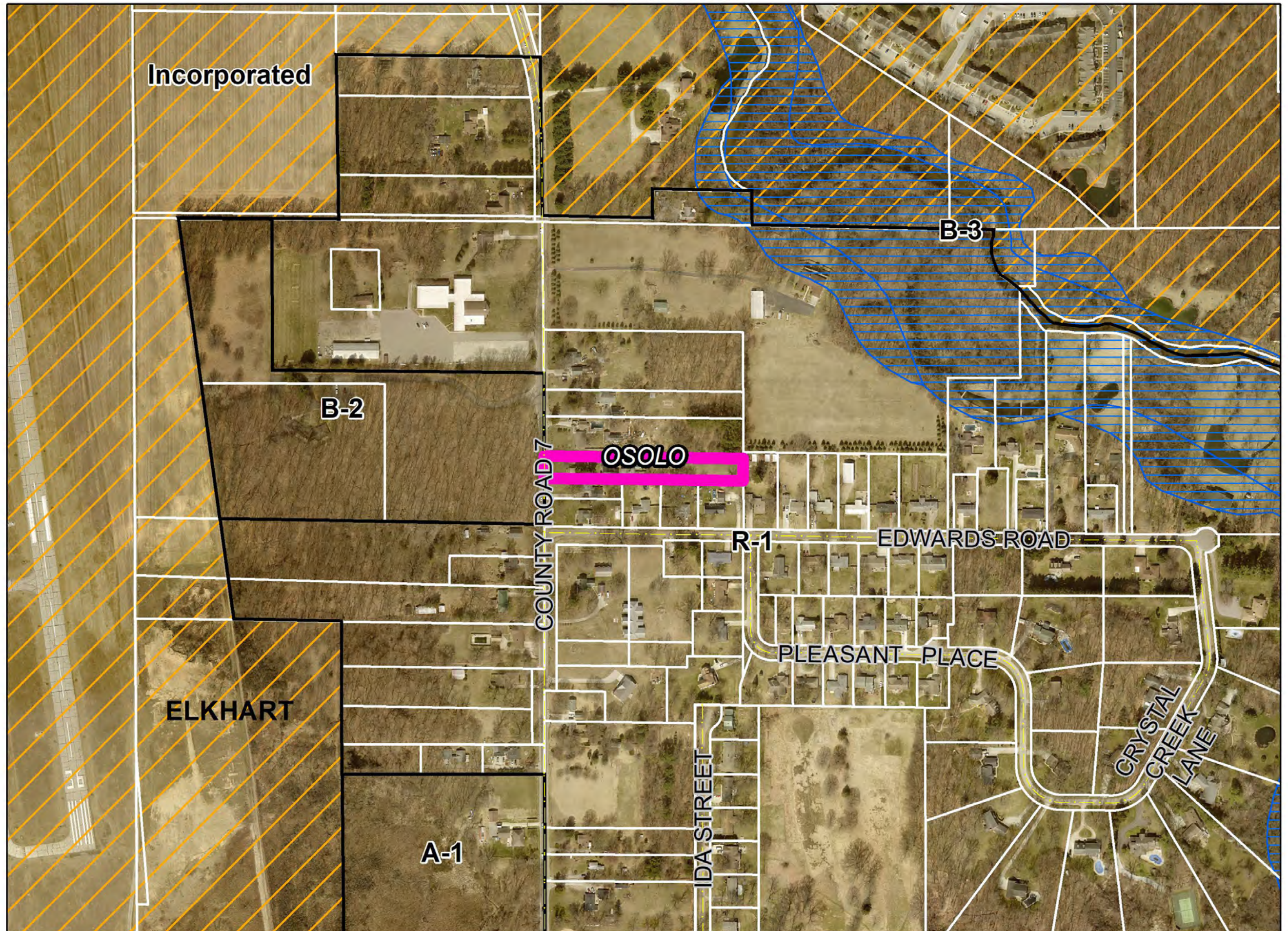


53670 CR 7, Elkhart. Photos taken by Ricky Masters on 11/3/25.











Subject property



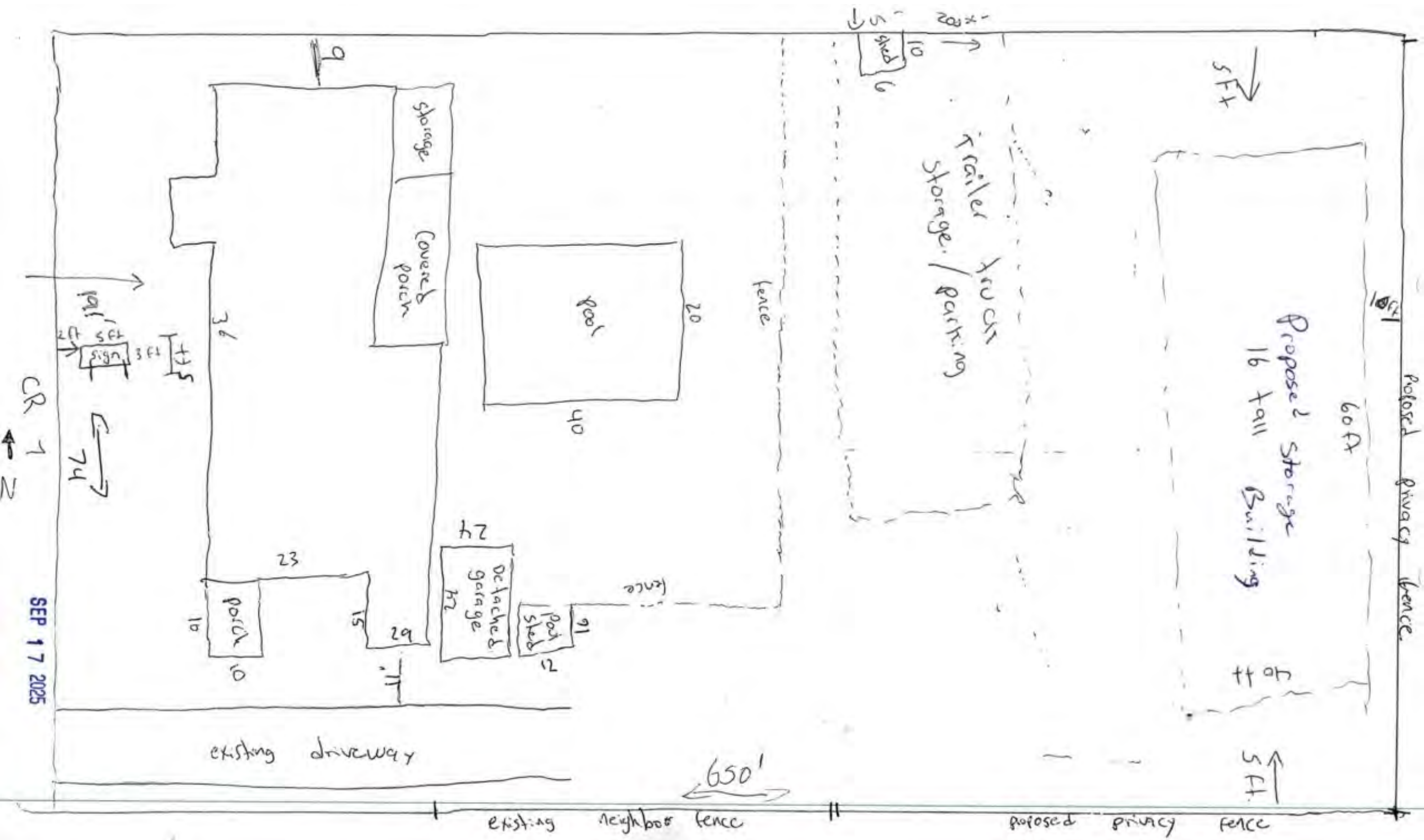
Facing south



Facing north



Facing west



CR 1

SEP 17 2025

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 20, 2025

Transaction Number: SUP-0623-2025.

Parcel Number(s): 20-09-36-176-004.000-025 and 20-09-36-176-005.000-025.

Existing Zoning: R-4.

Petition: 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.

Petitioner: Town of Wakarusa.

Location: Northwest corner of High St. and S. Indiana Ave., in Olive Township.

Site Description:

- Physical Improvement(s) – Storage building.
- Proposed Improvement(s) – Building addition.
- Existing Land Use – Municipal facility.
- Surrounding Land Use – Municipal facility, residential, manufacturing.

History and General Notes:

- **December 15, 2016** – The BZA approved a Special Use for the construction of a municipal building for the Town of Wakarusa (SUP-0653-2016).
- The building from the 2016 SUP was not built according to the approved site plan.

Staff Analysis:

For an amendment to an existing Special Use for a municipal facility (maintenance building) to allow for the construction of an addition, 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 municipal facility.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.75-acre property in a mixed-use residential and manufacturing area and is across the street from the Town of Wakarusa's Public Services Building.
3. The Special Use Amendment will substantially serve the public convenience and welfare by providing additional storage for vehicles and equipment for the Town of Wakarusa.

BZA Staff Report (Continued)

Hearing Date: November 20, 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 9/29/2025) and as represented in the Special Use Amendment application.

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., staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The existing building and the proposed addition will not hinder sight distance.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.75-acre property in a mixed-use municipal facility, residential, and manufacturing area and will remain a municipal facility. There is another Town of Wakarusa municipal facility to the south.
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 variances, the proposed building addition could not be built and the existing building would be non-conforming.

Staff recommends **APPROVAL** with the following condition(s) 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.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use Amendment - Non Mobile Home

Date: 09/29/2025 Meeting Date: November 20, 2025 Transaction #: SUP-0623-2025
Board of Zoning Appeals Public Hearing

Description: 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 Street, and for a 1 ft. Developmental Variance (Ordinance requires 50 ft.) for the construction of a maintenance building addition 49 ft. from the centerline of the right-of-way of South Indiana St.

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Zimmerman'S Construction	Zimmerman'S Construction	Town Of Wakarusa, An Indiana
64470 State Road 19	64470 State Road 19	Municipal Corporation
Goshen, IN 46526	Goshen, IN 46526	Po Box 474
		Wakarusa, IN 46573

Site Address: 312 High St Wakarusa, IN 46573	Parcel Number: 20-09-36-176-004.000-025 20-09-36-176-005.000-025
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Township: Olive
Location: Northwest Corner Of High St And Indiana Ave

Subdivision: C I WERNTZ ADD TO WAKARUSA	Lot # 15 & N1/2 LOT 16, AND LOT 17 & S1/2 LOT 16
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Lot Area: 0.75	Frontage: 195.00	Depth: 221.00
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Zoning: R-4	NPO List:
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Present Use of Property: MUNICIPAL BUILDING

Legal Description:

Comments: SEE PREVIOUS SPECIAL USE #SUP-0653-2016 FOR MUNICIPAL BUILDING, APPROVED 12/15/2016
WAIVING FEES PER MAE
SEE NEW BUILDING PERMIT #BC-194-2025 - OK TO PROCEED PER MAE - KB 9/29/2025

Applicant Signature:	Department Signature:
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Special Use — Questionnaire

Name: Town of Wapakoneta

1) Tell us what you want to do. Build a ¹⁸⁰⁰~~2000~~ SF Addition to existing
MAINTENANCE BUILDING

2) Tell us why this activity won't hurt your neighbors or the community. THERE IS ONLY RV
PRODUCTION ON THE EAST SIDE OF THE BUILDING

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
N/A

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: 30'x60'
24'8" TO 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 Municipal
(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: _____

How many employees do you want? Full time: No Additional Part time: _____

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

What will be the days and hours of operation on this property? M-F 7am 4pm.

How many parking spaces do you have now? 0

How many parking spaces do you want? 0

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. N/A

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

0

0

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. This is a small Addition on our

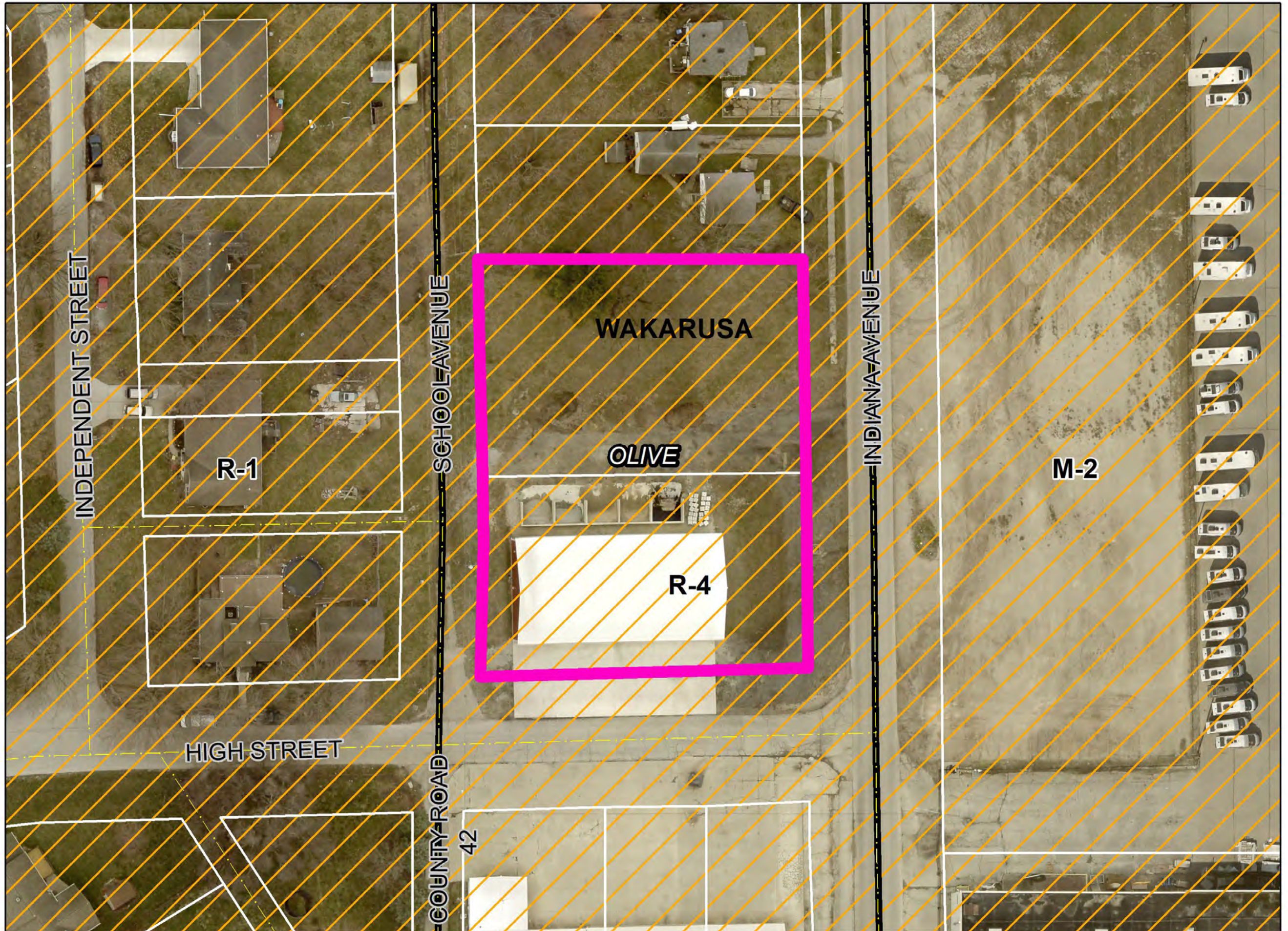
Municipal Public Works garage.

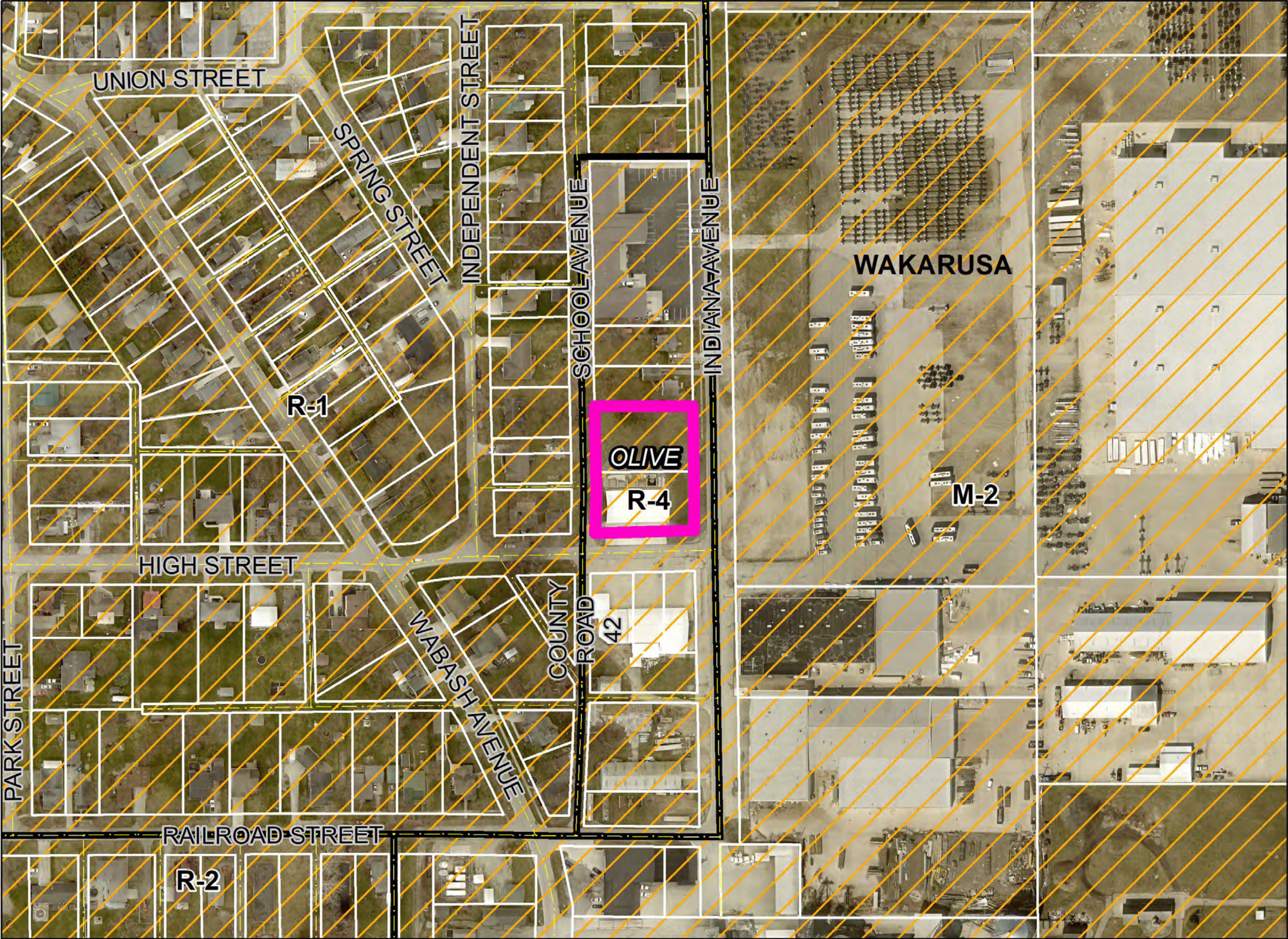
Developmental Variance — Questionnaire

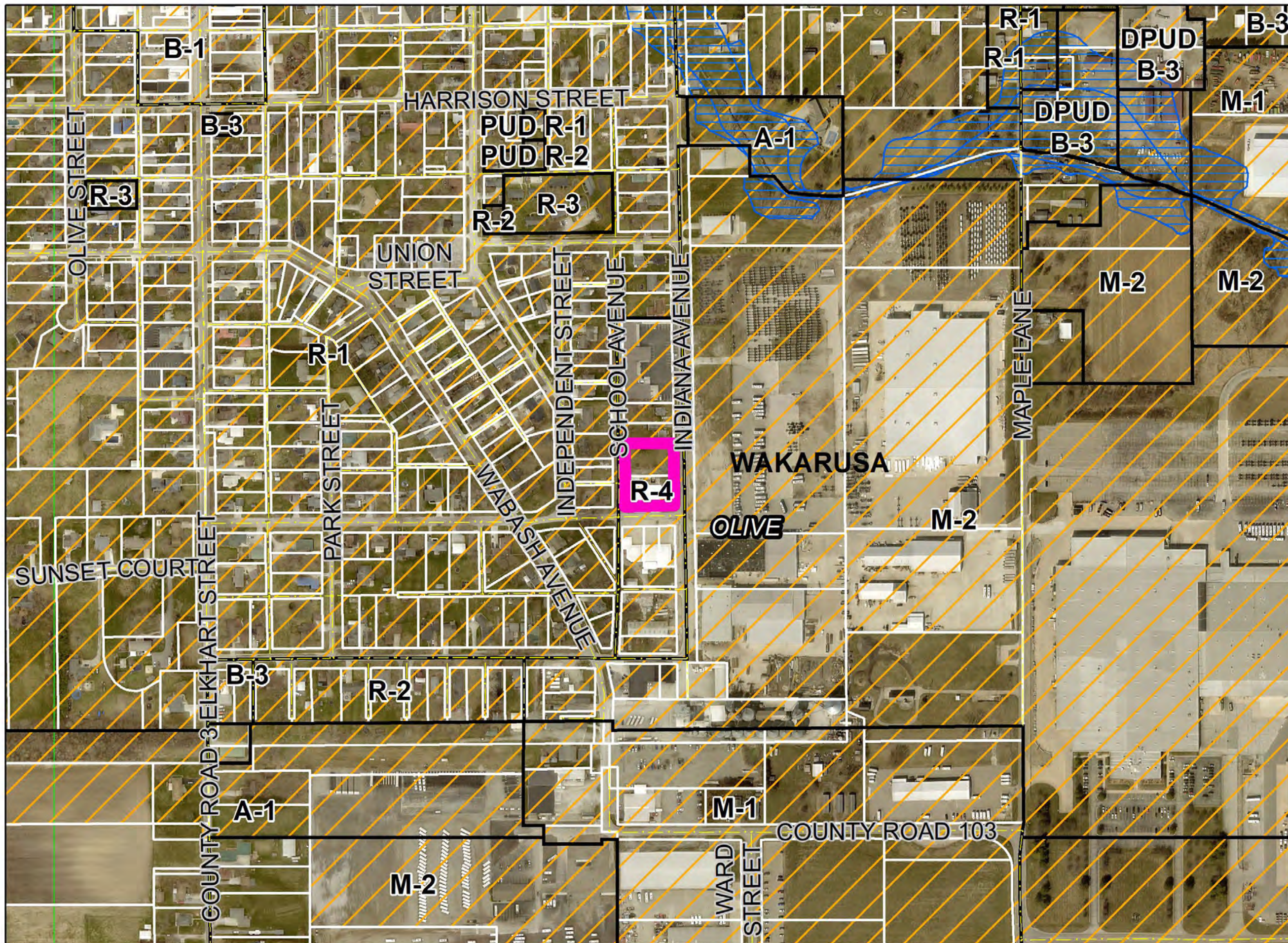
Name:

Town of Wakarusa

- 1) Tell us what you want to do. BUILD A ~~1200~~¹⁸⁰⁰ SQ FT. ADDITION TO EXISTING MAINTENANCE BUILDING
- 2) Tell us why you can't change what you're doing so you don't need a variance. EXISTING BUILDING LOCATION DOESN'T ALLOW US ENOUGH ROOM
- 3) Tell us why the variance won't hurt your neighbors or the community. THERE IS ONLY RV PRODUCTION ON EAST SIDE OF BUILDING
- 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 N/A
- 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: 30'x40' 24'8" TO 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): _____
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. N/A









Subject property facing north



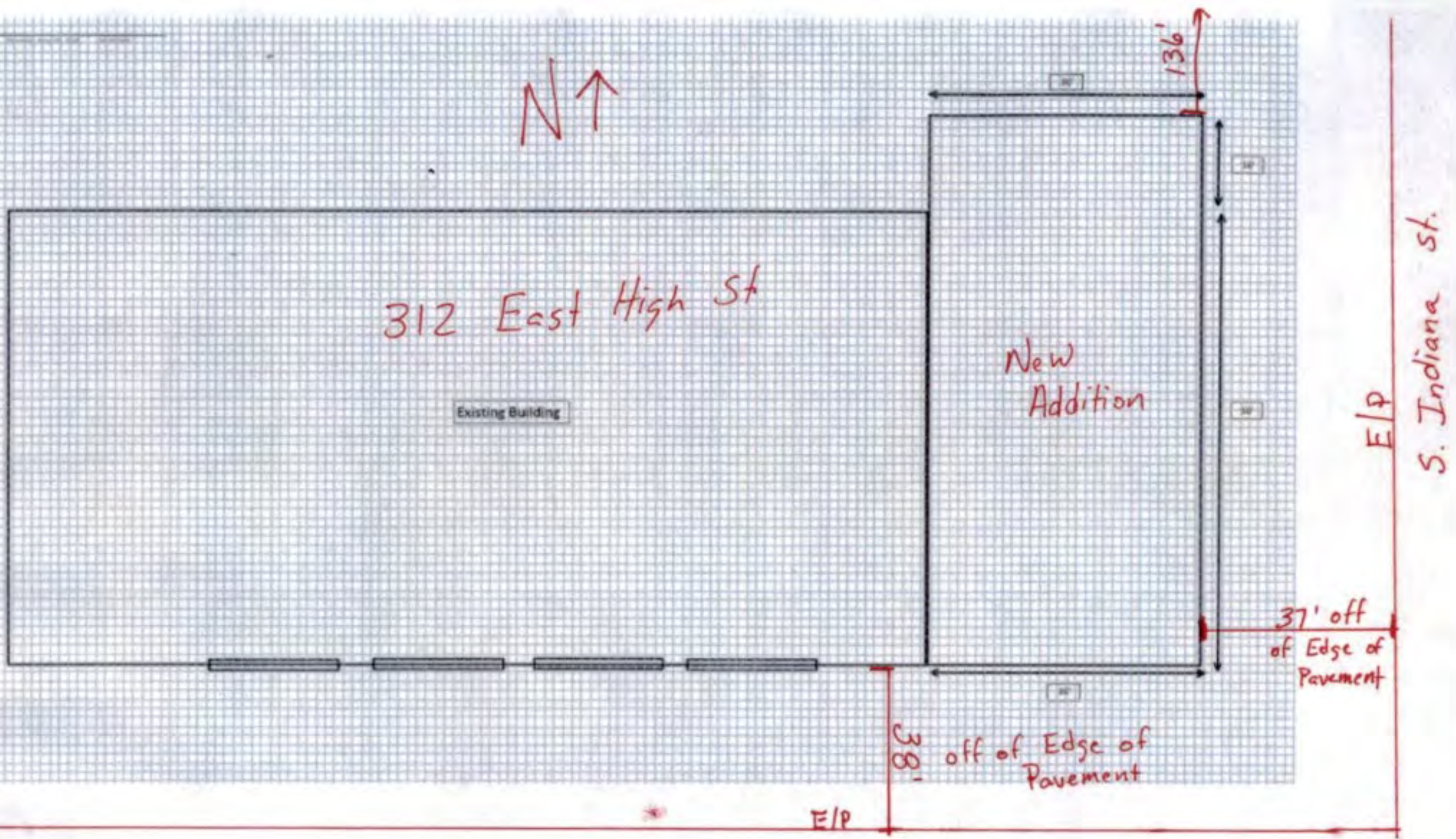
Facing south



Facing east



Facing west



East High St.

SEP 29 2025

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 20, 2025

Transaction Number: SUP-0663-2025.

Parcel Number(s): 20-14-01-200-005.000-028, 20-14-01-200-007.000-028.

Existing Zoning: A-1.

Petition: For a Special Use for an agribusiness, 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 the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Eagle Real Estate Group, LLC.

Location: Northwest corner of CR 142 and CR 17, in Union Township.

Site Description:

- Physical Improvement(s) – Office building, storage buildings, cell tower.
- Proposed Improvement(s) – New building & parking lot.
- Existing Land Use – Commercial, residential.
- Surrounding Land Use – Agricultural, residential.

History and General Notes:

- **August 19, 1999** – The BZA approved a Special Use for an Agri-Business (hauling milk for dairy farmers) in an A-1 district (Specifications F - #56) (993031).
- **June 16, 2016** – The BZA approved a Special Use for a wireless communications facility and a 90 ft. Developmental Variance to allow for the placement of said facility's tower 60 ft. from the north property line (Ordinance requires the height of the tower, or 150 ft.) (SUP-0224-2016).

Staff Analysis:

For a Special Use for an agribusiness and for a Special Use for a home workshop/business for a diesel repair shop, staff finds that:

1. The Special Uses will not be consistent with the spirit, purpose, and intent of the Development Ordinance. The agribusiness for hauling milk has doubled in size and diesel truck repairs for the general public have been added without BZA approval. The scope of the request and the conflicting standards between an agribusiness and a home workshop/business can be resolved through the DPUD process.
2. The Special Uses will cause substantial and permanent injury to the appropriate use of neighboring property. Low-density agricultural and residential areas should be protected from more intense commercial uses.
3. The Special Uses will not substantially serve the public convenience and welfare. The public is best served by the protections offered by a DPUD, which is the appropriate process for mixed and/or more intense uses.

Staff recommends **DENIAL**.

BZA Staff Report (Continued)

Hearing Date: November 20, 2025

For a Developmental Variance to allow for 32 outside employees (Ordinance allows 4) and for a Developmental Variance to allow the total square footage of accessory structures to exceed that allowed by right, staff finds that:

As a result of the denial recommendations for the Special Uses, the Developmental Variances are moot.

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: 10/10/2025 Meeting Date: November 20, 2025 Transaction #: SUP-0663-2025
Board of Zoning Appeals Public Hearing

Description: for a Special Use for an agribusiness, 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 to exceed that allowed by right.

Contacts: Applicant Land Owner
Eagle Real Estate Group Llc Eagle Real Estate Group Llc
P.O Box 150 P.O Box 150
New Paris, IN 46553 New Paris, IN 46553

Site Address: 22153 County Road 142 Parcel Number: 20-14-01-200-005.000-028
Goshen, IN 46526 20-14-01-200-007.000-028

Township: Union
Location: NORTHWEST CORNER OF CR 142 AND CR 17

Subdivision: Lot #

Lot Area: 14.60 Frontage: 1,662.00 Depth: 594.00

Zoning: A-1 NPO List:

Present Use of Property: RESIDENCE, AGRIBUSINESS

Legal Description:

Comments: PARCEL CREATION DATE : 3/1/1962
SEE SUP-0224-2016 APPROVED JUNE 16, 2016
TOWER OPERATOR: FOURWAY COMPUTER PRODUCTS, INC., 51061 SR 933 N., SOUTH BEND, IN. SEE 993031, SU
FOR AN AGRIBUSINESS, APPROVED 8-19-99.

Applicant Signature: Department Signature:

Special Use — Questionnaire

Name: Eagle Real Estate Group

- 1) Tell us what you want to do. Our current truck maintenance shop burnt so we want to build a new shop on the same property to replace it.
- 2) Tell us why this activity won't hurt your neighbors or the community. There has been a shop at this location since 1994. New one will be more visually appealing, and will allow us to continue serving the community with diesel repair as we have done for many years.
- 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. There is a fence surrounding the property
- 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: 100Wx150Lx25T
Tell us what you'll use it for. Diesel mechanic and parts sales
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: 27 Part time: 6

How many employees do you want? Full time: 27 Part time: 6

How many of the employees won't live onsite? 32

What will be the days and hours of operation on this property? M-F 7A-4P

How many parking spaces do you have now? 24

How many parking spaces do you want? 30

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

If yes, tell us what will be stored outside or displayed. 22-25 TRUCKS

22-30 TRAILERS

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

If yes, tell us what will be sold. Truck Parts

Approximately how many customers (clients, guests, students, members) will be on this property per day? 10

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

Tell us how often. 4-5 days a week

Tell us the kind of vehicles used. Amazon vans, UPS, Fedex trucks

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

Sign 1 Dimensions (length and width). 5x10

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). 12x8

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). _____

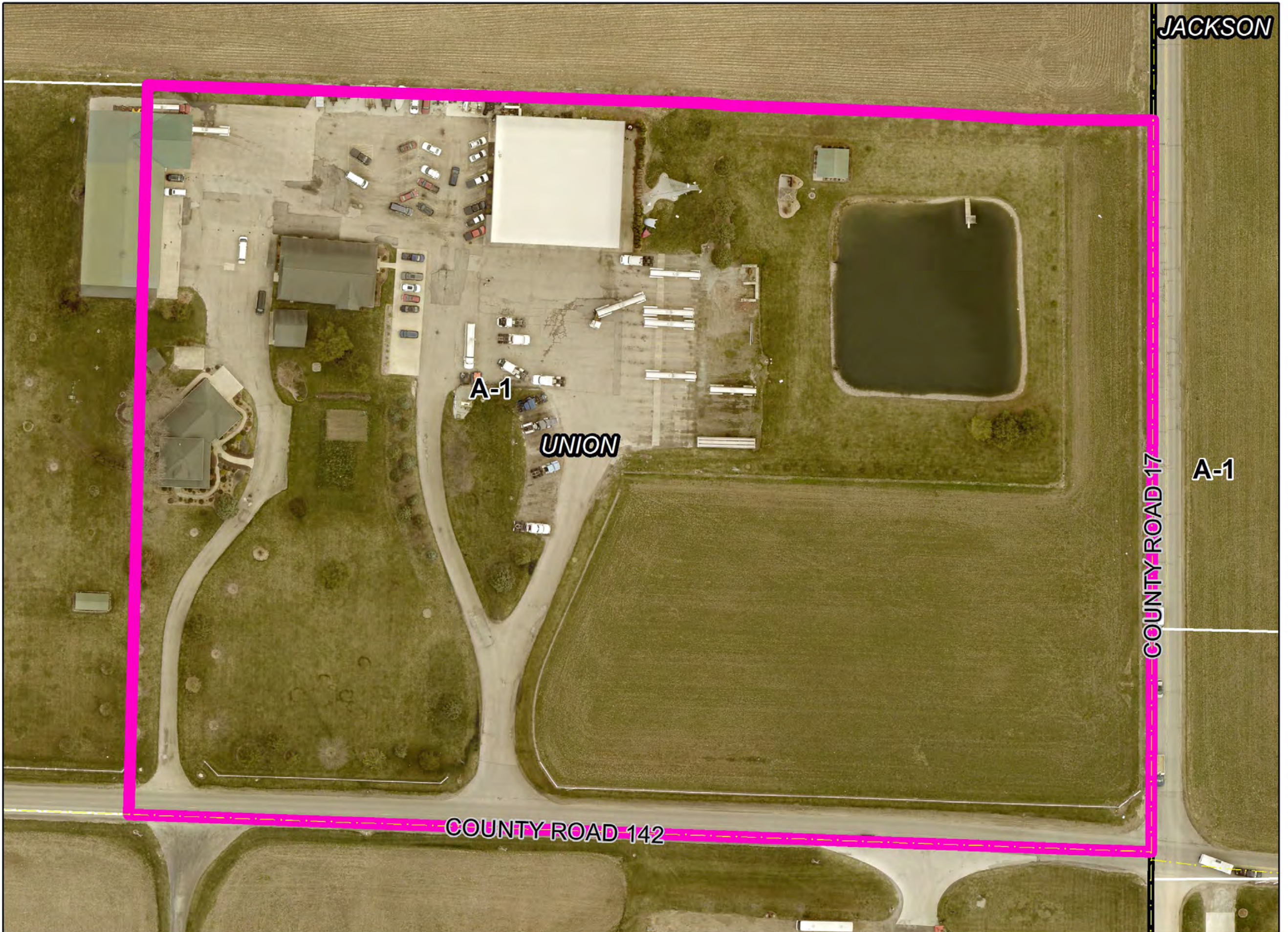
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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. _____

JACKSON



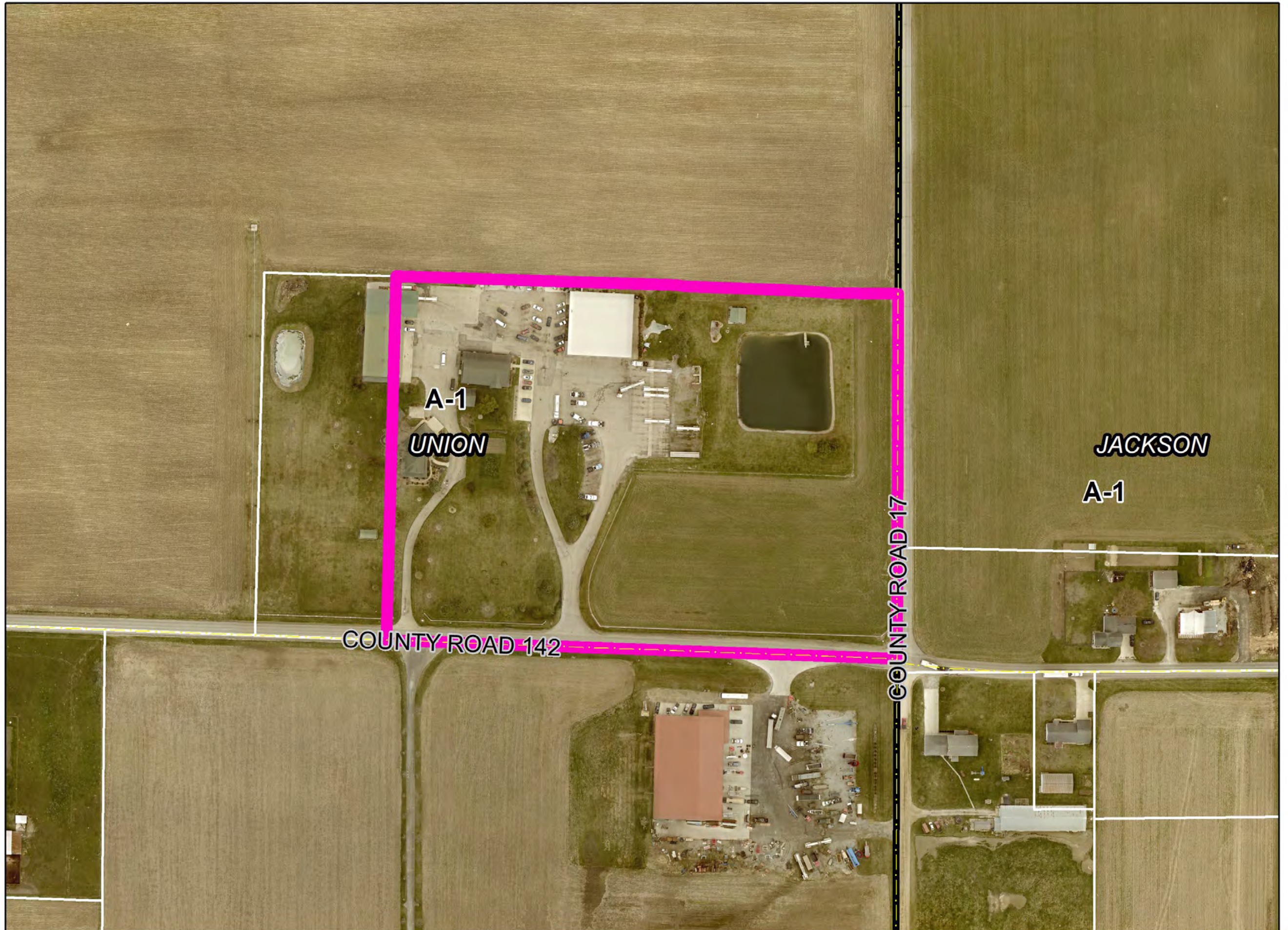
A-1

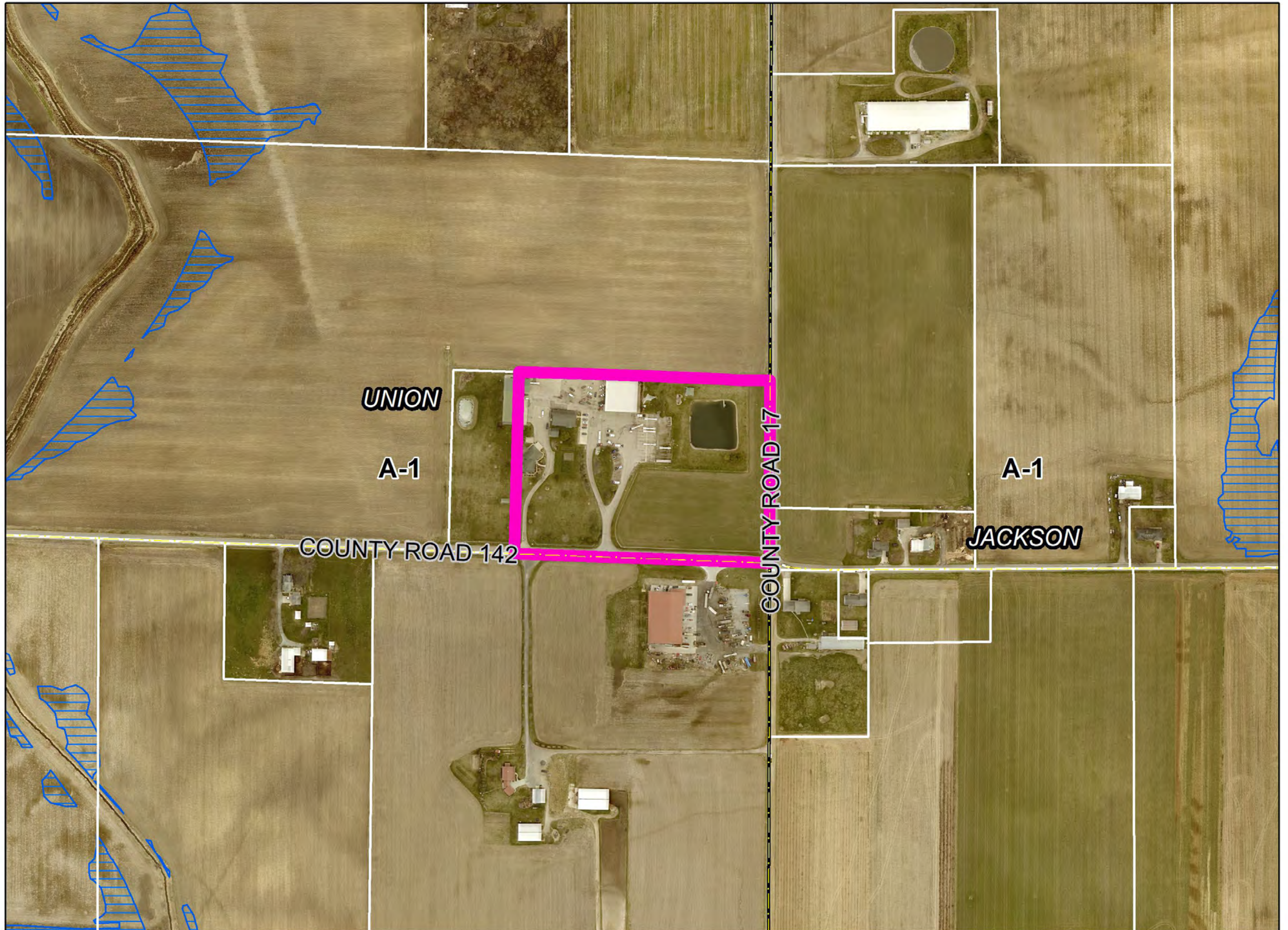
UNION

COUNTY ROAD 17

A-1

COUNTY ROAD 142







Subject property facing north



Facing south



Facing east



Facing west

