

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