

# AGENDA

## ELKHART COUNTY BOARD OF ZONING APPEALS

APRIL 16, 2026  
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 19<sup>th</sup> day of March 2026.

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:      ***Raul Gaytan Ruelas***      **(Page 6)**  
          Petition:      for a Special Use for a home workshop/business for a food truck commissary and for a Special Use for a roadside stand (food truck).  
          Location:      East side of CR 21, 3,175 ft. North of CR 19, common address of 61006 CR 21 in Elkhart Township, zoned A-1.      SUP-0107-2026
- B.      Petitioner:      ***Old Order Mennonite Schools (Buyer) & Laural D. Nissley & Geraldine R. Nissley, Husband & Wife (Sellers)***      **(Page 7)**  
          Petition:      for a Special Use for a school.  
          Location:      Northwest corner of CR 36 & CR 11, in Harrison Township, zoned A-1.      SUP-0121-2026

### SPECIAL USE/DEVELOPMENTAL VARIANCE

- C.      Petitioner:      ***Lealan O. Martin & Loretta M. Martin, Husband & Wife***      **(Page 8)**  
          Petition:      for a Special Use for a home workshop/business for farm and lawn equipment repair and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.  
          Location:      Northwest corner of CR 1 & CR 30, common address of 61937 CR 1 in Olive Township, zoned A-1.      SUP-0131-2026

**USE VARIANCE/DEVELOPMENTAL VARIANCE**

D. Petitioner: ***Tylinna J. Maracle*** (Page 9)  
Petition: for a Use Variance to allow for the construction of an accessory structure without a residence, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a 13 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 37 ft. from the centerline of the right-of-way of Mason St., for a 40 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 10 ft. from the centerline of the right-of-way of Mason St., 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 of East County Line Rd..  
Location: West side of E. County Line Rd., 1,140 ft. North of CR 4, common address of 51775 E. County Line Rd. in York Township, zoned R-2. DV-0125-2026

**STAFF/BOARD ITEMS** (time of review at the discretion of the Board of Zoning Appeals)

- *Abbreviated ordinance updates for BBC approval in May*

**ADJOURNMENT**

Debra Cramer – Appointed by Commissioners: term 1/1/25 – 12/31/28  
Cory White – Appointed by Council: term 1/1/25 – 12/31/28  
Randy Hesser – Appointed by Commissioners: term 1/1/26 – 12/31/29  
Steve Warner – Appointed by Commissioners: term 1/1/25 – 12/31/28  
Roger Miller – Appointed by Plan Commission: term 1/1/25-12/13/28

Alternates:  
John Gardner – Appointed by Commissioners: term 1/1/26 – 12/31/26  
David Miller – Appointed by Commissioners: term 1/1/26 – 12/31/26

# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** April 16, 2026

**Transaction Number:** SUP-0107-2026.

**Parcel Number(s):** 20-11-04-101-009.000-014.

**Existing Zoning:** A-1.

**Petition:** For a Special Use for a home workshop/business for a food truck commissary and for a Special Use for a roadside stand (food truck).

**Petitioner:** Raul Gaytan Ruelas.

**Location:** East side of CR 21, 3,175 ft. north of CR 19, in Elkhart Township.

**Site Description:**

- Physical Improvement(s) – Residence, accessory structure, & pool.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

**History and General Notes:**

- None.

**Staff Analysis:**

*For a Special Use for a home workshop/business for a food truck commissary, staff finds that:*

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business for a food truck commissary is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 3.0-acre parcel in a low density residential and agricultural area and the property will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local business that services food trucks.

# ***BZA Staff Report (Continued)***

*Hearing Date:* April 16, 2026

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

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

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

1. The request is approved in accordance with the site plan submitted (dated 3/6/2026) and as represented in the Special Use application.

*For a Special Use for a roadside stand (food truck), staff finds that:*

1. The Special Use will not be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a roadside stand utilizing a food truck and/or trailer has the potential to bring unnecessary traffic and congestion to the area. There is limited onsite parking, and the site is located on a curve, which would make parking on the road dangerous.
2. The Special Use will cause substantial and permanent injury to the appropriate use of neighboring property. This is a 3.0-acre parcel in a low density residential and agricultural area and the property should remain residential and agricultural in character.
3. The Special Use will not substantially serve the public convenience and welfare. Food trucks and/or trailers belong in commercial areas with higher volume traffic away from residential uses.

Staff recommends **DENIAL**.

# 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 - Non Mobile Home

SUP-0107-2026

Date: 03/06/2026

Meeting Date:

April 16, 2026

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0107-2026

Description: for a Special Use for a home workshop/business for a food truck commissary and for a Special Use for a roadside stand (food truck)

Contacts: Applicant

Mariaconchita Gaytan  
61006 County Road 21  
Goshen, IN 46526

Authorized Agent

Mariaconchita Gaytan  
61006 County Road 21  
Goshen, IN 46526

Land Owner

Raul Gaytan Ruelas  
61006 County Road 21  
Goshen, IN 46526

Site Address: 61006 County Road 21  
Goshen, IN 46528

Parcel Number:

20-11-04-101-009.000-014

Township: Elkhart

Location: East Side Of County Road 21, 5,500 ft. South Of County Road 26

Subdivision:

Lot #

Lot Area:

3.00

Frontage:

227.00

Depth:

567.00

Zoning: A-1

NPO List: 04/01/2026

Present Use of Property: RESIDENTIAL

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Mariaconchita Gaytan

1) Tell us what you want to do. We would like to be able to sell food on the property out of a food trailer.

2) Tell us why this activity won't hurt your neighbors or the community. The neighbors will not be affected as it will be orders to go. No loud music will be playing. There is plenty of driving space for people to pickup their orders. Trailer has great ventilation and no bad smell will be coming from said food traile

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. Equipped with flat top grill, and deep fryer, but fryer is not in use.  
Tell us how you'll reduce the impact of those things on neighbors. Trailer is equipped with a Fan

5) Will there be buffering (fences, trees, shrubs, mounds)?  Y  N  
If yes, tell us about it. North side of property has tree line that blocks most of the view from neighbors and for ventilation.

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: 20  
Tell us what you'll use it for. Use Kitchen of residence to prep food.  
**Building or addition 2** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 3** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

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

Special Use — Questionnaire

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

How many employees do you have now? Full time: 4 Part time: \_\_\_\_\_

How many employees do you want? Full time: 4 Part time: \_\_\_\_\_

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

What will be the days and hours of operation on this property? Thursdays 5:00pm-10:00pm and Saturdays, 12:00pm (Noon)- 10:00pm

How many parking spaces do you have now? 6

How many parking spaces do you want? 6-10

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. Mexican Food

Approximately how many customers (clients, guests, students, members) will be on this property per day? 1-25

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

Tell us how often. 10-15 minuets

Tell us the kind of vehicles used. Personal vehicles

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

Sign 1 Dimensions (length and width). 3x7 Flag banner sign (Tacos) 7 OAH

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

Sign 2 Dimensions (length and width).

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

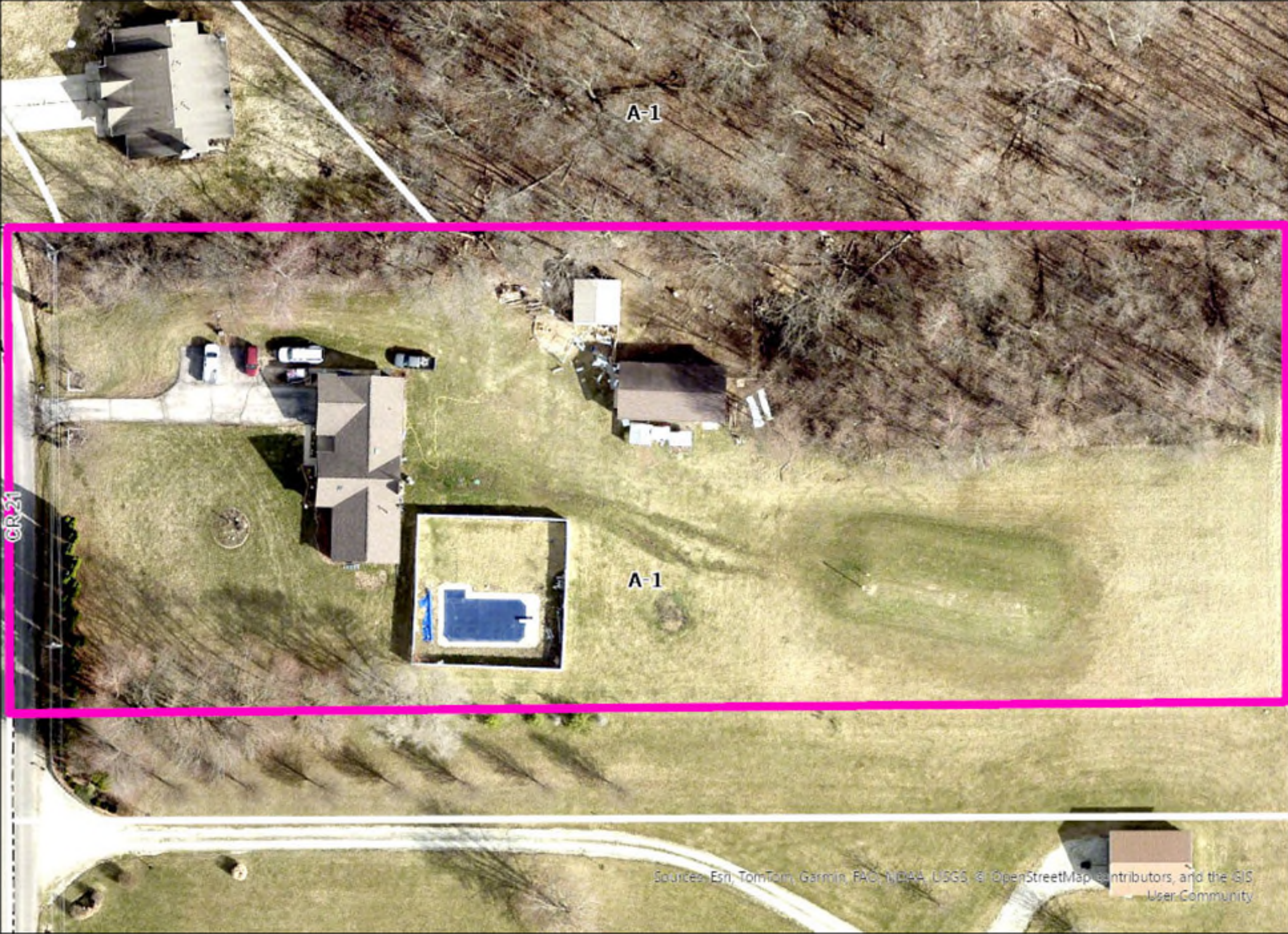
Sign 3 Dimensions (length and width).

Existing?  Y  N Double faced?  Y  N

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

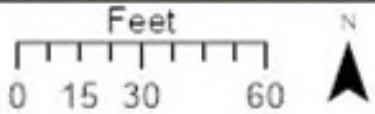
Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. We will only use a generator when we're off-site.



2025 Aerials

1 inch equals 60 ft



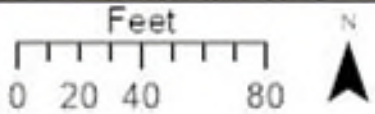
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

2025 Aerials

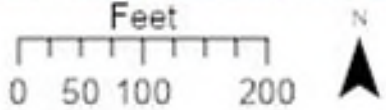
1 inch equals 80 ft





2025 Aerials

1 inch equals 200 ft





Subject property facing east



Facing west



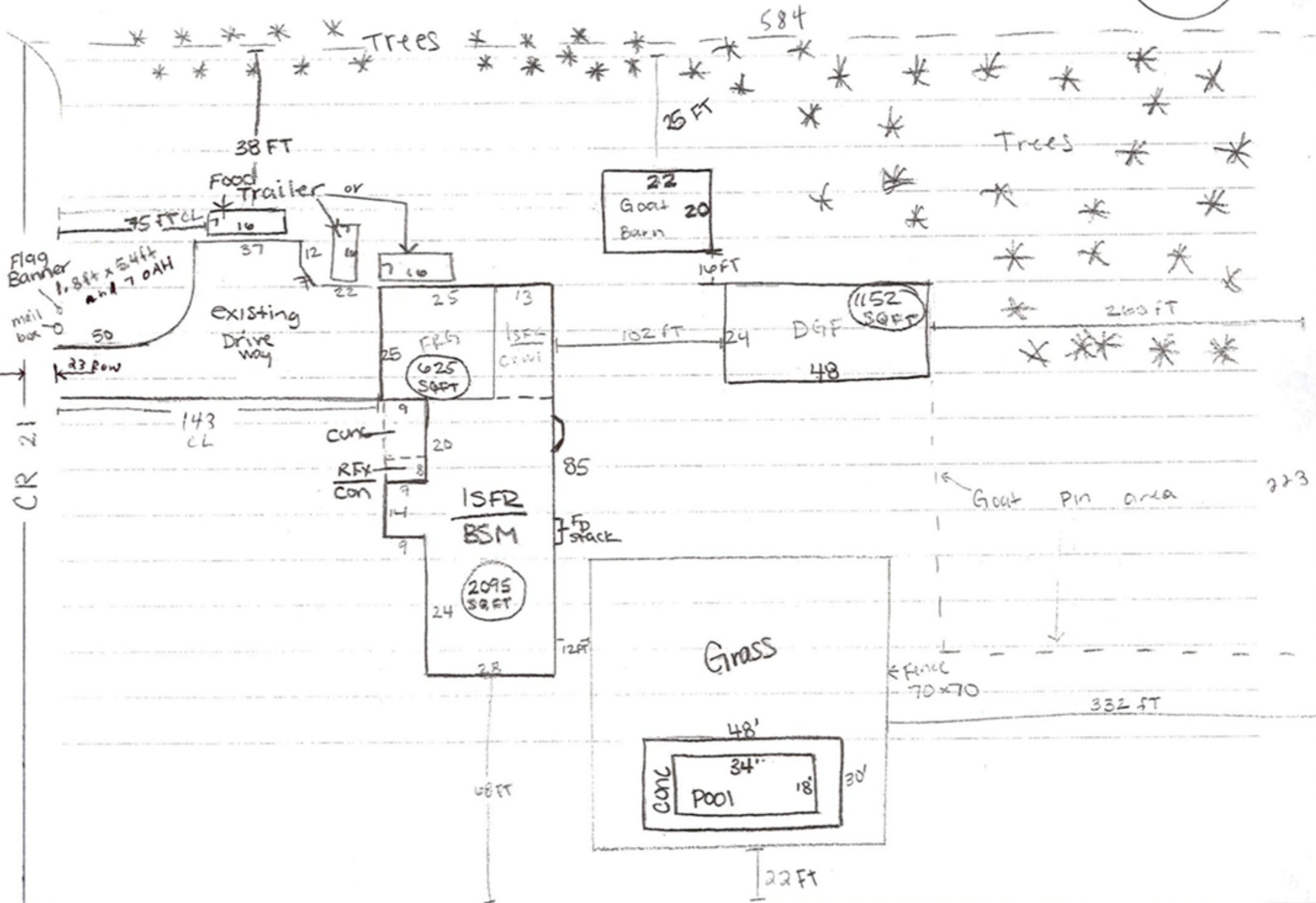
Facing north



Facing south

Neighbor  
(Duplex)

MAR - 6 2026



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** April 16, 2026

**Transaction Number:** SUP-0121-2026.

**Parcel Number(s):** 20-10-16-476-009.000-016.

**Existing Zoning:** A-1.

**Petition:** For a Special Use for a school.

**Petitioner:** Old Order Mennonite Schools (Buyers) & Laural D. Nissley & Geraldine R. Nissley, Husband & Wife (Sellers).

**Location:** Northwest corner of CR 36 & CR 11, in Harrison Township.

**Site Description:**

- Physical Improvement(s) – None.
- Proposed Improvement(s) – New school.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

**History and General Notes:**

- None.

**Staff Analysis:**

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a school is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 6.38-acre parcel in a low density residential and agricultural area and the property will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local school option.

# ***BZA Staff Report (Continued)***

*Hearing Date:* April 16, 2026

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 the proposed school out of the swale and wetland.

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.

# 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

SUP-0121-2026

Special Use - Non Mobile Home

Date: 03/12/2026

Meeting Date:

April 16, 2026

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0121-2026

Description: for a Special Use for a school

Contacts: Applicant

Laural D. Nissley And  
Geraldine R. Nissley,  
Husband And Wife (Sellers)  
63895-1 County Road 11  
Goshen, IN 46526

Authorized Agent

Martec Construction  
26944 State Road 119  
Wakarusa, IN 46573

Land Owner

Old Order Mennonite  
Schools (Buyer)  
25708 County Road 46  
Nappanee, IN 46550

Land Owner

Laural D. Nissley And  
Geraldine R. Nissley,  
Husband And Wife (Sellers)  
63895-1 County Road 11  
Goshen, IN 46526

Site Address: 00000 County Road 36  
GOSHEN, IN 46526

Parcel Number:

20-10-16-476-009.000-016

Township: Harrison

Location: NORTH SIDE OF CR 36, 675 FT. WEST OF CR 11

Subdivision:

Lot #

Lot Area:

6.38

Frontage:

1,205.00

Depth:

309.00

Zoning: A-1

NPO List: 04/01/2026

Present Use of Property: VACANT

Legal Description:

Comments: PARCEL CREATED 3/24/2000  
NO PLANNERS AVAILABLE AT TIME OF APPLICATION - KB 3/12/2026  
3/16/26 MARTIN BROUGHT A SIGNED COPY OF A SITE PLAN IN INSTEAD OF A LETTER. ACCEPTED AS LETTER  
OF APPROVAL OK PER DANNY DEAN. BB

Applicant Signature:

Department Signature:

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: 2 Part time: 0

How many employees do you want? Full time: 2 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? 7:00 AM - 5:00 PM

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?

25-30 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. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Special Use — Questionnaire

Name: Jeryl MARTIN

1) Tell us what you want to do. 2 room school - ON BASEMENT

2) Tell us why this activity won't hurt your neighbors or the community. This property would stay well maintained used 8 months year 8 hours day

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. children recess 2 hour day

Tell us how you'll reduce the impact of those things on neighbors. Trees - pines if needed

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

6) Does the property need well and septic? Well: HAND pump  Y  N Septic:  Y  N  
Does the property need a new septic system?  Y  N (~~new~~ outdoor restrooms)  
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: 24'  
Tell us what you'll use it for. school 32' x 48'

**Building or addition 2** Existing?  Y  N Size and height to the peak: 12'  
Tell us what you'll use it for. 20x24' restrooms - storage

**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. \_\_\_\_\_

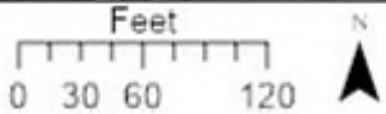
Next page ➡





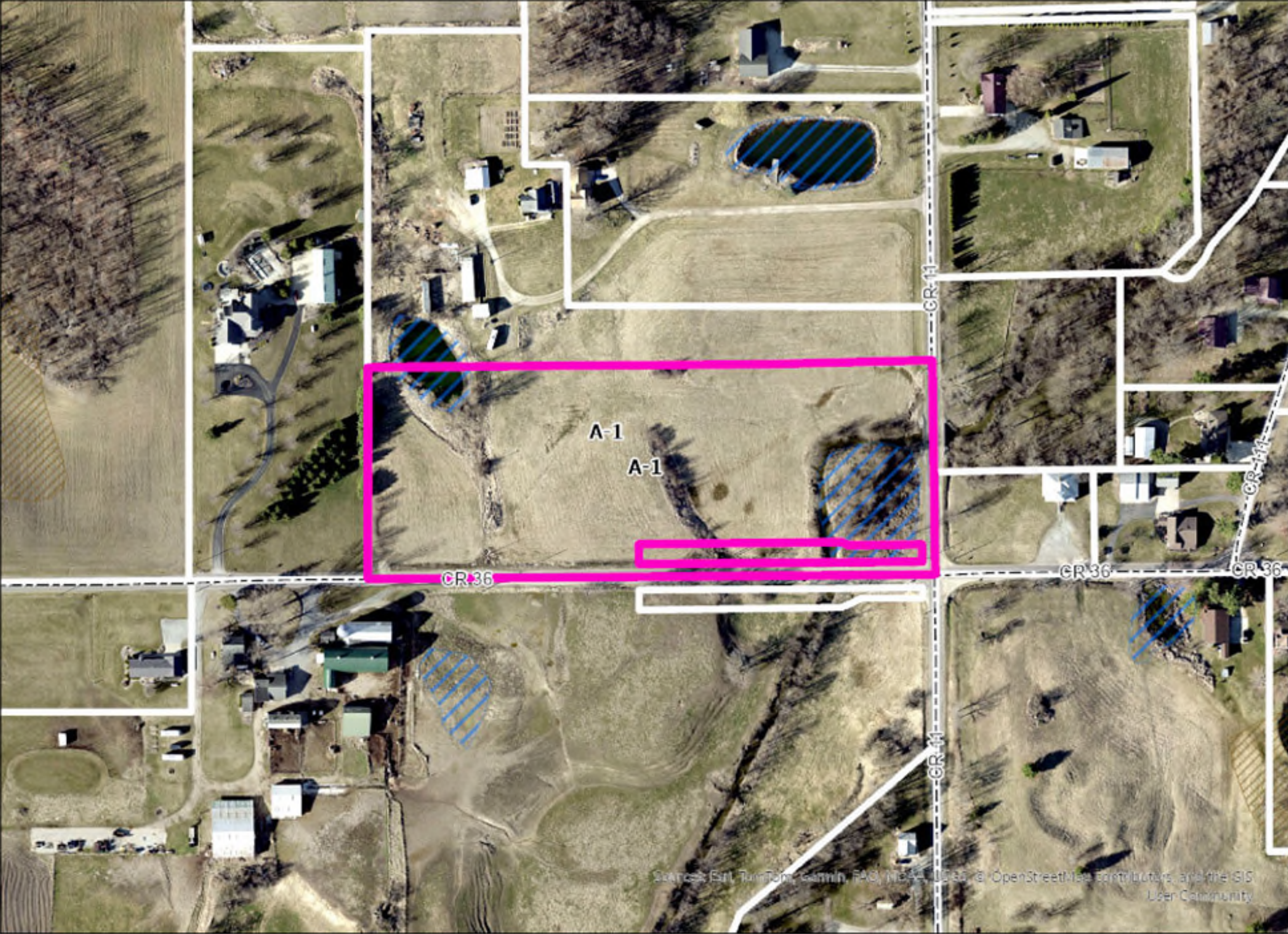
2025 Aerials

1 inch equals 120 ft



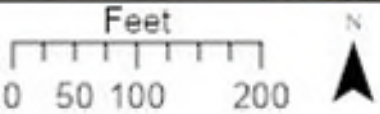
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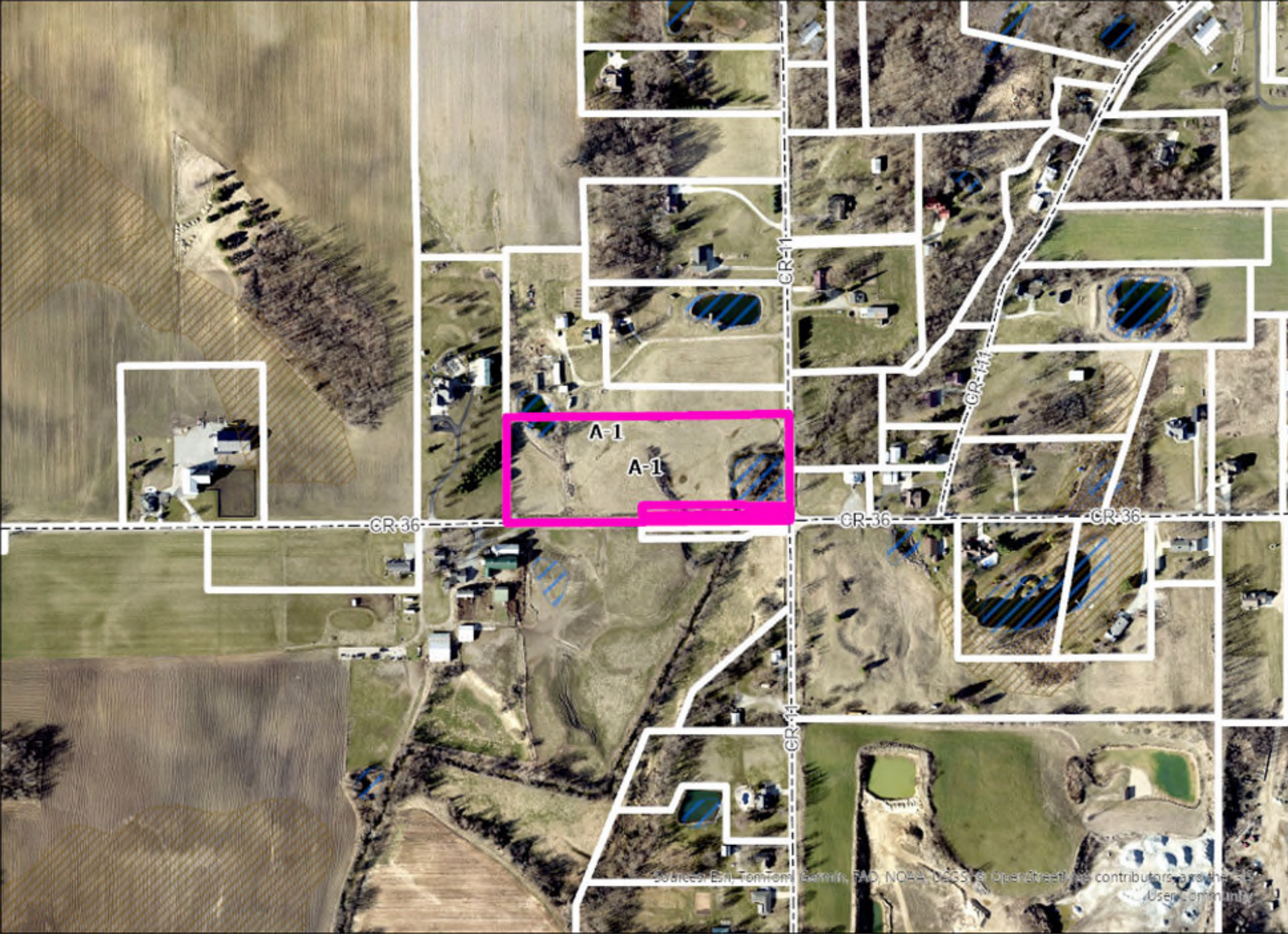
SUP-0121-2026



2025 Aerials

1 inch equals 200 ft

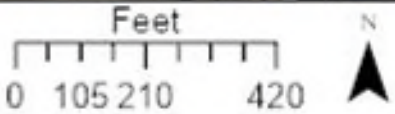




Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the  
User community

2025 Aerials

1 inch equals 400 ft





**Subject property facing north**



Facing south



Facing east



Facing west

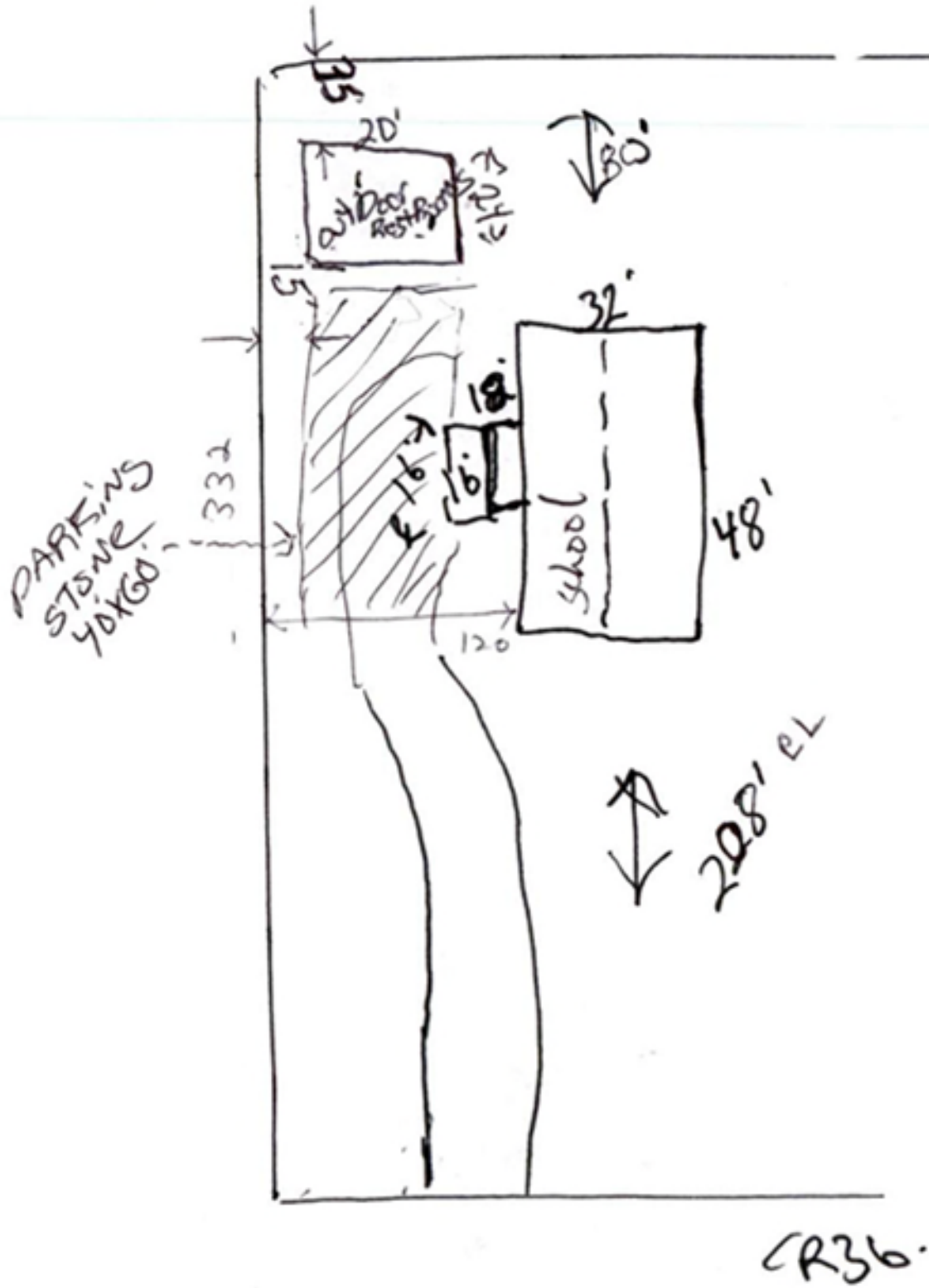
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PARCEL 2010-416007000-016

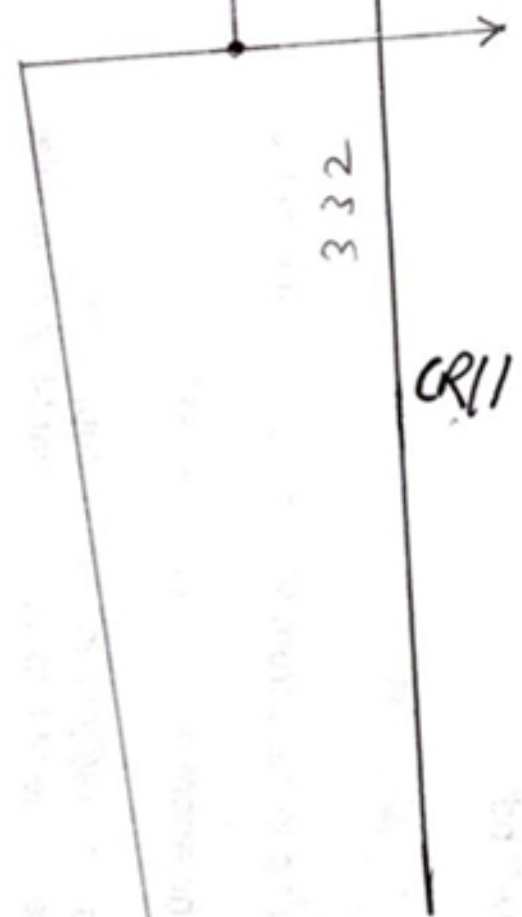


872

Approx. centerline of drainage easement



873



Approx. centerline of Yellow Creek

# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** April 16, 2026

***Transaction Number:*** SUP-0131-2026.

***Parcel Number(s):*** 20-09-03-400-015.000-024 & 20-04-03-400-021.000-024.

***Existing Zoning:*** A-1.

***Petition:*** For a Special Use for a home workshop/business for farm and lawn equipment repair and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

***Petitioner:*** Lealan O. Martin & Loretta M. Martin, Husband & Wife.

***Location:*** Northwest corner of CR 1 & CR 30, in Olive Township.

***Site Description:***

- Physical Improvement(s) – Residence and accessory structures.
- Proposed Improvement(s) – New shop accessory building.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

***History and General Notes:***

- None.

***Staff Analysis:***

*For a Special Use for a home workshop/business for farm and lawn equipment repair, staff finds that:*

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business for farm and lawn equipment repair is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 5.92-acre parcel in a low density residential and agricultural area and the property will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing for local farm and lawn equipment repair.

# ***BZA Staff Report (Continued)***

*Hearing Date:* April 16, 2026

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

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

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

1. The request is approved in accordance with the site plan submitted (dated 3/16/2026) and as represented in the Special Use application.
2. No outside storage of parts or scrap materials.
3. Outside storage for the home workshop/business is limited to a maximum of twenty-five (25) tractors and/or lawn mowers at any one time.

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

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is large farm property and the request is 884 sq. ft., or 17.8 percent, over what is allowed by right, and all other standards are met.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 5.92-acre parcel in a low density residential and agricultural area and the property will remain residential and agricultural in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance, the proposed new shop accessory building could not be built.

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 3/16/2026) 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 - Non Mobile Home

SUP-0131-2026

Date: 03/16/2026

Meeting Date:

April 16, 2026

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0131-2026

Description: for a Special Use for a home workshop/business for FARM AND LAWN EQUIPMENT REPAIR and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: Applicant

Lealan O And Loretta M  
Martin, Husband And Wife  
61937 County Road 1  
Elkhart, IN 46517

Land Owner

Lealan O And Loretta M  
Martin, Husband And Wife  
61937 County Road 1  
Elkhart, IN 46517

Site Address: 61937 County Road 1  
Elkhart, IN 46517

Parcel Number:

20-09-03-400-015.000-024

Township: Olive

Location: Northwest Corner of CR 1 and CR 30, 4915 ft South of CR 28

Subdivision:

Lot #

Lot Area:

5.92

Frontage:

990.29

Depth:

315.15

Zoning: A-1

NPO List:

04/01/2026

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE: 9/7/1994

RESIDENTIAL BREAKDOWN = 2480 SF X 200% = 4960 SF MINUS 900 SF GARAGE, 1200 SF EXISTING WORKSHOP BUILDING, 3744 SF PROPOSED BUILDING (TO BE DEMOED: 168 SF SHED, AND 240 SF SHED - NOT COUNTED IN CALCULATION) = MORE ALLOWANCE BY 884 SF - JM 3/16/2026

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: \_\_\_\_\_

1) Tell us what you want to do. I Repair Lawn Mower and Farmtractors (Home work shop)

2) Tell us why this activity won't hurt your neighbors or the community. Repairing the mowers to keep lawn looking clean and Neat - tractors to keep Farmers Going

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~~ a fences IS around the front side

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: 30 x 30

Tell us what you'll use it for. Existing garage (personal stg)

**Building or addition 2** Existing?  Y  N Size and height to the peak: 30 x 40

Tell us what you'll use it for. Existing shop (business 1)

**Building or addition 3** Existing?  Y  N Size and height to the peak: 52 x 72

Tell us what you'll use it for. Proposed shop (business 2)

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: 2 Part time: 1

How many employees do you want? Full time: 2 Part time: 1

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

What will be the days and hours of operation on this property? 8:00 Am to 5:00 Pm  
Mon - Friday

How many parking spaces do you have now? 3

How many parking spaces do you want? 3

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

If yes, tell us what will be stored outside or displayed. mowers <sup>lawn</sup> and Farm tractors

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?

5 at the most

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

Tell us how often. 1 to 2 a day

Tell us the kind of vehicles used. ups - Fedex HomeDeliver-

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

**Sign 1** Dimensions (length and width). 4ft - 4ft

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. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Developmental Variance — Questionnaire

Name: \_\_\_\_\_

1) Tell us what you want to do. get Repair lawn mower and farm tractor

2) Tell us why you can't change what you're doing so you don't need a variance. I Need the Room to limit outside storage

3) Tell us why the variance won't hurt your neighbors or the community. Help to keep the Mowers going and farm tractor

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: 52 x 72  
Tell us what you'll use it for. Person Proposed shop (business on site plan)

**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.

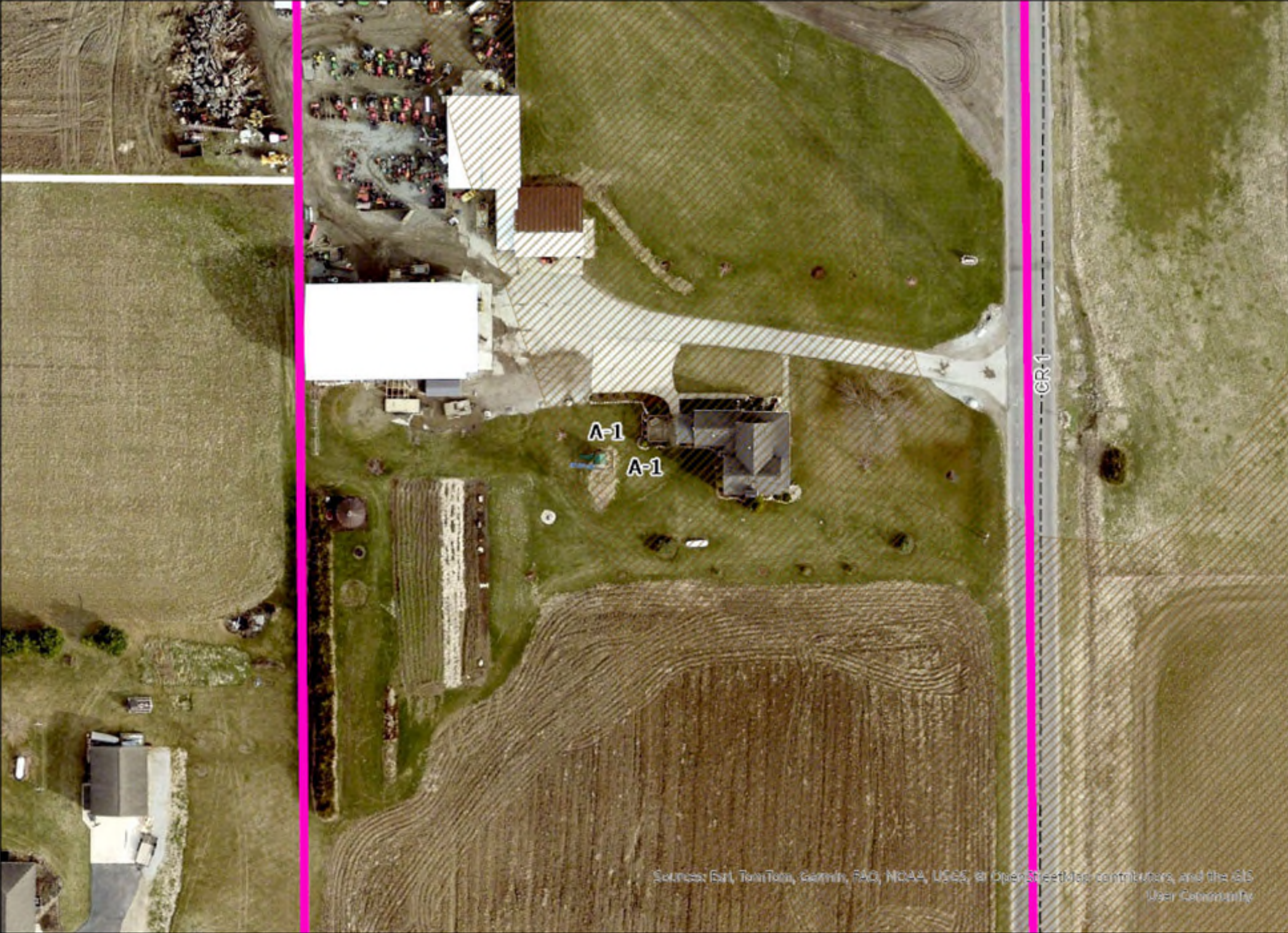
**Sign 1** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

**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

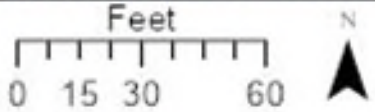
8) Does the application include a variance for parking spaces?  Y  N  
If yes, tell us how many total there will be. \_\_\_\_\_

9) Tell us anything else you want us to know. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

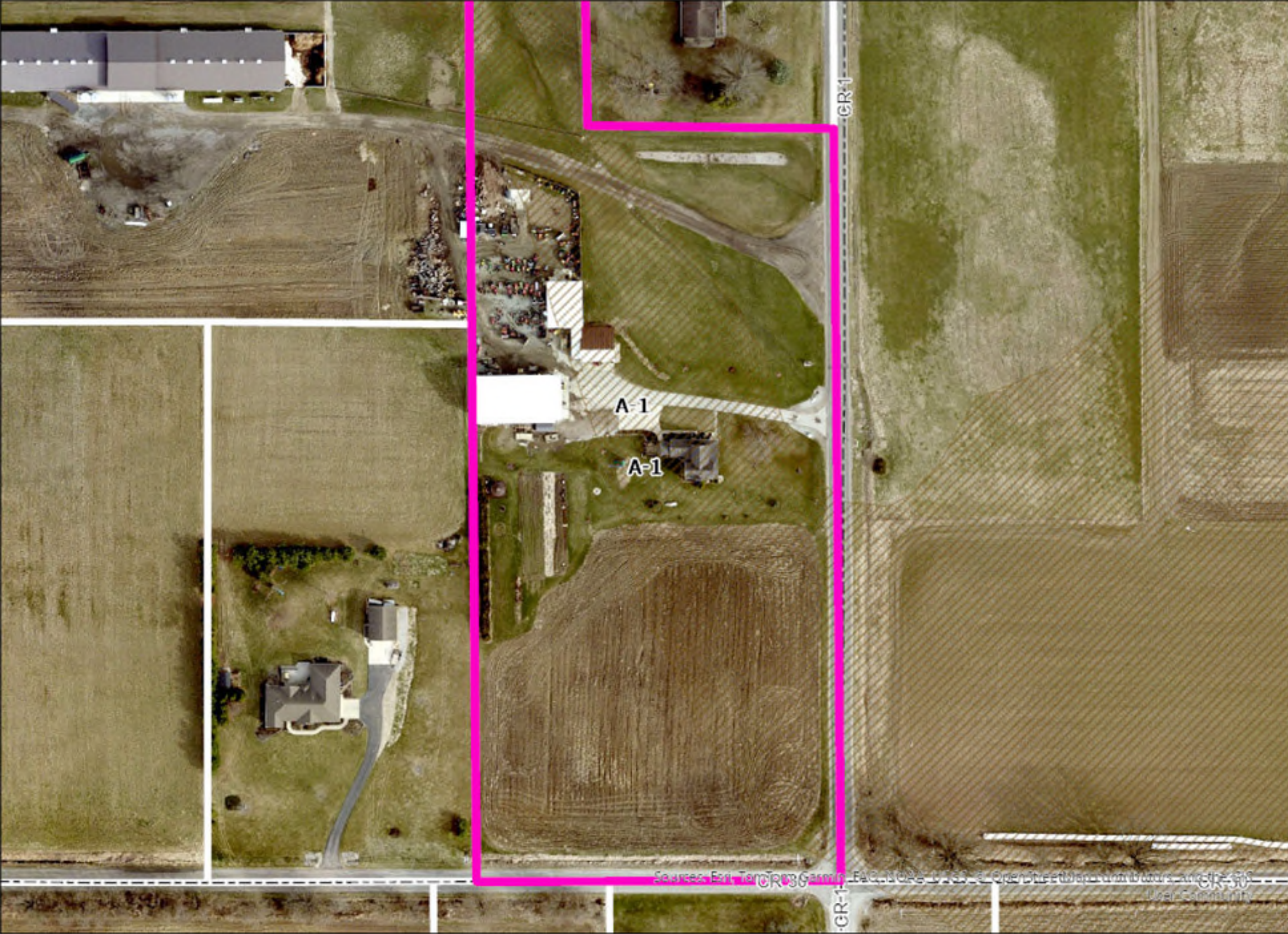


2025 Aerials

1 inch equals 60 ft

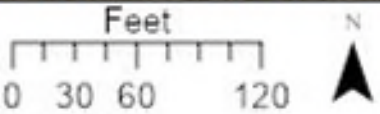


Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

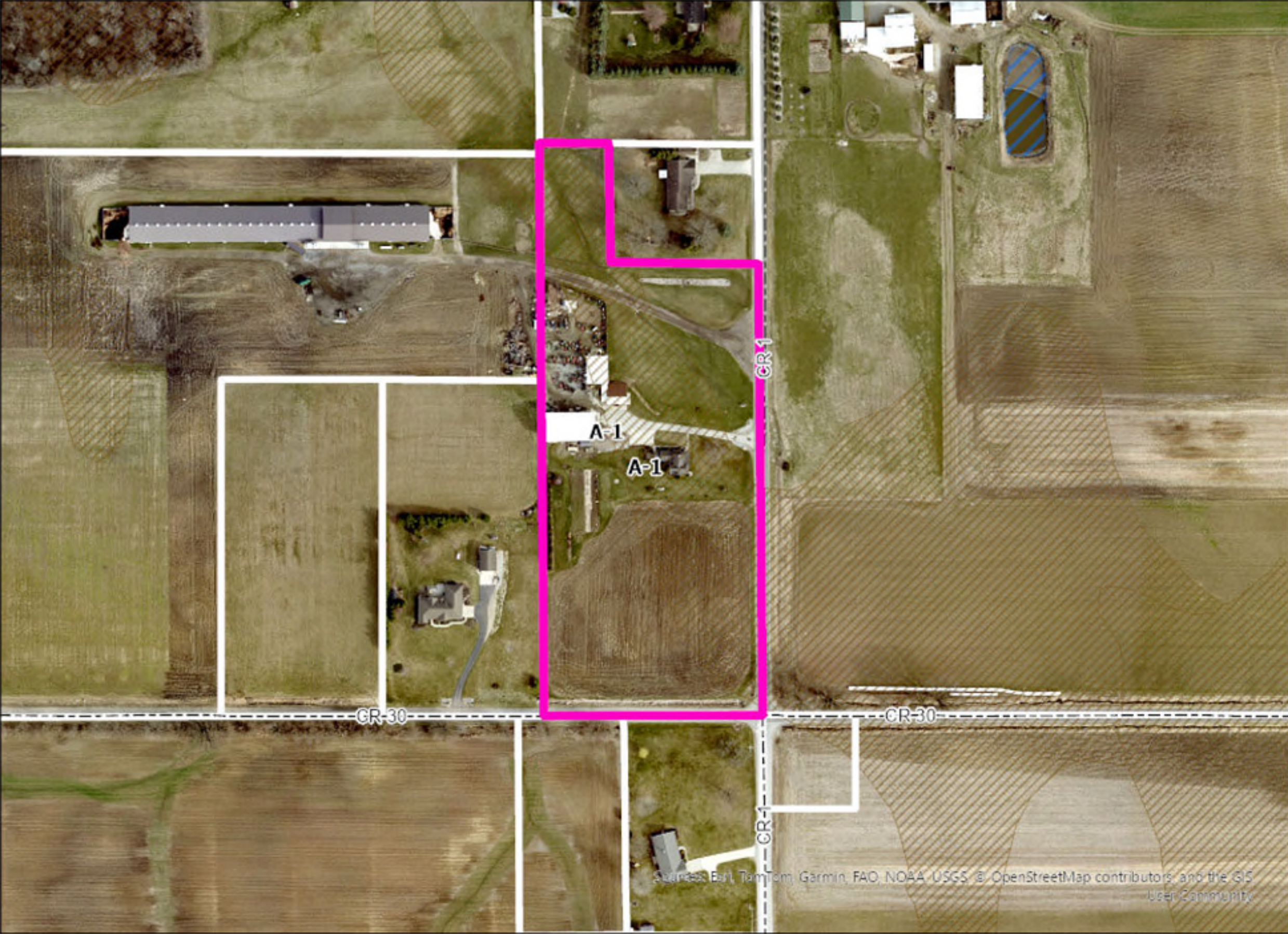


2025 Aerials

1 inch equals 120 ft

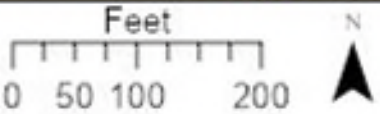


Source: East Tarrant County GIS, GIS Department, and the GIS User Community



2025 Aerials

1 inch equals 200 ft



Source: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Subject property facing west



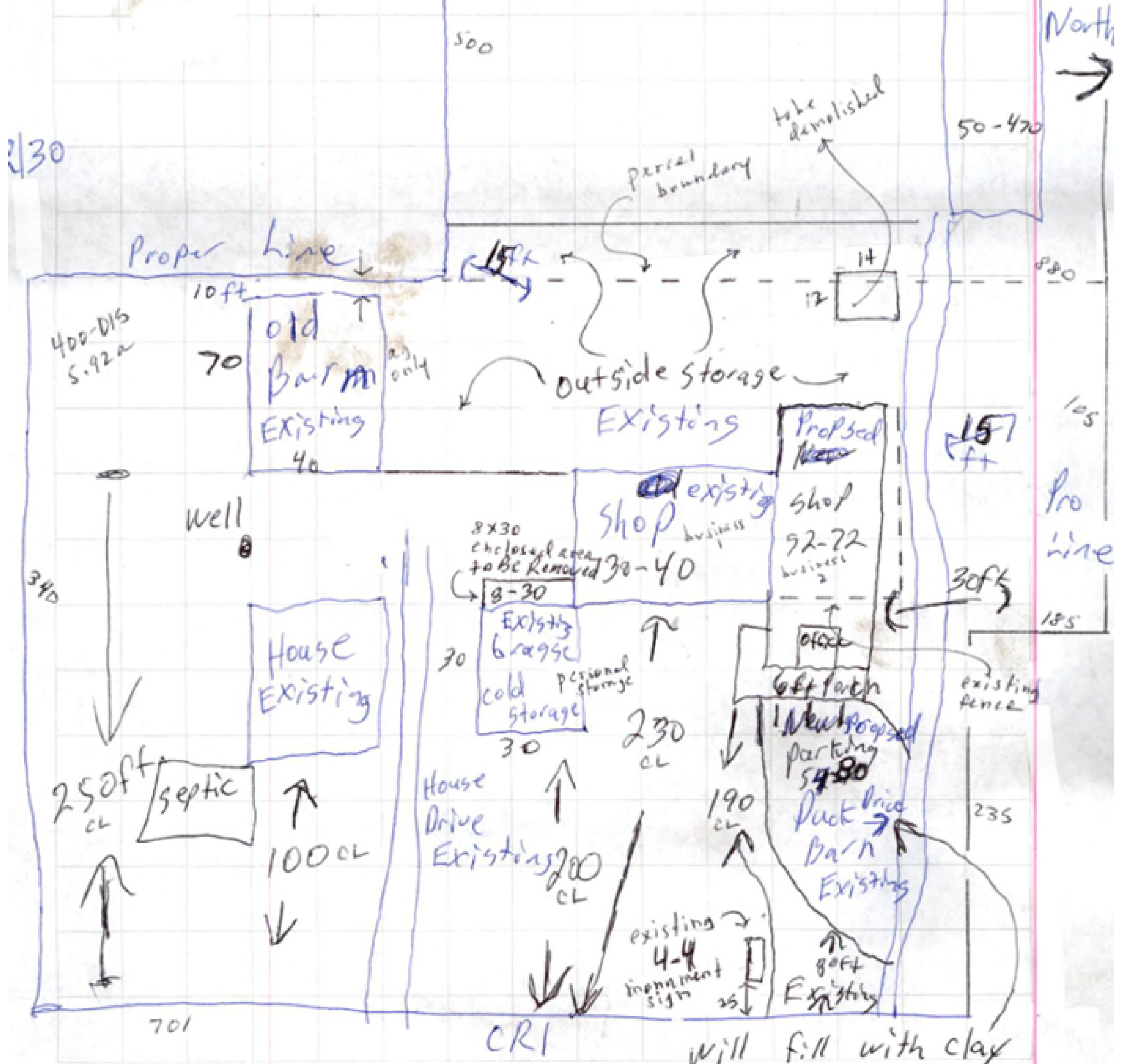
Facing east



Facing north



Facing south



will fill with clay  
and finish with crush asphalt  
or slag

# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** April 16, 2026

**Transaction Number:** DV-0125-2026.

**Parcel Number(s):** 20-04-13-477-021.000-032, 20-04-13-477-022.000-032, 20-04-13-478-017.000-032, 20-04-13-478-018.000-032, 20-04-13-478-029.000-032.

**Existing Zoning:** R-2.

**Petition:** For a Use Variance to allow for the construction of an accessory structure without a residence, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a 13 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 37 ft. from the centerline of the right-of-way of Mason St., for a 40 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 10 ft. from the centerline of the right-of-way of Mason St., 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 of East County Line Rd.

**Petitioner:** Tylinna J. Maracle.

**Location:** West side of E. County Line Rd., 1,140 ft. north of CR 4, in York Township.

**Site Description:**

- Physical Improvement(s) – Residence, accessory structure.
- Proposed Improvement(s) – Replacement accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

**History and General Notes:**

- None.

**Staff Analysis:**

*For a Use Variance to allow for the construction of an accessory structure without a residence, staff finds that:*

1. The request will not be injurious to the public health, safety, morals, and general welfare of the community. An existing accessory structure will be replaced with a larger one.
2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner. The west side of the easement already contains accessory uses.
3. A need for the Use Variance does arise from a condition that is peculiar to the property involved. The property is split by an access easement between small residential lots and small parcels intended for accessory use.
4. Strict enforcement of the terms of the Development Ordinance would constitute an unnecessary hardship if applied to the subject property. Without the benefit of the variance, the existing accessory structure could not be replaced.
5. The Use Variance does not interfere substantially with the Elkhart County Comprehensive Plan.

# ***BZA Staff Report (Continued)***

***Hearing Date:*** April 16, 2026

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) all five parcels; (b) E. County Line Rd., Mason St., and property line setbacks for the residence and existing accessory structure; (c) a correct interior property boundary for the parcels on the west side of Mason St.; and (d) Mason St. setbacks to the centerline, not the property line.

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 Use Variance application.

*For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a 13 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 37 ft. from the centerline of the right-of-way of Mason St., for a 40 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 10 ft. from the centerline of the right-of-way of Mason St., 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 of East County Line Rd., staff finds that:*

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The square footage request is 1,175 sq. ft., or 82 percent, over what is allowed by right, the proposed encroachment is minimal on a low-volume access road, and the existing encroachments have no history of injury to public health or welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.46-acre property in a dense lake neighborhood, and the property will remain residential in character.
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 building of a scale similar to that of existing buildings along the west side of Mason St.

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 revised site plan to be submitted for staff approval 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

DV-0125-2026

Developmental Variance - Developmental Variance

Date: 03/16/2026

Meeting Date:

April 16, 2026

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0125-2026

Description: for a Use Variance to allow for the construction of an accessory structure without a residence, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 13 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 37 ft. from the centerline of the right-of-way of Mason Street and for a 40 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 10 ft. from the centerline of the right-of-way of Mason Street 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 o East County Line Rd.

Contacts: Applicant

Tylinna J. Maracle  
51775 E County Line Road  
Middlebury, IN 46540

Land Owner

Tylinna J. Maracle  
51775 E County Line Road  
Middlebury, IN 46540

Site Address: 51775 East County Line Rd  
Middlebury, IN 46540

Parcel Number: 20-04-13-477-021.000-032  
20-04-13-477-022.000-032  
20-04-13-478-017.000-032  
20-04-13-478-018.000-032  
20-04-13-478-029.000-032

Township: York

Location: West Side Of E County Line Rd, 1,140 ft. North Of County Road 4

Subdivision: FRUIT GROVE RESORT

Lot # 16&17

Lot Area: 0.45 Frontage: 100.00 Depth: 220.00

Zoning: R-2

NPO List: 04/01/2026

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: AREA INCLUDES 4 PARCELS DIVIDED BY MASON STREET (2 ON EAST SIDE, 2 ON WEST SIDE)  
A DEMO PERMIT WAS ISSUED FOR THE EXISTING ACCESSORY STRUCTURE BR-0376-2026.  
STORAGE EQUATION: RESIDENCE 1943 X 110% = 2137 SQ. FT.  
MINUS (600) DETACHED GARAGE  
MINUS (2000) 50 X 40 PROPOSED ACCESSORY BUILDING  
= -463 SQ. AVAILABLE PERSONAL STORAGE SPACE.

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name: Tylinna Maracle Enos

1) Tell us what you want to do. Build a pole barn to store our cars, boat, kayaks etc. that are currently parked all over our yard. We have a family of 6, we need a place to park cars, rather than all over the unsightly yard.

2) Tell us why you can't change what you're doing so you don't need a variance. We have scaled the project down to the smallest size that still allows for needed use. We are requesting minimum relief.

3) Tell us why the variance won't hurt your neighbors or the community. It will replace a delapidating barn, it still has respectable set backs, the majority of neighbors have similar pole barns for the same use. This will increase property value + make our yard look better.

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: 40 x 50 x 20

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. \_\_\_\_\_

\_\_\_\_\_

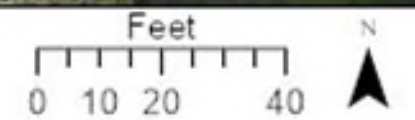
\_\_\_\_\_

DV-0125-2026



2025 Aerials

1 inch equals 40 ft



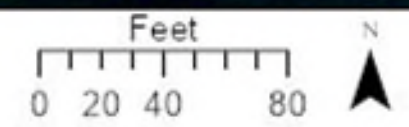
DV-0125-2026



Sources: Esri, TomTom, Garmin, FGC, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

2025 Aerials

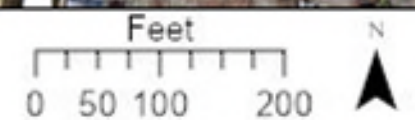
1 inch equals 80 ft





2025 Aerials

1 inch equals 200 ft



Source: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



**Subject property (existing home)**



Facing north



Facing south



Facing east



Facing west (from Mason St.)



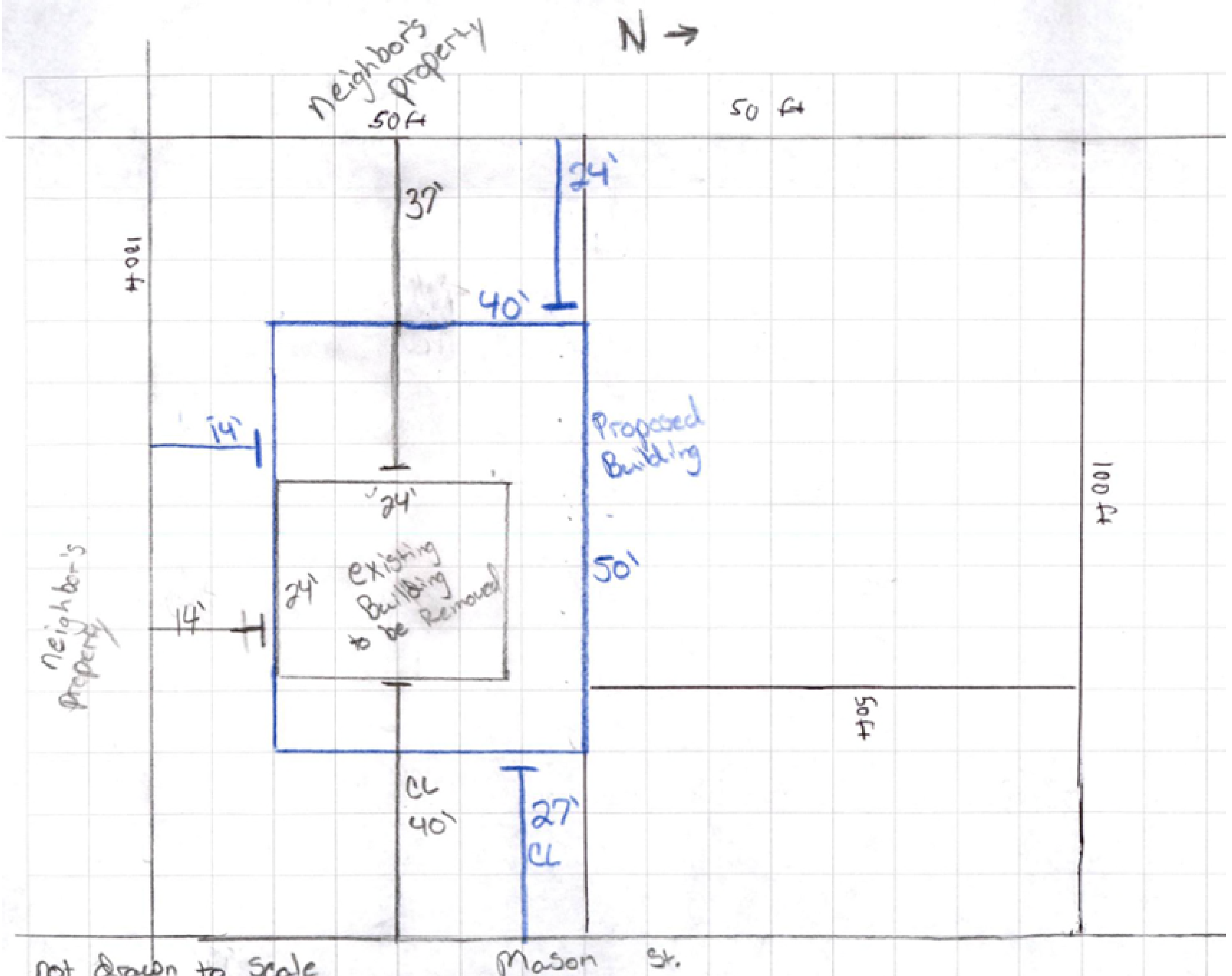
Facing north (Mason St.)



Facing south (Mason St.)



Facing east (from Mason St.)



not drawn to scale

Blue measurements = Proposed building