

ELKHART COUNTY BOARD OF ZONING APPEALS

9:00 A.M.

9:30 A.M. (MILLER)

- E. Petitioner: ***Wyatt Bowen & Alyssa Bowen, Husband & Wife*** (Page 12)
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
Location: South side of CR 24, 1,415 ft. East of CR 9, common address of 25728 CR 24 in Concord Township, zoned A-1. SUP-0452-2026.

SPECIAL USES/DEVELOPMENTAL VARIANCES

- F. Petitioner: ***Myron Slabaugh & Jessica Slabaugh, Husband & Wife*** (Page 13)
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: East side of SR 15, 670 ft. North of CR 40, common address of 65882 SR 15 in Elkhart Township, zoned R-1. SUP-0439-2026

- G. Petitioner: ***Lamar D. Miller & Lanita S. Miller, Husband & Wife*** (Page 14)
Petition: for a Special Use for a home workshop/business for a battery-powered trinket/appliance business, for a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 50 ft. from the centerline of the right-of-way and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: East side of CR 35, 610 ft. South of SR 4, common address of 61710 CR 35 in Clinton Township, zoned A-1. SUP-0416-2026

- H. Petitioner: ***Concord Community Schools*** (Page 15)
Petition: for an amendment to an existing Special Use for a High School to allow for a field house and for a 30 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a structure 60 ft. in height.
Location: East side of Minuteman Way, 1,360 ft. South of CR 20, common address of 59117 Minuteman Way in Concord Township, zoned A-1. SUP-0456-2026

10:00 A.M. (HESSER)

- I. Petitioner: ***Timothy E. Risser & Melissa R. Risser, Husband & Wife*** (Page 16)
Petition: for a Special Use for a home workshop/business for a landscaping business, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 8 outside employees (Ordinance allows 4) and for a 5 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 30 ft. in height.
Location: West side of CR 7, 2,370 ft. South of CR 36, common address of 64441 CR 7 in Harrison Township, zoned A-1. SUP-0451-2026

- J. Petitioner: ***Scott Pelletier & Chrisie L. Pelletier, Husband & Wife*** **(Page 17)**
Petition: for a Special Use for a home workshop/business for a screen printing and graphics business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: East side of SR 15, 1,520 ft. South of CR 20, common address of 58718 SR 15 in Jefferson Township, zoned A-1. SUP-0467-2026

CONTINUED

- K. Petitioner: ***Lloyd W. Yoder & Lena M. Yoder, Husband & Wife*** **(Page 18)**
Petition: for a Special Use for a home workshop/business for a diesel repair business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: East side of CR 31, 750 ft. South of CR 14, common address of 56200 CR 31 in Middlebury Township, zoned A-1. SUP-0274-2026

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

- Minor Change – Special Use – LA Investment Group LLC – request to amend a Special Use for warehousing and storing in A-1 district on property located at 22715 Old US 20, Elkhart, in Concord Township, approved on May 16, 2002 (2002197).
The request is to construct a new storage building.

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 MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 18th DAY OF JUNE 2026 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: Mae Hope, Plan Director; Jason Auvil, Zoning Administrator; Laura Gilbert, Administrative Coordinator; Danny Dean, Planner; Danielle Richards, Planner; and Don Shuler, Attorney for the Board.

Roll Call.

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

Absent: Debra Cramer, Steve Warner.

2. A motion was made and seconded (*Roger Miller /White*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 21st day of May 2025 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Roger Miller/Gardner*) 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 ***Site Works Properties 23, LLC*** for an amendment to an existing Special Use for resource extraction to add a building on property located on the North side of CR 28, 2,015 ft. West of CR 17, common address of 22753 CR 28 in Concord Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0286-2026.

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

Nancy Greer, 24985 CR 30, Goshen, was present for this request. Mrs. Greer stated they wish to put up a new maintenance building and a parking lot. She submitted a new site plan to the Board [*Attached to file as Petitioner Exhibit #1*]. Mr. Roger Miller requested clarification on the difference between the original site plan and the newly submitted site plan. Mrs. Greer stated the new site plan shows all the parcels owned by the petitioner.

Mr. Auvil read an email from Paul Stutsman, 22861 CR 28, Goshen. [*Attached to file a Staff Exhibit #1*]. Mr. Stutsman stated he is a firm believer in property rights but has regrets about not speaking up when the original petition was approved. He continued by saying the noise, dust and traffic that are created by the business is felt by the neighborhood and not in a positive way. Mr. Stutsman expressed he feels that they should not have been allowed to have this type of operation in a neighborhood. He ended his email by saying he does not want to stand in the way of the business continuing to be successful. Mr. Hesser clarified the petitioner has been operating as approved with their petition in 2021. Mr. Auvil confirmed they have been operating within the parameters of the approval.

Jennifer Lindquist, 60904 CR 15, Elkhart, was present in remonstrance. Mrs. Lindquist stated she purchased her property in 2023, and the business has not been an issue until recently. She continued by saying she hears trucks going all night long several nights a week. Mrs. Lindquist asked if the owner committed to regular business hours. Mr. Miller confirmed the application states hours of operation will be 7 a.m. to 5 p.m. Mrs. Lindquist said that is not happening.

Mrs. Greer came back to the podium to address the hours of operation and the noise. Mrs. Greer stated her understanding is the business operates from 7 a.m. until the gates close at 4:30 p.m. She continued by saying she will have a conversation with Mrs. Lindquist to address her concerns. Mrs. Greer stated she will speak with the owners and get the issues with the hours of operation taken care of.

The public hearing was closed at this time.

Mr. Miller stated that the hours of operation were a definite concern when the petition was initially approved.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **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 resource extraction to add a 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 6/18/2026) and as represented in the Special Use Amendment application.

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

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

5. The application of **Mark Williams** for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the West side of Rivershore Ln., 1,360 ft. North of CR 16, common address of 56053 Rivershore Ln. in Baugo Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0263-2026*.

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

Mark Williams, 56053 Rivershore Ln., Elkhart was present for this request. Mr. Williams stated he would like to be able to keep his 7 chickens. He then stated that he has a letter from his neighbor who could not attend the meeting [Attached to file as *Petitioner Exhibit #1*]. The letter is from Gene and Beverly Bridewell, 29463 CR 16, Elkhart. Mr. & Mrs. Bridewell stated in their letter that they are in favor of Mr. Williams having his chickens. Mr. Hesser asked Mr. Williams what he does with the waste from the chickens. Mr. Williams said he uses it on his garden as compost.

Rene Lasar, 56029 Rivershore Ln., Elkhart was present in favor of Mr. Williams' request. Ms. Lasar stated she lives right next door, and she loves chickens and eggs. She continued by saying the chickens do no harm to the 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** Randy Hesser, **Seconded by** John Gardner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an 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 5/28/2026) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of seven (7) chickens at any one time, no roosters.

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

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

6. The application of *Timothy W. Ryan (Lessor) & Towers LLC (Lessee)* for a Special Use for a wireless communication facility on property located on the Northeast side of US 33, 850 ft. Southeast of CR 113, common address of 00000 US 33 in Concord Township, zoned B-3, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0279-2026.

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

Timothy Asta, Motorwood Dr., Oakbrook, IL, was present for this request. Mr. Asta stated the request is to construct a new 195 ft. tall cell tower to replace an existing cell tower. He explained the lease for the existing tower has expired, and that tower will be removed. Mr. Asta stated the tower will not be painted and will not be lit. He continued by saying the compound will be roughly the same size at 50' x 50'.

There were no remonstrators present.
The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a wireless communication facility 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 was imposed:

1. The request is approved in accordance with the site plan submitted (dated 5/6/2026) and as represented in the Special Use application.

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

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

7. The application of **Armando Velazquez Yanez** for a Special Use for a kennel on property located on the East side of Brendon Ct., 300 ft. North of CR 18, West of CR 3, common address of 57942 Brendon Ct. in Baugo Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0230-2026.

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

Mr. Hesser clarified that the owners are able to have 5 adult dogs by right.

Jennifer Velazquez and Armando Velazquez Yanez, 57942 Brendon Ct., Elkhart, were present for this request. Mrs. Velazquez stated they have 9 dogs, two of which are co-owned. Mrs. Velazquez submitted letters in support of the kennel, copies of rabies vaccinations, and photos of their dogs [Attached to file as Petitioner Exhibit #1]. She continued by saying all the dogs are health checked before they can be bred. She added that the Humane Society came out to inspect their kennel and advised that they were not large enough to need a commercial kennel license. Mrs. Velazquez stated she did not realize that a Special Use was required for the kennel. Mr. Hesser clarified that the co-owned dogs for show are included in the 9 dogs she mentioned. Mr. Valazquez stated they go all around the U.S. to show their dogs and that they do not breed the dogs. Mr. Gardner clarified that the total number of dogs being kept on the property is nine. Mr. Miller asked for clarification on the dogs that are co-owned. Mrs. Valazquez stated the dogs go back and forth between themselves as professional handlers that show the dogs and their other owners. Mrs. Valazquez said she wished the Humane Society had told them that they need a Special Use to have a kennel. Mr. Hesser reminded Mrs. Valazquez that the Humane Society focuses on treatment of animals, and the Board is concerned with land use.

Mr. Auvil read a letter from an anonymous remonstrator that is concerned with the number of dogs (25) and chickens in relation to the size of the property. He added other issues mentioned are the noise level and smell [Attached to file as Staff Exhibit #1].

Kris White, 57904 Brendon Ct., Elkhart was present to remonstrate. Mrs. White stated she lives 2 doors down from the petitioner. She continued by stressing there is no place for a kennel in a residential neighborhood. Mrs. White also said she has issues with the noise and smell of the dogs and chickens and the possibility of flies.

Mr. & Mrs. Valazquez came back to the podium. Mr. Hesser asked if they have ever had 25 dogs as the letter in remonstrance mentions. Mrs. Valazquez stated they never had 25 dogs. Mr. Velazquez stated he cleans the dog kennels and yard every day when he comes home from work and stressed there is never a smell from the dogs. Mrs. Valazquez stated they are having a graduation party soon in their back yard and would not be able to do that if the yard was not clean. She also stated they spray the yard for flies every year. She continued by saying the waste is used as compost in gardens at their home and a farm in Michigan.

Mrs. White came back to the podium and stated she has seen a Great Dane and puppies on their property as well as Bull Dog puppies which made her believe they are breeding dogs.

The public hearing was closed at this time.

Mr. Hesser stressed his concerns about the size of the property in relation to the number of dogs.

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 Special Use for a kennel be denied.

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

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

8. The application of **Jeremy L. Martin** for a Special Use for an agri-business (milk hauling) on property located on the West side of CR 7, 720 ft. North of CR 44, common address of 67821 CR 7 in Union Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0313-2026.

There were ten neighboring property owners notified of this request.

Charlie Zercher, Kindig & Sloat, 102 Heritage Parkway, Nappanee, was present for this request. Mr. Zercher submitted a revised site plan *[Attached to file as Petitioner Exhibit #1]* to the Board for review. Mr. Zercher stated the petitioner runs an agri-business that is strictly milk hauling for local dairy farmers. He continued by saying the petitioner was not aware that he needed a Special Use because the property is zoned for agriculture (A-1). Mr. Zercher said the petitioner owns 7 trucks, but they are not all located on this property. He continued by saying there are normally 2-4 trucks on the property during the week, operating 5-6 days a week. Mr. Hesser clarified the number of trucks parked on the property overnight or on the weekend is between 2-4. Mr. Zercher continued by saying the drivers are employed by the petitioner but do not live on site. Mr. Hesser asked for clarification on the change to the revised site plan. Mr. Zercher stated staff had concerns about trucks backing onto and off CR 7, so the petitioner expanded the gravel area about 50 ft. to the north to alleviate the issue. Mr. Zercher stressed that it will take some maneuvering by the truck drivers. Mr. Roger Miller questioned the number of trucks on the property at one time. Mr. Zercher responded by saying the petitioner would be willing to limit the number of trucks on the property at one time. Mr. White mentioned the ditch/easement located in the area of the gravel expansion. Mr. Zercher noted the 50 ft. expansion is clear of the 75 ft. easement on either side of the centerline. He continued by saying he is not sure of the exact location of the flood plain. Mr. Zercher stated the other change to the site plan is a 5 ft. expansion of the parking area to keep trucks from parking on the grass. Mr. White clarified that the trucks are only parked on the property. Mr. Zercher confirmed and stressed that the 2 garages on the property are for personal use.

Hannah Lucas, 63531 CR 9, Goshen, was present to remonstrate. Ms. Lucas stated she has hauled milk for 12 years. She continued by saying she is very aware of his business and stated he frequently has more than 2-4 trucks parked on the property in the down time. Ms. Lucas said Mr. Martin has 10,000-pound tri-axle trailers that haul 90,000 pounds of milk, which is significantly over the state limit for commercial trucks. She stressed that adding 50 ft. to the parking area is not going to enable drivers to turn around, and they will still need to back in off of CR 7. Ms. Lucas

also noted that one of the trucks in the photos displayed by staff is a fuel tanker. She continued by saying he puts diesel in the fuel tanker and then dispenses the fuel into his trucks.

Mr. Zercher came back to the podium to address issues brought to attention by Ms. Lucas. Mr. Zercher stated the Board could limit the number of vehicles parked on the property at any given time. He continued by saying they could limit the storage of trucks to only the milk trucks. Mr. Zercher then said the issue of the trucks turning around will be best responded to by Mr. Martin. Mr. Hesser wanted clarification on the fuel tanker. Mr. Zercher did verify that it is stored on the property, but it could be removed as part of the ruling by the Board.

Jeremy Martin, 67821 CR 7, Wakarusa, came to the podium to address the fuel tanker. Mr. Martin verified the fuel tanker never leaves the property and is just used to store fuel. Mr. Gardner asked Mr. Martin to address the issue of the trucks being able to turn around with the addition of the 50 ft. of parking. Mr. Martin stated he can pull his truck in and then proceed to back in, but it is very tight. He continued by saying that with the addition of 50 ft. the other drivers should not have any problems.

The public hearing was closed at this time.

Mr. Gardner asked Mr. Auvil if the new site plan submitted by the petitioner changes staff's recommendation to deny the petition.

Mr. Auvil came to the podium and stated for the record that he is not an engineer or a truck driver. He continued by saying no matter what the Board decides that the petitioner is not exempt from other departments' standards, including county highway standards which are in full effect. Mr. Auvil stated he cannot speculate if the 50 ft. addition for parking will accommodate the trucks to not have to back in from CR 7.

Mr. Miller commented that he was a truck driver in the past. He continued by saying he doesn't believe that the condition of not being able to back into or off of CR 7 will be complied with, due to the limited space and tight location. Mr. Hesser stated he is not comfortable with the many issues related to this petition.

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

Motion: Action: Deny, 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 an agri-business (milk hauling) be denied.

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

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

****It should be noted that Mr. Hesser recused himself and stepped down****

9. The application of ***Church Community Services*** for a Special Use for an event venue on property located on the East side of CR 3, 1,580 ft. North of CR 26, common address of 59710 CR 3 in Baugo Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0252-2026*.

There were 8 neighboring property owners notified of this request.

Mr. Roger Miller clarified that the petitioner is not adding anything to the property and the request is just for an event center. Mr. Auvil stated the property has changed hands from the trustees of the museum, and the new owner, Church Community Services, wishes to use the existing museum building for an event center.

Keith Sarber, Executive Director at Church Community Services, 53577 Woodside Dr., Bristol, was present for this request. Mr. Sarber stated the Church's main office is at 907 Oakland Ave., in Elkhart, where they provide services, which include the largest food pantry in Elkhart County and several other programs. He continued by saying they will maintain the farmhouse that has the museum, but the remainder of the property (20 acres) will be for fundraising, special events, and other events like a car show and art show. Mr. Sarber said the property as an event venue will also have events like weddings and Quinceanera's, but there will not be any building additions. He emphasized that they are a 501 C-3 non-profit organization, and they will encourage other non-profit organizations to use the event venue. Mr. Roger Miller noted the property is very isolated.

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 an event venue 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 stie plan submitted (dated 4/28/2026) and as represented in the Special Use application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: David Miller, John Gardner, Cory White, Roger Miller.

Excused: Randy Hesser.

****It should be noted that Mr. Hesser returned to the Board at this time****

10. The application of **Glory Church, Inc.** for an amendment to an existing Special Use for a place of worship to allow for an addition to the church and for additional parking spaces on property located on the West side of CR 29, 2,425 ft. South of CR 50, common address of 70921 CR 29 in Jackson Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0264-2026*.

There were thirteen neighboring property owners notified of this request.

Brad Rodman, CDR Construction, 2408 Eisenhower Dr. N., Goshen, was present for this request. Mr. Rodman stated the church wishes to build an addition and add parking, which should not be injurious to any surrounding neighbors. Mr. Hesser clarified that the current parking for the church is where the addition is going to be built.

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 an amendment to an existing Special Use for a place of worship to allow for an addition to the church and for additional parking spaces 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 (dated 5/1/2026) and as represented in the Special Use application.

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

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

11. The application of ***Daniel H. Schmucker & Ruth E. Schmucker, Husband & Wife*** for an amendment to an existing Special Use for a home workshop/business for a water filtration business to allow for a new building on property located on the East side of CR 3, 1,895 ft. South of CR 42, common address of 67352 CR 3 in Locke 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-0292-2026.

There were 8 neighboring property owners notified of this request.

Daniel Schmucker, 67352 CR 3, Wakarusa, was present for this request. Mr. Schmucker stated he is requesting an amendment to his existing Special Use. Mr. Hesser asked if he has any employees. Mr. Schmucker said that he does not have any employees, and that this business is just something he does on the side in the evenings and weekends. Mr. Schmucker said the new building will house his side business and allow them to move it from the house.

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 an amendment to an existing Special Use for a home workshop/business for a water filtration business 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 5/13/2026) and as represented in the Special Use Amendment application.

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

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

12. The application of *Dolco LLC (Lessor) & Melissa Rivera & Leonardo Rivera (Lessee)* for an amendment to an existing Special Use for a home workshop/business for an auto body shop to allow for additional outside storage of vehicles on property located on the North side of US 20, 2,280 ft. East of CR 21, common address of 19803 US 20 in Jefferson Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0308-2026*.

There were 9 neighboring property owners notified of this request.

Devon Lehman, Dolco LLC, 60318 CR 27, Goshen, was present for this request. Mr. Lehman stated the Riveras are no longer selling cars on the property. He continued by saying they have customers who send in loads of cars to have repaired, and they wait to remove them until they have enough to make the trip worthwhile. Mr. Lehman said he has had conversations with Mr. Rivera about cleaning up the property but says language barriers seem to be an issue in understanding. He continued by saying he met with Mr. Rivera this morning and he wants to be in compliance. Mr. Lehman stressed that the level of damage to the cars brought to the property is not known until the work begins. He continued by saying that is one of the reasons why there may be more cars than allowed, and that's why they are asking for more outside storage of cars. Mr. Hesser asked Mr. Lehman the maximum number of cars that have been on the property. Mr. Lehman said at one time the number exceeded 25, but he is not sure about the number of cars on the property at this time. Mr. Lehman again mentioned asking Mr. Rivera to clean up the property but language barriers appear to still be an issue. Mr. Hesser clarified that the vehicles for renters shown on the site plan are for people who rent the apartment on the back side of the house and are not part of the business.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller commented on the number of calls he has received regarding this property. He stated they did put a privacy fence up so that helps some. Mr. Hesser clarified that if the Board denies this request, it does not affect the original Special Use. Mrs. Richard confirmed the petitioner will be held to the original 14 cars allowed, and there will be no car sales allowed.

Mr. White asked about a rescission for the original Special Use. Mr. Hesser stated the Board is not able to consider a rescission at this time. He continued to say it would be something considered if the petitioner is in violation of the conditions and commitments of the original Special Use.

Mr. Auvil came to the podium to say that from the code enforcement perspective it has been very challenging when the petitioner disregards the number of vehicles allowed. In addition, Mr. Auvil stated when code enforcement letters are sent, there is one sent to the owner, Mr. Lehman, the lessee, Mr. & Mrs. Rivera, and to the site. Mr. Auvil continued by saying the letters to the site and the Rivera's are refused and bounce back to the County. Mr. Lehman is the only

one that accepts the letter. Mr. Auvil stated this causes the appearance of not really wishing to be in compliance.

Mr. Roger Miller stated the scope of their business is beyond what was initially approved.

Mr. White stated there appears to be trash and debris, and the property is an eye sore.

Mrs. Richards clarified that if the Board wants to see the original Special Use rescinded for not complying many times, it can be added to an agenda for another month.

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

Motion: Action: Deny, Moved by Roger Miller, **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 an amendment to an existing Special Use for a home workshop/business for an auto body shop to allow for additional outside storage of vehicles be denied.

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

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

****It should be noted that Mr. Hesser recused himself and stepped down****

13. The application of *Missionary Church, North Central District, Inc. & Indiana Conference of the United Missionary Church, Inc.* for an amendment to an existing Special Use for a church camp to allow for the construction of two new buildings on property located on the East side of CR 9, 2,610 ft. North of CR 36, common address of 63526 CR 9 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-0312-2026.

There were ten neighboring property owners notified of this request.

Tom Runkle, Abonmarche, 303 River Race Drive, Goshen, was present for this request. Mr. Runkle stated the petitioner is looking to build 2 additional dormitory buildings, each approximately 2,700 square feet. He continued by saying they will be located amongst the other existing camp buildings and will be consistent with the use of the other camp buildings.

Roland Rohrer, 25686 CR 32, Goshen, was present to support the petition. Mr. Rohrer stated he lives on the property adjacent and to the north of the Church and has been there for 40 years. He continued by saying he has never had an issue with the camp and is in support of the camp.

Ross Sloat, 63377 CR 9, Goshen, was present to support the petition. Mr. Sloat said he lives across the road and has been there nearly his whole life. He continued by saying he has seen lots of changes to the camp, all good. Mr. Sloat said the camp director keeps the camp clean and updated. Mr. Sloat submitted an article that referenced the expansion and renovations of the camp. [Attached to file as Petitioner Exhibit #1]. Mr. Sloat referenced specifically the article's mention of the need for future fundraising for a recreation center. He continued by saying the petitioner might be better off requesting a DPUD for future expansion.

Hanna Lucas, 63531 CR 9, Goshen, was present in support of the petition. Ms. Lucas stated she has lived at her home for ten years and is in direct line of sight to the camp. Ms. Lucas stated her children have attended the camp every July since they have lived in their current home and emphasized they are not affiliated with any church or entity. She stressed she supports the camp

because it brings people together across congregational and denominational lines. Ms. Lucas stated the two new proposed dormitories will have a positive effect. She continued by saying the expansion will increase opportunities for community gatherings. Ms. Lucas said the camp has been a good and responsible neighbor. She continued by saying the camp has displayed excellent stewardship and financial responsibility. She concluded by saying the camp will benefit from the two new dorms.

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 an amendment to an existing Special Use for a church camp to allow for the construction of two new buildings 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 5/18/2026) and as represented in the Special Use application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: David Miller, John Gardner, Cory White, Roger Miller.

Excused: Randy Hesser.

****It should be noted that Mr. Hesser returned to the Board at this time****

14. The application of *Nathan Yoder & Delores Yoder, Husband & Wife* for a Special Use for agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a 17 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 58 ft. from the centerline of the right-of-way on property located on the East side of CR 37, 735 ft. North of CR 44, common address of 67744 CR 37 in Benton Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0291-2026*.

There were 9 neighboring property owners notified of this request.

Nathan Yoder, 67744 CR 37, Millersburg, was present for this request. Mr. Yoder stated he wants to build a pole barn to have two horses and store his buggy. Mr. Roger Miller confirmed that Mr. Yoder lives on the property. Mr. Hesser noted the staff report suggests limiting the petitioner to one horse. Mr. Hesser asked Mr. Yoder why he wants two horses. Mr. Yoder stated that they need two horses for transportation to give one horse a rest period. Mr. Roger Miller asked Mr. Yoder what he does with the waste from the horses. Mr. Yoder stated it gets spread into their field.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Roger Miller asked Mr. Auvil why staff is limiting the petitioner to one horse. Mr. Auvil stated staff based the recommendation on Purdue University's guidelines for pasture needed for horses. Mr. Hesser said he doesn't dispute those recommendations for recreational horses but feels the need to keep 2 horses for transportation outweighs the recommendation from Purdue University.

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

Motion: Action: Approve, **Moved by** Roger Miller, **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 Special Use for 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 5/13/2026) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of two (2) adult horses at any one time.

Further, the motion also included that a 17 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 58 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 5/13/2026) and as represented in the Developmental Variance application.

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

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

15. The application of **David Weldy** for a Special Use for a home workshop/business for a small engine repair business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the Southeast corner of CR 4 & Del Rue Dr., 2,215 ft. East of CR 5, common address of 28392 CR 4 in Cleveland 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-0227-2026.

There were seventeen neighboring property owners notified of this request.

David Weldy, 28392 CR 4, Elkhart, was present for this request. Mr. Weldy stated he has added two structures without a permit for storage purposes for his business. He continued by saying he has worked for the same company for 20 years and the building they leased is no longer available. Mr. Weldy stated the owner has retired and gifted the business to him. Mr. Gardner asked about parking for Mr. Weldy's customers. Mr. Weldy stated his driveway is substantial

enough to handle the few customers he has at one time that drop off their equipment for repair. Mr. Hesser clarified that Mr. Weldy is not storing any of the equipment outside. Mr. Roger Miller asked Mr. Weldy if he would have any problems with staff conditions and commitments. Mr. Yoder brought up the fact that one of the buildings has been on the property since January, powered with electricity, already in use, and will be difficult to move everything out of it to get a permit. Mr. Hesser said the building was put on the property without the proper permit. Mr. Weldy stated the 2 buildings placed on the property without permits are premanufactured buildings, and they are not on permanent foundations.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. White clarified with staff that any building over 200 square feet will need to be on a permanent foundation.

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

Motion: Action: Approve, **Moved by** Roger Miller, **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 Special Use for a home workshop/business for a small engine repair business be approved with the following conditions imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 4/23/2026) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 4/23/2026) and as represented in the Developmental Variance application.

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

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

16. The application of *Amanda A. Aldana & Christian J. Aldana Flores, Wife & Husband* 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 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing shed 3 ft. from the southeast side property line on property located on the Southeast corner of Elmhurst Dr. & Sunrise Ln., West of Pine Ridge Pkwy., South of CR 20, common address of 24638 Elmhurst Dr. in Concord 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-0247-2026.

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

Amanda Aldana, 24638 Elmhurst Dr., Elkhart was present for this request. Mrs. Aldana stated she is requesting to keep four chickens. Mr. White asked Mrs. Aldana how she disposes of the waste. She responded by saying it is put into the garbage.

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** Cory White, **Seconded by** David 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 4/27/2026) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of four (4) chickens are at any one time, no roosters.

Further, the motion also included a 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing shed 3 ft. from the southeast side property line be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 4/27/2026) and as represented in the Developmental Variance application.

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

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

17. The application of *Allen Heatwole & Patricia Heatwole, Husband & Wife* for a Special Use for a home workshop/business for a lumber storage business, for a 1 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 26 ft. in height, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the West side of CR 19, 3,840 ft. South of US 6, common address of 72679 CR 19 in Jackson Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0294-2026.

There were 8 neighboring property owners notified of this request.

Mr. Hesser clarified with staff that the outside storage mentioned in the staff report will consist of lumber. Mrs. Richards confirmed the new building will hide outside storage. She stated that staff is ok with the outside storage, but it needs to be shown on the revised site plan.

Timothy Heatwole, 13518 N 200 W, Milford, was present for this request. Mr. Heatwole stated he is wanting extra storage for his lumber while it is in the drying process. Mr. Hesser asked about inside storage vs outside storage. Mr. Heatwole explained lumber will be stored inside, and logs will be stored outside behind the proposed building.

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** Cory White, **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 lumber storage business be approved with the following conditions imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
2. Backing in or backing out from/onto CR 19 with semi tractor trailers is prohibited.

Further, the motion also included that a 1 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 26 ft. in height, and a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with 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: David Miller, John Gardner, Cory White, Roger Miller, Randy Hesser.

18. The application of *Harry W. Troyer & Rosann Troyer, Husband & Wife* for a Special Use for a home workshop/business for a gutter business, for a Developmental Variance to allow for 8 outside employees (Ordinance allows 4), for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 5 ft. Developmental Ordinance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 30 ft. in height on property located on the North side of CR 42, 1,000 ft. East of CR 33, common address of 14739 CR 42 in Clinton 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-0307-2026.

There were twenty neighboring property owners notified of this request.

Mrs. Richards submitted a revised site plan [Attached to file as Staff Exhibit #1]. Mr. Hesser confirmed a revised site plan will no longer need to be submitted as part of the commitments.

Harley Bontrager, 57342 CR 116, Middlebury was present for this request. Mr. Bontrager stated his son is the general contractor for the petitioner. He continued by saying the petitioners want to expand their business, and they need more storage accessibility. Mr. Hesser asked Mr. Bontrager if he knew how many employees they have. Mr. Bontrager responded he believes they have four but want a total of eight.

There were no remonstrators present.

The public hearing was closed at this time.

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

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

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 6/18/2026) and as represented in the Special Use application.
2. Backing in or backing out from/onto CR 42 with semi tractor trailers is prohibited.

Further the motion also included that for a Developmental Variance to allow for 8 outside employees (Ordinance allows 4), for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 5 ft. Developmental Ordinance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 30 ft. in height be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 6/18/2026) and as represented in the Developmental Variance application.

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

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

19. The application of **Bibiano Martinez Alvarado & Isidra Hernandez Aguilar Alvarado, Husband & Wife (Owner/Lessee) & HTIW Properties LLC. (Lessor)** for a Special Use for an indoor recreation facility (event center), for a 4 ft. lot width Developmental Variance (Ordinance requires 100 ft.) to allow for an existing commercial building, and for a Developmental Variance to allow for a non-residential use on less than 3 acres on property located on the East side of US

33, 600 ft. North of CR 40, common address of 65892 US 33 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 #SUP-0301-2026*.

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

Mr. Roger Miller clarified the petition was previously denied due to inadequate parking and the location of the septic on the property. Mr. Hesser clarified the addition of the leased land makes this petition substantially different from the previous petition, so the 6-month waiting period does not apply. Mr. Roger Miller clarified with staff that if the lease is broken, the petitioner will be required to come before the Board.

Andy Heltzel, Danch, Harner & Associates 1643 Commerce Dr., South Bend, was present to represent the petitioner. Mr. Heltzel stated earlier in the year the petitioner requested an indoor event center in the existing building on site. He continued to say the events will include weddings, Quincineras, graduations, and business meetings. Mr. Heltzel stated everything will be contained inside the building, including the speakers for the music. He stressed that on weekends the events will be staffed by security. He also stated the petitioner is proposing a kitchen be added to the existing building. Mr. Heltzel stated they are proposing a total of 78 parking spaces. He stated there will be flags around the septic area to keep people from parking there. The new parking area proposed for parking will be on the leased land and around the back, the side, and near the front of the building. Mr. Hesser clarified the parking area will be made of packed gravel. Mr. Heltzel stated the vegetation in the proposed parking areas will be removed, if the petition is approved by the Board. He continued by saying the petitioner understands they must come back to the Board in 5 years or if the lease is broken. Mr. Roger Miller confirmed the petitioner has signed the lease for 5 years. Mr. White clarified the number of proposed parking spaces is 78. Mr. White also asked Mr. Heltzel if he has a storm water retention plan. Mr. Heltzel stated they will work with MS4.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Roger Miller asked staff if the site plan is adequate as far as showing the proposed parking. Mrs. Richards stated the site plan is acceptable and clarified that MS4 is only involved, if more than 1 acre is disturbed.

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

Motion: Action: Approve, **Moved by** Cory White, **Seconded by** David 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 indoor recreation facility (event center on less than 3 acres be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. The additional parking on the leased lot shall be cleared and have an improved surface prior to the commitment form being released.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 5/18/2026) and as represented in the Special Use application.

2. The request is subject to a five (5) year renewal before the full Board of Zoning Appeals or if the lease is broken before the five (5) years are up, then it must be renewed at that time before the full Board of Zoning Appeals.

Further, the motion also included that a 4 ft. lot width Developmental Variance (Ordinance requires 100 ft.) to allow for an existing commercial building and a Developmental Variance to allow for a non-residential use be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 5/18/2026) and as represented in the Developmental Variance application.

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

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

20. The application of *Amos R. Miller & Polly Ann Miller, Trustees of the Miller Family Revocable Living Trust* for a Special Use for a home workshop/business for an animal processing business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the South side of CR 34, 1,085 ft. West of SR 13, common address of 12232 CR 34 in Clinton 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-0314-2026*.

There were sixteen neighboring property owners notified of this request.

Harley Bontrager, 57342 CR 116, Middlebury, was present for this request. Mr. Bontrager explained that the petitioner does deer processing from September through March. Mr. Hesser confirmed the petitioner is strictly processing wildlife.

There were no remonstrators present.

The public hearing was closed at this time.

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

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

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 5/18/2026) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 5/18/2026) and as represented in the Developmental Variance application.

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

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

21. The application of *Miriamu Mukakaro & Donald Masatu, Wife & Husband* for a Special Use for a home workshop/business for a roadside stand and for a 10 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the placement of a roadside stand 65 ft. from the centerline of the right-of-way of CR 118 on property located on the Northeast corner of CR 1 & CR 118, common address of 58475 CR 1 in Baugo Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0311-2026*.

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

Mr. Auvil noted that the size of the roadside stand is 30 square feet, and a permit will not be required. Mr. Roger Miller clarified there is a circular drive and plenty of room for parking for the roadside stand. Mr. Auvil pointed out that the box under the tree on the site plan represents the roadside stand.

Miriamu Masatu, 58745 CR 1, Elkhart, was present for this request. Mrs. Masatu stated she and her husband wish to continue to sell eggs at their roadside stand. She continued by saying they moved to their home 5 years ago and selling eggs gives them the opportunity to connect with the community. Mrs. Masatu said they use local food sources to feed their chickens, and the eggs are fresher than store-bought eggs. She continued by saying when they started raising chickens, they did not intend to sell eggs. Mrs. Masatu expressed that they still had eggs to sell when there was a shortage of eggs in stores. She stressed that they did not increase the price of the eggs during the shortage. Mrs. Masatu stated she believes people are put on the earth to serve one another and their community. Mr. Hesser asked how many chickens they have. Mrs. Masatu stated they have between 300-400 chickens. Mr. Hesser clarified the stand is a self-serve stand.

Michael Grise, 29975 CR 22, Elkhart, was present to support the petitioner. Mr. Grise stated he is a neighbor and has known the petitioner for as long as they have lived on the property. He continued to say there is not an issue with traffic in the neighborhood. Mr. Grise said that he can smell the chickens if the wind is just right, but that it is not any worse than the manure smell from farm fields. Mr. Grise stated the petitioner's property is immaculate. He continued to say they are a huge benefit to the community, and he supports them 100%.

Kevin Becker, 29929 CR 118, Elkhart, was present to remonstrate. Mr. Becker stated the Masatu's are nice people, but he contends that the traffic congestion is real and people speed through the neighborhood. He continued by saying he was sure that the horseshoe shaped drive on

their property was shut down by the county. Mr. Becker said he lives to the east of the petitioners and when the wind blows from the west to the east the smell is of ammonia.

Calvin Welker, 58380 CR 1, Elkhart was present to remonstrate. Mr. Welker stated he lives just to the north of the petitioner. He stated he is concerned about the containment of the chickens, the number of chickens, and the smell of the chickens. Mr. White reminded Mr. Welker that the petition is just for the roadside stand to sell eggs.

James Fortner, 2201 S. Main St., Elkhart was present to remonstrate. Mr. Fortner stated he is concerned about ground water contamination and odors. Mr. Hesser reminded Mr. Fortner the petition is for a roadside stand to sell eggs, and the petitioner is allowed by right to have chickens. Mr. Fortner continued by saying a home workshop/business for a roadside stand should be commercial in nature. Mr. Hesser stressed that a home workshop/business is not commercial in nature and can be on a residential or agriculturally zoned property. Mr. Hesser stated that any petition for a Special Use for a home workshop is by definition a business and is permitted if approved by the Board, but the property is not zoned commercially. Mr. Fortner then asked why the petitioner needs the 10 ft. variance for the stand. Mr. Hesser stated he suspected it was because of the tree directly behind the stand but stated the petitioner can answer that question.

Mrs. Masatu came back to the podium and clarified that she has 300-400 chickens. Mr. Hesser asked Mrs. Masatu how many eggs she sells in one day. Mrs. Masatu stated about 10 dozen a day. Mrs. Masatu clarified that the stand shown in front of the tree has been moved to a different location that will meet the setback requirements as shown on the approved site plan.

The public hearing was closed at this time.

Mr. Auvil came back to the podium to clarify that the petitioner's property is 4.61 acres in an A-1 zone and according to IDEM standards they can have up to 39,999 chickens without getting a permit. He added in Elkhart County per the Development Ordinance they can have up to 149,999 chickens without approval.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a roadside stand 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 5/18/2026) and as represented in the Special Use application.

Further the motion also included that a 10 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the placement of a roadside stand 65 ft. from the centerline of the right-of-way of CR 118 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 5/18/2026) and as represented in the Developmental Variance application.

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

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

22. The application of **Lyndon Martin** for a Special Use for an RV storage business on property located on the South side of CR 40, 2,125 ft. East of CR 7, common address of 26620 CR 40 in Harrison Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0204-2026*.

There were 7 neighboring property owners notified of this request.

Mr. Roger Miller asked if the RV's being stored will be for personal storage or commercial storage.

Charlie Zercher, Kindig & Sloat, 102 Heritage Pkwy, Nappanee, was present for this request. Mr. Zercher responded to Mr. Miller's question by stating the RV's being stored will not be personal storage. He continued by saying the inventory is from RV manufacturers and the inventory will rotate as needed. Mr. Zercher stated the request is to store RVs on the property as shown on the revised site plan submitted to staff on June 2, 2026, before the hearing. He continued by saying the questionnaire submitted for the Special Use requested 40-60 RV's stored on the property, but they are now limiting it to 20 RV's as indicated on the revised site plan. Mr. White asked if the petitioner is using the storage for RVs as a dispatch for RV manufacturers. Mr. Zercher stated that is not the case. He continued by saying it is overflow storage for RV manufacturers. Mr. Zercher pointed out that the storage area has a fence to the east and is surrounded by a field on either side. He continued to say the petitioner intends to plant evergreens behind the area of RV storage. Mr. Zercher said delivery and pickup of the RV's are mostly limited to daylight hours and possibly some weekends, approximately 5 per week. Mr. Hesser clarified that it was Mr. Martin that requested this petition be tabled from May to June, and there has not been any comment from the public. Mr. Roger Miller clarified the number of RVs being requested for storage is now being limited to 20. Mr. Zercher confirmed. Mr. White questioned the commercial driveway shown on the revised site plan. Mr. Zercher stated Mr. Martin is proposing that and will work with county Highway Department to meet all the conditions and requirements.

Clem Juarez, 26484 CR 40, Goshen was present to remonstrate. Mr. Juarez stated Mr. Martin has been storing RVs on the property for about one year. He continued by saying he is operating the RV storage lot 24/7 with semi-trucks backing onto the property from CR 40, which is a very busy county road. Mr. Juarez stated he lives right next door to Mr. Martin, and the RVs are unsightly. He added the noise of the trucks coming in and out is unbearable. He continued to say he lives in the country and not in an industrial park.

Lyndon Martin, 26620 CR 40, Goshen, came to the podium to respond saying in the past drivers backed onto CR 40. He continued by saying the proposed commercial driveway should alleviate that issue. Mr. Hesser asked Mr. Martin if he had any lighting. Mr. Martin stated no, and

the RVs will not be picked up at night. Mr. Hesser clarified the RV units being stored are non-motorized. Mr. White clarified that Mr. Martin is picking up the units to be stored on his property. Mr. Martin stated that it is drivers from another contracted company that come to pick up the stored RVs from his property. He continued by saying his property is more like a holding lot for RVs to be transferred to various areas.

Mr. Gardner asked staff what the biggest reason for recommending denial is for this petition. Mr. Auvil stated the main concern is backing onto/from CR 40 as well as the appearance of RV storage. He also stated the area is mostly agricultural and residential in nature, and the RV storage is not a good fit for the neighborhood. Mr. Auvil stressed the county does not have the manpower to keep track of the number of RV units stored on the property and it puts the county in an impossible situation for code enforcement and compliance. He continued by saying the 20 units are much more palatable than 40-60 units and recommended more controls if the Board decides to approve the petition. Mr. Roger Miller added that CR 40 is a busy road and slowing down to back in is not an option.

The public hearing was closed at this time.

Mr. Hesser pointed out that the new proposal from the petitioner is much more acceptable than the previous one submitted for the May hearing. He continued to discuss some options for commitments that would be appropriate if the Board chose to approve the petition. Mr. Roger Miller commented that based on the previous history and how the property has been managed, he would not be in favor of approval. Mr. Hesser pointed out that if the petitioner does not follow the commitments put in place there will be complaints that could cause the approval to be rescinded. He continued to say the petition signed by supporting neighbors for Mr. Martin that was submitted with the original application show significant support in favor of the business. Mr. Hesser talked about a 2-year renewal period. Mr. White pointed out that is not long enough to make the addition of the commercial drive cost effective.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** John Gardner, that this request for a Special Use for an RV storage business be approved based upon the Findings and Conclusions of the Board:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 53.33-acre parcel in a low-density residential and agricultural area.
3. The Special Use will substantially serve the public convenience and welfare by providing needed RV storage.

The following conditions were 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 only 20 RV's stored on the property.

The following commitments were imposed:

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use Application.
2. Backing in or backing out from/onto CR 40 with RV's or semi tractor trailers is prohibited.
3. Hours of operation are from dawn to dusk.
4. No lighting is permitted.
5. Limited to a maximum of twenty (20) RV's stored on the property at any one time.
6. Approved for a period of two (2) years; any renewal shall be before the Elkhart County Advisory Board of Zoning Appeals.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: David Miller, John Gardner, Cory White, Randy Hesser.

No: Roger Miller.

23. The staff item for Herbert and Emily Hoover to move the existing guesthouse to another location on the property was presented by Mr. Auvil as a request for a minor change on property located at 20003 CR 20 in Goshen. He continued to say the new location will meet all setback requirements and will need an appropriate permit. Mr. Auvil stated this is a unique situation where they built a guesthouse and now wish to move it closer to the pond on the property.

Mr. Auvil pointed out that the petitioner will need a site plan showing the new location when they apply for the permit.

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 be approved as a minor change.

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

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

24. Ms. Hope presented a joint representative/conflict letter for Attorney Beck.

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

Motion: Action: Approve, **Moved by** John Gardner, **Seconded by** Roger Miller that the Board approve the joint representative/conflict letter for Attorney Beck.

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

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

24. Ms. Hope presented an agreement for legal services for Attorney Jackson Beck. Ms. Hope said that Attorney Beck will be the attorney for the department as of July 1, 2026.

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 approve the agreement for legal services for Attorney Beck.

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

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

26. The meeting was adjourned at 12:10 P.M.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 16th DAY OF JULY 2026 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 Vice-Chairperson, Roger Miller. Staff members present were: Mae Hope, Plan Director; Jason Auvil, Zoning Administrator; Laura Gilbert, Administrative Coordinator; Danny Dean, Planner; Danielle Richards, Planner; and Jackson Beck, Attorney for the Board.

Roll Call.

Present: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

Absent: Randy Hesser.

2. The minutes of the regular meeting of the Board of Zoning Appeals held on the 18th day of June 2026 were tabled until August 20, 2026.

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

4. The application of ***Daniel Tapia Zuniga*** for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the West side of Silver St., 1,240 ft. North of W. Bristol St., common address of 54263 Silver St. in Osolo Township, zoned R-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0386-2026*.

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

Daniel Zuniga, 54263 Silver Street, Elkhart, was present for this request. Mr. Zuniga stated the rooster is no longer present on their property, but they would like to keep their 6 chickens. He continued to say they have 4 children, and he wants to have the eggs for them. Mrs. Cramer confirmed he has 6 chickens and no roosters. Mr. Roger Miller asked Mr. Zuniga what he does with the waste from the chickens. Mr. Zuniga stated he mixes it with dirt and throws it in the garbage. He continued to say the area is clean and there is no smell. Mr. Zuniga presented two letters from neighbors in support of the petition [Attached to file as *Petitioner Exhibit #1*].

Mrs. Zuniga, 54263 Silver St., Elkhart, came to the podium to say she is in support of the chickens for their family. She continued by saying they keep the area clean, and the chickens provide eggs for her and her family. She also confirmed that the rooster is no longer 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** Debra Cramer, **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 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 6/15/2026) and as represented in the Special Use application.
2. The request is limited to a maximum of six (6) chickens at any one time, no roosters.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

5. The application of **John Glenn Miller & Rachel F. Miller, Husband & Wife** for an amendment to an existing Special Use for a sawmill to allow for a new building on property located on the North side of CR 50, at the T intersection with CR 100, 2,650 ft. East of West County Line Rd., common address of 30501 CR 50 in Locke 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-0365-2026.

There were ten neighboring property owners notified of this request.

Mr. Warner asked for clarification as to the size of the sawmill. Mrs. Richards said the petitioner will need to address that.

Laverne Kauffman, Kauffman Carpentry, 5196 W 1000 N, Milford, was present to represent the petitioner. Mr. Kauffman stated the petitioner wants to build a 40' x 60' dry storage building to store equipment and lumber. Mr. Kauffman clarified for Mr. Warner that the sawmill is a bandsaw and is used indoors. Mr. Roger Miller clarified that the logs are not for firewood. Mr. Kauffman confirmed and stated they go out to the local community for furniture making.

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** Debra Cramer, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a sawmill 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 commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 6/11/2026) and as represented in the Special Use Amendment application.
2. All sawing to take place inside a building.
3. No retail sales.
4. Backing in or backing out from/onto CR 50 with semi-tractor trailers is prohibited.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

6. The application of **Jeremy W. Miller & Margaret A. Miller, Husband & Wife** for a Special Use for a beauty shop on property located on the South side of CR 44, 1,315 ft. West of CR 37, common address of 13252 CR 44 in Benton 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-0371-2026*.

There were eleven neighboring property owners notified of this request.

Margaret Miller, 13252 CR 44, Millersburg, was present for this request. Mrs. Miller stated she has been a hair stylist for 34 years and has worked in various salons. She continued by saying she wants to create a small salon space in her home to be able to provide a quieter, more personalized experience for her loyal clients. Mrs. Miller stated she currently works in a large salon which has a noisy atmosphere. She continued to say she wants to provide a calm, relaxing setting in her home salon. Mrs. Miller said she believes the home salon will be a positive addition to the Millersburg community. Mrs. Miller expressed that she intends to be a respectful neighbor by keeping the business small and appointment based to limit the traffic. Mr. Roger Miller clarified that Mrs. Miller will not have any employees and that she will have 8-10 clients per day.

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** Debra Cramer, **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 beauty shop be approved with the following conditions imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the revised site plan submitted (dated 7/13/2026) and as represented in the Special Use application.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

7. The application of **Luis H. Sanchez Castellanos** for a Special Use for a home workshop/business for assembling gym equipment on property located on the North side of Sunflower Ave., 620 ft. West of Tropicana, South of CR 138, common address of 16369 Sunflower Ave. 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 #SUP-0379-2026*.

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

Mikayla Sanchez, 16369 Sunflower Ave., Elkhart, was present for this request. Mrs. Sanchez stated they want to continue to assemble gym equipment, but they need a dedicated workshop to complete assembly, store components, and store their work trailer. Mrs. Cramer confirmed they are currently assembling gym equipment and need a new building to do the assembling. Mrs. Sanchez confirmed they do repair and reverse engineering equipment in their

garage. Mr. Warner confirmed they are not doing any welding. Mrs. Sanchez said they use a grinder, but do not weld at home. Mrs. Cramer clarified they are not creating loud noise in their repair and assembly of gym equipment. Mrs. Sanchez confirmed nothing louder than normal neighborhood garage noises.

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** Debra Cramer, **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 a Special Use for a home workshop/business for assembling gym equipment 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 6/15/2026) and as represented in the Special Use application.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

8. The application of **Jonathan J. Schlabaugh & Christine A. Schlabaugh, Husband & Wife** for a Special Use for a home workshop/business for a minor automotive repair shop on property located on the West side of Woodard Ct., 530 ft. North of Woodard Ln., West of CR 5, common address of 53563 Woodard Ct. in Osolo 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-0354-2026*.

There were sixteen neighboring property owners notified of this request.

Jonathan Schlabaugh, 53563 Woodard Ct., Elkhart, was present for this request. Mr. Schlabaugh stated he wants to leave his current job of 30 plus years and do auto repairs from his home for friends and family. He continued by saying he will have the garage door closed when the repairs are noisy, pointing out that the garage is very well insulated. Mr. Schlabaugh stated his home has nice curb appeal, and he intends to keep it that way. He continued by saying there will be no more than 2 cars at a time parked in the garage and on the driveway. Mr. Warner clarified that Mr. Schlabaugh is only going to be working on passenger vehicles.

Mrs. Cramer pointed out that Mr. Schlabaugh only wants to have the garage door closed when the repairs are noisy and she understands the need to have ventilation when working. She then asked staff if it is possible to change that commitment. Mrs. Richards came to the podium and recommended that the Board remove that commitment based on Mr. Schlabaugh's testimony and the fact that there have been no complaints. She continued by saying if the Board removes that commitment and complaints are filed, then staff can recommend action at that time. Mr. Miller expressed that Mr. Schlabaugh appears to be a good neighbor, and there have been no complaints filed. He added he agrees that it will not be ideal to work with the garage door shut all the time.

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** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a minor automotive repair shop be approved with the following conditions imposed:

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

The following commitment was imposed:

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

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

9. The application of ***Autumn Blaze Investments, LLC*** for a Special Use for a retail thrift store and for a 39 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing agricultural building 36 ft. from the centerline of the right-of-way of CR 33 on property located on the Southwest corner of CR 33 & CR 20, in Middlebury Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0367-2026*.

There were thirteen neighboring property owners notified of this request.

Brenda Miller, 59466 CR 33, Middlebury, was present for this request. Mrs. Miller stated she and her husband are on a board of ministry in the Dominican Republic. She explained they helped start it 10 years ago, and that it rescues young girls and provides schooling. She continued by saying they need more income to sustain the operation, and they would like to turn this building they own into a much-needed thrift store. Mrs. Miller said the items sold will be donated, and the operation will be a non-profit organization, with 100% of the proceeds going to the board of ministry in the Dominican Republic. She continued to say they will remodel the building and make it a farm-house style to fit in with the community. Mrs. Miller stated she already has 4 Amish ladies that will work at the store. Mrs. Miller stated she believes the thrift store will make a difference in their community and the ministry in the Dominican Republic. Mr. Warner asked if there will be enough parking spaces for the store. Mrs. Miller stated there are five acres of land with the building that house the sheep they care for, as well. She continued to say there will be plenty of space for horse buggy and car parking.

Joanne Bailey, 15133 CR 20, Middlebury, was present in remonstrance. Mrs. Bailey stated when she moved into the area 13 years ago it was a quiet, country community. She continued to say there have been multiple businesses that have become part of the community, and the traffic has increased significantly, notably semi-trucks. Mrs. Bailey also mentioned there is an Amish school in the area which means a lot of horse buggies and kids on bicycles, adding to the traffic.

Mrs. Bailey stated there was a thrift store in this location before, but she is not sure what happened to it. She expressed she is concerned about the store adding to the existing heavy traffic.

Mrs. Miller came back to the podium and stated she has lived in the area for over 30 years and is not aware of there ever being a thrift store in the building. She continued by saying the hours for the thrift store will follow the Amish community, meaning it will be closed on Sundays, limited hours on Saturdays, and not open early during the weekdays. Mrs. Miller also confirmed there will be no large trucks delivering items. She continued by saying the increase in traffic will most likely be horse traffic.

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** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a retail thrift store 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 6/11/2026) and as represented in the Special Use application.

Further, the motion also included that a 39 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing agricultural building 36 ft. from the centerline of the right-of-way of CR 33 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 6/11/2026) and as represented in the Developmental Variance application.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

10. The application of **James Sellers & Dawn Sellers, Husband & Wife** for a Special Use for a beauty shop and for a 5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an addition to a residence 5 ft. from the south side property line on property located on the East side of Shady Ln., 1,475 ft. North of Roseland Rd., West of SR 19, common address of 51230 Shady Ln. in Osolo 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-0366-2026*.

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

James & Dawn Sellers, 51230 Shady Ln., Elkhart, were present for this request. Mr. Sellers stated his wife has worked in various hair salons for over 34 years, and she is looking to have a salon in the home for a more stable environment for Mrs. Sellers and her clients.

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** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a beauty 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 commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 6/16/2026) and as represented in the Special Use application.

Further, the motion also included that a 5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an addition to a residence 5 ft. from the south side property line be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 6/16/2026) and as represented in the Developmental Variance application.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

11. The application of **Lloyd W. Yoder & Lena M. Yoder, Husband & Wife** for a Special Use for a home workshop/business for a diesel repair business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the East side of CR 31, 750 ft. South of CR 14, common address of 56200 CR 31 in Middlebury Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0274-2026*.

There were seventeen property owners notified of this request.

Staff presented a letter from Mr. & Mrs. Yoder asking to postpone the meeting for one month [Attached to file as Staff Exhibit #1].

Mr. Miller asked Mrs. Richards about the current use of the building. Mrs. Richards stated the original permit for the building was for agriculture but is being used for diesel repair. She clarified staff is not sure when they started the repair business, noting there have been no remodel permits pulled.

Lloyd Yoder, 56200 CR 31, Goshen, was present for this request. Mr. Yoder stated based on the staff report's recommendation of denial, he feels it would be in his best interest to table the petition for a month to obtain legal representation.

Randy Hesser, 56277 CR 31, Goshen, was present to remonstrate. Attorney Beck spoke to the fact that Mr. Hesser is here in a personal capacity as a neighbor, and not as a Board member in the deliberation of this matter. He continued by asking the Board to give Mr. Hesser's testimony the same weight that they would give any other person's testimony. Mr. Hesser stated he has lived across the road from the subject property for 40 years. He continued by saying he agrees that the use requested in the petition is too intense for this neighborhood and should be done in a properly zoned area. Mr. Hesser said there have been several requests within the last 2 years for auto and diesel repair in this area that have been denied. He continued to say that the previous owner of the subject property told him the new buyer, now owner, planned to run a diesel repair business. Mr. Hesser stated he asked the previous owner if the sale was contingent on the home workshop/business being approved. Mr. Hesser noted was told that the buyer said that had already been taken care of. He continued by saying in the Spring of 2025 Mr. & Mrs. Yoder came by to introduce themselves. Mr. Hesser said Mr. Yoder told him he planned to add on to an existing shop/barn and intended to do diesel repair there for a couple of years until he found a better location. Mr. Hesser said that he asked Mr. Yoder if he needed a permit to operate the business, and he was told it had already been taken care of. He continued by saying when construction began on the addition, it appeared that this was going to be a much bigger operation than stated. Mr. Hesser noted that the permit that was pulled for the addition was supposed to be for agricultural use. He continued by saying when complaints were made and staff began to investigate, they were told that they were not going to operate a diesel repair business. Mr. Hesser said it appears more people are using the strategy of asking for forgiveness instead of permission to bypass the requirement of the law. He asked the Board not to reward this type of behavior. Mr. Hesser stated he wanted to get his testimony on record, so he does not have to come back in August.

Attorney Beck stated the motion to table the petition should be stated as a motion to continue since testimony has been heard.

Bihn Ta, 56118 CR 31, Goshen, was present to remonstrate. Mr. Ta stated he reviewed the petitioner's application and believes there are multiple untruths on it. He continued by saying diesel repairs are happening at night and on weekends, not the hours stated on the application. Mr. Miller asked if diesel repairs are taking place currently. Mr. Ta stated he has proof of trucks coming in and out for the last 2 months. Mr. Ta stated the application states there will be a privacy fence, and there is not one. He said there is more flooding on his property now, because of the building addition Mr. Yoder placed on his property. He also stated the flooding is causing water to back up in his basement. Mr. Ta said he talked to Mr. Yoder about the flooding issue, and his response was that nothing could be done about it. Mr. Ta submitted pictures of the trucks going in and out of Mr. Yoder's property and the flooding [Attached to file as Remonstrator Exhibit #1]. Mr. Warner asked Mr. Ta if he had a firm date when Mr. Yoder started the diesel repair business. Mr. Ta said he is not sure but believes it has been operating for at least 4-5 months. He continued by saying he is concerned about well contamination because of the diesel repair. Mr. Ta expressed disappointment that the diesel business is being operated late into the night, because it ruins the night sky and quiet country feel. Mr. Ta stated there are other neighbors that could not attend the meeting and they are also in opposition to this request.

Cami Ta, 56118 CR 31, Goshen, was present to remonstrate. Mrs. Ta said she has 4 children, one of which is a newborn. She continued by saying she is up late at night feeding her newborn and early in the morning and witnesses trucks coming in and out of the subject property. She said she is not sure exactly when the business started but thinks it was January of this year. Mrs. Ta said the noise keeps them from opening their windows.

Mr. Roger Miller asked staff about the permit for the addition to the building in question. Mrs. Richards said the permit was for an addition to an existing agricultural building, and the site plan shows that it would be agricultural use. Mrs. Gilbert said there is also an AG sheet that states the use will be for ag storage and animals signed by Mr. Yoder.

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

Motion: Action: Continue, **Moved by** Steve Warner, **Seconded by** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a diesel repair business be continued until the August 20, 2026 Advisory Board of Zoning Appeals meeting to allow the petitioner time to obtain legal representation.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

12. The application of **Trenton E. Bontrager & Tracy L. Bontrager, Husband & Wife** for a Special Use for a home workshop/business for a woodworking business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the North side of CR 20, 520 ft. East of CR 115, common address of 22439 CR 20 in Concord 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-0368-2026*.

There were thirteen property owners notified of this request.

Trenton & Tracy Bontrager, 22439 CR 20, were present for this request. Mr. Bontrager stated he wants to continue his woodworking business as a cabinet maker. He continued to say his son works with him on the job sites for cabinet install and remodel. Mr. Bontrager stated he has a small sawmill used to cut wood, and he has no signs for the business. He added occasionally a truck delivers products to his building. Mr. Roger Miller asked what kind of delivery truck is used. Mr. Bontrager said it is usually a box truck. He continued by saying he has had a semi-truck delivery when there is too much material to fit in a box truck.

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** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a woodworking business be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 6/15/2026) and as represented in the Special Use application.

Further the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 6/15/2026) and as represented in the Developmental Variance application.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

****It should be noted that David Miller recused himself and stepped down****

13. The application of **Aaron Troyer & Lisa Troyer, Husband & Wife (Buyers) & Samuel W. Bontrager (Seller)** for a Special Use for a home workshop/business for an RV & specialty car sales & service business, for a 54 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 66 ft. from the centerline of the right-of-way, for a 47 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing accessory structure 73 ft. from the centerline of the right-of-way and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the West side of US 33, 1,450 ft. South of CR 40, common address of 66278 US 33 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 #SUP-0383-2026*.

There were ten neighboring property owners notified of this request.

Aaron & Lisa Troyer, 15887 CR 146, Syracuse, were present for this request. Mr. Roger Miller asked Mr. Troyer if he lives on the property. Mr. Troyer said he is looking to purchase this property to run his business. He continued to say he and his wife along with his son who is one of his employees, will live on this property after it is purchased.

Harold Schmucker, 66217 US 33, Goshen, was present in support of the petition. Mr. Schmucker said he has spoken with the Troyer's and feels like this will be a good fit for the property. He continued by saying the Troyer's plan to keep the business to the south side of the property and will make good neighbors. Mr. Schmucker said his son who lives nearby is also in favor of the petition.

Tom Troyer, 66398 US 33, Goshen, was present in support of the petition. Mr. Troyer stated he is not related to the petitioner, but he thinks the idea is cool.

Mr. Aaron Troyer came back to the podium to clarify for staff that he and his wife will be the owners of the business. Attorney Jackson clarified that the son who is an employee will not be living on the property. Mr. Troyer stated his son is the operations manager.

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** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for an RV & specialty car sales & service business be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 6/15/2026) and as represented in the Special Use application.

Further, the motion also included that a 54 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 66 ft. from the centerline of the right-of-way, for a 47 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing accessory structure 73 ft. from the centerline of the right-of-way and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 6/15/2026) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Debra Cramer, Steve Warner, Cory White, Roger Miller.

Excused: David Miller.

****It should be noted that Mr. David Miller returned to the Board at this time****

14. The application of **Naaman Leinbach & Stephanie Leinbach, Husband & Wife** for a Special Use for a home workshop/business for a garage door installation & repair business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the West side of CR 11, 400 ft. South of CR 126, common address of 60801 CR 11 in Concord 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-0370-2026.

There were 5 neighboring property owners notified of this request.

Naaman Leinbach, 60801 CR 11, Elkhart, was present for this request. Mr. Leinbach stated he owns 3 acres and wants to build a cold storage building to store equipment for his business and for personal use. Mr. Roger Miller asked Mr. Leinbach if he is the petitioner that applied for the Special Use for the tractor repair business. Mr. Leinbach said that was the previous owner, and he does not do tractor repairs. Mr. Leinbach confirmed that it will not be an issue for him if the Board rescinds the previous Special Use for a home workshop/business for tractor repair. Mrs. Cramer asked Mr. Leinbach if everything will be stored inside. Mr. Leinbach confirmed that is the reason he wants to build a new accessory structure.

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** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a garage door installation & repair business be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 6/12/2026) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 6/12/2026) and as represented in the Developmental Variance application.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

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

Motion: Action: Rescind, **Moved by** Roger Miller, **Seconded by** Debra Cramer that the board rescind the Special Use for a home workshop/business for farm tractor and farm equipment and auto repair. (83-41-SU)

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

Yes: David Miller, Debra Cramer, Steve Warner, Roger Miller.

No: Cory White.

15. Attorney Beck presented the staff item for adoption of written findings for rescission of a Special Use for Marie Calderon (SUP-0231-2016); rescinded August 2023. He explained in June of this year Attorney Shuler presented oral arguments on the pending Calderon case and in July the Judge in the case remanded it back to the Board to enter in the findings for the decision that was made in 2023. Attorney Beck stated the record from the meeting in 2016 was sent to all the Board members for review since a significant amount of time has passed. He continued by saying the Board will need to confirm they have reviewed the record. Mr. Roger Miller confirmed with roll call, the Board members are confirming they have read and are satisfied with the findings even if they were not present.

Roll Call: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

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

Motion: Action: Adopted, **Moved by** Roger Miller, **Seconded by** Debra Cramer that the Board adopt the written Findings of Fact and Decision on Remand in Case number SUP-0231-2016, Marie Calderon, based solely on the existing record from the August 17, 2023 hearing and pursuant to the Elkhart Superior Court's July 2, 2026, Order on Amended Petition for Judicial Review, and that the Board confirm and re-enter its August 17, 2023, decision rescinding the Special Use Permit.

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

Yes: David Miller, Debra Cramer, Steve Warner, Cory White, Roger Miller.

15. The meeting was adjourned at 10:36 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: August 20, 2026

Transaction Number: SUP-0390-2026.

Parcel Number(s): 20-06-17-380-015.000-009.

Existing Zoning: R-1.

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

Petitioner: Edgar Molina Larios.

Location: South side of W. Mishawaka Rd., 910 ft. west of CR 7, in Concord Township.

Site Description:

- Physical Improvement(s) – Residence, garage, & sheds.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **February 12, 2026** – A complaint was received for chickens and roosters (CODE-0066-2026).
- 3 tickets have been issued for chickens – 3/30, 5/7, & 6/10.
- **September 25, 2025** – A complaint was received for chickens and roosters (CODE-0695-2025). This case was closed on 12/4/2025 due to lack of evidence of chickens.

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 an agricultural use for the keeping of animals is allowed 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 2.08-acre property in a mixed-density residential area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a local food source and hobby opportunity.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 6/16/2026) and as represented in the Special Use application.
2. The request is limited to a maximum of twelve (12) 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

Date: 06/16/2026 Meeting Date: August 20, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0390-2026

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

Contacts: Applicant Land Owner
Edgar Molina Larios Edgar Molina Larios
809 Mishawaka Rd. 809 Mishawaka Rd.
Elkhart, IN 46517 Elkhart, IN 46517

Site Address: 809 West Mishawaka Rd
Elkhart, IN 46517

Parcel Number: 20-06-17-380-015.000-009

Township: Concord
Location: SOUTH SIDE OF W MISHAWAKA RD, 910 FT. WEST OF CR 107

Subdivision: Lot #

Lot Area: 2.08 Frontage: 167.07 Depth: 382.50

Zoning: R-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962
SEE CODE CASE #0066-2026 FOR KEEPING OF CHICKENS AND ROOSTERS. 3 TICKETS HAVE BEEN ISSUED TO
PROPERTY OWNER (3/30, 5/7 AND 6/10). PREVIOUS CODE CASE FOR CHICKENS AND ROOSTERS (#0695-2025)
NOTED THAT AFTER LETTER SENT IN SEPTEMBER, 2025 TO CEASE AND DESIST, THE CHICKENS/ROOSTERS
APPEARED TO BE GONE AND CASE WAS CLOSED (12/4/2025).

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Edgar David Molina

1) Tell us what you want to do. I want to keep some hens / live stock on my property.

2) Tell us why this activity won't hurt your neighbors or the community. This activity won't hurt my neighbors because they are deep within my property, that they won't bother anyone or the community.

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. yes their fenced

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 40

Tell us what you'll use it for. chicken coop

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. hens and Roosters about 25 or 26
Them 5 Rooster 21 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. yes, personal display of
hens

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

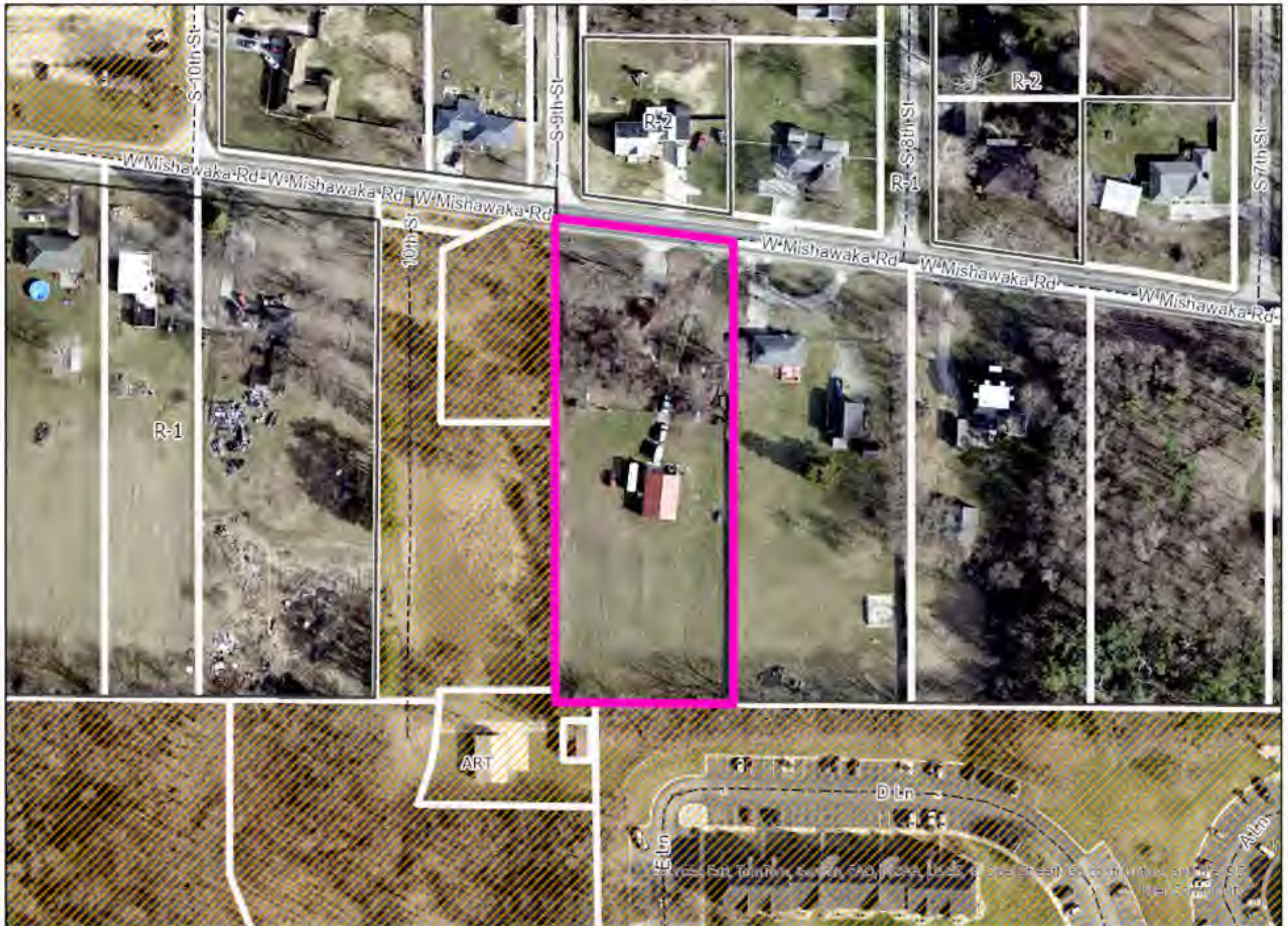
Sign 3 Dimensions (length and width). _____

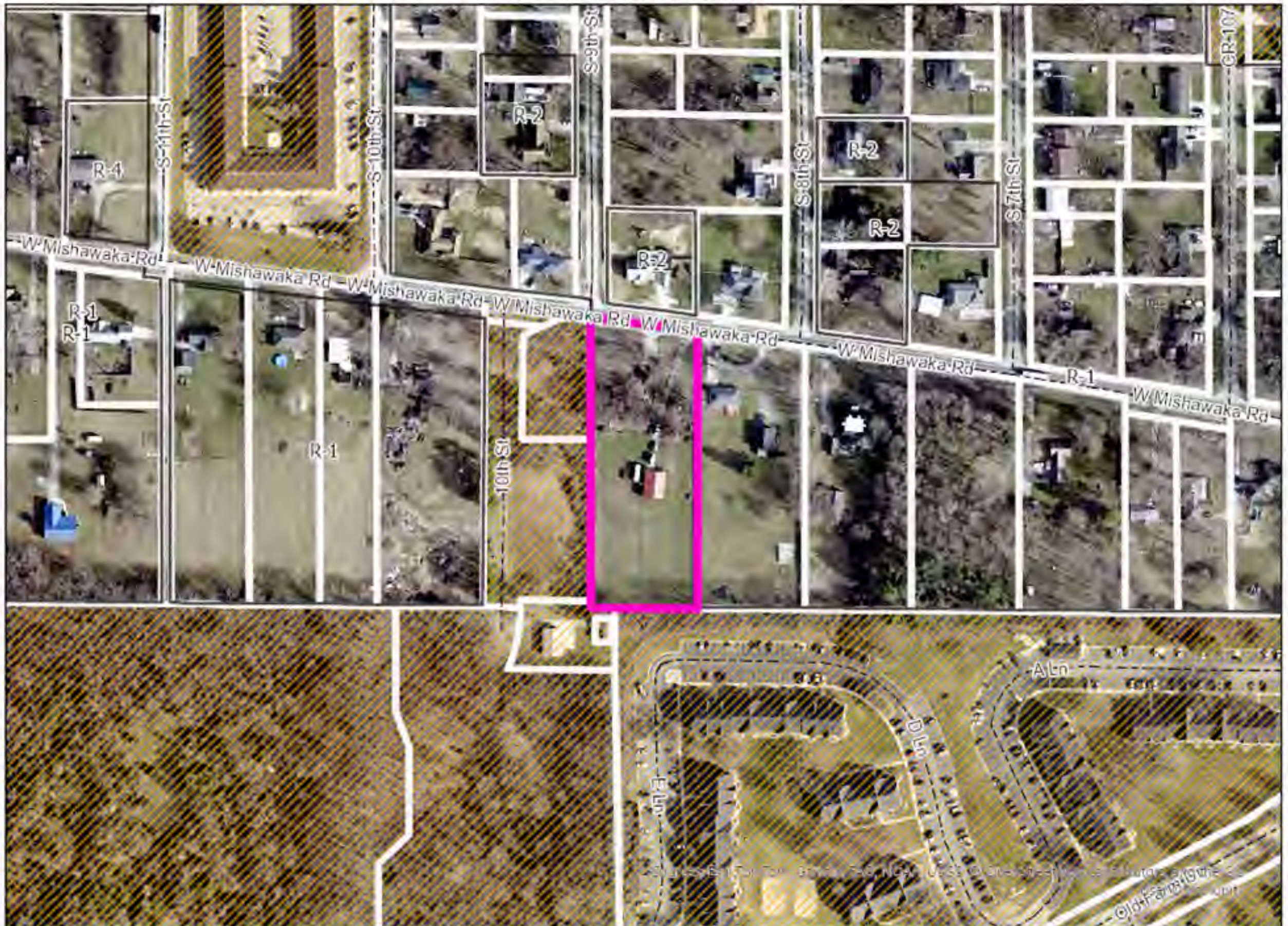
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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. I plan on keeping the hens
really deep in my property but not too deep where
it won't bother my neighbors or the community.







Subject property facing south



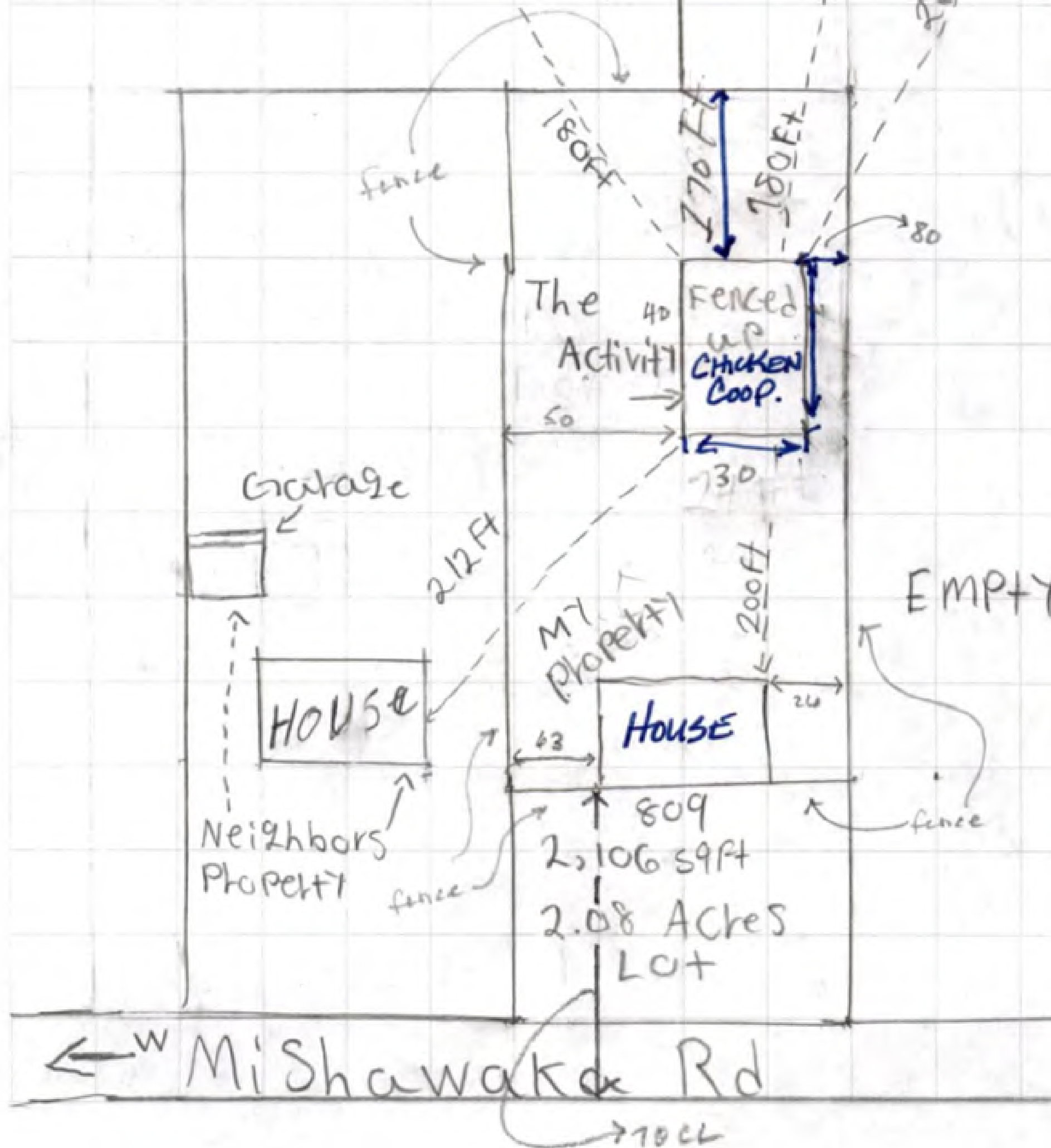
Facing north



Facing east



Facing west



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0444-2026.

Parcel Number(s): 20-04-19-251-008.000-032.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a woodworking business.

Petitioner: Eldon G. Yoder & Doreen G. Yoder, Husband & Wife.

Location: West side of CR 131, 2,200 ft. south of CR 4, in York Township.

Site Description:

- Physical Improvement(s) – Residence and accessory structure.
- Proposed Improvement(s) – Addition.
- 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 home workshop/business for a woodworking business is allowed by Special Use in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 6.73-acre property in a mixed-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 providing a local woodworking business.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 7/8/2026) 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

Special Use - Non Mobile Home

Date: 07/08/2026 Meeting Date: August 20, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0444-2026

Description: for a Special Use for a home workshop/business for a wood working business.

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Sunrise Construction	Sunrise Construction	Eldon G. Yoder And Doreen G.
51583 Cr 29	51583 Cr 29	Yoder, Husband And Wife
Bristol, IN 46507	Bristol, IN 46507	52417 Cr 131
		Bristol, IN 46507

Site Address: 52417 County Road 131 Bristol, IN 46507	Parcel Number: 20-04-19-251-008.000-032
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Township: York
Location: West side of CR 131, 2,200 ft. south of CR 4

Subdivision:	Lot #
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Lot Area: 6.73	Frontage: 194.00	Depth: 1,310.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE: 5/4/01
DWELLING 1392 SF X 200% = 2784 SF MINUS ATTACHED GARAGE 640 SF MINUS BARN W/LEAN-TO 1440 SF = 704 SF
AVAILABLE PERSONAL STORAGE

Applicant Signature:	Department Signature:
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Special Use — Questionnaire

Name: Eldon Yoder

1) Tell us what you want to do. Build an addition to existing structure for woodworking purpose

2) Tell us why this activity won't hurt your neighbors or the community. It won't make an impact on the neighborhood or the community.

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 existing buffering (trees) on the south, west, & east sides

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: 18x30x13

Tell us what you'll use it for. woodworking

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: 2 Part time: _____

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

How many of the employees won't live onsite? 2

What will be the days and hours of operation on this property? Mon - Fri 5am - 1pm

How many parking spaces do you have now? 2

How many parking spaces do you want? 2

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

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

Tell us how often. once a week

Tell us the kind of vehicles used. truck w/ enclosed trailer

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

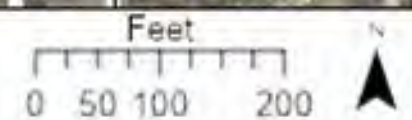
- 10) Tell us anything else you want us to know. _____

SUP-0444-2026

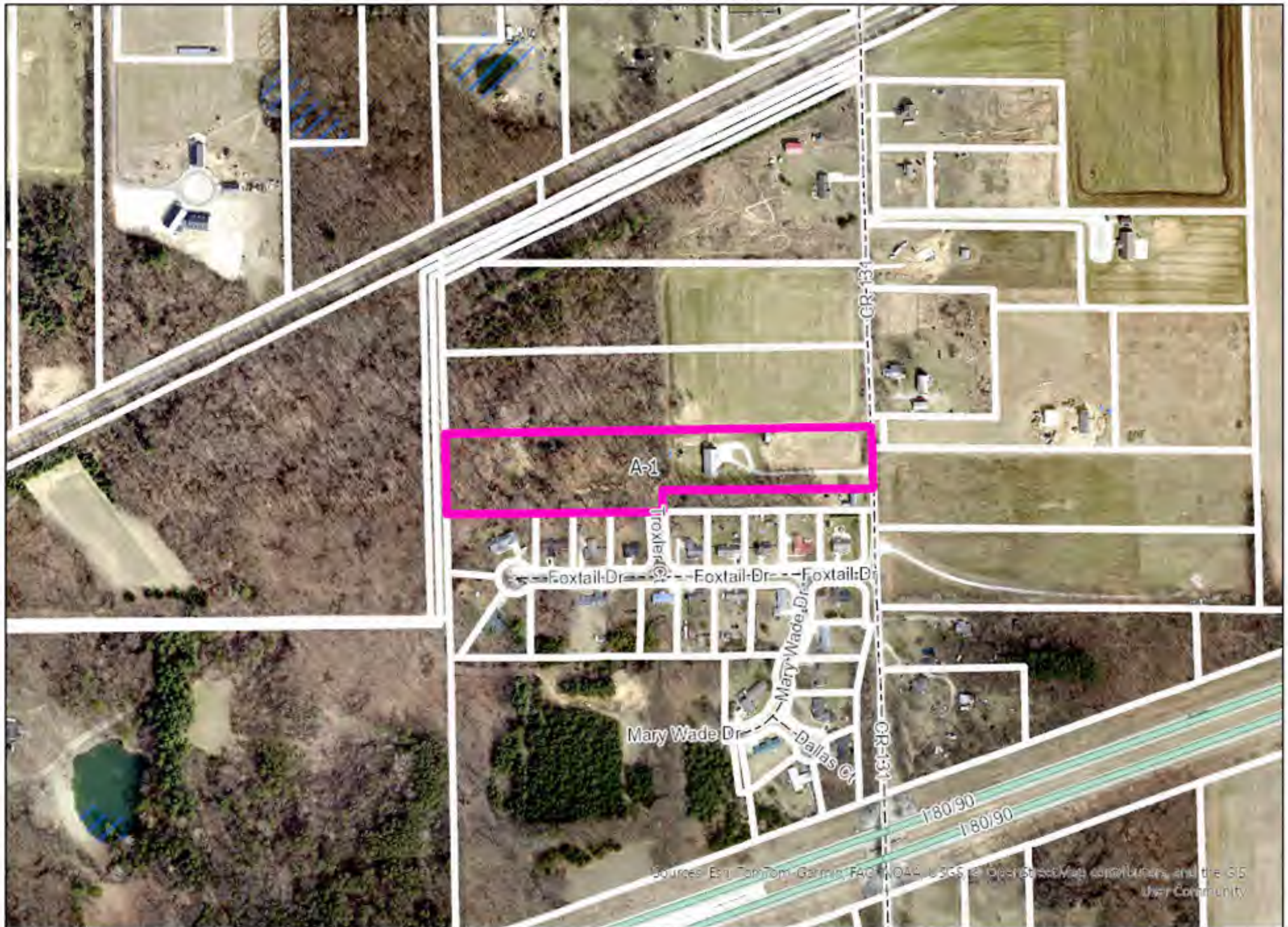


2025 Aerials

1 inch equals 200 ft

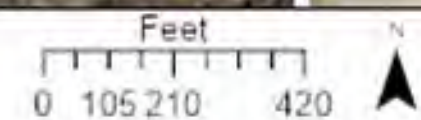


SUP-0444-2026



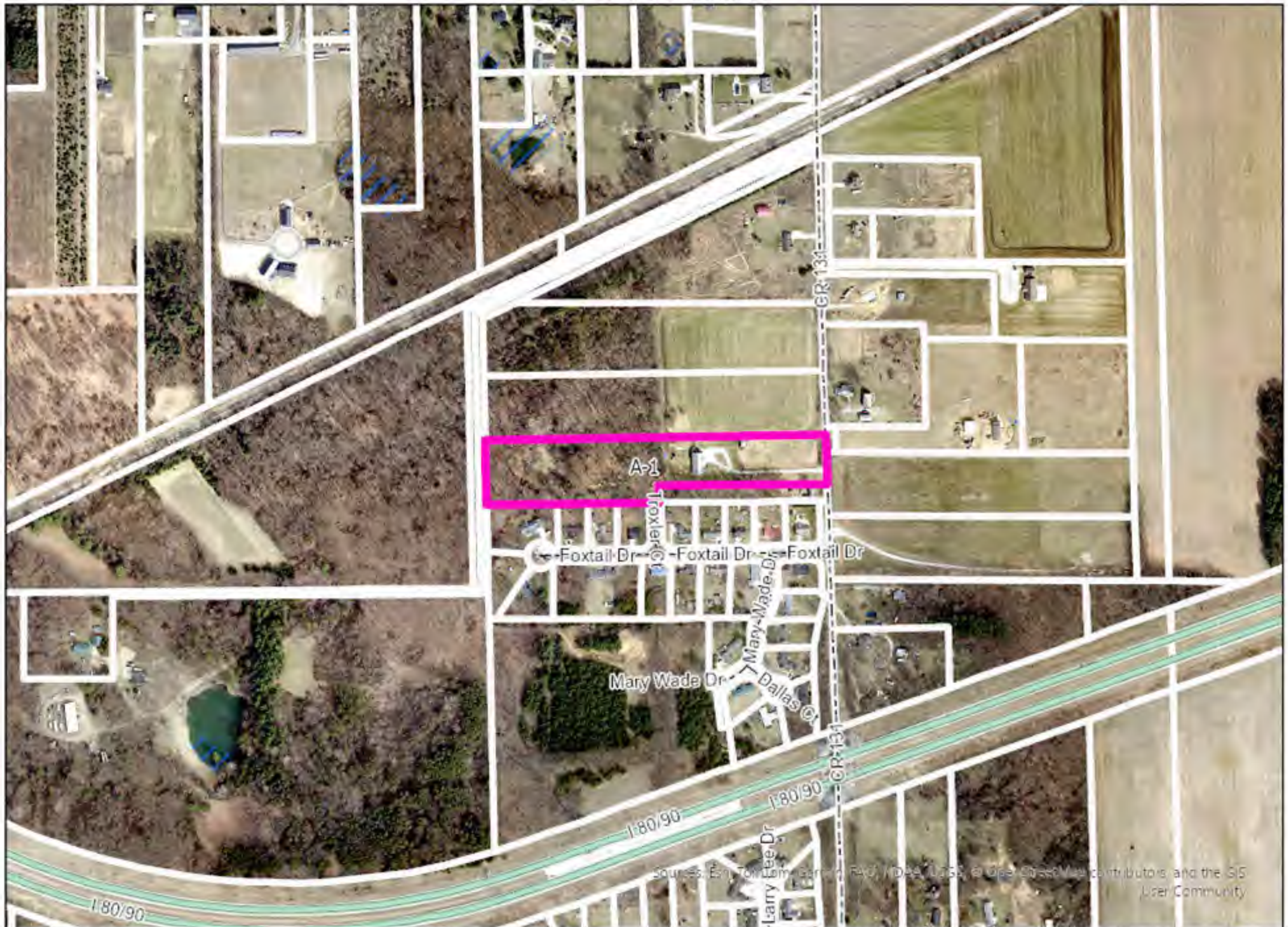
2025 Aerials

1 inch equals 400 ft



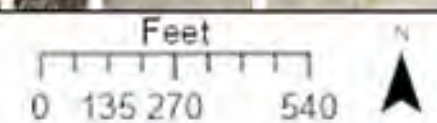
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

SUP-0444-2026



2025 Aerials

1 inch equals 500 ft



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



Subject property



Subject property looking west



Facing east



Facing north

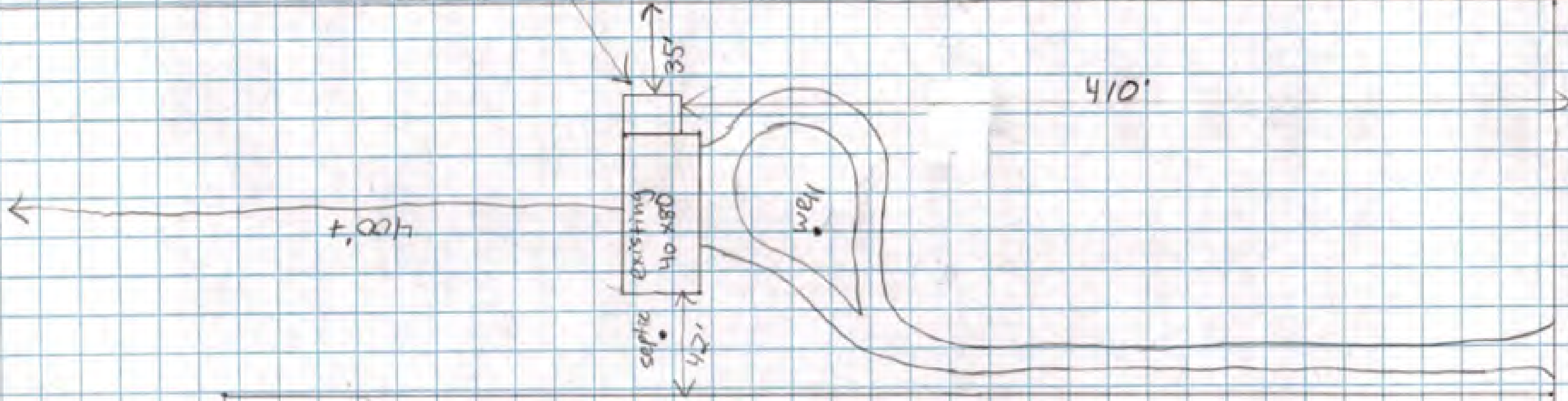


Facing south

Sunrise Construction
Eldon Yoder
18 x 30 addition

52417 CR 13
Bristol IN 4650

proposed new 30 x



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0449-2026.

Parcel Number(s): 20-07-24-300-007.000-019.

Existing Zoning: A-1.

Petition: For a Special Use for a roadside stand.

Petitioner: Tri-County Land Trustee Corporation (Land Contract Holder) & Jerry Lehman & Joann Lehman, Husband & Wife (Land Contract Purchasers).

Location: West side of CR 29, 1,895 ft. south of CR 20, in Jefferson Township.

Site Description:

- Physical Improvement(s) – Residence, barns, & accessory structures.
- Proposed Improvement(s) – Accessory structure and parking area.
- 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 roadside stand 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 9.45-acre lot in a low density residential and agricultural area and the lot will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a local source of produce, food products, and goods.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 7/10/2026) and as represented in the Special Use 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: 07/10/2026 Meeting Date: August 20, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0449-2026

Description: for a Special Use for a roadside stand.

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>	<u>Land Owner</u>
Starlite Builders 59780 County Road 41 Middlebury, IN 46540	Starlite Builders 59780 County Road 41 Middlebury, IN 46540	Tri-County Land Trustee Corporation (Actual Company Address) - Land Contract Holder 11425 N 600 W Topeka, IN 46571	Jerry Lehman And Joann Lehman, Husband And Wife 58871 County Road 29 Goshen, IN 46528

Site Address: 58871 County Road 29 Goshen, IN 46528	Parcel Number: 20-07-24-300-007.000-019
--	---

Township: Jefferson
Location: West Side Of County Road 29, 1,895 ft. South Of County Road 20

Subdivision: LACOUNTE MINOR SUB	Lot # 1
---------------------------------	---------

Lot Area: 9.45	Frontage: 603.00	Depth: 683.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE BUILDING PERMIT BR-0819-2026

Applicant Signature:	Department Signature:
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Special Use — Questionnaire

Name: Jerry Lehman

1) Tell us what you want to do. Privately provide farm fresh food
for people who desire such
Milk, cheese, yogurt, fruit, vegetables, gift baskets,
All made onsite, retail sales

2) Tell us why this activity won't hurt your neighbors or the community. providing fresh food
equals healthier people

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. a few ornamental trees and shrubs

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

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

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

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

Building or addition 1 Existing? ☒ Y ☐ N Size and height to the peak: 15'

Tell us what you'll use it for. coolers etc.

Building or addition 2 Existing? ☐ Y ☒ N Size and height to the peak: 15'6"

Tell us what you'll use it for. Main bldg. 18x24, breeze 6x6, silo 14 diameter

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

Tell us what you'll use it for. _____

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

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

Next page ➡

Special Use — Questionnaire

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

How many employees do you have now? Full time: _____ Part time: 3

How many employees do you want? Full time: _____ Part time: 3

How many of the employees won't live onsite? 3

What will be the days and hours of operation on this property? 6 days a week
8^{AM} - 6 PM

How many parking spaces do you have now? 2

How many parking spaces do you want? 2

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. Private sales only

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

10 Private Patrons

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

Tell us how often. 6 days a week 5 vehicles

Tell us the kind of vehicles used. cars

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). _____

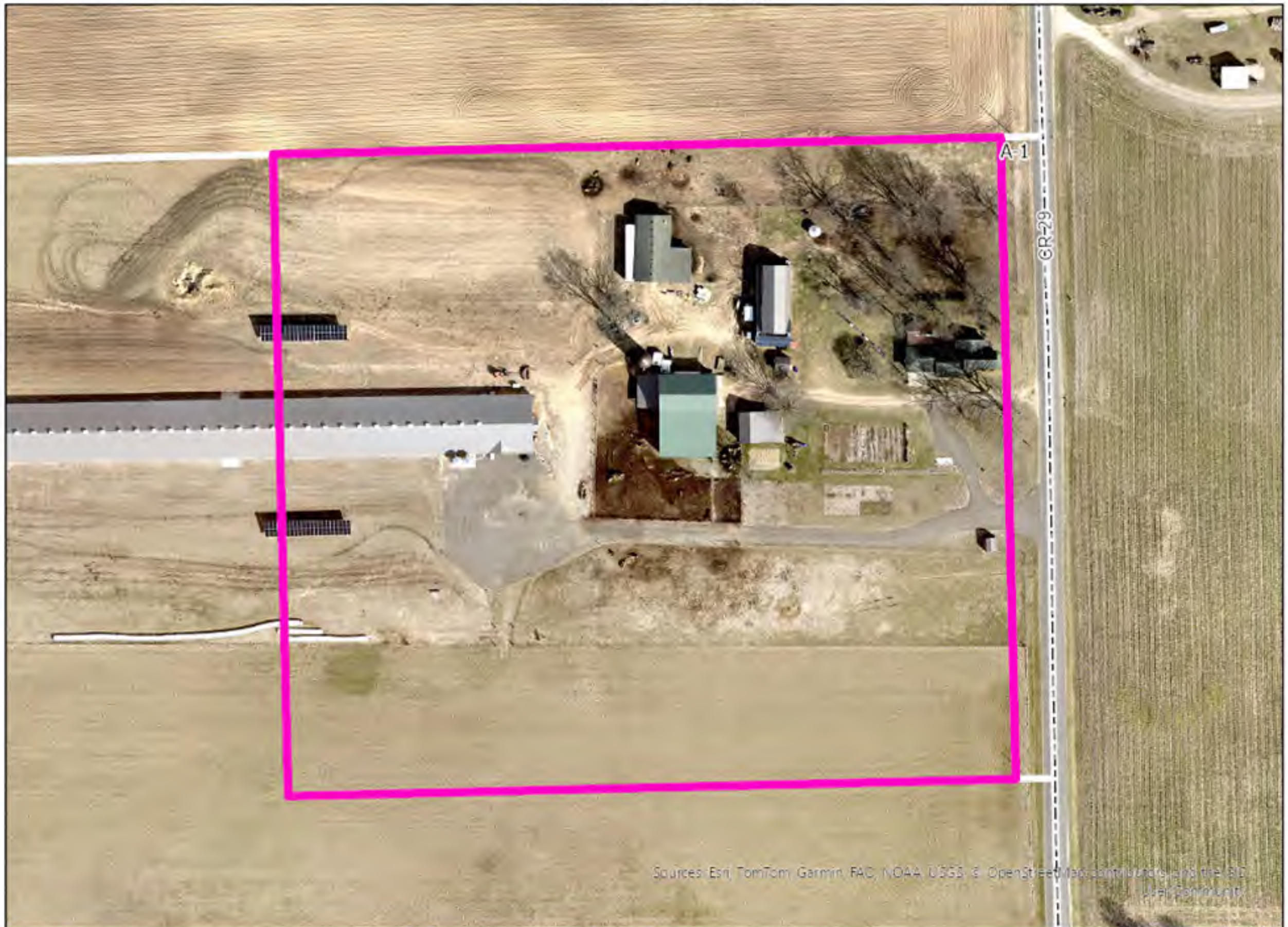
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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 Private Farm stand will not need a new driveway

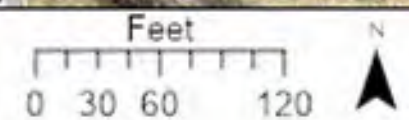
SUP-0449-2026



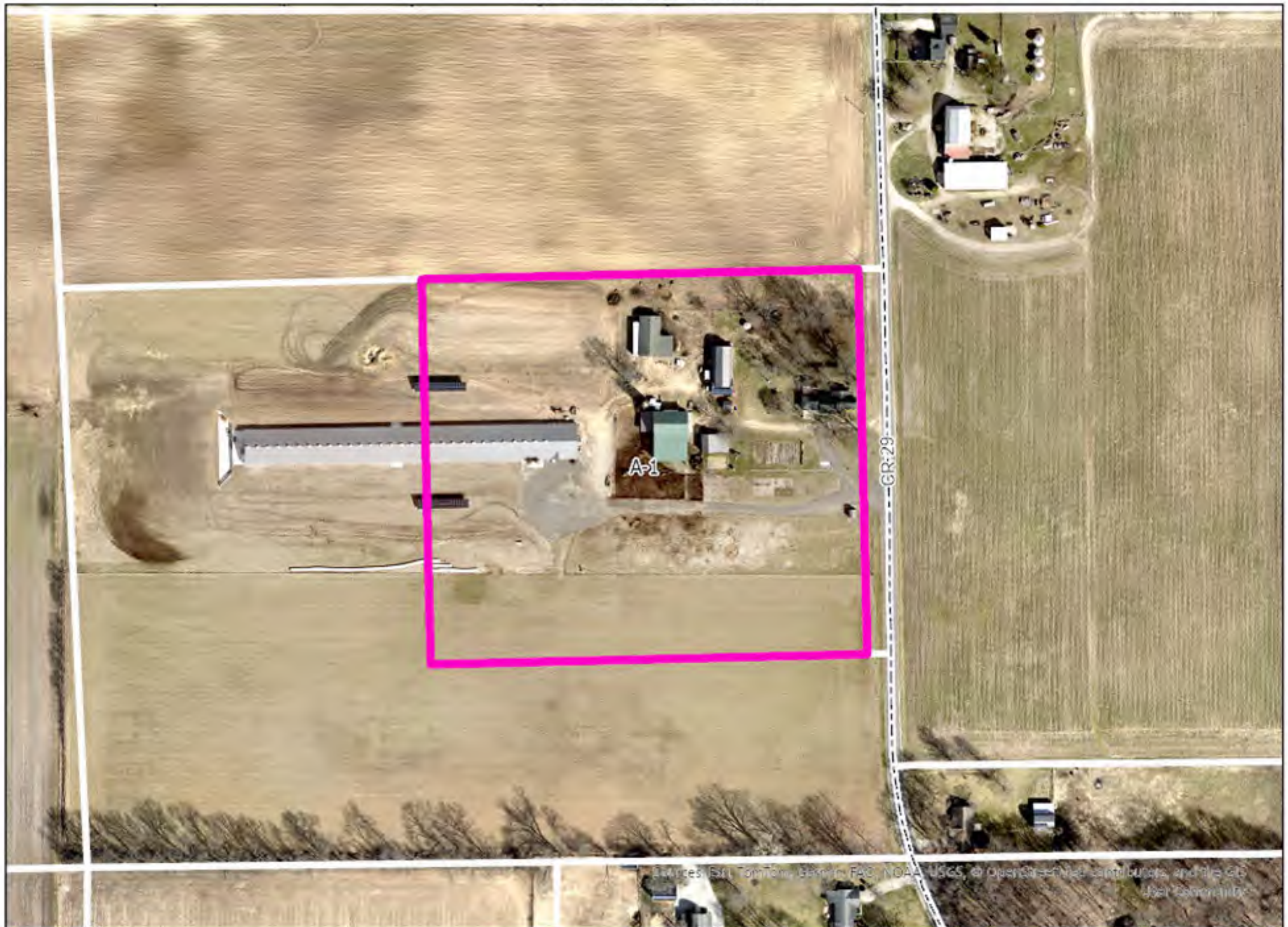
Sources: Esri, TomTom, Garmin, FRC, NOAA, USGS, & OpenStreetMap contributors, and the GIS User Community

2025 Aerials

1 inch equals 120 ft

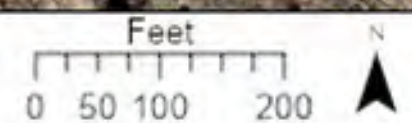


SUP-0449-2026

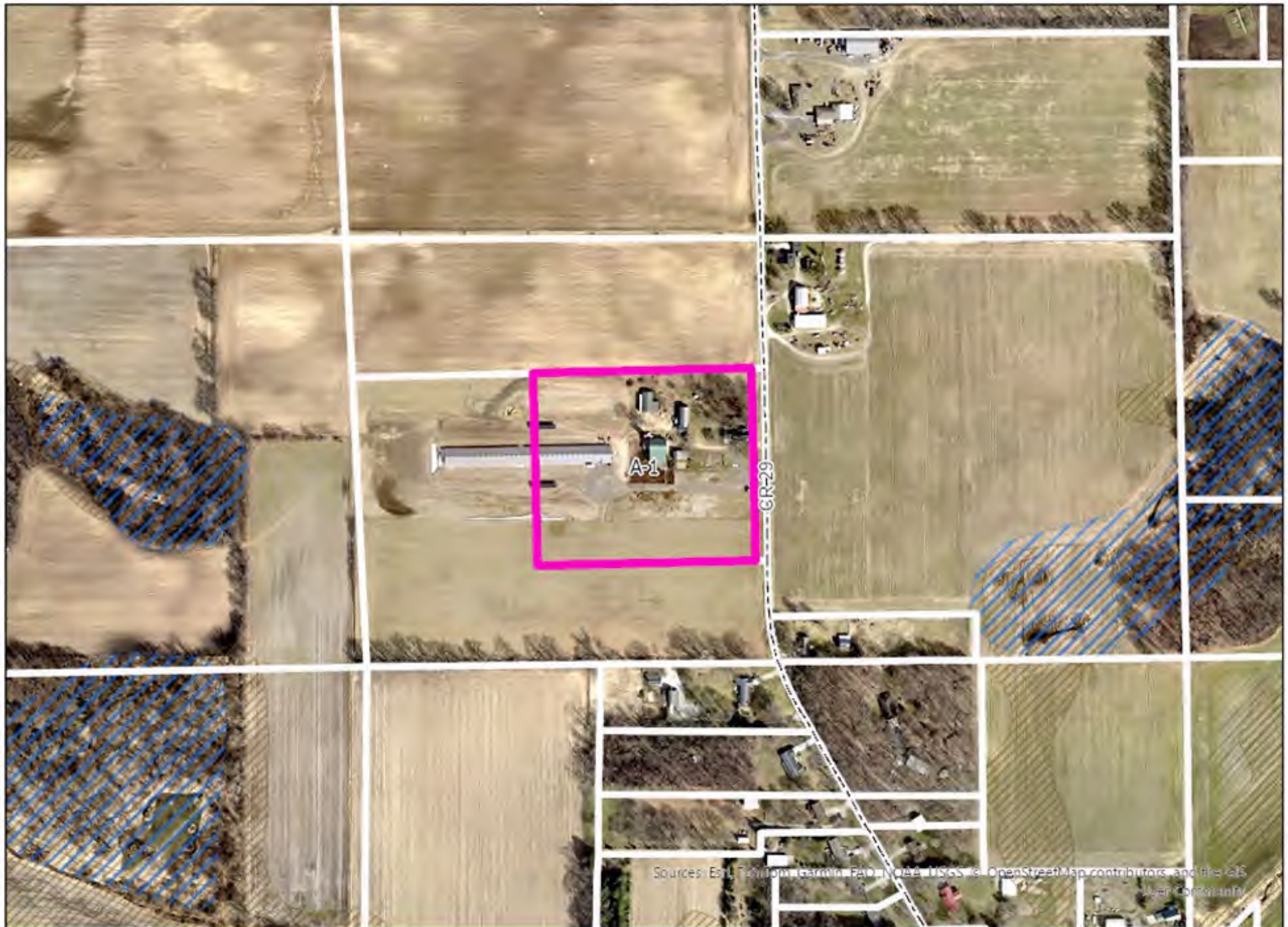


2025 Aerials

1 inch equals 200 ft



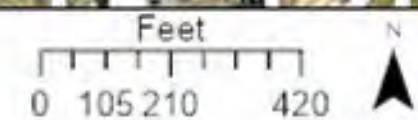
SUP-0449-2026



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

2025 Aerials

1 inch equals 400 ft





Subject property facing west



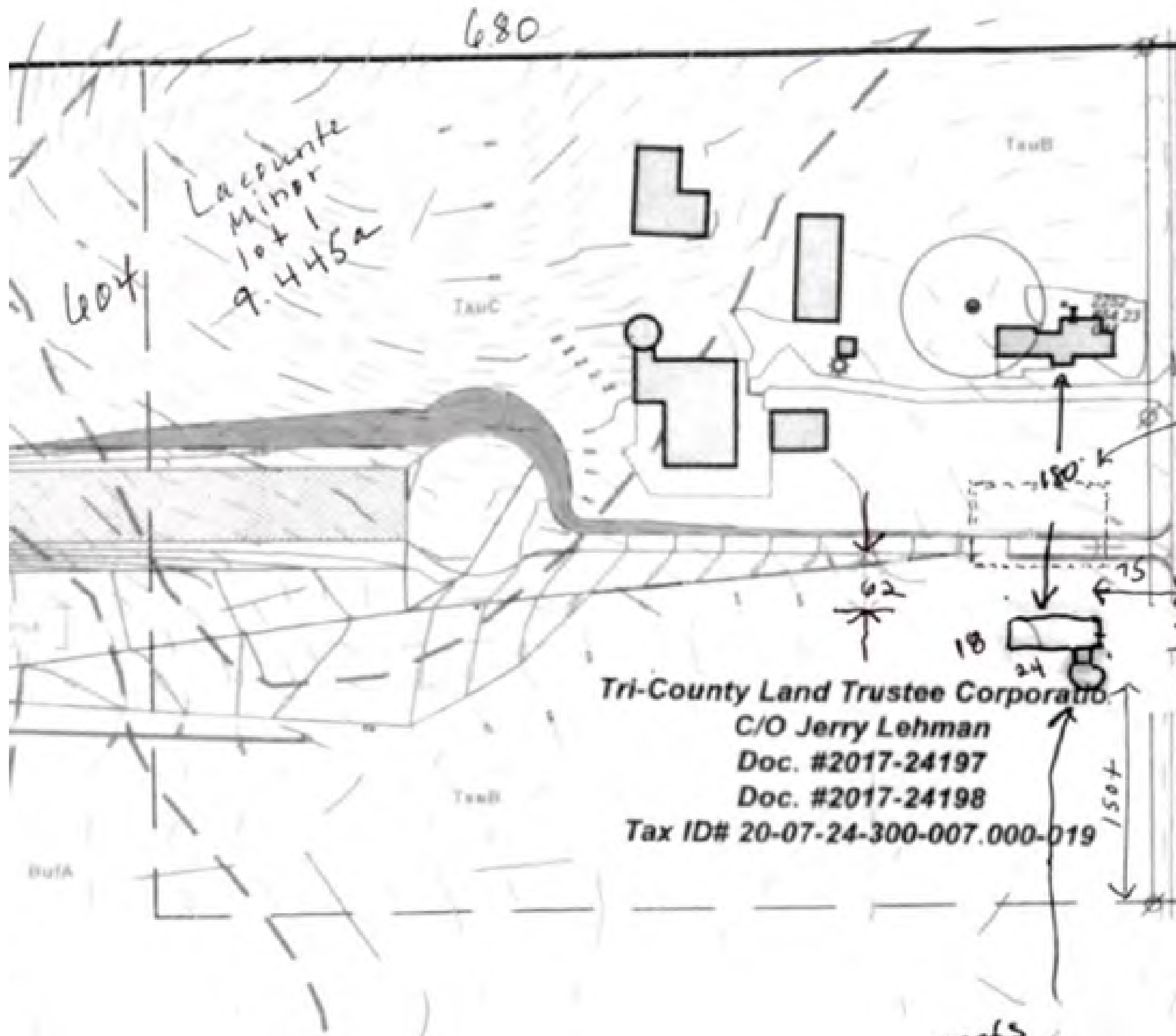
Facing east



Facing north



Facing south



Tri-County Land Trustee Corporation
C/O Jerry Lehman
Doc. #2017-24197
Doc. #2017-24198
Tax ID# 20-07-24-300-007.000-019

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0450-2026.

Parcel Number(s): 20-04-21-326-008.000-032.

Existing Zoning: A-1.

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

Petitioner: Four Square Holdings, LLC.

Location: West side of CR 35, 2,525 ft. north of SR 120, in York Township.

Site Description:

- Physical Improvement(s) – Residence and accessory structure.
- Proposed Improvement(s) – Agricultural structure.
- 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. The keeping of animals on a tract of land containing less than 3 acres is allowed by Special Use in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 2.5-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 providing a hobby opportunity and local transportation.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 7/10/2026) and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses at any one time.

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

Date: 07/10/2026 Meeting Date: August 20, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0450-2026

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

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Four Square Holdings, Llc	Four Square Holdings, Llc
56781 County Road 43	56781 County Road 43
Middlebury, IN 46540	Middlebury, IN 46540

Site Address: 52519 County Road 35 Bristol, IN 46507	Parcel Number: 20-04-21-326-008.000-032
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Township: York
Location: West Side Of County Road 35, 2,525 Ft. North Of Sr 120

Subdivision:	Lot #
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Lot Area: 2.50	Frontage: 217.00	Depth: 405.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 6/8/1978
RESIDENCE = 960 SQ FT X 110% = 1,056 SQ FT, MINUS 480 (GARAGE) - 128 (SHED) WHICH LEAVES 448 SQ FT
AVAILABLE FOR PERSONAL STORAGE.
PROPOSED AG BUILDING IS 20 X 30 = 600 SQ FT

Applicant Signature:	Department Signature:
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Special Use — Questionnaire

Name: JOSHUA HOCHSTETLER

1) Tell us what you want to do. BUILD A POLE BARN 20x30. USE the front 10x30 for storage and the back 10x30 (300sq ft) for ag use. 1-2 horses

2) Tell us why this activity won't hurt your neighbors or the community. It is a small barn used for storage and possibly for 2 animals. Don't know of a reason it would hurt any body.

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. Might cause some manure

Tell us how you'll reduce the impact of those things on neighbors. We will keep the pole between the buffer to the south and the barn out of sight of the neighbors.

5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. Thick row of pines to the south end of the property. Some buffer to the north end of 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: W 20' x 30' x 11'8" H
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. 1-2 horses

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. _____

SUP-0450-2026



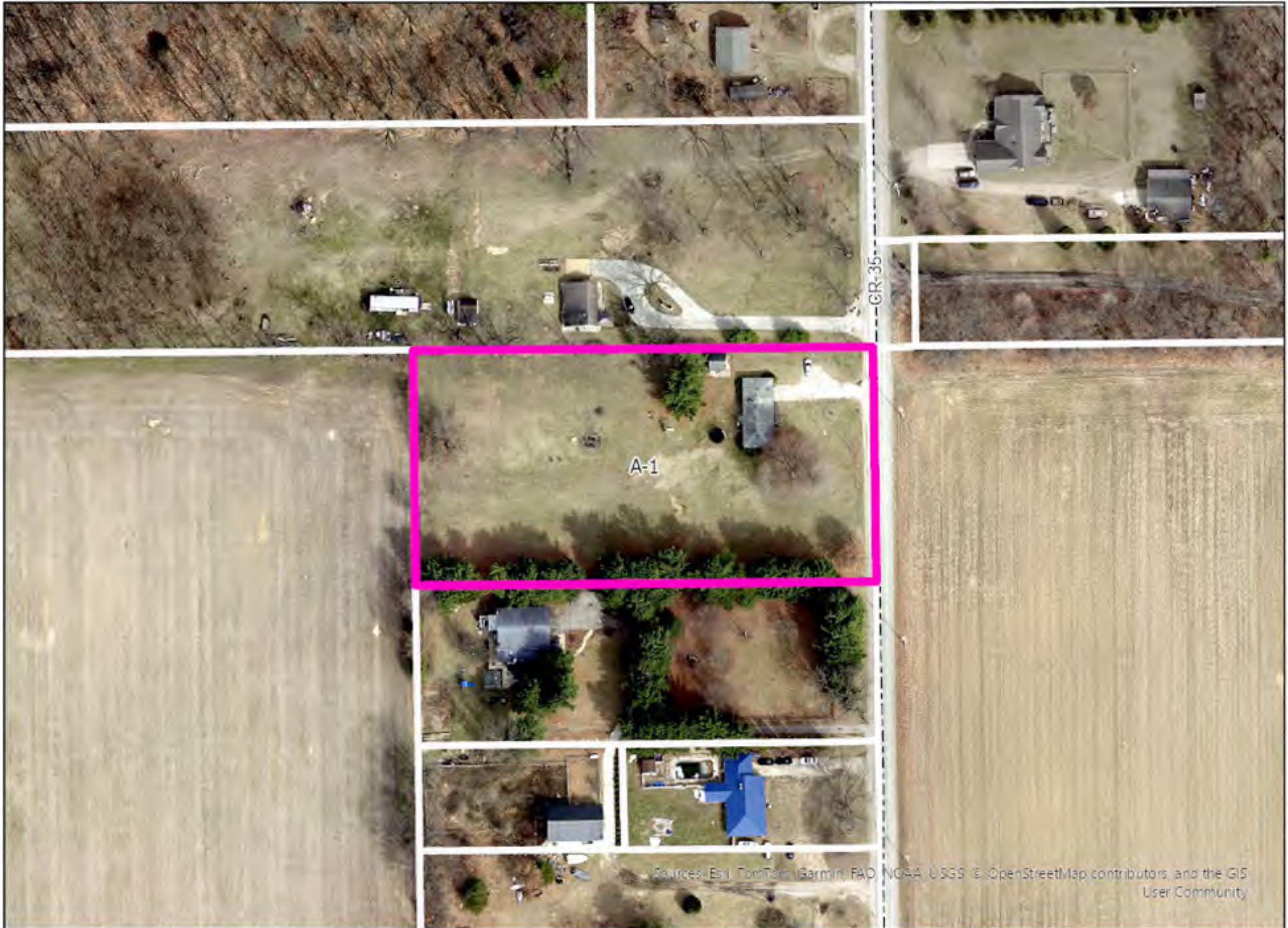
2025 Aerials

1 inch equals 60 ft

Feet
0 15 30 60
N

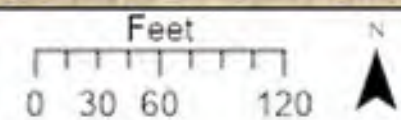
Source: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

SUP-0450-2026



2025 Aerials

1 inch equals 120 ft



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

SUP-0450-2026



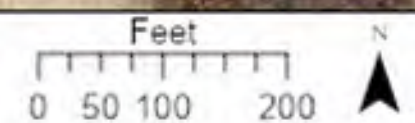
A-1

CR 35

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

2025 Aerials

1 inch equals 200 ft





Subject property facing west



Facing east



Facing north



Facing south

420

N ↑

209.

30
20
600
25'

new buildings
proposed

proposed driveway

30'
20
960
40
24
960
24
20
24

90

220

PASTURE

230'

fence

SHED

58

96

21

220'

30'

220
CR 35

NO
BUT

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0452-2026.

Parcel Number(s): 20-06-28-326-001.000-009.

Existing Zoning: A-1.

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

Petitioner: Wyatt Bowen & Alyssa Bowen, Husband & Wife.

Location: South side of CR 24, 1,415 ft. east of CR 9, in Concord Township.

Site Description:

- Physical Improvement(s) – Residence, detached garage.
- Proposed Improvement(s) – Detached barn and chicken coop.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural, Elkhart County landfill.

History and General Notes:

- **December 17, 2025** – A complaint was received for a horse on less than 1 acre (CODE-0855-2025).
- **June 17, 2026** – A complaint was received for ponies on property & more than the 6 allowed chickens without a Special Use (CODE-0506-2026).

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 animals 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 1-acre property in a low-density residential area, and the property will remain residential in character. The subject parcel is adjacent to a vacant agricultural parcel and the Elkhart County landfill, and a pony and chickens will not cause more noise or smell than is generated by the landfill.
3. The Special Use will substantially serve the public convenience and welfare by providing a local food source and hobby opportunity.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 7/13/2026) and as represented in the Special Use application.
2. The request is limited to a maximum of six (6) chickens at any one time, no roosters.
3. The request is limited to a maximum of one (1) pony 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-0452-2026

Date: 07/13/2026 Meeting Date: August 20, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0452-2026

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

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Wyatt Bowen & Alyssa	Wyatt Bowen & Alyssa
Bowen, Husband And Wife	Bowen, Husband And Wife
25728 County Road 24	25728 County Road 24
Elkhart, IN 46517	Elkhart, IN 46517

Site Address: 25728 County Road 24 Elkhart, IN 46517	Parcel Number: 20-06-28-326-001.000-009
---	---

Township: Concord
Location: South side of CR 24, 1,415 ft. East of County Road 9

Subdivision:	Lot #
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Lot Area: 1.00	Frontage: 165.00	Depth: 247.00
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Zoning: A-1, M-2	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE: 3/1/70
SEE CODE CASES:
CODE-0855-2025 ,CODE-0506-2026, CODE-0507-2026 for keeping of animals on less than 3 acres

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

Special Use — Questionnaire

Name: _____

- 1) Tell us what you want to do. be able to keep my chickens and my 4 year old daughters pony on our land
- 2) Tell us why this activity won't hurt your neighbors or the community. no noise, we are secluded from neighbors, our neighbors like the pony, neighbors across street have chickens too, NO smell!
- 3) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N
- 4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things. _____
Tell us how you'll reduce the impact of those things on neighbors. _____
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N
If yes, tell us about it. _____
- 6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 7) Will the activity use buildings or additions? ☐ Y ☒ N If yes, fill out below.
Building or addition 1 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 2 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
- 8) Does this application include animals? ☒ Y ☐ N
If yes, tell us what kind and how many of each. 7 mini pony, 18 chickens

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

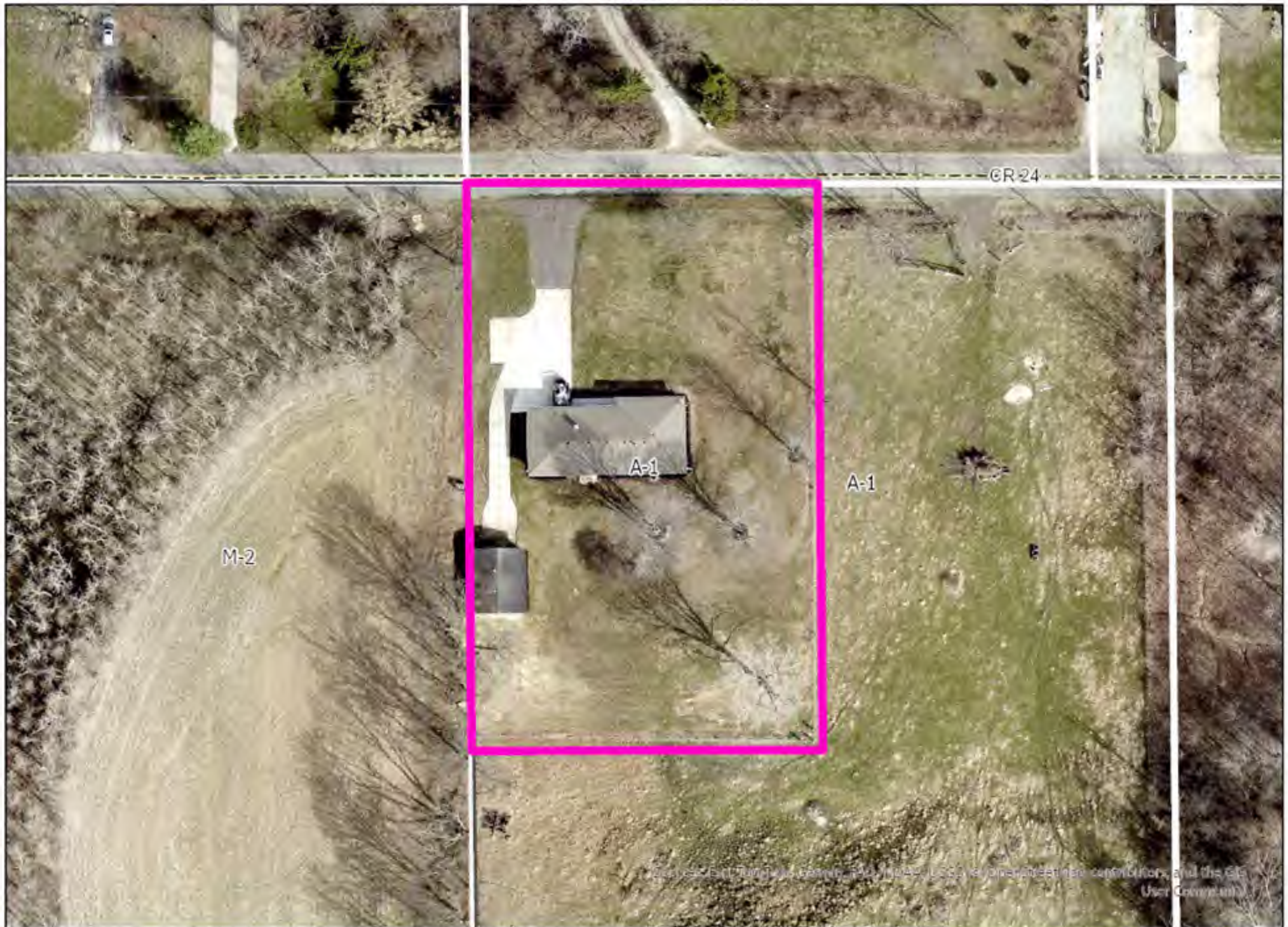
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

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

- 10) Tell us anything else you want us to know. my daughters pony has been on our property for a year now. 'Tucker' has water, grass, hay and gets 1/4 cup of grain morning & night. has a fan on in the summer & winter blankets in the winter.

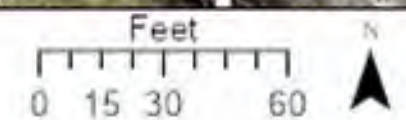
yes, I have 19 chickens that have also not been an issue for a year either. they have a chicken coop & a brand new chicken run. they have 3 food containers & 3 water buckets 24/7. also a heat lamp in the winter.

SUP-0452-2026



2025 Aerials

1 inch equals 60 ft



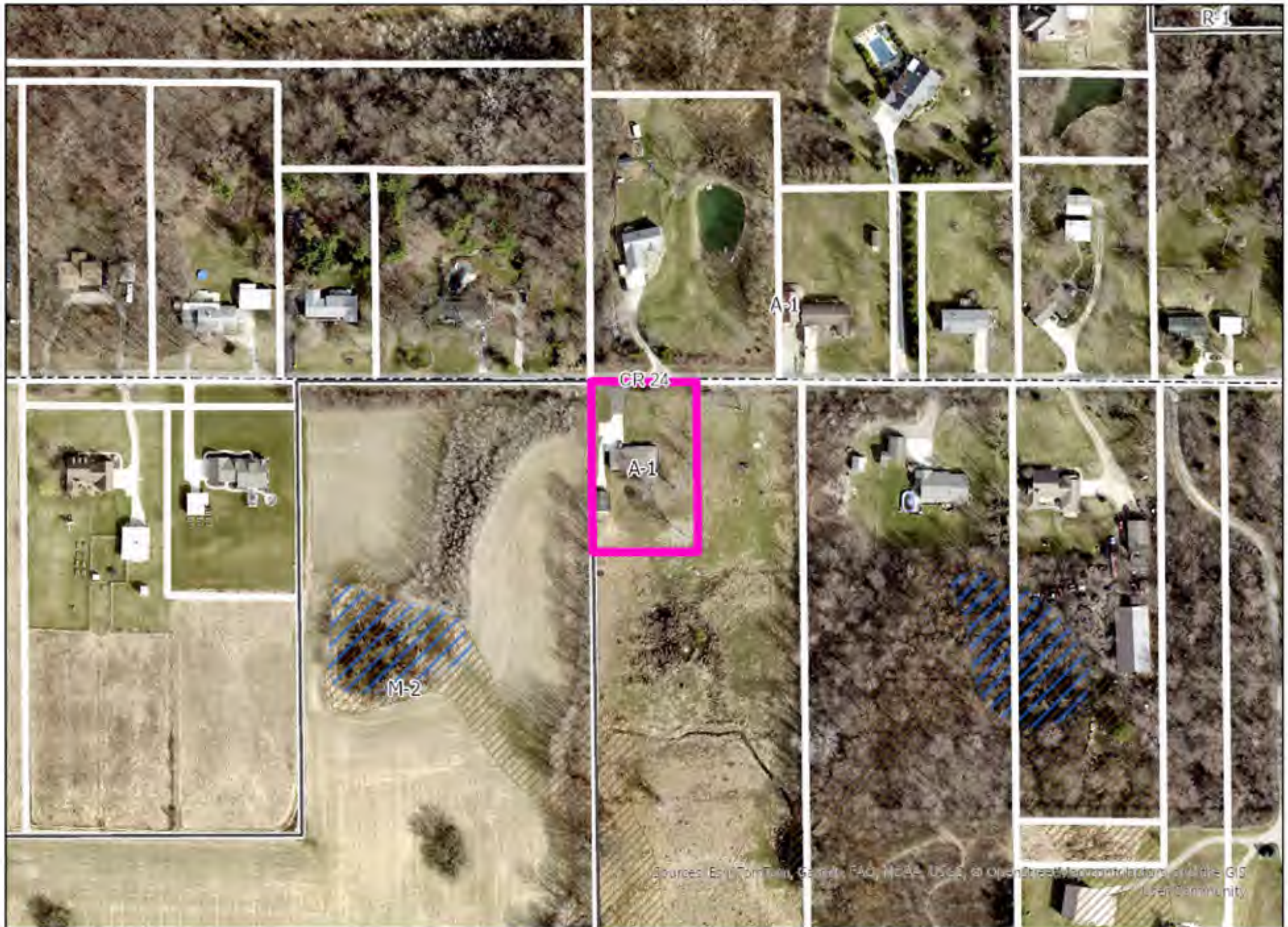
SUP-0452-2026



2025 Aerials

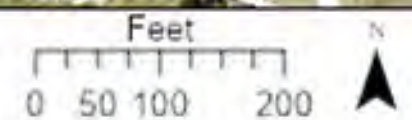
1 inch equals 120 ft

Feet
0 30 60 120 N



2025 Aerials

1 inch equals 200 ft



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



Subject property



Facing west

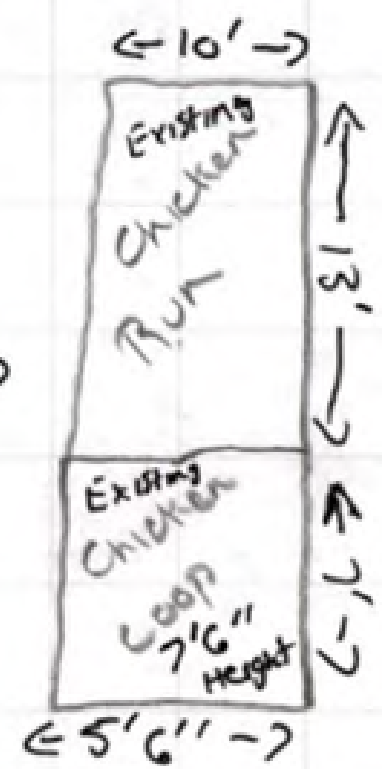


Facing east

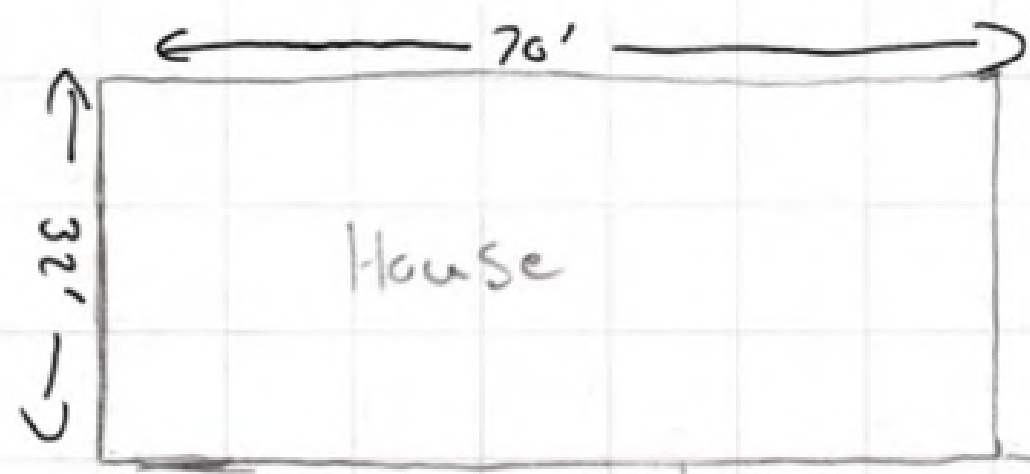
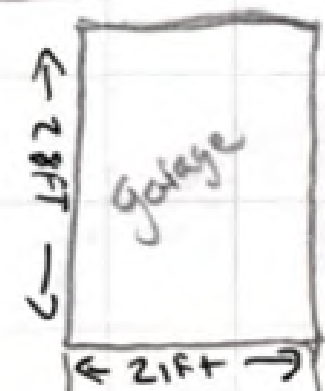
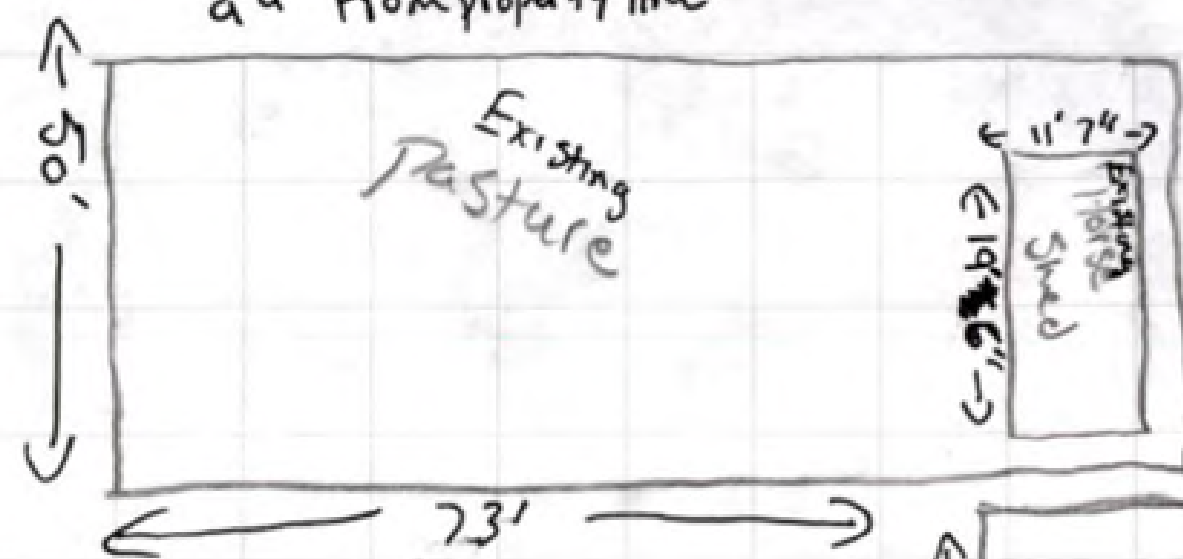


Facing north

7'
From
property
Line



a'a" From property line



existing
Driveway

7'
From
P
line

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0439-2026.

Parcel Number(s): 20-11-27-351-0007.000-014.

Existing Zoning: R-1.

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

Petitioner: Myron Slabaugh & Jessica Slabaugh, Husband & Wife.

Location: East side of SR 15, 670 ft. north of CR 40, in Elkhart Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures, & pool.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential & City of Goshen.

History and General Notes:

- **August 16, 2007** – The BZA approved a Special Use for a home workshop/business for real estate sales (Specifications F - #45) (20072721).
- The house was damaged by fire in July 2026.

Staff Analysis:

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

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for an agricultural use for the keeping of animals is allowed 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 1.41-acre property in a moderately dense residential area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing for a hobby opportunity.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 7/7/2026) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of two (2) adult ponies and two (2) adult goats 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. These are existing buildings and this request is 968 sq. ft., or 67%, over what is allowed by right.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.41-acre property in a moderately dense residential area, 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. Without the benefit of the variance, the property would be non-conforming.

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 7/7/2026) 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

SUP-0439-2026

Date: 07/07/2026 Meeting Date: August 20, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0439-2026

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

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Shipshewana Homes 613 Colorado St. Goshen, IN 46526	Shipshewana Homes 613 Colorado St. Goshen, IN 46526	Myron Slabaugh & Jessica Slabaugh, Husband & Wife 65882 State Road 15 Goshen, IN 46526

Site Address: 65882 State Road 15 Goshen, IN 46526	Parcel Number: 20-11-27-351-007.000-014
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Township: Elkhart
Location: EAST SIDE OF SR 13, 560 FT SOUTH OF WATERFERD MILLS PARKWAY.

Subdivision: SUNNY ACRES SD	Lot # 14
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Lot Area: 1.41 Frontage: 100.00 Depth: 613.00

Zoning: R-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PREV SPECIAL USE 20072721 HOME WORKSHOP BUSINESS

Applicant Signature:	Department Signature:
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Special Use — Questionnaire

Name: _____

- 1) Tell us what you want to do. have 2 ponies + 2 Goats
for 4H. also have chickens
- 2) Tell us why this activity won't hurt your neighbors or the community. Homeowner
wasn't aware and already had them. Hasn't
affected property value and neighbors are ok
with them there
- 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: 16' x 12' 12' to peak
Tell us what you'll use it for. ponies + Goats
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. 2 ponies + 2 Goats

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). _____

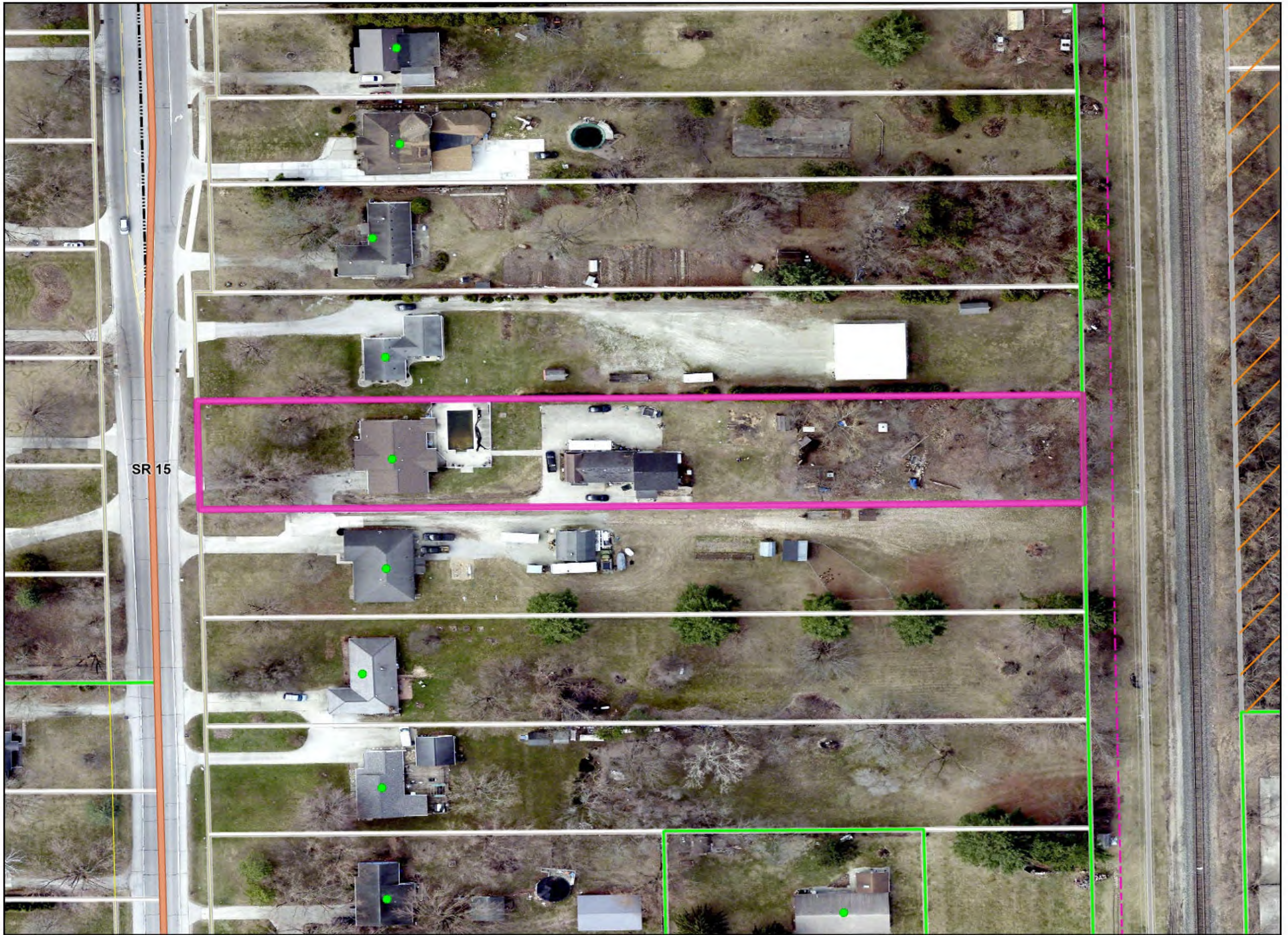
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

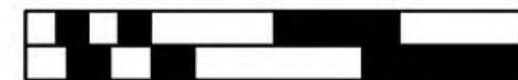
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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

SUP-0439-2026



0 18 36 54 72 Meters

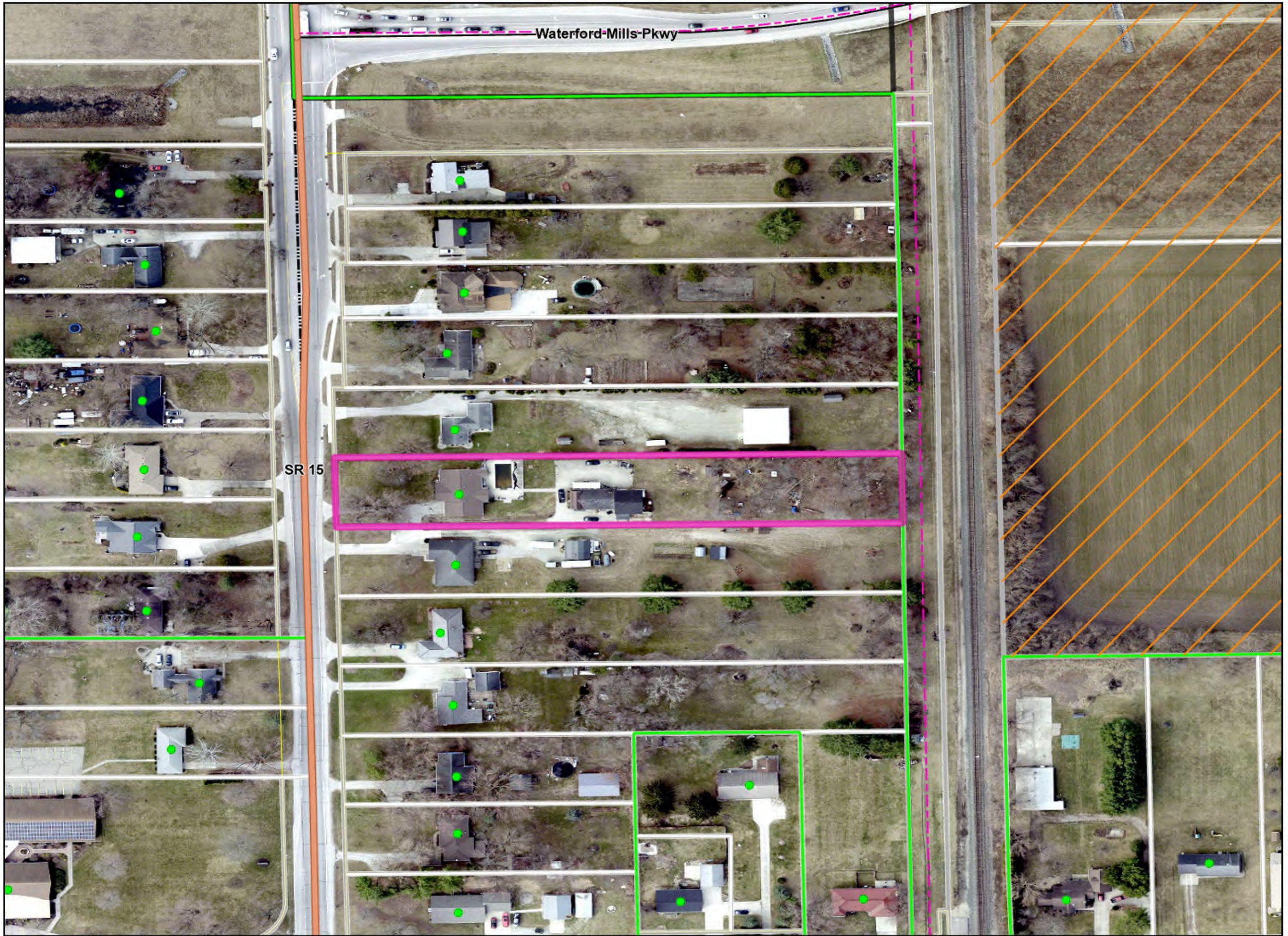


0 80 160 240 Feet

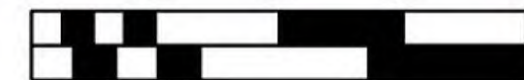
N



SUP-0439-2026



0 28 56 84 112 Meters



0 125 250 375 Feet

N



[illegible]

[REDACTED]



Subject property facing east



Facing west



Facing north



Facing south

↑
N

Myron & Jessica Slabaugh
65888 State Rd 15

cl #

20-11-27-351-007.003-014

613'

Pasture
150' x 90'

Small
barn

76'

shop

Existing
barn

88'

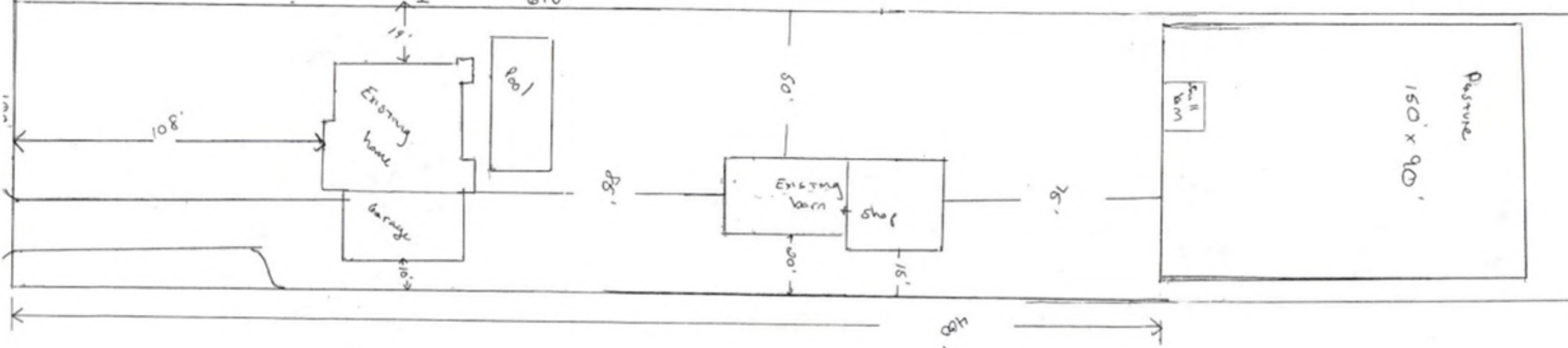
Pool

Existing
home

Garage

108'

9'



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0416-2026.

Parcel Number(s): 20-12-04-302-002.000-007, 20-12-04-302-012.000-007, 20-12-04-302-015.000-007.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a battery-powered trinket/appliance business, for a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 50 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Lamar D. Miller & Lanita S. Miller, Husband & Wife.

Location: East side of CR 35, 610 ft. south of SR 4, in Clinton Township.

Site Description:

- Physical Improvement(s) – Residence, detached agricultural and accessory structures.
- Proposed Improvement(s) – Detached workshop structure.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural, church, school campus.

History and General Notes:

- A state release and commercial building permit will be required.

Staff Analysis:

For a Special Use for a home workshop/business for a battery-powered trinket/appliance business, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A home workshop/business is allowed in the A-1 zoning district by Special Use.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 3.21-acre parcel in a medium-density mixed-use area, and the parcel will remain residential in character. The business will not generate more traffic than what is being found on surrounding business properties.
3. The Special Use will substantially serve the public convenience and welfare by providing a local battery-powered trinkets and appliance business.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 sign setback and the approved front building setback for the proposed accessory 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.
2. No backing onto or off CR 35 with semi-tractor trailers.

For a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 50 ft. from the centerline of the right-of-way, staff finds that:

1. Approval of the request will be injurious to public health, safety, morals, or general welfare. This is a heavy traffic area, and a building of this size should not be closer to the right-of-way to cause sight issues.
2. Approval of the request will cause substantial adverse effect on neighboring property. The requested building will be 2 stories high and should meet setback requirements to be out of the line of sight from neighboring driveways and residences.
3. Strict application of the terms of the Development Ordinance would not result in an unnecessary hardship in the use of the property. There is enough space to allow for the proposed building to be built at the required setback without causing the building to be built on the current driveway.

Staff recommends **DENIAL**. Planning staff would, however, support a 13 ft. Developmental Variance to allow the accessory structure at the setback line established by the existing residence.

BZA Staff Report (Continued)

Hearing Date: August 20, 2026

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 request is 1,530 sq. ft., or 31%, over what is allowed by right and all other developmental standards will be met.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 3.2-acre parcel in a mixed-use area, and the building is comparable in size to buildings on neighboring parcels.
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 building would not be large enough to accommodate storage and workspace.

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 the sign setback and the approved front building setback for the proposed accessory 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

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: 06/25/2026 Meeting Date: August 20, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0416-2026

Description: for a Special Use for a home workshop/business for a battery-powered trinket/appliance business, for a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 50 ft. from the centerline of the right-of-way and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Lh Construction 10758 County Road 36 Goshen, IN 46528	Lh Construction 10758 County Road 36 Goshen, IN 46528	Lamar D. Miller And Lanita S. Miller, Husband And Wife 61710 County Road 35 Goshen, IN 46528

Site Address: 61710 County Road 35 Goshen, IN 46528	Parcel Number: 20-12-04-302-002.000-007 20-12-04-302-012.000-007 20-12-04-302-015.000-007
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Township: Clinton
Location: EAST SIDE OF CR 35, 610 FT. SOUTH OF SR 4

Subdivision:	Lot #
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Lot Area: 3.21	Frontage: 246.36	Depth: 539.40
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 8/31/1974
RESIDENCE = 2,430 SQ FT X 200% = 4,860 SQ FT, MINUS 670 (GARAGE), - 120 (SHED) - 540 (CAR SHED) AND NEW
PROPOSED BUILDING = 5,600 SQ FT (INCLUDING LOFT SPACE) = OVERAGE OF 2,070 SQ FT

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

Special Use — Questionnaire

Name: Laron Bontrager Lumar Miller

1) Tell us what you want to do. They want to use the shop for church & family gatherings, then the 2nd floor is for his part time business, they make battery powered headlamps, coffee makers, etc.

2) Tell us why this activity won't hurt your neighbors or the community. It is a husband & wife business, it will all be on the inside in 2nd floor & they want have a generator running

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: W pt: 50x40 1 story
e pt: 45x40 2 story
Ht: 25 ft in 2nd sto of e pt

Tell us what you'll use it for. OA ht: 25

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? _____
- What will be the days and hours of operation on this property? 5 days a week
avg. of 4 hr. days
- 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. _____

X 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. 2 days a week

Tell us the kind of vehicles used. UPS & Fedex

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

Sign 1 Dimensions (length and width). 12" x 12"

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

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

Freestanding? ☐ Y ☒ N mail box 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. _____

Hand understands can't be in row, I sed a fs out of the row w bok

Developmental Variance — Questionnaire

Name: Lamar Miller

1) Tell us what you want to do. front set back is 75'
The owner would like to move to 50'

2) Tell us why you can't change what you're doing so you don't need a variance. because of landscape
also garage doors to line up with main drive.
the need the space for church + family gathering

3) Tell us why the variance won't hurt your neighbors or the community. _____

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: 25' to Peak

Tell us what you'll use it for: 50X40 1 story ~ 45X50 2 story

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

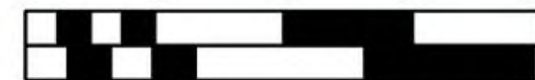
If yes, tell us how many total there will be. _____

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

SUP-0416-2026



0 16 32 48 64 Meters

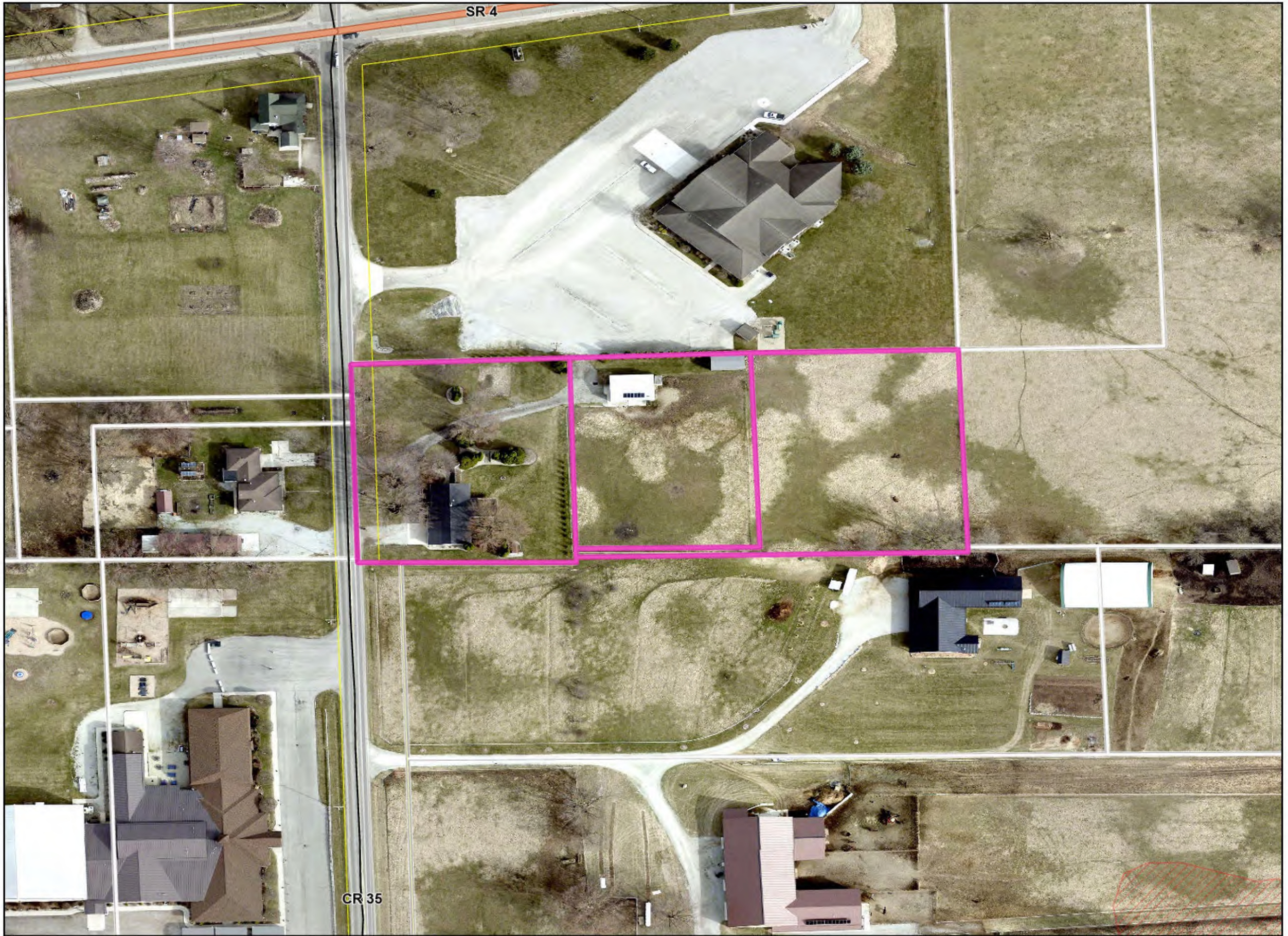


0 69 138 207 Feet

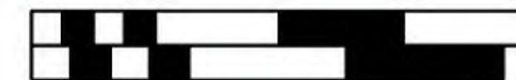
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SUP-0416-2026



0 24 48 72 96 Meters



0 100 200 300 Feet

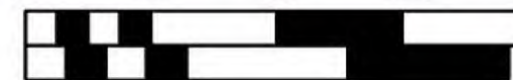
N



SUP-0416-2026



0 38 76 114 152 Meters



0 160 320 480 Feet

N





Subject property



Subject property, proposed building location



Facing south



Facing north



Facing west

Ch. 1

15.1



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0456-2026.

Parcel Number(s): 20-06-27-226-040.000-009, 20-06-27-226-036.000-009, 20-06-27-276-017.000-009, 20-06-27-226-038.000-009, 20-06-27-226-037.000-009, 20-06-27-254-001.000-009, 20-06-27-276-002.000-009, 20-06-27-276-003.000-009.

Existing Zoning: A-1.

Petition: For an amendment to an existing Special Use for a high school to allow for a field house and for a 30 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a structure 60 ft. in height.

Petitioner: Concord Community Schools.

Location: East side of Minuteman Way, 1,362 ft. south of CR 20, in Concord Township.

Site Description:

- Physical Improvement(s) – School campus.
- Proposed Improvement(s) – Athletic field house.
- Existing Land Use – Educational facilities.
- Surrounding Land Use – Business, residential, City of Elkhart.

History and General Notes:

- **July 16, 1981** – The BZA approved a Special Use for an existing high school and subsequent additions (81-83-SU).
- **June 20, 1996** – The BZA approved a Special Use for a sports complex in the A-1 & R-1 zones, a 29 ft. Variance for parking, and a 27 ft. Variance for parking (96-2734).
- **March 16, 2000** – The BZA approved an amendment to an existing Special Use for a school to allow for the placement of a sign (20001299).
- **September 21, 2000** – The BZA approved an amendment to an existing Special Use for a school to allow for the construction of a classroom (20003742).
- **March 15, 2007** – The BZA approved an amendment to an existing Special Use for a school to allow for the construction of a new baseball field, soccer field, parking area, band practice area / parking area, and construction of a concession stand / press box, storage building, and ticket booth (20071323).
- **August 20, 2025** – The BZA approved an amendment to an existing Special Use for a school to allow for an electronic message board (SUP-0428-2025).

BZA Staff Report (Continued)

Hearing Date: August 20, 2026

Staff Analysis:

For an amendment to an existing Special Use for a high school to allow for a field house, staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. Special Uses for schools and related facilities are allowed in the A-1 zone.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 33.247-acre property, containing a major school complex with numerous buildings and facilities, in a mixed-use area. The addition of a field house will not cause sight issues or more traffic than is already generated by school activities.
3. The Special Use Amendment will substantially serve the public convenience and welfare by providing a new athletic field house.

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 7/26/2026) and as represented in the Special Use Amendment application.

For a 30 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a structure 60 ft. in height, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This size of the athletic sports structure is what can be found on other school campuses within Elkhart County and the structure will not be in the line of sight for any roadways.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is an existing school campus with structures at various heights. The proposed building will be set back far enough from the closest residence with an established natural buffering of trees.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the variance the new structure would not be tall enough to accommodate indoor sport activities.

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 7/26/2026) and as represented in the Developmental Variance application.

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: 07/13/2026 Meeting Date: August 20, 2026 Transaction #: SUP-0456-2026
Board of Zoning Appeals Public Hearing

Description: for an Amendment to an existing Special Use for a High School to allow for a field house and for a 30 ft.
Developmental Variance (Ordinance allows 30 ft) f to allow for a structure 60 ft. in height

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Dan Funston	Dan Funston	Concord Community Schools
59040 Minuteman Way	59040 Minuteman Way	59040 Minuteman Way
Elkhart, IN 46517	Elkhart, IN 46517	Elkhart, IN 46517

Site Address: 59117 Minuteman Way Elkhart, IN 46517	Parcel Number: 20-06-27-226-031.000-009
	20-06-27-226-036.000-009
	20-06-27-226-037.000-009
	20-06-27-226-038.000-009
	20-06-27-226-040.000-009
	20-06-27-254-001.000-009
	20-06-27-276-002.000-009
	20-06-27-276-003.000-009
	20-06-27-276-017.000-009

Township: Concord
Location: East Side Of Minuteman Way, 1,362 ft South Of County Road 20

Subdivision: Lot #

Lot Area: Frontage: Depth:

Zoning: A-1 NPO List:

Present Use of Property: HIGH SCHOOL

Legal Description:

Comments:

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: _____ Part time: _____

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

How many of the employees won't live onsite? No one lives on-site.

What will be the days and hours of operation on this property? Project is for Concord Schools, at the High School. Generally Mon-Friday, Typical School hours.

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. Continuation of existing school approach to be maintained. No new outside storage anticipated.

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?

High School has approximately 1,727 students + staff/teachers. However no changes to the student/campus population are proposed for this addition.

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

Tell us how often. No deliveries to this new fieldhouse building would be typical. Any access would be consistent with current school needs and deliveries.

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. Proposed special use is an amendment to the current allowed special use the school currently utilizes for the site. This project adds a new fieldhouse building and Replaces the existing grass Soccer Field with new field and location on the current campus.

Special Use — Questionnaire

Name: Concord Schools – New Field House and Soccer Field

- 1) Tell us what you want to do. _____
Project entails construction of new 80,000 sft field house with indoor turf field and running track surface,
And a new synthetic soccer field (to replace the current grass soccer field)
- 2) Tell us why this activity won't hurt your neighbors or the community. _____
Additional building is similar to other large buildings on campus, and is a school athletic building intended
For school use and by the community
- 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. Soccer field will have lights and spectators, however will be the
Same as the current fields impact.
Tell us how you'll reduce the impact of those things on neighbors. New lights will be tailored to have as
Little bleed over to the neighboring parcels.
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N
If yes, tell us about it. Existing tree line / buffering to remain between school property and neighbors.

- 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: 80,000 sft & 51'-7"
Tell us what you'll use it for. New building is a field house for track and turf practice field
Building or addition 2 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
- 8) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and how many of each. _____

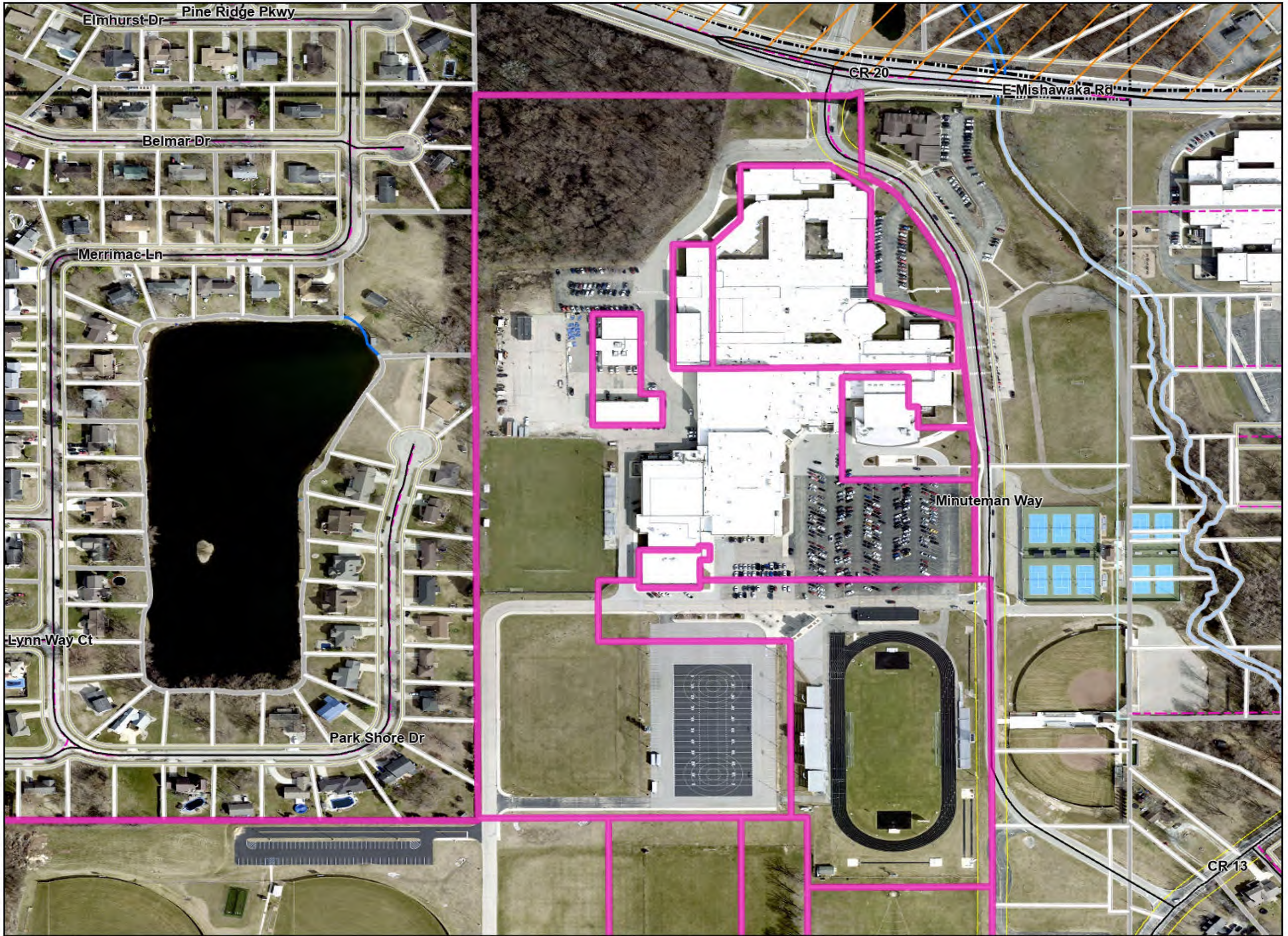
Next page ➡

Developmental Variance — Questionnaire

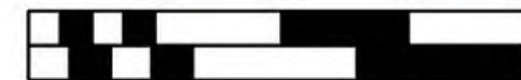
Name: Concord Schools — New Field House and Soccer Field

- 1) Tell us what you want to do. Project entails construction of new 80,000 sqft field house with indoor turf field and running track surface, with a building peak height of 51'-7".
- 2) Tell us why you can't change what you're doing so you don't need a variance. Standard building height limit in zoning is 30'. Internal ballfield for kicking and hitting requires more than 30' of clear height.
- 3) Tell us why the variance won't hurt your neighbors or the community. Additional height is similar to other existing buildings on campus, and is a school athletic building intended for school use by the community
- 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: 80,000 sft facility. 51'-7" to peak
Tell us what you'll use it for. New field house to house running track and indoor turf practice field
- Building or addition 2** Size and height to the peak: n/a
Tell us what you'll use it for. _____
- Building or addition 3** Size and height to the peak: n/a
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. Developmental variance is to approve the height of the field House at approx.. 52', noting the setback to the building exterior will be 67'

SUP-0456-2026



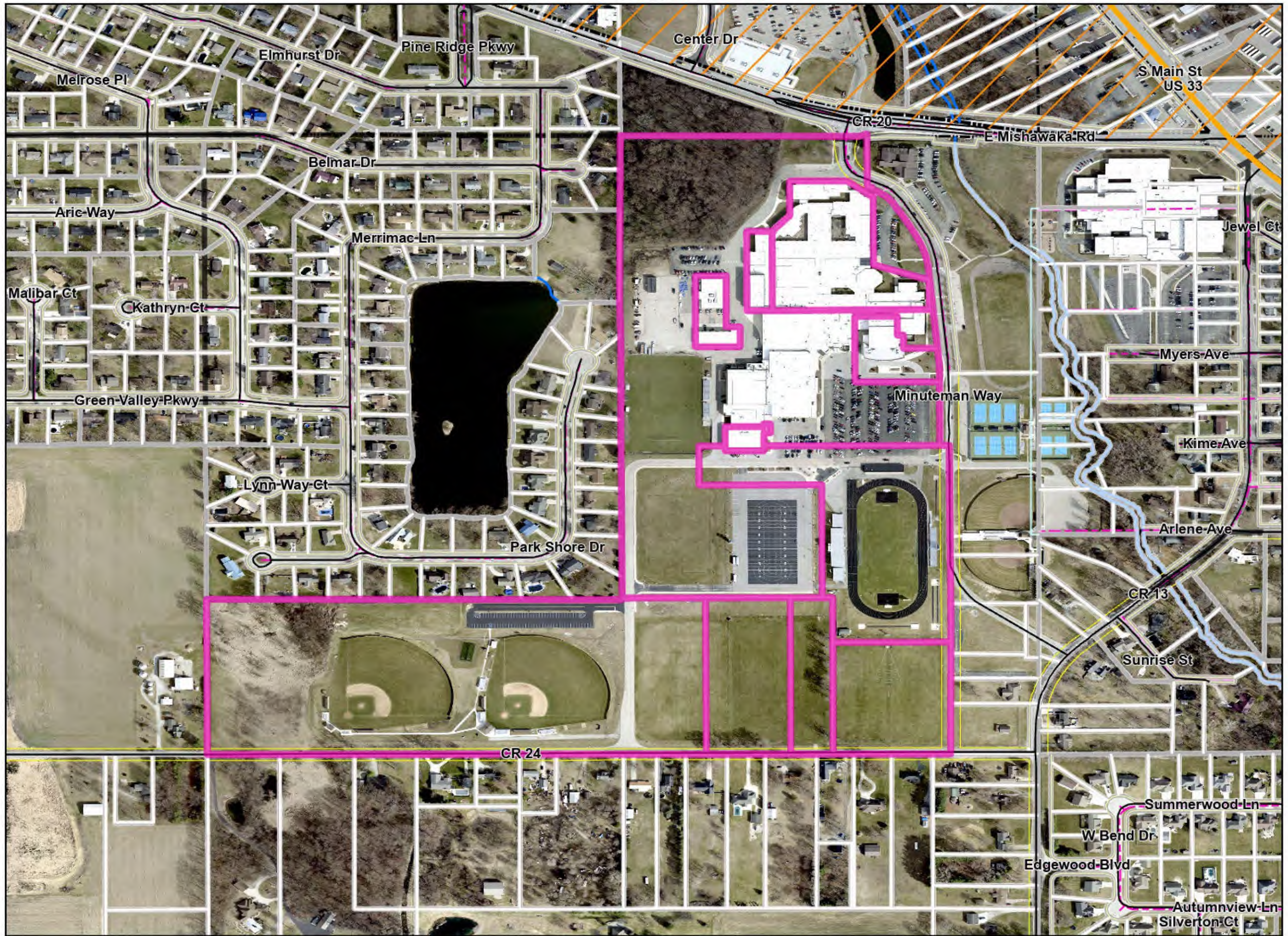
0 54 108 162 216 Meters



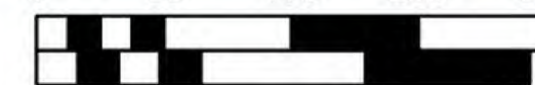
0 230 460 690 Feet



SUP-0456-2026



0 85 170 255 340 Meters

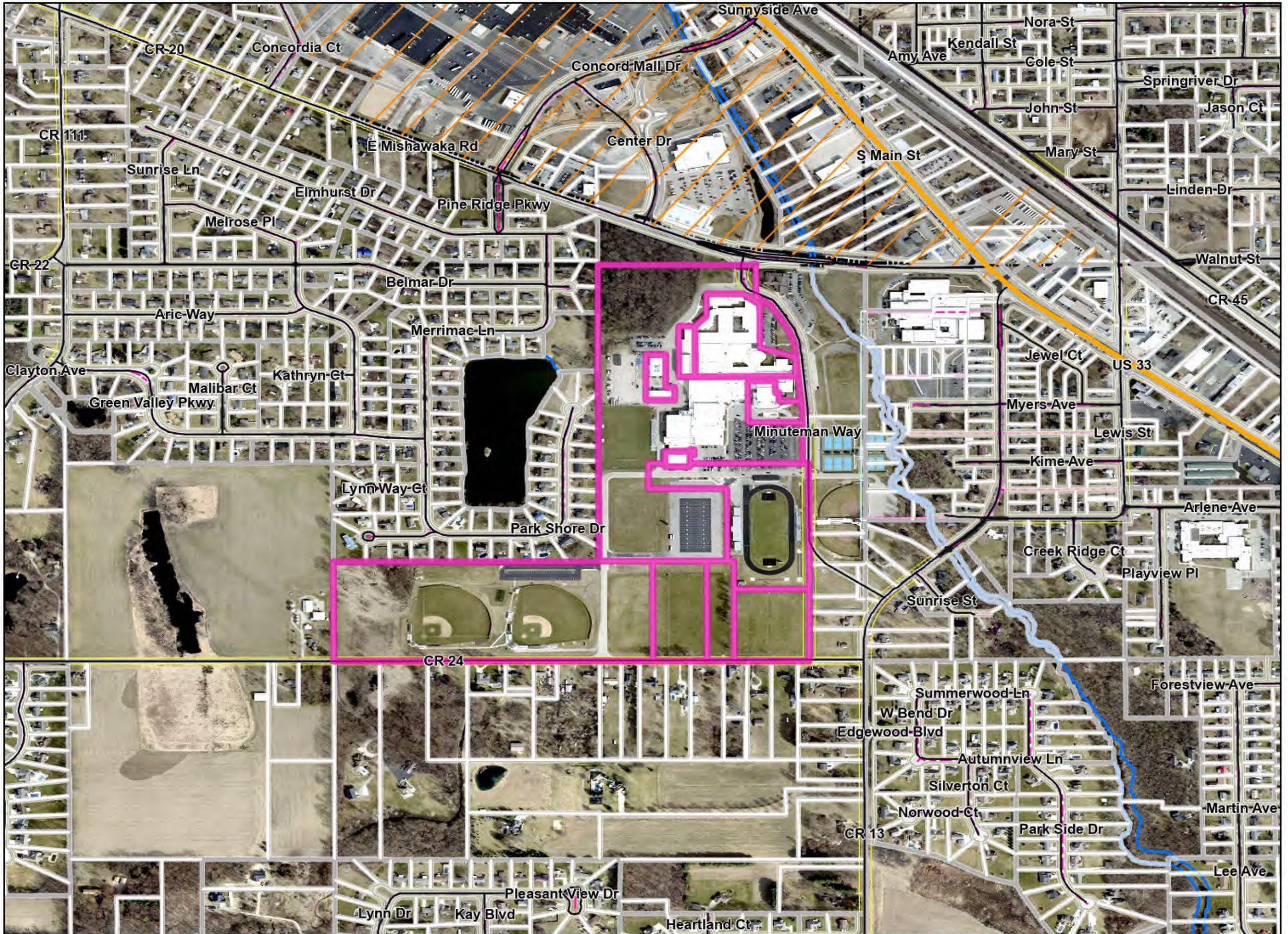


0 360 720 1080 Feet

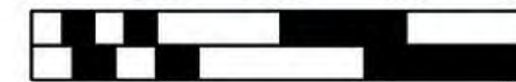
N



SUP-0456-2026



0 130 260 390 520 Meters



0 570 1140 1710 Feet





Subject property facing northwest (Minuteman Way)



Subject property, proposed building location



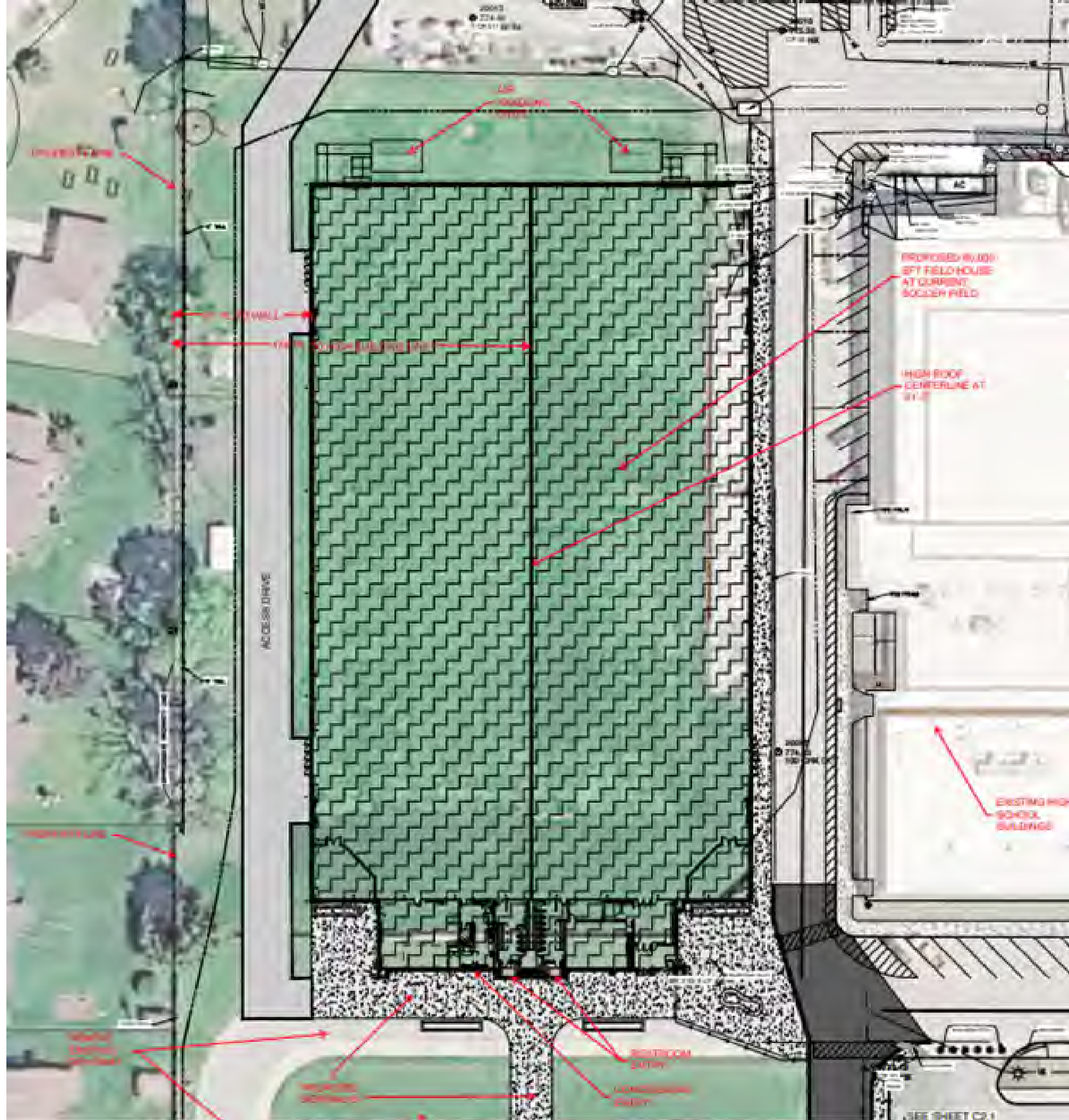
Subject property, proposed building location

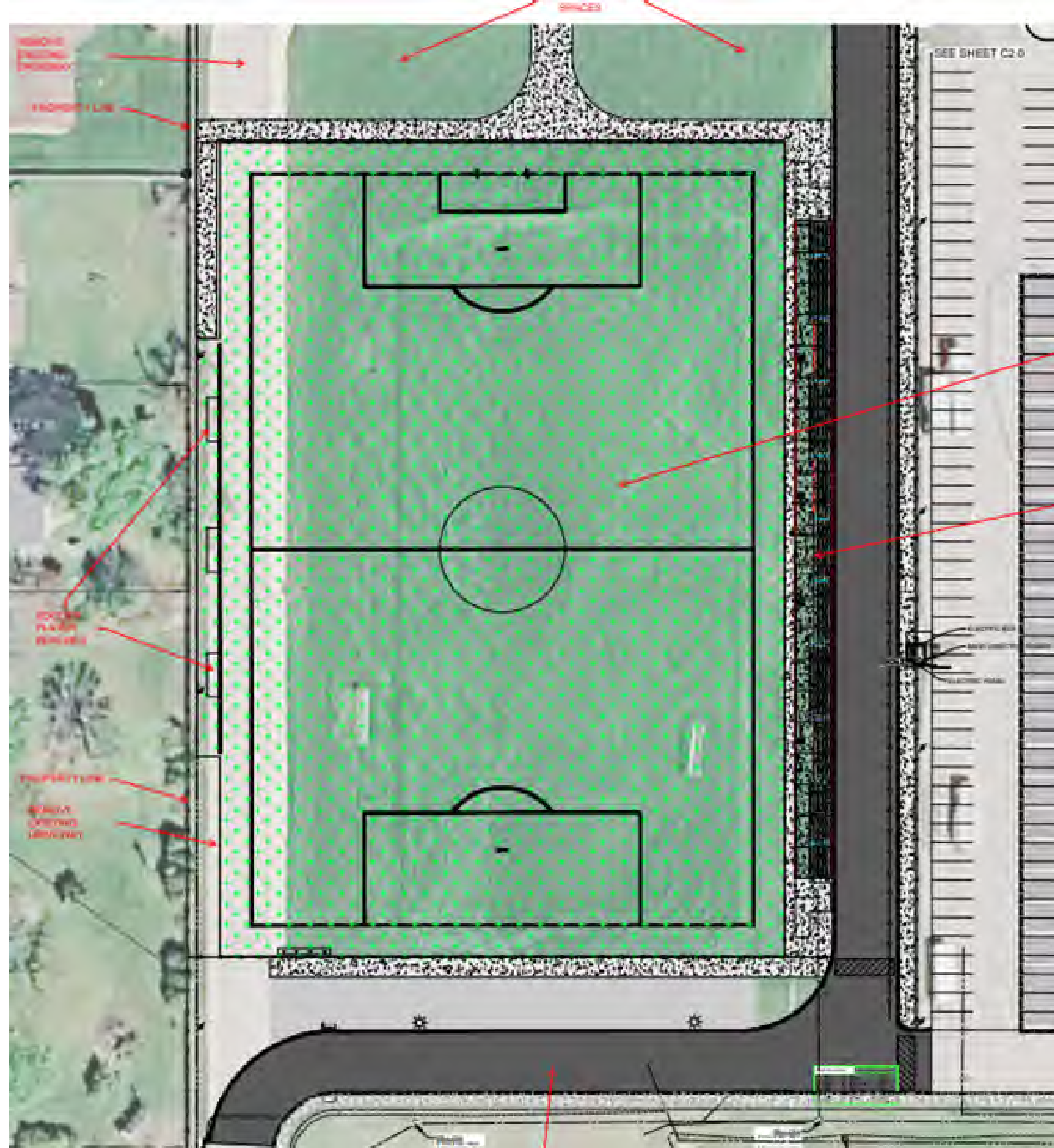


Facing east (CR 24)



Facing west (CR 24)







BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0451-2026.

Parcel Number(s): 20-10-19-200-016.000-016 & part of 20-10-19-200-020.000-016.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a landscaping business, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 8 outside employees (Ordinance allows 4), and for a 5 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 30 ft. in height.

Petitioner: Timothy E. Risser & Melissa R. Risser, Husband & Wife.

Location: West side of CR 7, 2,370 ft. south of CR 36, in Harrison Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

For a Special Use for a home workshop/business for a landscaping business, 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 landscaping business 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 10-acre parcel in a low-density residential and agricultural area, and the property will remain residential in character. The request for a landscaping business does not generate work being done on site to cause noise and odors to neighboring properties.
3. The Special Use will substantially serve the public convenience and welfare by providing a landscaping business for the community.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 7/13/2026) and as represented in the Special Use application.
2. No backing onto or off CR 7 with semi tractor trailers.

For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 8 outside employees (Ordinance allows 4), and for a 5 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 30 ft. in height, staff finds that:

1. Approval of the requests will not be injurious to public health, safety, morals, or general welfare. The request is 6,323 sq. ft., or 131%, over what is allowed by right, though the size of this proposed building, for square feet and height, is compatible with structures found in low density agricultural and residential areas.
2. Approval of the requests will not cause substantial adverse effect on neighboring property. The additional employees are working offsite and will only commute in the mornings and evenings, and the proposed building will exceed front setback standards to be out of the line of sight of traffic.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The building size and extra employees are needed to run a successful business and allow for enough room for indoor storage space.

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 7/13/2026) 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

SUP-0451-2026

Date: 07/13/2026 Meeting Date: August 20, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0451-2026

Description: for a Special Use for a home workshop/business for a landscaping business, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 8 outside employees (Ordinance allows 4), and for a 5 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 30 ft. in height

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Timothy E. Risser & Melissa	Timothy E. Risser & Melissa
R. Risser, Husband And Wife	R. Risser, Husband And Wife
64441 Cr 7	64441 Cr 7
Goshen, IN 46526	Goshen, IN 46526

Site Address: 64441 County Road 7 Goshen, IN 46526	Parcel Number: 20-10-19-200-016.000-016 Part of 20-10-19-200-020.000-016
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Township: Harrison
Location: West Side Of County Road 7, 2,370 Ft. South of CR 36

Subdivision:	Lot #
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Lot Area: 10.75	Frontage: 2,370.00	Depth: 629.20
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 5/24/2006
RESIDENCE = 2,410 SQ FT X 200% = 4,820 SQ FT, MINUS 919 (GARAGE) AND 1,728 (DETACHED GARAGE) = 2,077 SQ FT AVAILABLE FOR PERSONAL STORAGE. PROPOSED BUILDING IS 8,400 SQ FT, WHICH IS AN OVERAGE OF 6,323 SQ FT.
PERMIT #BR-0382-2021 (POOL) NEEDS FINAL INSPECTIONS - KB (INSPECTIONS SCHEDULED FOR 7/15/2026)

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

Name:

Tim Risser

- 1) Tell us what you want to do. Build a new building to house our Landscaping equipment + materials, including a shop area for our Rm, also an office area to work on business responsibilities.
- 2) Tell us why this activity won't hurt your neighbors or the community. Our property provides natural acreage, located proposed building away from neighbors, avoiding adjacent farmers irrigation travel. All equipment + materials out of site or enclosed. Low traffic, we meet at building to load supplies then out on projects. As a landscaper, we are committed to keeping property aesthetically pleasing to those around us.
- 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. Eventually plant pine trees around perimeter and or landscape islands to accent 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: 60' x 100' 30'

Tell us what you'll use it for. Storage for equipment, tools, materials. shop + office

Building or addition 2 Existing? ☐ Y ☒ N Size and height to the peak: 24' x 100' 18'

Tell us what you'll use it for. Lean to, attached to building #1. material + equip 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 ➡

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: 3

How many employees do you want? Full time: 4 Part time: 6

How many of the employees won't live onsite? 8

What will be the days and hours of operation on this property? Monday thru Friday
7am - 5pm

How many parking spaces do you have now? 0

How many parking spaces do you want? 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. shrubs + small trees for our installations. Some mulch, limestone, topsoil in bins for installations

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?

Currently. With office area in new building, there could be occasional appt with a customer, however usually at customers location to measure + design.

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

Tell us how often. Daily depending (in season) on needs

Tell us the kind of vehicles used. Pkg delivery vans, Dump truck for stone or dirt. Our own small dump trucks F-550 w/20' trailer.

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

Sign 1 Dimensions (length and width). 10' x 6' monument or boulder or masonry 10 ft. from Row edge

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

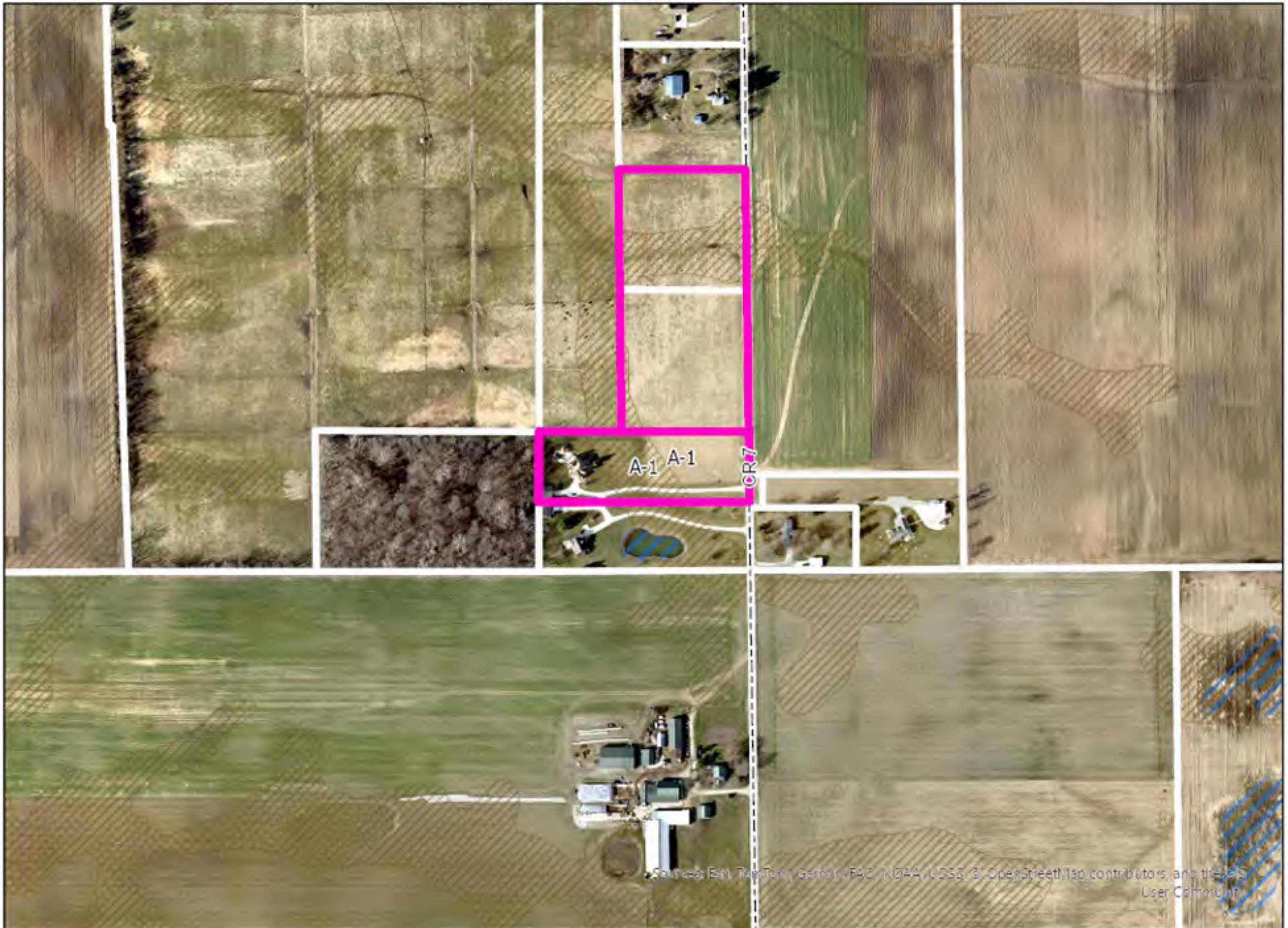
- 10) Tell us anything else you want us to know. Pickups or deliveries: Our trucks daily, delivery vans (Amazon UPS) 2x week, Dump truck for soil, stone, mulch 2x month, Trash pickup for dumpster 1x week, Fertilizer delivery 4x year

Developmental Variance — Questionnaire

Name: Tim Risser

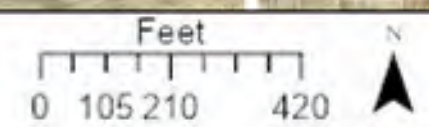
- 1) Tell us what you want to do. Build a facility to store equipment + materials for landscaping business. Including office area + shop for repairs + maintenance
- 2) Tell us why you can't change what you're doing so you don't need a variance. Need proper storage so equipment and materials not outside. Need the peak height to accommodate eve height everywhere for equipment. Seasonal labor needed to provide timely service to our customers
- 3) Tell us why the variance won't hurt your neighbors or the community. Building site located away from neighbors, won't affect visibility. Low traffic due to nature of business. Set hours. facility quiet and aesthetically appealing
- 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: 60' x 100' 30'
 Tell us what you'll use it for. _____
Building or addition 2 Size and height to the peak: 24' x 100' 18'
 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. _____

SUP-0451-2026

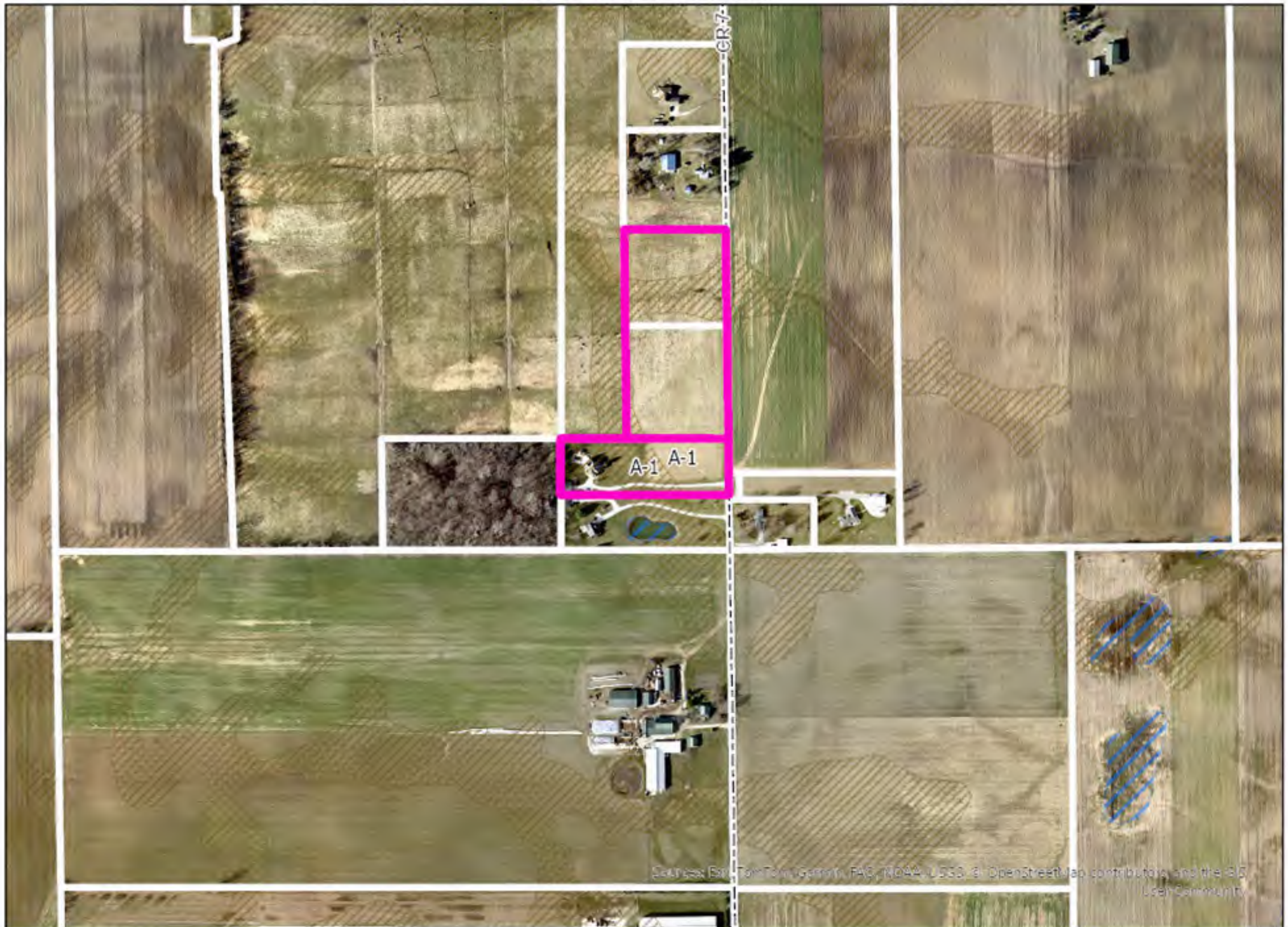


2025 Aerials

1 inch equals 400 ft

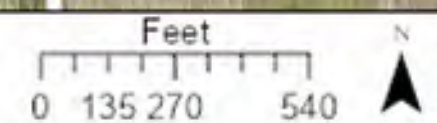


SUP-0451-2026

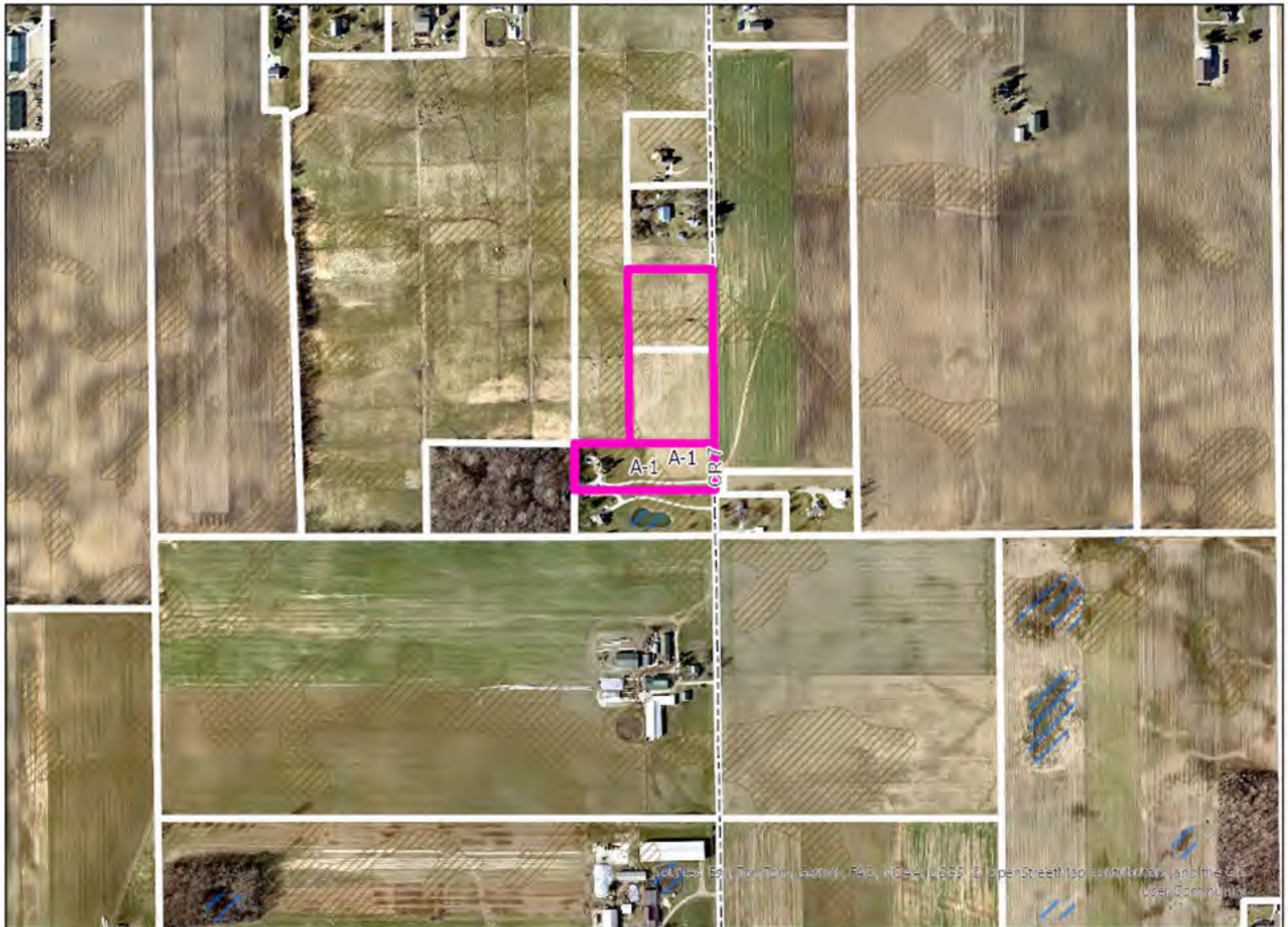


2025 Aerials

1 inch equals 500 ft

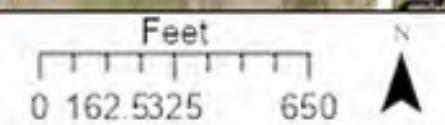


SUP-0451-2026



2025 Aerials

1 inch equals 600 ft





Subject property



Subject north

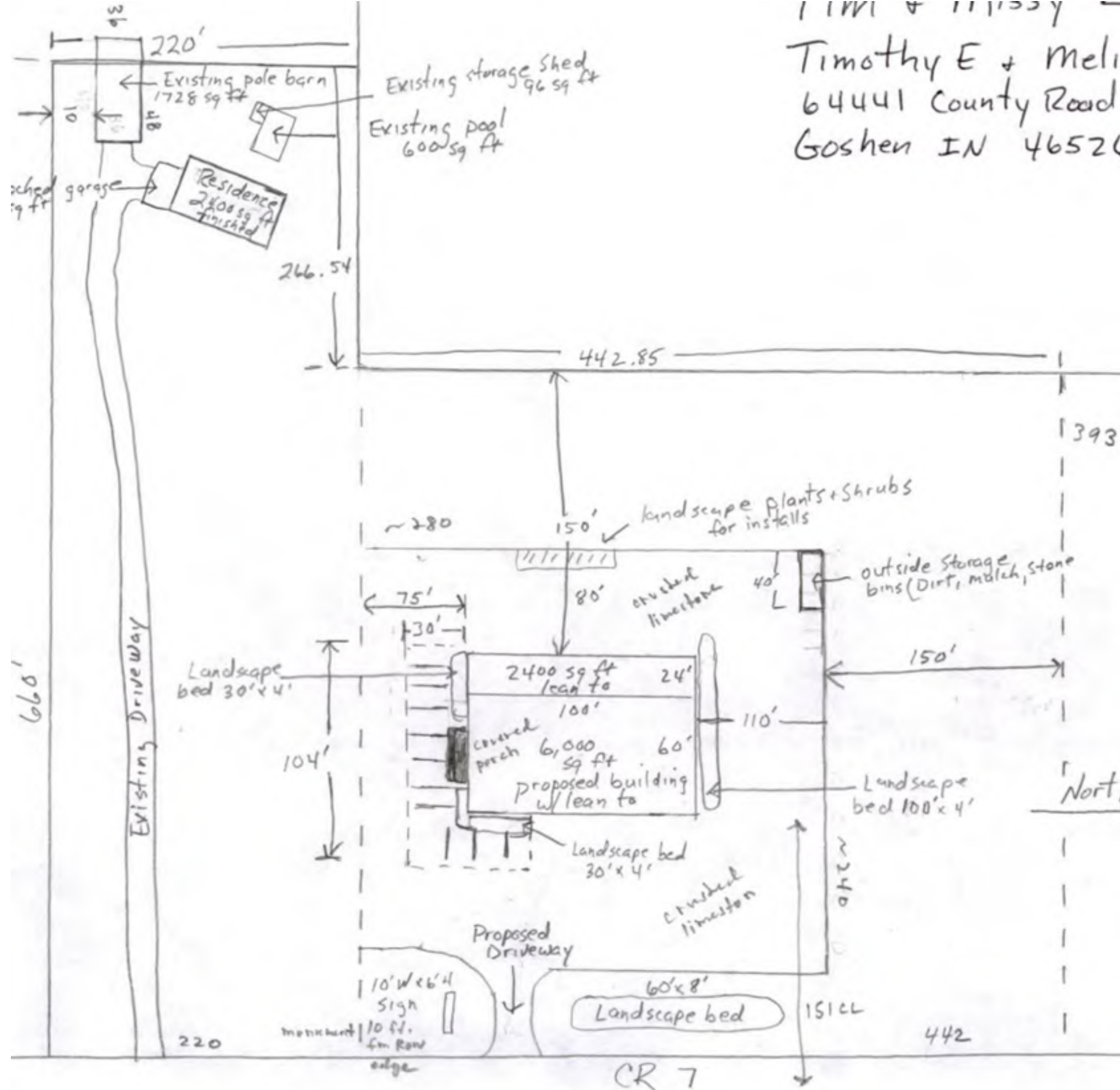


Facing south



Facing east

11/11/11 & 11/11/13
Timothy E + Meli
64441 County Road
Goshen IN 46526



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0467-2026.

Parcel Number(s): 20-07-22-377-001.000-019.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a screen printing and graphics business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Scott Pelletier & Chrisie L. Pelletier, Husband & Wife.

Location: East side of SR 15, 1,520 ft. south of CR 20, in Jefferson Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

For a Special Use for a home workshop/business for a screen printing and graphics business, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A home workshop/business 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. The subject property is in a mixed-use area with B-1 and M-1 zone districts to the west and north, and the requested use will be less intense.
3. The Special Use will substantially serve the public convenience and welfare by continuing to provide screen printing and graphics to the community.

BZA Staff Report (Continued)

Hearing Date: August 20, 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 6/1/2026) and as represented in the Special Use application.

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

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 747 sq. ft., or 34%, over what is allowed by right and all other developmental standards will be met. The proposed structure will sit at the back of the parcel as to not obstruct the view of the neighboring residences.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The subject property is in a mixed-use area with B-1 and M-1 zone districts to the west and north, and this structure will be smaller in size than what is on neighboring parcels.
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 parcel would remain non-conforming as total storage is 27 sq. ft. over what is allowed by right currently without the new structure being 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 6/1/2026) 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: 07/15/2026 Meeting Date: August 20, 2026 Transaction #: SUP-0467-2026
Board of Zoning Appeals Public Hearing

Description: for a Special Use for a home workshop/business for a screen printing/graphics business and for a Developmental
Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Agape Construction 51729 County Road 19 Bristol, IN 46507	Agape Construction 51729 County Road 19 Bristol, IN 46507	Scott Pelletier And Chrisie L. Pelletier, Husband And Wife 58718 Sr 15 Goshen, IN 46528

Site Address: 58718 State Road 15 Goshen, IN 46528	Parcel Number: 20-07-22-377-001.000-019
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Township: Jefferson
Location: East Side Of Sr 15, 1,520 Feet South Of County Road 20

Subdivision:	Lot #
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Lot Area: 1.80	Frontage: 133.60	Depth: 690.73
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE DV-0339-2026 WHICH WAS VOIDED AS PROPERTY OWNER NEEDED TO ALSO APPLY FOR THIS SPECIAL USE
FOR A HOME WORKSHOP/BUSINESS
PARCEL CREATED 3/1/1962
RESIDENCE = 2,012 SQ FT X 110% = 2,213 SQ FT, MINUS 440 (GARAGE), - 320 (16X20 POLE BARN), - 1,200 (30X40 TYPE
3 BARN), - 280 (14X20 SHED) AND PROPOSED NEW BUILDING IS 24X30 = 720 SQ FT, WHICH IS AN OVERAGE OF 747
SQ FT

Applicant Signature:	Department Signature:
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Special Use — Questionnaire

Name: Scott Pelletier

1) Tell us what you want to do. Build a accessory structure

2) Tell us why this activity won't hurt your neighbors or the community. Will just be used as a storage 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. Trees and shrubs

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'x24' 18' peak

Tell us what you'll use it for. _____

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

Tell us what you'll use it for. _____

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

Tell us what you'll use it for. _____

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

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

Next page ➡

Special Use — Questionnaire

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

How many employees do you have now? Full time: 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? 9-5

How many parking spaces do you have now? 4

How many parking spaces do you want? 4

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?

5

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). 4' x 3'

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: _____

Scott Pelletier

1) Tell us what you want to do. Adding 24x30'6" as a Storage Barn
attach adjacent to existing garage

2) Tell us why you can't change what you're doing so you don't need a variance. _____
It's a pole barn which is built by 8' increments, lands
27' over allowed Storage

3) Tell us why the variance won't hurt your neighbors or the community. _____
It's not affecting views, & isn't too close to property
line,

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: 24x30'6" 19' to peak
Tell us what you'll use it for. 14' sidewalk

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

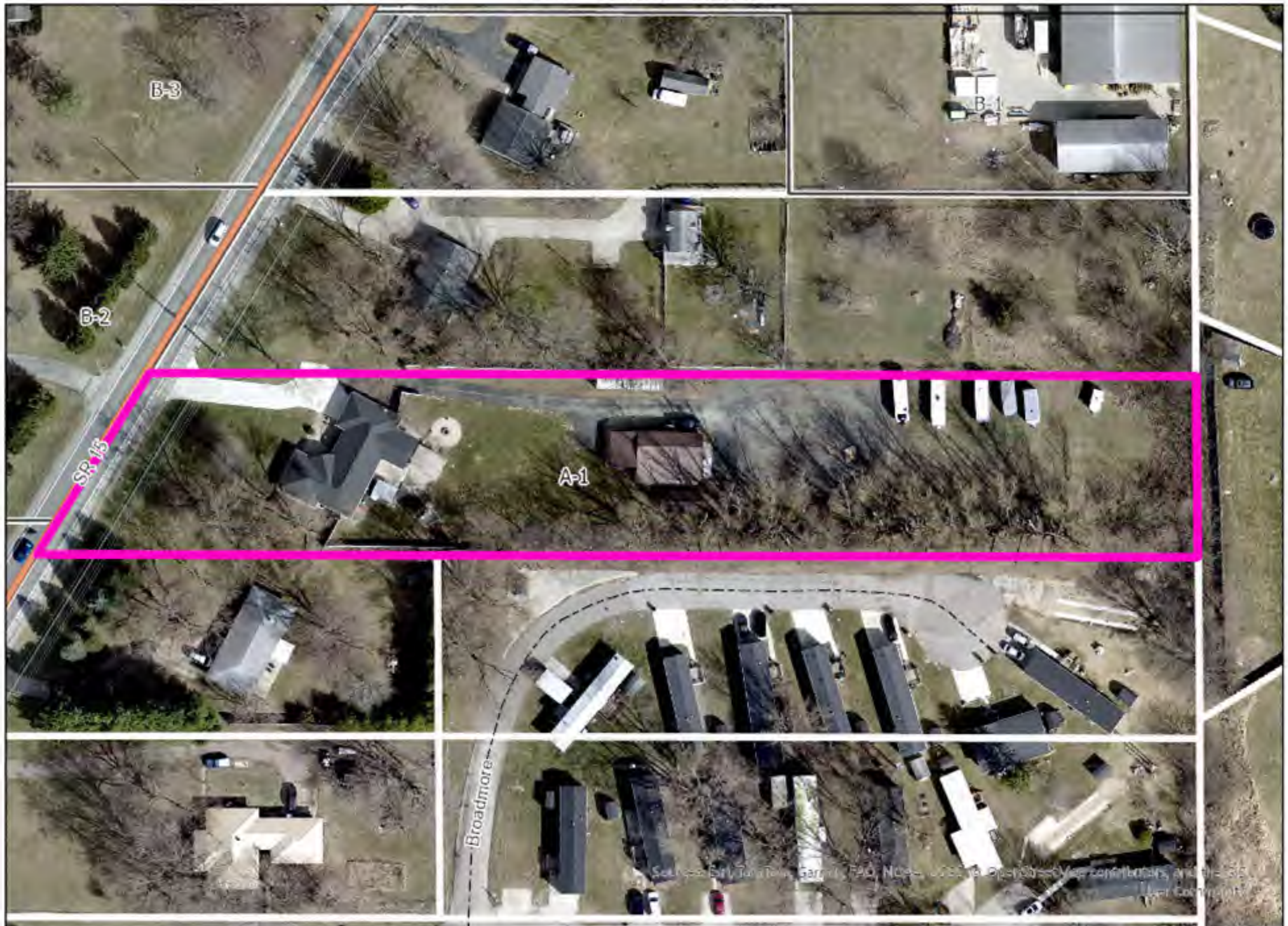
Sign 2 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☒ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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. _____

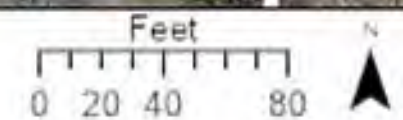
9) Tell us anything else you want us to know. _____

SUP-0467-2026



2025 Aerials

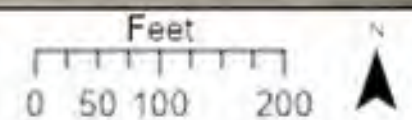
1 inch equals 80 ft

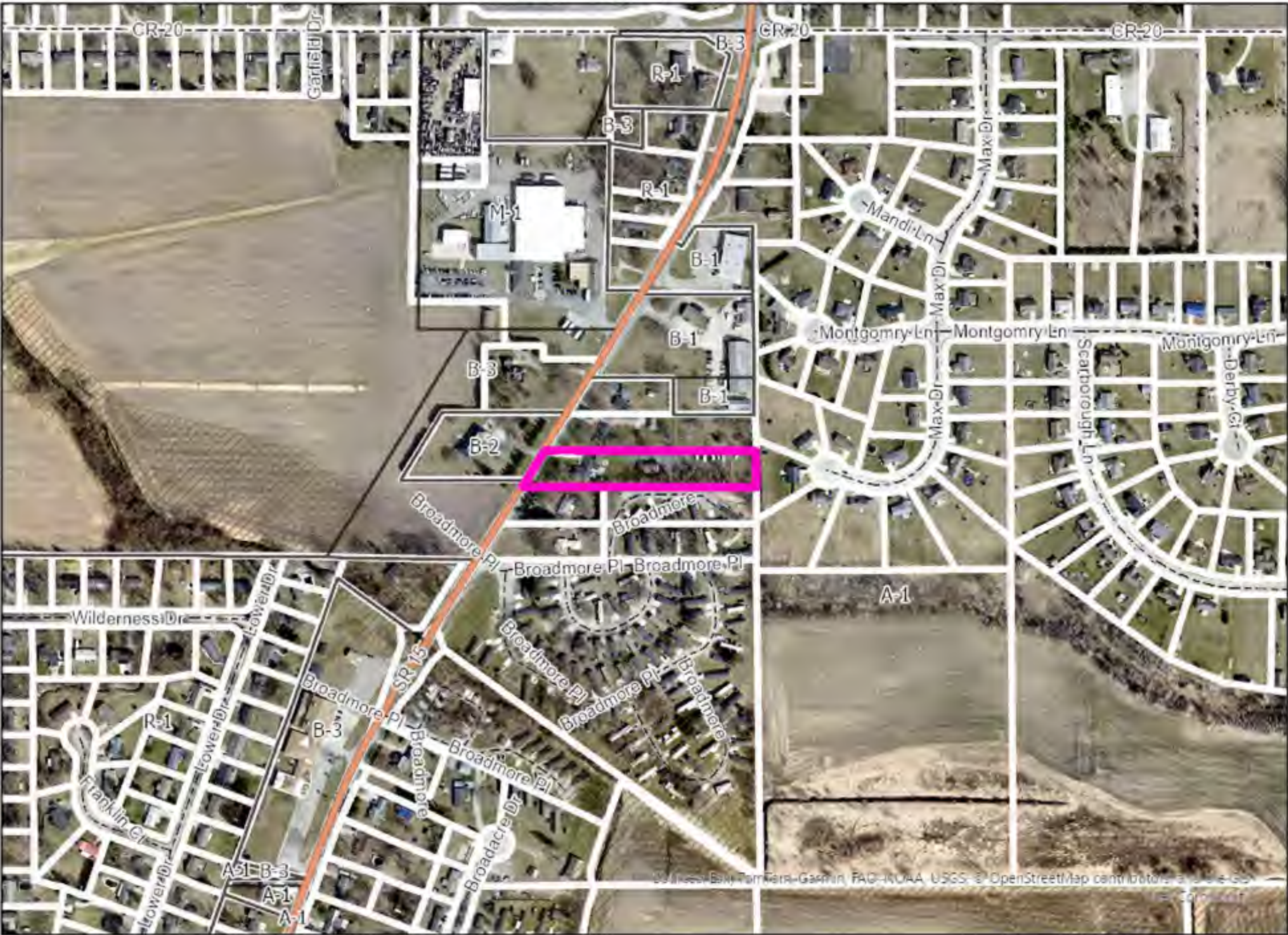




2025 Aerials

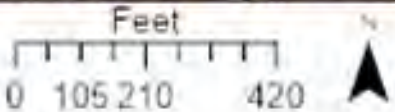
1 inch equals 200 ft





2025 Aerials

1 inch equals 400 ft





Subject property



Subject property facing northeast



Facing south



Facing north



Facing west

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: August 20, 2026

Transaction Number: SUP-0274-2026.

Parcel Number(s): 20-08-07-101-009.000-034.

Existing Zoning: A-1.

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

Petitioner: Lloyd W. Yoder & Lena M. Yoder, Husband & Wife.

Location: East side of CR 31, 750 ft. south of CR 14, in Middlebury Township.

Site Description:

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

History and General Notes:

- **October 2, 2025** – A complaint was received about running a diesel repair business (CODE-0712-2025).
- The existing building was permitted as an agricultural building for animals and agricultural storage.
- **July 16, 2026** – The BZA tabled this petition.

Staff Analysis:

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

1. The Special Use will not be consistent with the spirit, purpose, and intent of the Development Ordinance. This is a moderately dense residential and agricultural area, and the property would not remain residential in character. Diesel truck repair is an intense use that should not be in a residential area.
2. The Special Use will cause substantial and permanent injury to the appropriate use of neighboring property. The existing structure is less than 100 ft. from the closest neighboring residence and diesel truck repair will generate noise and odors. A complaint was already received regarding the business and activities being conducted.

BZA Staff Report (Continued)

Hearing Date: August 20, 2026

3. The Special Use will not substantially serve the public convenience and welfare. The business should be in a commercial area where residences are protected from the noise and smell of this type of operation.

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:

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

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: 05/05/2026 Meeting Date: July 16, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0274-2026

Description: for a Special Use for a home workshop/business for a diesel repair business 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>
Lloyd W. Yoder & Lena M. Yoder, Husband & Wife 56200 Cr 31 Goshen, IN 46528	Lloyd W. Yoder & Lena M. Yoder, Husband & Wife 56200 Cr 31 Goshen, IN 46528

Site Address: 56200 County Road 31 Goshen, IN 46528	Parcel Number: 20-08-07-101-009.000-034
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Township: Middlebury
Location: East Side Of County Road 31, 750 Feet South Of County Road 14

Subdivision: LARRY'S PLACE MINOR LOT 2	Lot #
--	-------

Lot Area: 7.49	Frontage: 278.00	Depth: 996.00
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Zoning: A-1	NPO List: 07/02/2026
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: DWELLING 5280 X 200% = 10560 MINUS TYPE 3 BARN 2166 SF MINUS EAST ADDITION 8320 SF MINUS NORTHWEST ADDITION 1976 SF MINUS ATTACHED GARAGE 930 SF MINUS SHED 80 SF = NEGATIVE 2942 SF
SEE CODE CASE 0712-2025 FOR OPERATING A DIESEL REPAIR BUSINESS

Applicant Signature:	Department Signature:
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Special Use — Questionnaire

Name: Lloyd & Lena Yoder

- 1) Tell us what you want to do. Truck / Ag Equipment Repair Shop
- 2) Tell us why this activity won't hurt your neighbors or the community. We've taken caution steps to have the least amount of impact as possible to the surrounding neighbors.

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

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

Tell us what will create those things. Truck / Ag Equipment Engine noise when moving in/out of shop and/or when performing diagnostics.

Tell us how you'll reduce the impact of those things on neighbors. Shop is climate controlled so overhead doors will be closed year round. Truck and equipment noise will only be to move in/out of shop.

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

If yes, tell us about it. Currently have a privacy fence & tree line between shop and current neighbors.

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

Does the property need a new septic system? ☐ Y ☐ N Permit # 25-NC-08-0282

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. 30 x 38 NW addn.

Building or addition 1 Existing? ☒ Y ☐ N Size and height to the peak: ~~40x48~~ 80x104 25ft.

Tell us what you'll use it for. Repair shop

Building or addition 2 Existing? ☒ Y ☐ N Size and height to the peak: 38x57

Tell us what you'll use it for. original accy. str.

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: 3 Part time: _____

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

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

What will be the days and hours of operation on this property? Monday - Friday
8 AM - 6 PM

How many parking spaces do you have now? 7 on East Side 3 on North Side

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?

1-4 per day

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

Tell us how often. 2 x day

Tell us the kind of vehicles used. Pickups or delivery van

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. Our customer base is from the local

community, and/or, local ag/farm truck related industry.

* See back of next page #10 continued

10. Continue

- * There are 4 small floor drains in building by overhead doors that are used to collect water snow from trucks parked inside.
- * The drains are connected to a commercial oil water separator, which is serviced by Crystal Clean.
- * Oil/fluid containment steps are taken in shop and have all oil/fluids contained and stored in approved containers.

Developmental Variance — Questionnaire

Name: Lloyd & Lena Yoder

1) Tell us what you want to do. I would like to operate a home based business ie = Diesel Repair Business.

2) Tell us why you can't change what you're doing so you don't need a variance. Because the buildings are already built.

3) Tell us why the variance won't hurt your neighbors or the community. Our business serves the local community businesses, farmers, construction, highway Dept etc.

4) Does the property need well and septic? Well: ☐ Y ☒ N ^{Already Existing} 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: 80' x 104' x 25'

Tell us what you'll use it for. Work Shop

Building or addition 2 Size and height to the peak: 38' x 57' x 20' Storage

Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: 52' x 38' x 15' Office

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. _____

BUILDING PERMIT		Elkhart County Planning & Development Public Services Building 4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678 Fax - (574) 971-4578																																																																	
Building (R) - Addition																																																																			
Date Issued: 03/11/2025	Estimated Cost: \$350,000.00	Fees: \$255.00	Permit Number BR-0261-2025																																																																
2 ADDITIONS TO AN EXISTING BARN (1 IS 80X104 = 8320 SF) (52X38 = 1976 SF)																																																																			
Site Address: 56200 County Road 31 Goshen, IN 46528		Parcel Number: 20-08-07-101-009.000-034																																																																	
Subdivision: LARRY'S PLACE MINOR		Lot # 2																																																																	
Township: Middlebury Location: East Side Of County Road 31, 750 Feet South Of County Road 14																																																																			
Zoning: A-1 (Agricultural)																																																																			
<table><tr><td>Contacts:</td><td><u>Land Owner</u></td><td><u>Applicant</u></td><td></td></tr><tr><td></td><td>Lloyd & Lena Yoder</td><td>Lloyd & Lena Yoder</td><td></td></tr><tr><td></td><td>56200 Cr 31</td><td>56200 Cr 31</td><td></td></tr><tr><td></td><td>Goshen, IN 46528</td><td>Goshen, IN 46528</td><td></td></tr><tr><td></td><td>Mobile: (260)463-1203</td><td>Mobile: (260)463-1203</td><td></td></tr><tr><td></td><td><u>Plumbing Contractor</u></td><td><u>Mechanical Contractor</u></td><td><u>General Contractor</u></td></tr><tr><td></td><td>Laxton Electric</td><td>Laxton Electric</td><td>Lloyd & Lena Yoder</td></tr><tr><td></td><td>205 Crystall Valley Dr</td><td>205 Crystall Valley Dr</td><td>56200 Cr 31</td></tr><tr><td></td><td>Middlebury, IN 46540</td><td>Middlebury, IN 46540</td><td>Goshen, IN 46528</td></tr><tr><td></td><td>Business: (574)304-7632</td><td>Business: (574)304-7632</td><td>Mobile: (260)463-1203</td></tr><tr><td></td><td></td><td></td><td><u>Electrical Contractor</u></td></tr><tr><td></td><td></td><td></td><td>Laxton Electric</td></tr><tr><td></td><td></td><td></td><td>205 Crystall Valley Dr</td></tr><tr><td></td><td></td><td></td><td>Middlebury, IN 46540</td></tr><tr><td></td><td></td><td></td><td>Business: (574)304-7632</td></tr><tr><td></td><td></td><td></td><td>License # EC-0287-2016</td></tr></table>				Contacts:	<u>Land Owner</u>	<u>Applicant</u>			Lloyd & Lena Yoder	Lloyd & Lena Yoder			56200 Cr 31	56200 Cr 31			Goshen, IN 46528	Goshen, IN 46528			Mobile: (260)463-1203	Mobile: (260)463-1203			<u>Plumbing Contractor</u>	<u>Mechanical Contractor</u>	<u>General Contractor</u>		Laxton Electric	Laxton Electric	Lloyd & Lena Yoder		205 Crystall Valley Dr	205 Crystall Valley Dr	56200 Cr 31		Middlebury, IN 46540	Middlebury, IN 46540	Goshen, IN 46528		Business: (574)304-7632	Business: (574)304-7632	Mobile: (260)463-1203				<u>Electrical Contractor</u>				Laxton Electric				205 Crystall Valley Dr				Middlebury, IN 46540				Business: (574)304-7632				License # EC-0287-2016
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Residential Sq Ft: Accessory Sq Ft: Comm/Manuf Sq Ft: Agricultural Sq Ft: 10,296 Non Building Sq Ft:	Setbacks: Front: W 15 FT PL Rear: E NC Side: N 202 FT PL, S 20 ST PL Lot Area: 7.49 Acre	Mechanical Comments: HAS GAS LINE IN EXISTING E Electrical Amps: 200 Plumbing Comments: 1/2 BATH IN SMALLER ADDIT Number of Bedrooms: 0 Number of Baths: 1 Number of Stories: 1 Height: 25																																																																	
State Release # Scope of Release: Bin #		Type of Construction: On Site Construction Driveway: Existing Basement: No Basement Dodge Code:																																																																	
Comments:																																																																			
Issued by: B. Burt		Printed: March 11, 2025 1:07 pm																																																																	

BUILDING INSPECTIONS and CERTIFICATION

ELKHART COUNTY, INDIANA

It shall be the duty of the person doing the work authorized by a permit to notify the appropriate division that such work is ready for inspection. Also, access to and means for proper inspection shall be permitted by the owner or agent. If access is not possible on the date scheduled, re-inspection may not be on the following day unless at the convenience of the inspectors schedules. Unless otherwise specified, requests can be made 24 hours a day by calling (574) 971-4678

INSPECTION and other REQUIREMENTS

Permit number and township are required when calling for inspection

POSTING THE CONSTRUCTION SITE: All building sites must be posted in a way to identify the property without the inspector exiting the vehicle. This could be done by placing a weatherproof board near the point of access to the building site with the permit number and lot number in a subdivision.

FOOTING INSPECTION: Prior to the pouring of the concrete, the excavation for the footing, the footing form, and the reinforcement (if any) shall require inspection.

FOUNDATION INSPECTION: Call for after footing, walls, damp and weather proofing, insulation and drain tile, and before backfilling. Walls requiring reinforcement shall be inspected before concrete is poured; floor slabs before concrete is poured. Pole buildings inspected after footer is poured, with poles on site but before poles are set.

CONSTRUCTION INSPECTION: Floor system, walls, partitions, and fire stops (siding, and shingles may be in place). Stairways and bedroom windows must be in place after plumbing, heating and electric roughs.

PLUMBING INSPECTION: Water or air test is required for all underground or under floor sanitary lines and supply lines before floor is placed. Rough-in inspection before walls are covered. Commercial buildings must comply with handicap standards for all bath fixtures. Water or air test is required for all rough plumbing of sanitary and supply lines.

SPRINKLER HYDRO-STAT TEST: Test to be read at 200 lb. maximum pressure.

GAS LINE INSPECTION: Residential gas line inspections shall be called for after the pressure gauge has been in place for more than 24 hours and has held 15 pound per-square inch for those 24 hours.

HEATING AND AIR CONDITIONING: Ductwork and chimney to be inspected before walls are covered. Final inspection to be made when system is ready for turn on with wiring, chimney and duct work connected.

ELECTRICAL INSPECTION: Service equipment and enclosures shall be open for inspection. Walls containing wiring shall be in open stud form and inspections must be made prior to installing insulation or wallboard.

INSULATION INSPECTION: After all rough in inspections are passed. Before walls or ceilings are covered. Any gaps or holes in air barrier shall be caulked. Insulation installed in all walls and floors and any ceilings that have self supportive insulation types.

FINAL INSPECTION: After all work is completed, final inspections must be called for in all areas.

SWIMMING POOLS: Inspection shall be called for after fencing has been erected. Grounding and bonding inspection must be made before deck is covered.

NOTE: Any discrepancies needing correction shall be re-inspected after previous corrections are made. All inspections shall be called for only when site is prepared for them; if items to be inspected are covered, removal of covering will be required. After final inspection of new residential or commercial/industrial structure, a Certificate of Occupancy will be issued. The building, structure, or portion thereof may not be used or occupied until the Certificate of Occupancy is issued.

HEALTH DEPARTMENT – (574) 971-4600

SEPTIC SYSTEM: Call before 10 a.m. for inspection before final covering.

FOOD ESTABLISHMENTS: Shall receive plan approval prior to start of construction.

COMMERCIAL SWIMMING POOLS: Shall receive plan approval prior to start of construction.

ENGINEERING DIVISION – (574) 534-9394, 610 Steury Ave. in Goshen.

COMMERCIAL & RESIDENTIAL DRIVEWAY PERMITS – All questions concerning driveways must be directed here.

PLANNING DIVISION – BOARD OF ZONING APPEALS – (574) 971-4678

ONSITE INVESTIGATION: All applications/petitions submitted for consideration by the Elkhart County Advisory Plan Commission and Advisory Board of Zoning Appeals shall deem to have granted to the staff and board members reasonable access to the real estate subject to this petition.

NOTE: All requests for building permits that involve the disturbance of soil will be reviewed by the Elkhart County Soil & Water Conservation Department (574) 533-3630 ext. 3 to determine if a Stormwater Pollution Prevention Plan is needed.

OWNER/REPRESENTATIVE CERTIFICATION

-----Please read the following carefully-----

- 1) I, the undersigned, have reviewed the information provided here and on the reverse side hereof and declare it to be true, accurate, and complete.
- 2) I agree that in consideration of being granted a Building Permit, all work will be done in accordance with the Zoning Ordinance, Driveway Ordinance, health codes, building codes, and the Indiana Statute, now in effect in Elkhart County.
- 3) I have granted to Elkhart County departments reasonable access to the real estate.
- 4) I further agree that I will call for inspections before proceeding, with the project and upon completion of the project.
- 5) I certify that I am aware of the remedies and penalties applicable to violations of said legal requirements.
- 6) I certify that I am aware that I may not occupy or use the facilities without first obtaining a Certificate of Occupancy.
- 7) I further understand that the issuance of the Permit is subject to my compliance with all conditions in the preliminary plan and plat that is on file in the office of the Plan Commission and the County Recorder.
- 8) I also understand that inspection by County Departments does not assure problem-free properties or structures.

Signed:


OWNER OF PROPERTY

or

AUTHORIZED AGENT OF OWNER



Elkhart County Planning & Development

Public Services Building | 4230 Elkhart Road, Goshen, Indiana 46526
Phone: 574-971-4678 |
www.elkhartcountyindiana.com

Building Department Review for Agricultural Buildings Over 2000 Sq. Ft.

Address 56200 CR 31 Parcel # 20-08-07-101-009-034

What is the total size of the building? Width 52 Length 38 - smaller addition Sq. Ft. 10,296

What are the setbacks? Front NC Sides (min. 10 ft.) 20 Rear (min. 15 ft.) NC (House)

What will the building be used for? (Chickens, Hogs, Equipment Storage etc...) AG Storage + Animals

Total Number of Animals 4-6

Are There Any of the Following;

Yes No

☐ ☒ Interior walls or rooms. (If yes we need to see a floor plan with rooms labeled)

☒ ☐ Is there any Insulation in Any of the Walls

☐ ☒ Mechanical Rooms

☐ ☒ Gas Lines using existing building

☒ ☐ Heating or Cooling Units Heated floor

☒ ☐ Plumbing

☒ ☐ Water Heaters

☒ ☐ Bathrooms How Many? _____

☒ ☐ Sinks or Drains- How Many? _____ Where Do They Discharge? _____

☐ ☐ Electricity-How many Amps? SUB Panel 200 am

☒ ☐ Electricity Generators-What size? _____

☒ ☐ Refrigerator or Freezer either Freestanding or Walk in type

Notes/Fees: _____

I affirm that the information above is accurate and understand that if work is not authorized by a permit. A Stop Work Order and Fee, Double Permit Fee and any other fee applicable by law, will be assessed.

Title _____ Printed Name Lloyd Yoder

Signature [Signature] Date 2/25/25

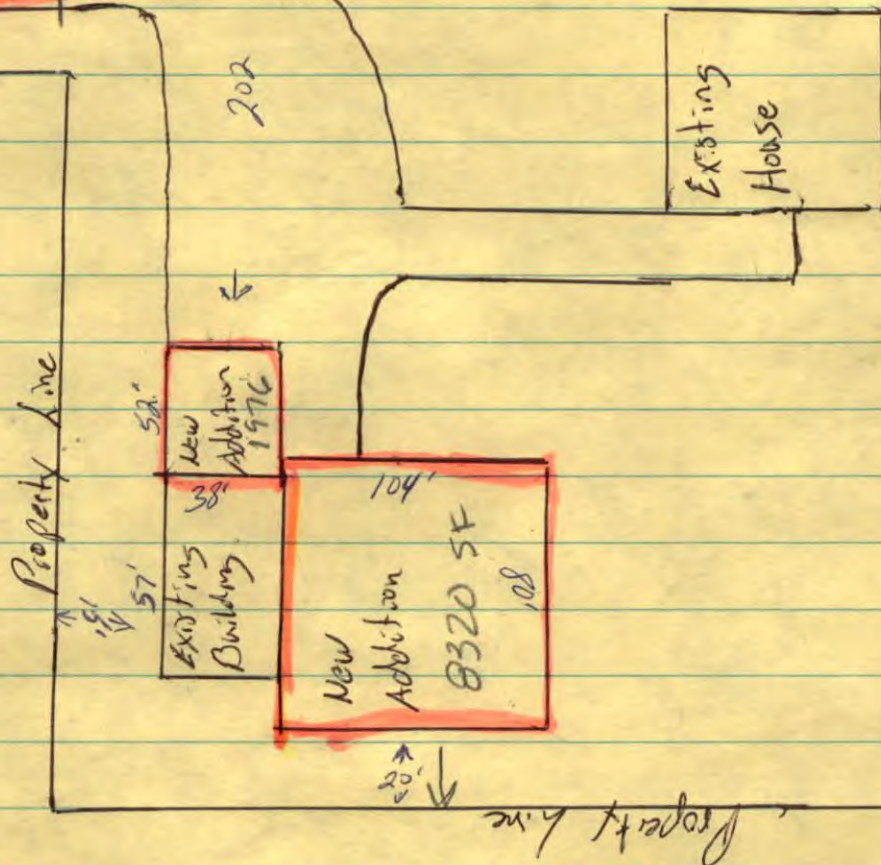
Planning Our Future Today

North ↑

56200 -

CR-31

Driveway



Building Addn for Ag
A-1 7487A

CODE CASE ACTIVITY REPORT CODE-0712-2025

FOR REPORT TEXT LIBRARY: MUNICIPALITY_NAME

Case Type: Zoning **Assigned To** Richard Masters **Opened Date:** 10/02/2025
Address: 56200 County Road 31 East Side Of County Road 31, 750 Feet South Of County Road 14 Goshen, IN 46528 **Status:** Under Review **Closed Date:**

Activity Date	Created By	Activity Type	Activity Name	Comments
10/13/2025	Richard Masters	Site Visit		I went by the site. I observed that the building was empty inside. Lloyd (homeowner) mentioned he still has his business at 24311 CR 40 in Goshen. He is not planning to run his business in this building anytime soon. He mentioned that the building is primarily an Ag Storage building and a family event center(reunions, parties, etc). I removed the red tag, but per Kevin W I will leave this open about 30 days and then reinspect.
11/17/2025	Richard Masters	Site Visit		I went by site again after an additional 30 days. I am closing out per Kevin W due to lack of evidence a business is being ran.
01/06/2026	Richard Masters	Misc. Information		Ricky, The last time we talked you said getting pictures of diesel trucks at the above address might allow you to re-open the case file on that address. The neighbor across the road from me sent me some. It appears that Mr. Yoder is in fact working on diesel trucks. If you need explanations concerning the photos, feel free to call me at 574-202-6101 Sincerely, Mary Hesser
	Richard Masters	Site Visit		Went by the site and observed a large semi truck with the stainless steel tube trailer. I also observed a couple of trucks on the side of the building. I will reach out to Kevin to see how he'd like to proceed.
	Richard Masters	Incoming Phone Call		Mary called in to make sure that I was able to receive her email. I told her that I did. I let her know I went by the site and her findings are valid. I told her I would have to reach out to Kevin to see if he'd like me to reopen the case or to submit a new one.

56200 CR 31, Goshen. Photos taken by Ricky Masters on 10/8/25.

Alleged Violation: Running a business



I went by the site. I observed that the building was empty inside. Lloyd (homeowner) mentioned he still has his business at 24311 CR 40 in Goshen. He is not planning to run his business in this building anytime soon. He mentioned that the building is primarily an Ag Storage building and a family event center(reunions, parties, etc). I removed the red tag, but per Kevin W I will leave this open about 30 days and then reinspect.

CODE CASE ACTIVITY REPORT (CODE-0712-2025)

Activity Date	Created By	Activity Type	Activity Name	Comments
	Richard Masters	Email		Good Afternoon Mary, I have spoken with my manager Kevin about the case with Mr. Yoder. He advised that due to this being the same violation that I am going to open up the old case. I will be reaching out to Mr. Yoder tomorrow to let him know about our findings. He will likely have 30 days to cease running the business at his house or apply for a Special Use Permit. Thank you for your patience Mary. Best Regards, Ricky
01/12/2026	Richard Masters	Letter		Letter sent to cease and desist business activity or apply for a SUP.
01/20/2026	Richard Masters	Email		Hi Ricky, Lloyd and I received your violation notice this afternoon 01/16/2026. How do I apply for the Special Use Permit? Is there a way you can email me the form and I return it to you asap. Thank you, Lena Yoder
	Richard Masters	Email		Lena, You have to come in to our office at 4230 Elkhart Rd in the Dunlap area. There is a one time fee of \$200 to apply for the Permit. If you are approved for the Special Use Permit, there are NO yearly fees or any additional fees. Once you apply for the Special Use Permit, you automatically have the date of my letter extended until your hearing would be. If you have any other questions, please feel free to reach out. Thank you!
01/21/2026	Richard Masters	Email		Ricky, Thank you, I will stop by tomorrow to pay and apply for the permit. Appreciate your help. Lena Yoder Sent from my iPhone
02/04/2026				

CODE CASE ACTIVITY REPORT (CODE-0712-2025)

Activity Date	Created By	Activity Type	Activity Name	Comments
	Richard Masters	Outgoing Phone Call		I was able to connect with Llyod. He wanted to ask a few questions regarding the SUP Application. He also mentioned he should be able to complete it by the 12th (date of my letter). He wanted to ensure that he wouldn't be ticketed if the application wasn't dropped off before the 12th. I let him know that I would work with him since he was staying in communication with me. He appreciated me working with him. He told me he should have it done by the 12th. He is going to reach out to me after he submits the application.
03/09/2026	Richard Masters	Email		Thought I'd send a couple of additional photos at Lloyd Yoder's property across from me. One photo shows a dumpster truck that was trailered in and the other shows the tops of 2 dump trucks and the tops of a couple of semi trucks. Hope this is of some use. Mary Hesser Mary, I can add these to the case, but I have to name you as the one who sent them. Also, if we go to court I would need for you to be willing to testify if the case escalated to that. If you are okay with that, then I will add the pictures. Thanks. Ricky
03/10/2026	Richard Masters	Email		I'm fine with that as is my husband, Randy Hesser. Also, I've mentioned my older neighbor across the road to you before. His name is Ed Diamond and he said he is willing to be involved in this, as well.
	Richard Masters	Outgoing Phone Call		Returned Lloyd's call to answer the questions he had about the SUP Application. He asked if needed to submit any pictures or if the ones I took would be sufficient. I told him that he shouldn't need to submit pictures. The only thing he will need to submit is the drawing of the structure. He committed to doing that. He said he would take care of that one of the nights this week and will submit in the next 14 days.
04/30/2026				

56200 CR 31, Goshen. Photos taken by Ricky Masters on 5/5/26.
Alleged Violation: Running a Business



I went by the site and observed at least 4 large commercial vehicles parked on the site. I also observed water on the property too. I spoke with Ed Diamond (complainer) who expressed concern over drinking water.



56200 CR 31, Middlebury. Photos taken by Mary Hesser. Sent to Elk Co 2/27/26.
Alleged Violation: Running a Diesel Business



One photo shows a dumpster truck that was trailered in and the other shows the tops of 2 dump trucks and the tops of a couple of semi trucks.



CODE CASE ACTIVITY REPORT (CODE-0712-2025)

Activity Date	Created By	Activity Type	Activity Name	Comments
	Richard Masters	Email		Lloyd and Lena, I still haven't seen the application for the permit applied for yet. We need you to make a move by 5/8/26. Either you apply for the permit or you need to cease and desist business activity if there is no permit. I'm trying to work with you guys, but heat is getting hotter and just need you guys to take action. Thank you. Best Regards, Ricky
	Richard Masters	Incoming Phone Call		Incoming phone call from Ed Diamond, one of the complainers. He wanted me to stop by so we can discuss "what he's up against" and to show me his side of "dealing" with the operation next door. I took his number and will give him a 1 hour heads up as to when I will be able to swing by.
	Richard Masters	Email		Ricky, We have the questioner completed; it is the drawing we've been struggling with; neither of us are artistic. We will get that completed the best we can and apply for the permit in a timely fashion. Lena

05/21/2026

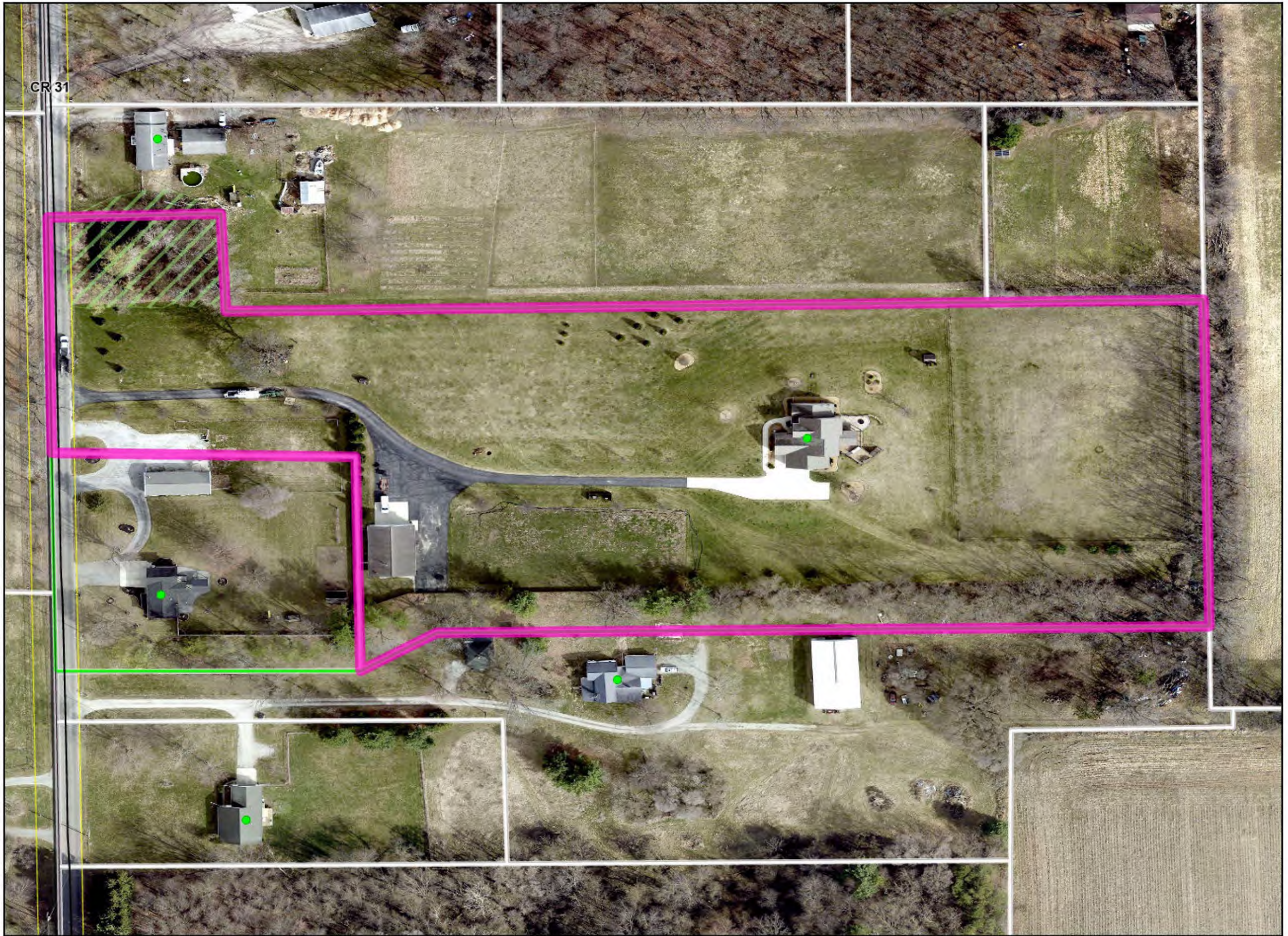
CODE CASE ACTIVITY REPORT (CODE-0712-2025)

Activity Date	Created By	Activity Type	Activity Name	Comments
	Richard Masters	Email		Hi Ricky, My name is Binh Ta. I live on 56118 County Rd 31, Goshen, IN 46528. My family and I, along with our neighbors, have shared many concerns about our new neighbor's semi/trucking business on 56200 County Road 31, Goshen, IN 46528. Our greatest concern is the flooding that it has caused on our land and in our basement. When it rains, the floodwater rises from their small run off pond, spilling into our yard, running across the front and into the neighbor's driveway north of us. We've had water running in our basement multiple times over the past six months. We had addressed this concern with them before they started building their massive shop, attaching it to an already large standing barn and office, and their massive driveway/parking lot for their client's semis and trucks. They also raised their land by at least 4 ft, having it slope entirely from their shop and driveway toward our land/house. I contacted them and they came out to look at the flooding. It has never been this bad but they said it had nothing to do with what they did. Then they expand their driveway further making it as wide as a four-lane road, worsening flooding on my land and in my basement. We've had flooding in our basement before and a company came and piped the water toward the road, which resolved the issue, until our new neighbor moved in and caused these new flood issues. I worry about my family's health from mold forming and about the structural integrity of my buildings due to the flooding. Another health concern is that in addition to the rainwater, fluids such as oil, diesel, coolant, etc, from their shop, trucks, parking lot, and driveway all run toward our property and sit in the pond that is less than 20 ft from our well. It could eventually soak into our drinking water and cause health issues. They run their business mostly from 5 am to 5 pm, but there are many times that they work till 11 pm. These large trucks would pull in at random times, regardless of the day or time. We've seen multiple instances of work being conducted on Sunday from 10-11 pm. I've included a picture of a semi-truck pulling in on 5/11/26 at 9:21 pm. The constant noise, humming, and vibration from their trucks is disturbing to my young kids and my wife, who stayed home all day. From what I understand, our area is zoned for agricultural use only. This busy business should not be operating in our peaceful neighborhood. It becomes a huge personal problem when it affects my family's health and the integrity of my buildings and land. Every one of my neighbors can confirm and vouch for everything I've said. I hope that you can look into this and make some changes or

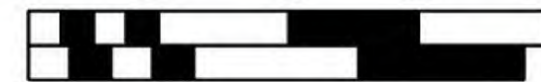
CODE CASE ACTIVITY REPORT (CODE-0712-2025)

Activity Date	Created By	Activity Type	Activity Name	Comments
				set some limits.
	Richard Masters	Email		Hi Binh, I am aware of the ongoing situation. The property owners of the barn have applied for a Special Use Permit. The hearing date is set for 7/16/26 at 9:00-9:30am at our office address listed below my name below. After the hearing, you and anyone else will be able to speak For or Against this SUP for a business. I have spoken with Mary Hesser and Ed Diamond as well. Thank you. Ricky

SUP-0274-2026



0 24 48 72 96 Meters

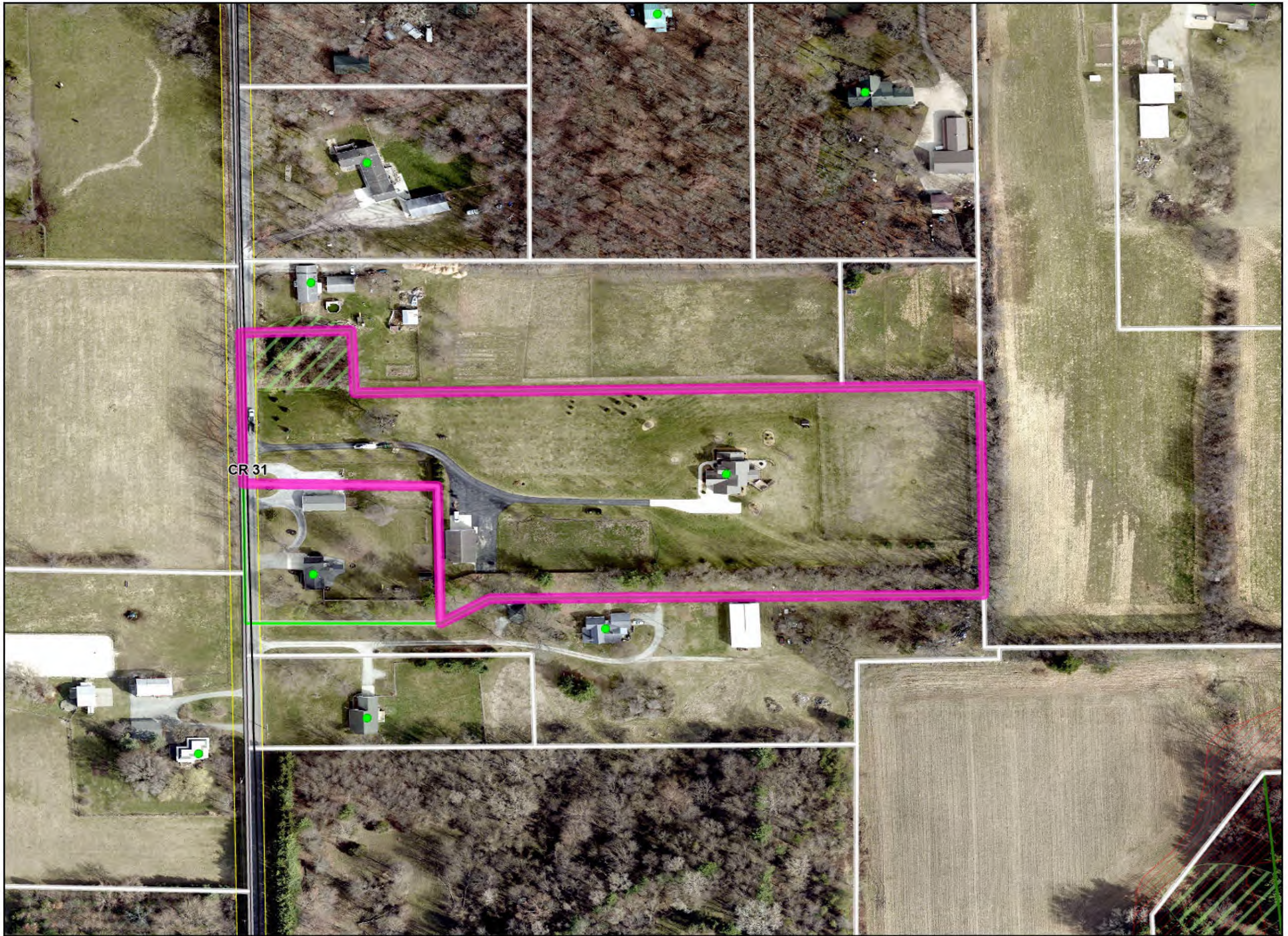


0 100 200 300 Feet

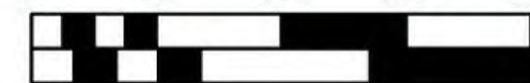
N



SUP-0274-2026



0 36 72 108 144 Meters

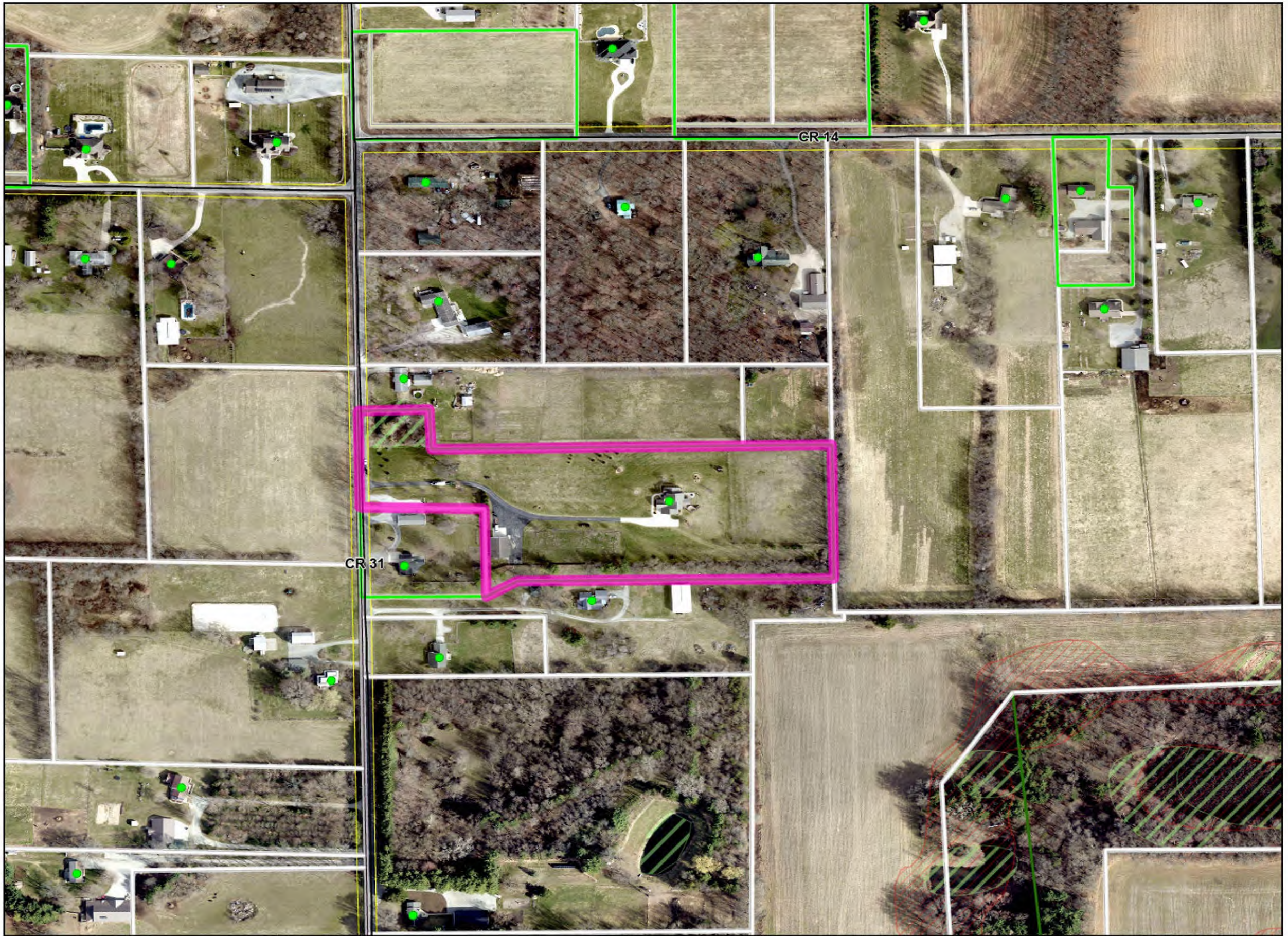


0 160 320 480 Feet

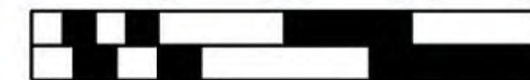
N



SUP-0274-2026



0 57 114 171 228 Meters



0 250 500 750 Feet

N





Subject property facing residence



Subject property facing existing building



Subject property, from CR 31



Facing north



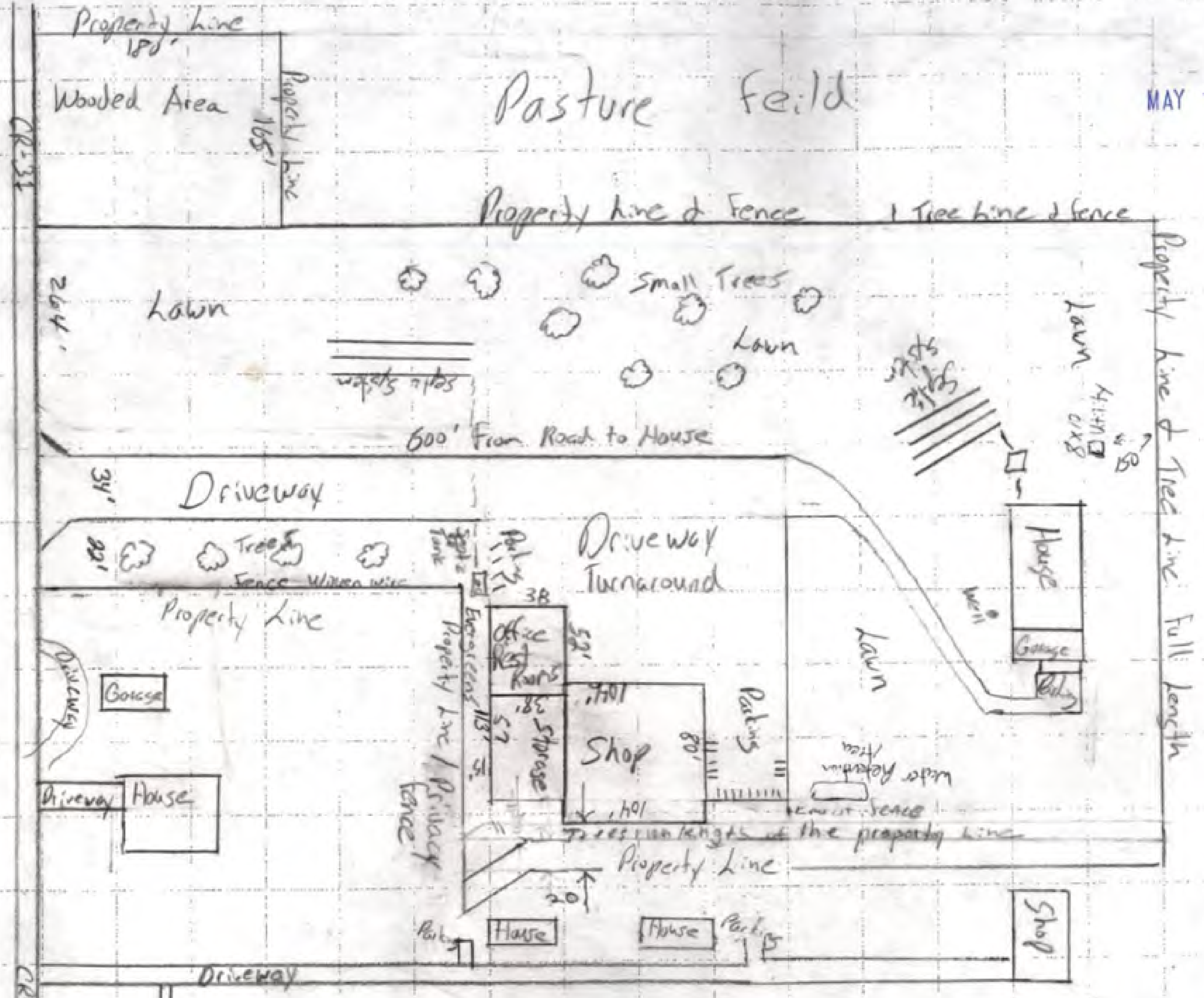
Facing south



Facing west

MAY -

Pasture Field





DATE: July 23rd, 2026

TO: BZA

FROM: H. Jason Auvil, Zoning Administrator

SUBJECT: Major / Minor Change Request

LA Investment Group LLC represented by Nicole Blajan is requesting to amend a Special Use Permit for warehousing and storing in A-1 district (Specifications F - #44), on a property located at 22715 Old US 20, Elkhart, in Concord Township approved on May 16th, 2002 (2002197).

The request is construct a new 6,815 ft² storage building on the property.

This is a 2.773-acre property and the new building meets all setback standards, and all applicable building permits will be required.

Attached is the minor change request email and site plan received on July 21st, 2026.

Staff recommend approval of this minor change request.

This major / minor change staff item will be on the **August 20th, 2026**, BZA agenda.

Re: Fw: Follow-Up and Clarification – 22715 Old US 20, Elkhart, IN 46516

From Nicole Blajan <nblajan@elmdalepartners.com>

Date Tue 7/21/2026 6:54 PM

To H. Jason Auvil <HJAuvil@elkhartcounty.com>; Warren Gary <wgary@elmdalepartners.com>

 1 attachment (88 KB)

ELKHART SITE PRELIM_7.14.26.pdf;

Caution! This message was sent from outside your organization.

Jason,

I hope you are doing well! We would like to request a minor change to the approved site plan. The proposed building has been reduced from approximately 7,600 square feet to 6,815 square feet. Please see the attached updated site plan showing the change.

Thank you for getting us on the August 20 BZA agenda. Thank you for all your help and guidance.

Nicole.

Get [Outlook for Mac](#)

From: H. Jason Auvil <HJAuvil@elkhartcounty.com>

Date: Wednesday, July 15, 2026 at 2:31 PM

To: Nicole Blajan <nblajan@elmdalepartners.com>

Subject: Re: Fw: Follow-Up and Clarification – 22715 Old US 20, Elkhart, IN 46516

Nicole,

I need an email requesting a minor change and a site plan showing the proposed change.

Once I get the email and site plan, I will get it of the August 20 BZA agenda.

Thanks!

H. Jason Auvil, MRCP, CPM, CECIMS4

Zoning Administrator & Planning Manager

Elkhart County Planning & Development

4230 Elkhart Rd.

Goshen, IN 46526

574-971-4582

hjauvil@elkhartcounty.com

