

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 19th DAY OF FEBRUARY 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: Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

2. A motion was made and seconded (*White/Cramer*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 15th day of January 2026 be approved as read. The motion was carried with a unanimous roll call vote.

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

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

4. The application of *Marine Riders Michiana (Buyer) & Analia Natalia Nieves (Seller)* for a Special Use for an assembly hall on property located on the Northeast corner of Plainfield Dr. & John Weaver Pkwy., common address of 27911 Plainfield Dr. in Osolo Township, zoned R-2, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0002-2026*.

Mrs. Cramer clarified the reason for the denial recommendation with Mr. Dean. Mr. Dean stated that staff believes an assembly hall would be too intense for this neighborhood location.

There were twenty neighboring property owners notified of this request.

Mark Hocevar, 57126 Sigulda Rd., Three Rivers, MI, was present for this request. Mr. Hocevar stated their clubhouse is currently located about 1.5 miles from this location on a member's family property in a pole barn. He continued by saying their organization is a not-for-profit 501C that has been operating for about 10 years. Mr. Hocevar stated their organization is made up of Marines and they raise money for Veterans. He continued by saying he is a retired police officer and there is a gentleman that is an active fire fighter that is a member of their organization. Mr. Hocevar explained the purchase of this property would allow them to have a central location for meetings and fundraising. He emphasized they are not the typical motorcycle riding club riding around and firing guns. He noted the building would be used as a place for them to gather and host occasional fundraising events. He continued by saying they will be respectful of the neighborhood. Mr. Warner asked how many people will be expected at an event in relation to the number of parking spaces requested. Mr. Hocevar stated with cars and motorcycles they could possibly have 50-60 people, with more cars in the winter and more motorcycles in the summer. Mr. Hocevar continued by saying the number of motorcycles could be more than the event numbers because most of the motorcycles will be ridden by an individual, not multiple

people. He also stressed that the events will not be late night events. Mr. Hesser asked about the hours of 9 a.m. to 1 p.m. on the application as well as the number of customers 5-25. Mr. Hoker clarified the number of members if about 25, and they do sometimes meet during the day, generally they meet on Fridays at 6 p.m. Mr. Warner clarified the access to the property is from a side road and not a high traffic area.

Greg Hastings, 54093 Westwood Dr., Elkhart, was present in remonstrance. Mr. Hastings stated he recently purchased the property just south of the subject property. He presented a petition with signatures of neighboring property owners against the petition for an assembly hall. *[Attached to file as Remonstrator Exhibit #1]* He continued by stressing the congregating of motorcycles will bring down property values. Mr. Hastings stated when purchasing his property, he researched the zoning of the petitioner's property; discovered it was zoned R-2 and felt confident that nothing crazy would be built on the parcel. He also noted that the current owner lives in Hawaii and has no interest in what happens with the property. Mr. Hastings noted the Board has already addressed the inconsistencies on the petitioner's application and asked that the Board deny the petition. He asked the Board to take note that if there is a name not on the petition against the assembly hall, it is because the owner was not home at the time.

Gregory Whalen, 27561 Plainfield Dr., Elkhart, was present in remonstrance. Mr. Whalen stated Plainfield Dr. has a speed limit of 30 mph and has concerns about motorcycles speeding up and down this road. He continued by saying he is concerned about the assembly hall serving alcohol.

Christy Stinson, 54106 Westwood Dr., Elkhart was also present in remonstrance. Mrs. Stinson stated she lives about 75 ft. from the subject property and is opposed to the assembly hall. She continued by stressing this is a quiet residential neighborhood that she has lived in for 33 years. Mrs. Stinson stated concerns about the increase in traffic, the children playing in the neighborhood, the noise and the potential for crime in the neighborhood which will ultimately affect property values. She continued by saying if the assembly hall is approved, she will most likely want to sell her home and suggested other neighbors might feel the same.

Evan Giles, 52933 Glenmore Dr., Elkhart, spoke in support of the petitioner. Mr. Giles stated the petitioner does not intend to change the character of the neighborhood and they will not be meeting every day. Mr. Giles pointed out the petitioner's parcel is on the edge of the neighborhood and even suggested the Board could allow access from John Weaver Pkwy to avoid disrupting the neighborhood. He continued by saying the club does fundraising and is not a typical motorcycle club. Mr. Giles stressed the club's efforts will benefit the community.

Mr. Hocevar came back to the podium and stated his committee was not aware of the amount of opposition to this petition. He stated they want to be somewhere they are wanted, and he wishes to withdraw the petition.

The public hearing was closed at this time.

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

Motion: Action: Withdraw, **Moved by** Debra Cramer, **Seconded by** Roger Miller that this request for a Special Use for an assembly hall be withdrawn at the request of the petitioner.

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

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

Abstain: Cory White.

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

5. The application of **Matthew J. Miller & Luann R. Miller, Husband & Wife** for a Special Use for agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the North side of CR 40, 655 ft. West of CR 43, common address of 11117 CR 40 in Clinton Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0788-2025*.

There were 6 neighboring property owners notified of this request.

Tim Schmucker, 15900 CR 8, Bristol, was present for this request on behalf of the petitioner. Mr. Schmucker stated the petitioner wishes to build a new barn for horses. Mr. Hesser clarified the horses are for transportation. Mr. Hesser asked Mr. Schmucker the size of the pasture. Mr. Schmucker responded 1.2 to 1.3 acres. Mr. Dean stated his measurement of the pasture came to approximately 1.17 acres. Mr. Schmucker stated he can revise the site plan outlining the pasture area. Mr. Hesser asked Mr. Schmucker if the petitioner would be able to get by with one horse. Mr. Schmucker responded yes. Mr. Warner noted that Jeff Burbrink an agricultural educator for LaGrange County, recommends a minimum of 2 acres of pasture per horse, but 2.5 acres per horse is more desirable. Mr. Hesser clarified that Elkhart County staff recommend a minimum of 1 acre per horse and Purdue University recommends 2 acres per horse. He continued by saying waste management and the availability of hay is also a consideration in the decision being made. Mrs. Cramer noted the horse will be used for transportation, which will provide the needed exercise for the horse.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller expressed concerns about the size of the property, but he believes the horse will have plenty of exercise being used for transportation.

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 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 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 proposed pasture area with dimensions.

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. The agricultural use is limited to a maximum of one (1) adult horse at any one time.

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

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

6. The application of **Bradley A. Dewald & Terri L. Dewald, Husband & Wife** for a Special Use for a home workshop/business for an electrical company, and for a Developmental Variance to allow for 11 outside employees (Ordinance allows 4) on property located on the West side of CR 27, 1,070 ft. North of CR 44, common address of 67279 CR 27 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-0781-2025*.

There were 7 neighboring property owners notified of this request.

Mr. Miller requested clarification as to why the Special Use is needed, if the petitioner has been in business for over 60 years. Mr. Auvil stated the petitioner came to get a permit, and it was discovered there was no Special Use for the property. He noted that the Special Use will bring the business and property in compliance with the Development Ordinance. Mr. Hesser clarified the site plan is not to scale. Mr. Auvil stated it is not required to be to scale, and the site plan submitted is sufficient.

Brad Dewald, 67279 CR 27, Goshen, was present for this request. Mr. Dewald stated the business has been at this location for 13 years. He explained equipment that has been stored outside is being destroyed by the elements. He continued by saying he wants to build a 30' x 60' building to store trucks, trailers and various equipment. Mr. Hesser clarified the work for the business is done offsite. Mr. Dewald stated he has approximately 18 employees, but he and his estimator are occasionally on site. He continued by saying there may be one or two trucks that come to the business in the morning, but are gone by 8 a.m. Mr. Dewald stated the trucks for his employees are taken home with them at night. Mr. Warner asked about the driveway that appears to be a shared driveway. Mr. Dewald stated it is his driveway, but the property lines on the aerial appear to be off by 10 feet.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Cramer commented that the business has been on the property for quite some time with no complaints, and she added there will be no onsite employees. Mr. Hesser stated it is consistent with what the Board has approved in the past including having equipment stored inside.

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 home workshop/business for an electrical company, 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 12/16/2025) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for 11 outside employees (Ordinance allows 4) 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 12/16/2025) and as represented in the Developmental Variance application.

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

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

7. The application of *Douglas Murphy & Kelly Murphy, Husband & Wife* for a Special Use for a home workshop/business for a construction 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 38, 1,000 ft. East of CR 21, common address of 19810 CR 38 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-0001-2026*.

There were 8 neighboring property owners notified of this request.

Douglas Murphy, 19810 CR 38, Goshen, was present for this request. Mr. Murphy stated his business has been in operation for over 30 years, and they just moved to Goshen in December. He explained they have trucks and trailers they would like to store inside. He continued by saying there will be no semi-trucks coming to the property, and all work is done offsite. Mr. Murphy explained his 3 sons work with him, 2 of which live in his house. Mrs. Cramer clarified that Mr. Murphy lives on site.

Andriy Nikolaychuk, 19770 CR 38, Goshen, was present in remonstrance. Mr. Nikolaychuk stated he has concerns about trucks coming in and out of the property and equipment being stored outside.

Douglas Murphy came back to the podium and clarified only a trailer, and a dump truck will be stored outside, and they will be stored behind their building. Mrs. Cramer clarified the trailer and dump truck leave every day and come back at night. Mr. Warner commented on the tree line present on the property as a sound /sight barrier.

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 a Special Use for a home workshop/business for a construction 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 1/5/2026) and as represented in the Special Use application.
2. Backing in or backing out from/onto CR 38 with semi tractor trailers is prohibited.

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 1/5/2026) and as represented in the Developmental Variance application.

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

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

8. The application of *Elmer J. Schrock & Mary E. Schrock, Husband & Wife (Buyers) & Myron P. Miller & Janet A. Miller, Husband & Wife (Sellers)* for a Special Use for a home workshop/business for a grocery store and for a 4 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing barn 71 ft. from the centerline of the right-of-way on property located on the North side of CR 34, 465 ft. East of CR 43, common address of 10679 CR 34 in Clinton Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0790-2025*.

There were 3 neighboring property owners notified of this request.

Mr. Hesser clarified staff is requesting the revised site plan show a minimum of 13 parking spaces and all property lines.

Paul Hostetler, Freedom Builders, 54824 CR 33, Middlebury was present for this request representing the petitioner. Mr. Hostetler submitted a revised site plan for review, which meets staff's request [*Attached to File as Petitioner Exhibit #1*]. He continued by saying the store will have parking spaces for cars and buggies on the east side of the building. Mr. Hostetler also said the owners will add a driveway between the road and the barn to allow for a semi to pull off the road and back up to the building and vice versa. He also noted the property lines have been added to the site plan, as well as the sign that is mentioned in the application. Mr. Hostetler stated the application was not marked yes for a free-standing sign, but they will have one. Mrs. Cramer clarified there is 71 ft. between the barn and the centerline of the road.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller expressed concern that semi drivers will back onto the property regardless of the requirement listed in the commitments. Mr. Hesser stated the Board is not saying the turn-around works only that there is no backing off/onto CR 34.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **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 home workshop/business for a grocery store 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 (1) all property lines and (2) a minimum of 13 spaces, or 2,340 sq. ft., for parking.

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 34 with semi tractor trailers is prohibited.

Further, the motion also included that a 4 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing barn 71 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 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: Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

Staff recommended the Special Use for a home workshop/business for wholesale crafts and furniture (SUP-0633-2020) be rescinded.

Motion: Action: Rescind, **Moved by** Randy Hesser, **Seconded by** Cory White that the previous Special Use (SUP-0633-2020) for a home workshop/business for wholesale crafts and furniture be rescinded.

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

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

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

9. The application of ***Cristina Giles & Evan Giles, Wife & Husband*** for a Special Use for a home workshop/business for a carpentry/home improvement 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 Northwest side of Glenmoor St., 370 ft. Northeast of Doner Ct., common address of 52933 Glenmoor St. in Cleveland 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-0011-2026*.

Mr. Hesser asked for clarification on the Special Use as it shows two uses on the application. Mr. Auvil stated the petitioner will need to clarify. Mr. Hesser then clarified the concern of staff is the lumber business related to the Special Use. Mr. Auvil stated the main concern is outside storage. He continued by saying current pictures still show equipment being stored outside. Mrs. Cramer noted there appears to be outside storage taking place behind the detached accessory structure.

There were forty neighboring property owners notified of this request.

Evan Giles, 52933 Glenmoor St., Elkhart, was present for this request. Mr. Giles stated his petition is to reaffirm and stay in compliance with the County Ordinance. He continued by saying the accessory structure on his property was built somewhere between 1982 and 1988. Mr. Giles said he is trying to get a permit for an addition to the accessory structure that was previously approved by the Board that expired. Mr. Giles said that he believed the permit timeframe was open-ended. He explained that he is here to have the Board approve what was filed for and approved a couple of years ago. He continued by saying he has had some serious injuries in the past 2 years, which is the reason for the delay in getting his permit for an addition to the accessory structure. Mr. Giles submitted a petition with signatures in support of him renewing the approval from the County for his business and to expand the barn to increase his storage for his business *[Attached to File as Petitioner Exhibit #1]*. He continued by saying 99% of his business is conducted offsite at this time. Mr. Miller asked staff if the permit was open-ended. Mr. Auvil stated it was not. He continued by saying that the petitioner asked for an amendment to the Special Use to remove a privacy fence, resulting in a new commitment being issued. But all other commitments remained the same as the previous approval, including the 2 year renewal period. Mrs. Cramer clarified with Mr. Auvil that the fence removal was approved because the addition to the accessory structure would ensure no outside storage. Mr. Giles continued to state he believes the permit time frame was open-ended. Mrs. Gilbert stated the result letter from the original Developmental Variance approval clearly states 180 days to obtain a permit. She added Developmental Variances are not included on commitments, as they only have conditions. Mr. Giles stated he has had some personal setbacks with his health and just wants to get approved for what was approved previously by the Board. Mrs. Cramer asked Mr. Giles what he is currently doing at this location. Mr. Giles responded he is a landscape contractor and it's mostly where he stores his equipment. He continued to say he will occasionally build a small table or countertop in his accessory structure. Mr. Giles also stated the sawmill which had previously been an issue with the Board is being stored on another property. Mr. Hesser clarified that Mr. Giles is not requesting a saw-mill operation. Mr. Giles claimed the use of the sawmill is more of a hobby. He continued by saying with the addition to the accessory structure, he will be able to store the sawmill on his property again and use it as a hobby. Mr. Miller needed clarification on the complaints that were part of the original application and the reason for the time frame of two years to come back to the Board. Mr. Auvil confirmed the complaints were mostly regarding sound and outside storage related to the sawmill. Mr. Auvil continued by saying the original time frame has expired along with the renewal, and that is why the petitioner is back before the Board. Mr. Miller clarified originally the complaints were

regarding the sawmill and the logs being stored outside. Mr. Auvil stated the Special Use Amendment to remove the privacy fence was conditional on no outside storage being allowed. Mr. Giles stated the fence was required by staff/Board, and he requested to remove it because of the added cost. He continued saying it seems senseless to have a fence, if no outside storage would be allowed. Mrs. Cramer asked Mr. Giles if he is currently running a business on his property, and if it is allowed. Mr. Giles replied he is just asking for what was originally approved by the Board. Mr. Auvil stated the time limit has expired, and there should be no business being operated on the property. Mr. Miller clarified the reason for the time limit on the business was to make sure there were no complaints. Mr. Auvil agreed. Mr. Miller asked if there have been any recent complaints. Mr. Auvil stated no, because Mr. Giles has not been working due to health issues. Mrs. Cramer noticed some outside storage taking place in the front and back of the accessory structure. Mr. Auvil confirmed there are trailers in the front and equipment in the back of the accessory structure. Mr. Giles stated he uses the trailers on various days and behind the accessory structure is firewood for personal use. He continued by saying he splits about 3-6 cords a year for himself and his father who uses it in his home as well. Mr. Giles again stated he is here to bring the property into compliance. Mrs. Cramer clarified that Mr. Giles wishes to have his sawmill as part of his business and that currently he is not approved to run any type of business on his property. Mr. Giles stated it is a small part of the business, and he believes that it shouldn't matter. Mr. Hesser stated it still must be considered. Mr. Hesser needed clarification on what Mr. Giles wants to do as part of the expansion to the accessory structure. Mr. Giles stated he will need to remove $\frac{3}{4}$ of the current building and add new trusses in the expansion to keep an open concept. Mr. Giles stated the addition was previously approved. Mr. Hesser confirmed that this is a new request. Mr. Hesser continued by asking Mr. Giles what exactly is entailed as part of his business. Mr. Giles stated he is a contractor that does landscaping and some general contracting like roofing. He continued by saying he has customers by appointment at his property approximately 6 times a year. Mr. Hesser confirmed that Mr. Giles provides a wide variety of services, mostly done offsite. Mr. Giles stated the expansion will allow him to do more woodworking on a small scale.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser noted there is no one at the hearing to speak in opposition to this request, and there have been no recent complaints. He continued by clarifying that the business was approved in the past, but the timeline for the Special Use and the Developmental Variance has expired. Mr. Warned noted that the area is residential in nature, and the size of the requested expansion/addition to the accessory structure seems excessive. Mr. Miller noted that there are trailers stored on the property in this residential neighborhood. He continued by saying the Board should still consider the previous remonstrators that attended the original hearing. Mrs. Cramer clarified that since there has not been any business in operation, there is no way to know if there would have been any complaints. Mr. Hesser asked Mr. Giles to come back to the podium and asked him if he had been operating his business. Mr. Giles stated he never truly stopped running the business outside of what he had to do for his recovery. He continued by saying the length of the recovery is what prohibited him from the addition to the accessory structure. Mr. Giles stated he is before the Board to bring the business and property into compliance, and he made note that the petition he submitted to the Board has signatures from people who previously opposed his petition.

Mr. Auvil came back to the podium and stated inherently, staff does not oppose the Special Use for the business: However, staff does have a problem with the sawmill and logging business, outside storage, and the addition to the existing accessory structure in an A-1 zoned, residential neighborhood. Mr. Hesser stated he is inclined to approve the home workshop/business but in limitation with no sawmill and no outside storage. He continued by clarifying staff is recommending approval of the Developmental Variance to allow the total square footage of the existing accessory structure to exceed that allowed by right but recommends denial for the addition to the exiting accessory structure.

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

Motion: Action: Approve **Moved by** Randy Hesser, **Seconded by** Deb Cramer that this request for a Special Use for a home workshop/business for a carpentry/home improvement business be approved based on following Findings and Conclusions of the Board:

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 is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1.02-acre parcel in a dense residential area.
3. The Special Use will substantially serve the public convenience and welfare.

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 without the proposed addition to the accessory structure.

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. No sawmill operations are permitted.
3. No outside storage is permitted.

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

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

Abstain: Cory White.

Motion: Action: Approve **Moved by** Randy Hesser, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based on these, further moved that this request for a Developmental Variance to allow for the total square footage of **EXISTING** accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).

2. A revised site plan must be submitted for staff approval without the proposed addition to the 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.

The request for a Developmental Variance to allow for the total square footage of **PROPOSED ADDITIONS** to existing accessory structures to exceed that allowed by right was acted upon as follows: Denied in accordance with the Staff Analysis with the following Findings and Conclusions of the Board:

1. Approval of the request will be injurious to public health, safety, morals, or general welfare. The request is 3,924 sq. ft., or 223 percent, over what is allowed by right and will alter the character of the neighborhood.
2. Approval of the request will cause substantial adverse effect on neighboring property. This is a 1.02-acre parcel in a dense residential area, and the property should remain residential in character.
3. Strict application of the terms of the Development Ordinance would not result in an unnecessary hardship in the use of the property.

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

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

Abstain: Cory White.

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

10. The application of **Gene L. Beachy & Kristina M. Beachy, Husband & Wife** for a Special Use for a home workshop/business for a construction 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 35, 510 ft. North of US 20, common address of 56923 CR 35 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-0007-2026*.

There were 8 neighboring property owners notified of this request.

Gene Beachy, 56923 CR 35, Middlebury was present for this request. Mr. Beachy stated he wants to add a 38' x 52' shop to his property for his business. Mr. Miller asked Mr. Beachy what he specifically does in his construction business. Mr. Beachy stated he does interior and exterior remodeling to homes. He clarified the new building will be to store his truck and materials for his business. He also stated he has one outside employee that does not come to the shop. Mr. Miller clarified that there will be no deliveries to the property.

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 construction 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 1/9/2026) and as represented in the Special Use application.
2. Backing in or backing out from/onto County Road 35 with semi tractor trailers is prohibited.

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 1/9/2026) and as represented in the Developmental Variance application.

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

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

13. The meeting was adjourned at 10:32 a.m.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary