

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