

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