

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 19th DAY OF MARCH 2026 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Board of Zoning Appeals was called to order by the Chairperson, Randy Hesser. Staff members present were: Mae Hope, Plan Director; Jason Auvil, Zoning Administrator; Laura Gilbert, Administrative Coordinator; Danny Dean, Planner; Danielle Richards, Planner; and Don Shuler, Attorney for the Board.

Roll Call.

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

2. A motion was made and seconded (*White/Miller*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 19th day of February 2026 be approved as read. The motion was carried with a unanimous roll call vote.

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

4. The application of ***Dale E. Prochno, III & Jessica M. Prochno, Husband & Wife*** for a Special Use for a home workshop/business for a welding business on property located on the South side of CR 52, 650 ft. West of N. Main St. (SR 19), common address of 28125 CR 52 in Locke 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-0065-2026*.

There were 18 neighboring property owners notified of this request.

Mr. Prochno, 28125 CR 52, Nappanee, was present for this request. Mr. Prochno stated he wants to operate a small welding business to build lawn mowers and smokers in his garage. Mr. Warner asked how large the items will be. Mr. Prochno stated the biggest will be 48” x 36” tall. Mr. Warner clarified the items built will be stored inside. Mr. Miller asked if there will be retail sales involved. Mr. Prochno stated yes, by appointment only. Mr. Hesser asked how many items will be built in a day. Mr. Prochno stated at this time, a few a month. He continued by saying he has a full-time job, and this business will be done on the side. Mr. Miller asked about the noise level. Mr. Prochno stated the loudest part will be welding, which is fairly quiet.

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 welding 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 2/13/2026) and as represented in the Special Use application.

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

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

5. The application of *Trustee of Harrison Township* for an Amendment to an existing Special Use for a fire station to add property and to construct a new fire station on property located on the Southwest corner of CR 40 and CR 9, common address of 26020 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-0049-2026.

There were 12 neighboring property owners notified of this request.

Ron Martin, Martin's Builders, 27608 CR 36, Goshen, was present for this request. Mr. Martin stated the original fire station was built in 1981. He continued by saying the original station is not large enough to house the number of trucks the station needs. Mr. Martin stated the new building will be able to accommodate 5 trucks if needed. He continued by saying back in 1981 the station answered about 100 calls a year, but currently the station averages 300 calls a year in a 36 square mile area. Mr. Martin stated the new station includes the addition of land and a new septic system.

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** 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 fire station to add property and to construct a new fire station 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 2/10/2026) and as represented in the Special Use Amendment application.

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

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

6. The application of *Carl Eugene O’Konski & Shelley Ann O’Konski, Husband & Wife* 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 Riverview Manor Dr., 380 ft. South of Old US 20, common address of 55543 Riverview Manor Dr. in Cleveland 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-0034-2026*.

There were 25 neighboring property owners notified of this request.

Carl & Shelley O’Konski, 55543 Riverview Manor Dr., Elkhart were present for this request. Mrs. O’Konski stated the chickens are a big part of their family and they do provide eggs for the family. She continued by saying the chickens do not run loose and are very well taken care of. She expressed that if a smaller number of chickens were required by the Board, that the number would go down as they die of natural causes. Mr. O’Konski stated they did not know that they needed a Special Use to have chickens on their property. He continued by saying when they moved to this property, they brought 3 ducks with them and are now down to one “old” duck. Mr. Hesser asked if they plan to replace their duck when he passes. Mr. O’Konski said no. Mr. Warner clarified the number of chickens currently on their property. Mr. O’Konski stated they have 17 chickens, 1 duck and no longer have the rooster that was rehomed. Mr. Miller asked if they are kept inside. Mr. O’Konski said they have a 350 square foot area to graze and an 8’ x 10’ coop. Mrs. O’Konski stated they let the chickens out in the evenings for about two hours, but they are never unattended. Mr. Hesser asked about disposal of waste. The Olkowski’s stated the waste is taken to the landfill, but they are hoping in the future to compost the waste for a garden.

Sam Widner, 55565 Riverview Manor Dr., Elkhart was present in support of the petition. Mr. Widner said he lives right next door to the petitioner’s house. He continued by saying they have been very respectful to the neighbors, and he has not had any concerns or issues with the chickens on their property. He expressed their grandson takes good care of the chickens and continued to say he never smells any foul smell from the chickens. He added that he has been enjoying the delicious eggs and hopes the Board approves their petition.

Kevin Foy, 30590 North Shore Dr., Elkhart, was present in remonstrance. Mr. Foy stated he is against having chickens in a subdivision, especially when there are \$500,000 homes across the river. He added that the smell is horrible when fertilizer is spread on fields in the area and it can be smelled for a period of two weeks. Mr. Foy continued by saying 17 chickens seems excessive when the property is not agricultural in nature. Mr. Foy stated it starts by allowing chickens and then moves on to cows and horses. He continued by saying where does it stop? He expressed there is plenty of agricultural land available. Mr. Foy went on to request if the Board is going to approve the petition, then limit the number of chickens to less than 17.

Joshua Sargent, 28993 Ella Dr., Elkhart, was present in support of the petition. Mr. Sargent state he is in favor of anyone who wants to have chickens, minus the rooster. He continued by saying it is a good resource for the neighborhood, and it is a great way to supplement food supply, especially with current grocery prices.

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** 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 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 1/22/2026) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of seventeen (17) chickens and one (1) duck at any one time, no roosters.

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

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

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

7. The application of *Association for the Disabled of Elkhart County, Inc.* for an Amendment to an existing Special Use for a social service establishment to allow for the construction of an administrative office building and transportation building on property located on the South side of West Vistula St. (SR 120), 1,600 ft. Northeast of CR 21, common address of 1671 West Vistula St. in Washington 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-0062-2026*.

There were 28 neighboring property owners notified of this request.

Chris Kingsley, CEO of ADEC, 1671 W. Vistula St., Bristol was present for this request. Mr. Kingsley stated this is part of an ongoing upgrade for ADEC. He continued by saying this request is to expand office space and expand the transportation and maintenance operations. He continued by saying ADEC has 28 facilities throughout Elkhart and St. Joseph Counties that include vehicles that require maintenance. Mr. Kingsley stated this update will allow them to sell some of their other facilities.

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 an Amendment to an existing Special Use for a social service establishment to allow for the construction of an administrative office building and transportation 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 2/13/2026) and as represented in the Special Use Amendment application.

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

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

Excused: Randy Hesser.

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

8. The application of *ELMR, LLC* for an Amendment to an existing Special Use for a mining business for the preparation of dirt, sand gravel, and stone for sale to the public to add concrete recycling on property located on the West side of US 33, 2,700 ft. South of CR 40, common address of 66541 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-0068-2026.

There were 14 neighboring property owners notified of this request.

Mr. Hesser clarified there have been no issues with the current operation of the business and that they are here to add concrete grinding as part of the amendment.

Crystal Welsh, Abonmarche, 303 River Race Dr., Goshen, was present for this request. Mrs. Welsh handed out material to the Board to help put the concrete recycling business in perspective [Attached to file as petitioner exhibit #1]. Mrs. Welsh stated the current business has not had any violations on the state or local level. She continued by saying the machine that will be used for concrete recycling is mobile, and they have designated an area for it to be used, shown on the site plan. She said that the machine will only be used when there is a stockpile of concrete to be ground, and it will be placed on sand which is a great mitigator of vibrations. Mrs. Welsh noted that one of the handouts shows the sixteen other companies' locations in Elkhart County that are recycling concrete. She continued by saying eight of them are closer to residential areas than the petitioner's company. Mrs. Welsh expressed that there are many companies recycling concrete and they are doing it without significant complaints. She continued by saying if needed the petitioner could do some research on how noise and vibration affect a neighborhood. Mr. Warner asked if the petitioner has been in contact with Goshen Airport. Mrs. Welsh said yes. She continued by saying in advance of this petition, the owner sent letters to all adjacent property owners beyond the required 300 ft. and invited them to attend a meeting at the facility. Mrs. Welsh pointed out that the original Special Use petition excluded the request for concrete recycling at the request of the owner. She continued by saying at the time there were two owners and one of them already had a concrete recycling business. Since that time the owners have parted ways, and this owner wished to add concrete recycling to the Special Use.

Burnell Weaver, owner of ELMR, LLC, & Yellow Creek Gravel, 64341 CR 11, Goshen, was present for this request. Mr. Weaver stated when the original Special Use was requested, his business partner had a concrete recycling business, so they did not request it at that time. He continued by saying he has a contract where they are hauling concrete from a company in

Waterloo, Indiana to the CR 11 facility, and it will save miles and be more convenient to take the concrete to the US 33 facility to recycle. Mr. Weaver stated they have not had any complaints about the vibrations that occur with the machinery they currently use. He continued by saying the machinery to recycle the concrete will not make any more noise or vibrations than their existing operations. He also stated that they include dust suppression in their day-to-day operations. Mr. Weaver stated concrete recycling will only take place for a three-to-four-week period in the Spring and in the Fall. Mrs. Cramer clarified that stockpiling of concrete will be taking place. Mr. Weaver confirmed and clarified that it will not create additional traffic. He continued by saying the concrete recycling will only be about three to five percent of the business, and all gravel pits in Elkhart County do concrete recycling. Mr. Weaver clarified that the rebar that is separated from the concrete is sent to a recycling facility. Mr. Warner asked Mr. Weaver about his relationship with Goshen Airport. Mr. Weaver stated they have always been on friendly terms. He continued by saying when the concrete business was proposed in 2017, they met with the Board of Goshen Airport and everyone seemed ok with the proposal. Mr. Miller noted that Goshen Airport was against the proposal when the hearing took place. Mr. Weaver stated yes that did happen, but he is not sure why their opinions changed. He continued by saying the two concerns of the airport were the height of the machinery and the dust. Mr. Weaver stated they could go up several hundred feet without violating the airspace, and dust has not been an issue because of dust suppression.

Harold Schmucker, 66217 US 33, Goshen, was present in support of the petition. Mr. Schmucker stated he has no issues with the concrete business, and they have been good neighbors. He continued by saying they communicate often, and he prefers this business over an industrial park. Mr. Schmucker stated he visited his old business partners' site to see the concrete recycling and is aware of where the concrete recycling will take place at the US 33 location. He expressed his support for their business.

Tom Troyer, 66398 US 33, Goshen, was also present in support of the petition. Mr. Troyer stated he was not at the original hearing in 2017, so this is new to him. He continued to say that if there is no additional noise or dust then he supports the petitioner. Mr. Troyer said he has a good relationship with the petitioner.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller expressed concern about the additional noise and dust and questioned the need to add concrete recycling to this location when they currently crush concrete at another location. Mr. Hesser clarified that the main concern of staff is the vibration from the concrete recycling which will affect the area residences and Goshen Airport. Mr. Warner mentioned limiting the hours of operation for concrete recycling. Mr. Auvil came to the podium and said that putting a time limit on the use of the recycling equipment will be very difficult for code enforcement to enforce. He continued by suggesting allowing this for one-year to see what type of feedback, if any is brought to code enforcements attention. Mr. Hesser clarified that after one year the petitioner will come back to the Board and most likely be approved if there are no complaints.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that this request for an Amendment to an existing Special Use for a mining business for the preparation of dirt,

sand gravel, and stone for sale to the public to add concrete recycling be approved based on the Findings and Conclusions of the Board:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property.
3. The Special Use Amendment will substantially serve the public convenience and welfare by providing a recycled concrete operation.

The following condition was 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 2/16/2026) and as represented in the Special Use Amendment application.
2. Approved for a period of (1) year; any renewal shall be before the Elkhart County Advisory Board of Appeals.

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

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

9. The application of *First Baptist Church of Elkhart* for an Amendment to an existing Special Use for a church to extend pickle ball court dates and add buffering for the pickle ball courts on property located on the West side of CR 17, 700 ft. North of CR 10, common address of 53979 CR 17 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-0069-2026*.

There were 84 neighboring property owners notified of this request.

Crystal Welsh, Abonmarche, 303 River Race Dr., Goshen was present for this request. Mrs. Welsh stated the petitioner is requesting to extend the duration of how long the pickle ball courts will be open and to add buffering with evergreen trees. She continued to say the construction has begun on the additional parking area and the retention pond had to be relocated. She noted the buffering was added to beautify the area and help with the noise of the pickle ball courts. Mrs. Welsh clarified the extension is to operate longer during the year, not to extend the hours during the day. She continued to say the lights are on a timer, the courts are being monitored and there are signs posted with the hours. Mr. Hesser clarified the location of the pickle ball courts with Mrs. Welsh. Mr. Warner asked if access to the courts is locked after hours. She reiterated that the courts are monitored with cameras.

Ralph Ervin, 22438 Hanover Dr., Bristol, was present in remonstrance. Mr. Ervin stated he lives directly behind the pickle ball courts. He continued by asking that the petitioner be required to put the buffering up before the extension of court hours gets approved, to make sure it works. Mr. Ervin said it is the monotony of the sound all day long that is intolerable. He remarked that he cannot sit outside and enjoy retirement because of the monotonous noise.

Tracey Miller, 22445 Hanover Dr., Bristol presented a letter from Karen Matheson, 22424 Hanover Dr., who could not attend the meeting. [Attached to File as Remonstrator Exhibit #1]. In summary, the

letter is against the extension of the pickle ball court dates and complains about the noise and not being able to enjoy the outdoors. Mrs. Miller asked if there is evidence that evergreen screening will reduce the noise.

Randy Yoder, 60575 CR 27, Elkhart, was present in support of the petition. Mr. Yoder stated he is a member of First Baptist Church. He continued to say First Baptist Church loves their community, the county, the state, and God. Mr. Yoder stated the idea behind the pickle ball courts was to invite the local community to have a place to gather and play. He said it is not just about playing a sport but bringing people together and building comradery. Mr. Yoder stated that Indiana has offers a great opportunity for outdoor sports, and thus the request to extend the season. He continued by saying the people who use the courts are extremely grateful and can't believe a church would build courts and offer free use to the community.

Yuen Dugle, 210 Greenfield Dr., Middlebury was present in support of the petition. Mrs. Dugle stated she is not a member of the Church but plays pickle ball on their courts with a large group of women. She said the group has grown to around 70 women who want to play pickleball together. Mrs. Dugle stated that the women come from all different backgrounds with the hope of escaping their troubles for the few hours they are playing pickle ball. She continued by saying the bonds being built are creating a community.

Matt Faulkner, Executive Pastor of Ministries for First Baptist Church, 52953 CR 17, Bristol, was present representing the church. Mr. Faulkner began by saying that since the Church has installed the monitors and cameras there have been no incidents to report.

Crystal Welsh came back to the podium to say everyone is aware of the noise that pickle balls create, which is why the church is providing the evergreen buffering.

The public hearing was closed at this time.

Mr. Miller stated it is really telling that there is not one person who lives near the pickle ball courts who came to support the church's request. He continued to say there has been much litigation against pickle ball courts in the U.S. Mr. Miller also stated concerns that the fencing around the pickleball courts is not tall enough to keep anyone from entering the courts after hours. Mrs. Cramer reminded Mr. Miller that the courts are now being monitored. Mr. White needed clarification about the extension being requested. Mr. Hesser confirmed the request is to extend the season. Mrs. Cramer stated that they will be adding 3 months of play time. Mr. Hesser continued by saying the people who came in support of the extension have confirmed that the courts are in use all the time. Mr. Miller stated that the Board really doesn't have any reason to deny the petition. Mr. White clarified that the hours of play were part of the original commitment. Mrs. Richards stated the dates were put in place in June of 2025. Mr. Miller asked Don Shuler, Board Attorney, for some guidance. Mr. Shuler stated if the Board believes the Special Use Amendment is consistent with the spirit, purpose, and intent of the Development Ordinance, that it will not cause substantial and permanent injury to the appropriate use of neighboring property, and will substantially serve the public convenience and welfare then it is appropriate to grant it.

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

Motion: Action: Approve, **Moved by** Cory White, **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 an Amendment to an existing Special Use for a church to extend

pickle ball court dates and add buffering for the pickle ball courts 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 2/17/2026) and as represented in the Special Use Amendment application.

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

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

No: Randy Hesser.

10. The application of *The Board of Trustees of the United Christian School of Elkhart County* for an Amendment to an existing Special Use for a school to allow for an addition, portable classrooms, and additional parking on property located on the Southwest corner of CR 52 and CR 101, common address of 29522 CR 52 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-0070-2026*. She presented a revised site plan for the petitioner that satisfied the proposed condition requesting revisions. *[Attached to file as Staff Exhibit #1].*

There were 12 neighboring property owners notified of this request.

Marlin Martin, 64199 SR 331, South Bend, was present for this request. Mr. Martin stated he is a school parent, on the school Board, and does maintenance for the school. He continued to say the want to add an addition to the school, the baseball diamond will be moved as well as the existing playground and the septic tanks. Mr. Martin noted that the City of Nappanee has given them permission to hook up to city sewer if they so desire. Mr. Martin said they will start with one temporary classroom to help with overflow until the addition is built. He continued by saying the school has a five-year plan for the proposed addition and fundraising will begin after this amendment is approved. Mrs. Cramer clarified the temporary classrooms will be used until the new addition is built. Mr. Martin confirmed and stated the temporary classrooms will then be sold on Facebook marketplace.

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 an Amendment to an existing Special Use for a school to allow for an addition, portable classrooms, and additional parking 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 3/12/2026) and as represented in the Special Use Amendment application.

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

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

11. The application of *Taylor W. Augustat & Cara L. Augustat, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the South side of CR 12, 570 ft. West of CR 1, common address of 30083 CR 12 in Cleveland Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0060-2026*.

There were 17 neighboring property owners notified of this request.

Taylor & Cara Augustat, 30083 CR 12, Elkhart, were present for this request. Mrs. Augustat began by noting their property is zoned A-1, they own 2.5 acres, and if they had .5 more acres the Special Use would not be needed. She continued by saying they bought their house in December of 2022 expecting they would be able to have animals. Mrs. Augustat said they love their chickens and plan to have children in the future with the hopes they will be involved in 4-H. She went on to say they were not aware of any issues with their birds until a complaint was filed. Mrs. Augustat noted that there were some trees along the property line as a buffer, that were torn down without their consent. She continued by saying the person who filed the complaint offered to buy the back half of their property. Mrs. Augustat stated they wish to put a fenced run on the back of the existing pole barn for the chickens and ducks and that will not be anywhere close to the neighbor's property. She noted that their rooster has been rehomed. Mrs. Augustat said she has rescued chickens and ducks that she cares for. She continued by saying the metal building next to the house where the chickens are is temporary until the run off of the pole barn is completed. Mr. Hesser clarified there are rescued chickens that are also used agriculturally for eggs. Mr. Hesser asked for clarification on the 2 barns in the back of the property. Mrs. Augustat stated one is for storage and the other will be used for agricultural purposes, meaning the chickens and ducks.

Hanny Habib, 30097 CR 12, Elkhart was present in remonstrance. Mr. Habib stated he lives next door to the west of the petitioner and that the current location of the chickens is literally four yards from his house. He continued by saying his house was a rental property but now he lives there. Mr. Habib stated he has a recording of the chickens and ducks. He continued by saying he cannot sit outside, because the birds are very loud. He noted put up a privacy fence which did not help with the noise. Mr. Habib stated people have moved out because of the rooster and chickens. He then stated concern about the amount of feces from the chickens and a possible problem with contamination of the water. Mr. Habib expressed concern that even though the zoning is agricultural, they live in a residential neighborhood. He continued by asking the Board to only allow what is permitted for the 2.5 acres that the petitioner owns.

Mrs. Augustat came back to the podium. She stated they have a compost area in the back half of the yard and plan to use it on their garden. Mrs. Augustat reiterated that the current housing for the chickens will be torn down when the new run is complete. She continued by saying they have had their chickens and ducks for about 3 years. Mrs. Augustat said she and her husband spoke

with Mr. Habib and he told them he was not bothered by the chickens or the rooster. She explained it was the person who moved in with Mr. Habib that had the issue with the chickens and rooster. Mrs. Augustat explained they had bought an additional coop and housed the rooster in the garage until the complaint was filed and they rehomed the rooster. She continued by saying they do not plan to have any more roosters, only chickens and ducks which supply them with eggs. Mrs. Augustat pointed out that Mr. Habib also opposed one of their neighbors that wanted horses and was questioning his character. She then pointed out that across the street is Forest River which is not residential or agricultural.

Mr. Habib came back to the podium to express this should not be about character, rather it is about following the guidelines.

The public hearing was closed at this time.

Mr. Hesser & Mr. White clarified that the Developmental Variance is to bring the existing accessory structures into compliance with the Development Ordinance. Mr. Warner noted even though the petitioner has 2.5 acres, the configuration of the property does not allow much distance between the neighbors. Mr. White clarified the chickens and ducks will be moved to the back of one of the existing barns. Mrs. Augustat confirmed the plan is to have them moved by the end of May and that they will put them at least 200 feet from the road.

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 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 2/13/2026) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of twenty (20) chickens, five (5) ducks, at any one time, no roosters.

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 2/13/2026) and as represented in the Developmental Variance application.

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

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

12. The application of ***Dulce M. Camilo Rodriguez, Fernando de la Rosa Martinez, & Gamy Nicol Maca*** for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a Special Use for a roadside stand, and for a 23 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of a roadside stand 27 ft. from the centerline of the right-of-way on property located on the South side of Danielson Dr., 265 ft. West of Oak Manor Pl., South of Old US 20, common address of 28912 Danielson Dr. in Cleveland 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-0061-2026*. Mr. Miller clarified there are listed hours of operation for the roadside stand on the petition. Mrs. Richard confirmed the hours of 9 a.m. to 5 p.m.

There were 24 neighboring property owners notified of this request.

Gamy Maca, 28912 Danielson Dr., Elkhart was present for this request. Mrs. Maca stated chickens will give her children hands on education, animal care, responsibility and daily chores, as well as providing eggs for their family and neighbors. She continued by saying she understands they do not live in a rural area, but they are working with what they have. Mrs. Maca said the roadside stand will also provide pesticide free vegetables and flowers. Mrs. Maca stated she wants to build a sense of community and contribute something positive to the neighborhood. She continued by asking for the approval of the Board and noted she is aware that no roosters are allowed and they would like 10-12 chickens. Mr. Hesser clarified the stand will be self-serve. Mrs. Maca confirmed and added the stand will only be used in the Spring through September and then will be stored in her garage. She continued by saying the waste will be taken to a farm that she works at part-time.

Katherine Kallenberg, 55805 Oak Manor Dr., Elkhart was present in support of the petition. Mrs. Kallenberg stated she is the neighborhood welcoming person, and she met Gamy Maca when she moved into the neighborhood 2 years ago. She continued by saying she greeted them at their home, offered a welcoming gift, and gave them information about the neighborhood. Mrs. Kallenberg said that Mrs. Maca and her husband are great neighbors and take very good care of their property. She added that she supports their request 100%. Mrs. Kallenberg continued by saying that she doubts many people in the neighborhood had even realized they have chickens until the notice was sent about the petitioner's request for chickens. Mrs. Kallenberg presented a list of neighbor's signatures who are in support of the petitioners having chickens. She added that the names that have asterisks next to them live adjacent to Mrs. Maca. Mrs. Kallenberg stated there are two names on the list that she was unable to meet with but did speak with on the phone and they are in support of the petitioner *[Attached to file as petitioner exhibit #1]*.

William Chrisitopher Greeney, 56159 Riverdale Dr., was present in support of the petition. Mr. Greeney stated he met Mrs. Maca and her children at the last annual association picnic, and they made a great impression. He continued by saying the education aspect of raising the chickens is the reason he is in support of their petition to have chickens. Mr. Greeney stated he applauds Mrs. Maca for taking the right steps to get approval to have chickens and supports this petition being granted.

Joshua Sargent, 28893 Ella Dr., Elkhart was present in support of the petition. Mr. Sargent stated the petitioners are very nice people, they have a very clean home, and he sees no reason why it will be different in their quest to raise chickens. He continued by saying he thinks the maximum of 12 chickens is reasonable. Mr. Sargent stated he will most likely bring his children to see the chickens and partake of the eggs. He added he supports the petition to have chickens.

Jason Auvil stated he took a call from Tom Stump, City of Goshen resident, with concerns about this Special Use and roadside stand. Mr. Auvil said Mr. Stump does not think Special Use requests for chickens are appropriate in a subdivision, which is zoned R-1. He continued by saying Mr. Stump would like to Board to deny the request, but if approved, place a one-year time limit on the Special Use and roadside stand to see if it creates any problems. *[Attached to file as Staff Exhibit #1]*

Kevin Foy 30590 North Shore Dr., Elkhart, was present in remonstrance. Mr. Foy stated there are over 100 houses in this subdivision, and he is concerned that more people could request chickens, which he has a problem with. He added the amount of waste from 12 chickens is also an issue. Mr. Foy also expressed issues with the roadside stand which he considers a business in a residential neighborhood. Mr. Foy mentioned concerns about the noise created by the chickens.

Martha Scholfield, 55898 Katherine Dr., Elkhart was present in remonstrance. Mrs. Scholfield stated she moved to this neighborhood thirty-one years ago, and it has narrow roads that make navigating the subdivision difficult. She continued by saying there are children that play on the roads in the neighborhood. Mrs. Scholfield said at the corner where the petitioner's house is located, is a bus stop. She added that she is not only concerned about traffic, but the roadside stand will constitute a business in the neighborhood. She continued by saying the neighborhood has fought an excavating business and a Bed & Breakfast trying to come into the neighborhood. Mrs. Scholfield stated she bought property in a residential neighborhood, not one with business allowed.

Craig Camp, 28981 Danielson Dr., Elkhart was present in remonstrance. Mr. Camp stated he lives across the road and down some from the petitioner. Mr. Camp said the petitioner and her family are very nice people. He continued by saying it surprised him that they requested chickens and a roadside stand, indicating that Mrs. Maca's children play on the road quite frequently. Mr. Camp stated it is an artform to get in and out of the neighborhood with traffic coming and going. He commented that the speed limit is only 25 mph, and people do not obey the speed limit. Overall, He stated his main concern is the possible increased traffic that the roadside stand will create.

Charles Chance, 56076 Rio Lindo Dr., Elkhart, was present in remonstrance. Mr. Chance stated he understands the individual benefit of having chickens; however, the long-term effect of allowing chickens in neighborhoods will have consequences. He stated since the Board created Ordinances, that he has a recommendation, so the situation does not get worse as time progresses. Mr. Hesser clarified the Board approves or denies exceptions to the Ordinances; they do not create the Ordinances. Mr. Chance stated the County Extension Board is available for free to Elkhart County residents. Mr. Hesser continued by asking Mr. Chance to keep his comments on this request. Mr. Chance thanked the Board.

Bob Roach, 56187 Riverdale Dr., Elkhart, was present in remonstrance. Mr. Roach stated he wishes the neighborhood to remain residential and is against anything commercial in nature. He added that he considers a roadside stand to be commercial in nature. Mr. Roach said the subdivision has over 200 homes and they bought into the subdivision to live, grow, and retire. Mr. Roach continued by saying he is concerned about policing of the chickens. He continued by asking the Board to do its job and maintain the neighborhood as residential.

Patrica West, 28930 Ella Dr., Elkhart, was present in remonstrance. Mrs. West stated she has concerns about the avian flu spreading into the neighborhood. She continued by saying she is concerned about the disposal of the waste from the chickens and how it might affect the water supply in the neighborhood. She reiterated the concern for traffic as other remonstrators have noted. Mrs. West also commented on the fact that the number of eggs that will be sold will not support the cost of the chickens or a stand.

Doug Weaver, 50064 Jayne Dr., Elkhart was present in remonstrance. Mr. Weaver submitted a petition with 63 signatures of neighbors in opposition to this petition. *[Attached to file as Remonstrator Exhibit #1]*. Mr. Weaver stated they do have a loosely knit organization for the neighborhood, of which he is the Vice-President. He continued by saying he is a trustee on the Board for Elkhart Community Schools. Mr. Weaver stated that Elkhart Community Schools has an agricultural program with 400 plus students enrolled in the program. He continued by saying he was raised on a farm and has experience with poultry. Mr. Weaver commented that people would rather have chickens vs. children, and that our society is headed in the wrong direction. Mr. Weaver asked Mrs. Richards her name and then proceeded to point out that she used the words “we feel” when saying staff recommend approval of the petition. He continued by saying the Board needs to be concerned about the laws and ordinances, not feelings. Mr. Hesser asked Mr. Weaver to wrap his comments up. Mr. Miller stated 3 minutes is the usual allotted time for comment. Mr. Weaver asked the Board to please bear with him as he would most likely be the last speaker. He continued by referencing the 185 pages of the Elkhart County Development Ordinance, noting that the word covenant is mentioned 20 times, and character 24 times. Mr. Hesser clarified that the Board did not draft the Elkhart County Development Ordinance. Mr. Weaver stated the Board works within the boundaries of the Ordinances. Mr. Warner clarified the Board works with the Ordinances with benefit to the people of Elkhart County. Mr. Weaver continued by saying property rights are mentioned twice in the 185-page Elkhart County Ordinance. Mr. Weaver stated there were covenants in the original creation of the subdivision, and the definition of a covenant as stated in the Development Ordinance is a private agreement restricting the use and occupancy of real estate which as part of a conveyance is binding upon all subsequent purchasers. He continued saying covenants exist for a reason and referenced the ten commandments. Mr. White asked Mr. Weaver what that has to do with chickens. Mr. Weaver stated he is pointing out the Board is on a slippery slope, ruling by exceptions, not by law. Mr. Shuler stated laws are passed by the legislative branch and the Board of Zoning Appeals is not a legislative branch. He continued by saying this Board grants exceptions to the Zoning Ordinance, which is the very nature of why the Board of Zoning Appeals was created by state statute for this explicit purpose. Mr. Shuler stated there are guidelines the Board follows to grant or not grant the exceptions. Mr. Shuler directed Mr. Weaver to direct his comments to whether this petition meets those standards. Mrs. Cramer clarified that if there are covenants for the subdivision, they can be enforced separately from the Board’s decision. Mr. Weaver stated he was advised that he can enforce the covenants, however, he said he does not feel that will promote great harmony within the community. He continued to say the subdivision has a specific character that does not include chickens or roadside stands. Mr. White clarified that 12 chickens are not allowed by right in this area. Ms. Hope confirmed. Mr. Weaver stated it is a slippery slope allowing chickens and asked the Board not to approve the petition. He concluded by saying there is a single page attached to the petition that highlights the Development Ordinance regarding character that is mentioned 24 times.

Ms. Maca came back to the podium. She clarified that the roadside farmstand would not be advertised, and that she had only told her closest neighbors about it. Mr. White clarified the size of the stand and that it is mobile. Ms. Maca confirmed it is 8' x 4' and is mobile. She added it will be stored in her garage when not in use. She also clarified the chicken coop will be 6' x 8' and located in the very back of her yard. Mr. Auvil clarified that neither the stand nor the coop would require a permit.

The public hearing was closed at this time.

Mr. Hesser said his only concern is the roadside stand even though the area does not seem to have a lot of traffic. Mr. Miller commented he would rather have the stand located by the driveway instead of near the road.

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 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 Special Use 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 commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/19/2026) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of twelve (12) chickens at any one time, no roosters.

Further, the motion also included that a 23 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of a roadside stand 27 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 3/19/2026) and as represented in the Developmental Variance application.

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

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

13. The application of *Harlan Martin & Doris Martin, Husband & Wife* for a Special Use for a home workshop/business for a welding shop, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 10 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 65 ft. from

the centerline of the right-of-way on property located on the South side of CR 40, 2,000 ft. East of CR 17, common address of 21628 CR 40 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-0056-2026*.

Mr. Hesser clarified that there is plenty of room for semi tractor trailers to turn around on the property.

There were 12 neighboring property owners notified of this request.

Dale Martin, 61634 CR 13, Goshen, was present for this request. Mr. Martin stated the current shop is too small, with no room for semis to turn around, so they want to build a bigger shop. He continued by saying the new shop will be over 150 feet from CR 40. Mr. Hesser clarified there will be semi-truck deliveries to the new shop, and that the drivers are aware they must pull in and turn around, no backing in or out is allowed. Mr. Martin confirmed there is plenty of room for semi-trucks to turn around on the property.

There were no remonstrators present.

The public hearing was closed at this time.

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

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

1. The request is approved in accordance with the site plan submitted (dated 2/12/2026) and as represented in the Special Use application.
2. Backing in or backing out from/onto CR 40 with semi tractor trailers is prohibited.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 10 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 65 ft. from the centerline of the right-of-way 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 2/12/2026) and as represented in the Developmental Variance application.

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

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

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

14. The application of *Cristina Giles & Evan Giles, Wife & Husband* for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the Northwest side of Glenmoor St., 370 ft. Northeast of Doner Ct., common address of 52933 Glenmoor St. in Cleveland Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #DV-0089-2026.

There were 39 neighboring property owners notified of this request.

Evan Giles, 52933 Glenmoor St., Elkhart, was present for this request. Mr. Giles presented a packet of information on sawmills [Attached to file as Petitioner Exhibit #1] Mr. Giles stated he is here today to request expansion of an existing workshop to support his business and his personal needs. He continued by saying he has resided in his home since May of 2020 and has raised his three children there. Mr. Giles apologized to the Board for the missed deadlines with prior requests because of various obstacles that have occurred in his life over the last few years. He continued to say the petition today is identical to the one that the Board approved in December of 2023 except for the square footage correction to add the finished basement to the total living area. Mr. Giles stated that over 90% of the services he provides in his business are performed offsite. He noted the existing pole barn is used for storage of work equipment and personal items. Mr. Giles pointed out that many of the people who were previously not in support of his petition are now in support and included in the signed letter submitted to the Board. He added there have been no complaints since the operation started back in 2020. Mr. Giles stated there are many pole buildings and businesses that exist in his neighborhood. He continued by asking the Board to approve the previously approved Developmental Variance and requested the removal of the sawmill restriction. Mr. Giles stated he is willing to have the sawmill always stored in a building. He added he is willing to compromise on the size of the proposed accessory structure, if needed. Mr. Giles stated the proposed accessory structure will only be eight feet wider than the original. He then read 2 of 10 letters from people in the neighborhood in support of his petition from Timothy Butler, 53018 Glenmoor St., Elkhart, and from Brandon Chapman, 52957 Glenmoor St. [Attached to file as Petitioner Exhibit #2] Mr. Hesser clarified the location of Mr. Chapman's home. Mrs. Cramer clarified the size of the accessory structure desired by Mr. Giles as 44' x 72'. Mr. Warner clarified the height to the peak of the building as 25. He confirmed it will be 25 feet or less. He pointed to the neighbors who wrote letters in support of his petition on a neighborhood map for the Board. Mr. Hesser asked Mr. Giles if the addition he is requesting will allow him to store some of the vehicles that he uses for his business inside, to reduce outside storage. Mr. Giles confirmed it will. He pointed out that a previous petitioner from a different meeting was allowed to park 2 work vehicles outside.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated he is not in favor of the sawmill returning and noted the excess in storage allowed is now smaller since the basement square footage was added to the equation. He added he does not have a problem with the size of the addition requested. Mr. Warner confirmed he is not concerned about the size being requested. Mr. Hesser clarified the current building is in need of repair, and Mr. Giles will be doing the work regardless of the addition being approved. Mr. Auvil came to the podium and reminded the Board about the number of complaints that caused Mr. Giles

to have to file a Special Use & Developmental Variance. Mr. Auvil pointed out there are no remonstrators at this meeting, and the petitioner has letters of support. He continued by saying the original petition did not include the finished basement square footage because staff was not aware of the various types of basement finish and the location of the finished basement square footage on the property record card. Mr. Auvil stated that is why staff acted accordingly and brought Mr. Giles back to have his request heard again with that change. He continued by saying staff does not have an issue with the size of the building but would prefer the building to look more residential in character. Mr. Auvil pointed out the addition will make the accessory structure the size of a house and it makes sense that it looks residential in nature. Mr. Miller stated that neighbors would complain if they felt the current building looked out of place. Mrs. Cramer clarified the letters of support talk about Mr. Giles being a great neighbor, but don't really talk about the building addition. Mr. Warner agreed that an aesthetically pleasing building could negate some of the issues with the size of the building. Mr. Auvil and Mr. Hesser clarified that the only item being addressed on this petition is the size of the addition, not the sawmill.

Mr. Giles came back to the podium and stated the letters submitted mention that the neighbors do not have a problem with the size of the building being requested. He continued by saying the color of the existing accessory structure predated his possession of the property. He stated the plan is to have the accessory structure be two-toned black and white. He added that his home is an orange brick color that they would like to white-wash. Mr. Hesser clarified with Mr. Giles that he will be ok with the building looking like a garage and not a business. Mr. Giles stated he has never tried to make the pole barn look like a business and any business that takes place in the pole barn is by appointment only. Mr. Hesser again clarified that the sawmill is not part of this petition and will not be addressed at this meeting.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that this request for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved based on the following Findings and Conclusions of the Board:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.02-acre parcel in a dense residential area.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property.

The following condition was 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 1/12/2026) and as represented in the Developmental Variance application.

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

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

Excused: Cory White.

15. Ms. Hope stated the Board has not seen the Development Ordinance updates, because there is new state legislation that came out this year that will impact the Ordinance.

16. Ms. Hope stated that Don Shuler the Board Attorney will be stepping down when his contract ends on June 30, 2026, and Jackson Beck with Yoder, Ainlay will be taking over as Board Attorney starting in July of 2026.

17. The meeting was adjourned at 12:11 P.M.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary