

MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 20TH DAY OF SEPTEMBER 2012 AT 8:30 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, with the following board members absent: Robert Homan; and the following board members present: Tony Campanello, Meg Wolgamood, Doug Miller, and Bill Kuhns. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Zoning Administrator; Mark Kanney, Planner; Kathy Wilson, Office Manager; and James W. Kolbus, Attorney for the Board.

For the record, Attorney Kolbus stated the Rules of Procedure allow the appointment of alternates. As Mr. Homan will be out for the rest of the year, Bill Kuhns has been appointed and has submitted his Certification of Residency for the record. Additionally, Mr. Kuhns will be with the Board in November and December 2012.

2. A motion was made and seconded (*Wolgamood/Campanello*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 16th day of August 2012 be approved as read. The motion was carried with a roll call vote with Mr. Kuhns abstaining as he was not involved in that meeting.

3. A motion was made and seconded (*Wolgamood/Campanello*) that the legal advertisements, having been published on the 8th day of September 2012 in the Goshen News and on the 9th day of September 2012 in The Elkhart Truth, be approved as read. A roll call vote was taken, and with a unanimous vote, the motion was carried.

4. A motion was made and seconded (*Wolgamood/Campanello*) 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.

5. There were no postponements of business items.

*** It should be noted Doug Miller arrives. ***

6. The application of **Albert Theodore Webster & Deborah L. Cobb-Webster** for a 10 ft. Developmental Variance to allow for the construction of two accessory buildings 0 ft. from the West side property line (Ordinance requires 10 ft.) and for a Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage in the primary structure on property located on the North side of Vistula Street (SR 120), 127 ft. West of Illinois

Street, being Lot 9 of Atkins Add. to the Town of Bristol, common address of 202 W. Vistula Street in Washington Township, zoned R-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #202WVistulaSt-120802-1*.

There were seven neighboring property owners notified of this request.

Debra Cobb Webster and Albert "Ted" Webster, 202 W. Vistula, were present in favor of this request. Mr. Webster stated they would like to build a new garage with the ability to park their vehicles in which they are not able to do now. His truck is too long for the existing garage and due to tool storage, his wife's vehicle does not fit either.

He further stated in the petition, they asked for a zero setback variance. However, they now realize that is not in their best interest, and would recommend a 24 inch setback. He went on to explain they previously had a fence on their property line adjoining with the Post Office which was pushed over by patrons of the Post Office. He said he wants to be close to the property line because of the narrowness of their property, and they want to reconstruct the property so they can see the river and back yard of their home.

At this time, Mr. Webster stated they can no longer get insurance for either the barn or existing garage. Their insurance coverage has been rescinded by the insurance company. He stated he got a proposal from a local contractor to reconstruct the north wall and re-side the garage last fall. This spring he discovered he now has termites in the south wall. He indicated the cost of the original estimate was close to \$9,000 which does not include the south wall. He further stated it is not cost effective to rebuild this garage. He got a new proposal to remove existing garage and build a new garage on a one foot foundation above grade along with the regular building requirements. Mr. Webster said the location of the existing garage will be returned to yard.

He reiterated he wants to put the new garage as close to the property line as he can because the narrowness does not allow for safe turn around and parking and construction of a new garage would be pointless as he would still have to park outside. If he were to turn the garage 90 degrees on the property, he said he would not be able to see his back yard which is one of the biggest reasons he wants to remove the barn which is also structurally unsound now. He indicated they considered moving barn and putting it on a new foundation, but he stated the cost is about the same as a new garage.

As far as esthetics and the Fire Department, he stated this will increase the property value for himself and the neighbors. Mr. Webster said he understands the concern for a zero setback, but now he is proposing a 2 ft. instead. Mr. Campanello asked if he would still have room to back out. Mr. Webster indicated he currently parks in what would be footprint of the new garage. He said they tried to size it in such a way that he would have room for his woodworking and mechanical tools as he does his own car service in his garage. With the proposed 26'x30' garage, he will be able to park his truck, have room for his tools, and have the ability to walk around the truck as well.

Mrs. Wolgamood asked about a timeframe for removal of the barn and garage. Mr. Webster stated the barn will be removed before the new garage is built then the old garage will come down as soon as new garage is built. Mrs. Wolgamood asked if the existing driveway is on the East side of the home to which Mr. Webster indicated yes. She asked about the entrance to

the existing garage for vehicle parking. Mr. Webster stated the entrance faces north which requires a large U-turn. Mrs. Wolgamood then asked about the entrance for the new garage. Mr. Webster stated that would be facing east. She also asked the distance from the west property line to the beginning of the old garage, which Mr. Webster stated is 29 ¼ inches to northern most corner of the existing garage which was first recorded in 1957. When asked about a privacy fence on the west property line by Mrs. Wolgamood, Mr. Webster indicated it is no longer there.

Mr. Campanello asked if the Post Office patron vehicles overlap the curb when parked, and Mr. Webster said yes. Mr. Webster stated there is approximately three feet from the property line to the outlying part of the curb, and the fence had actually been pushed over numerous times in the past by large dually trucks that were backed in. For that reason, he is now asking to be 24 inches from the property line. Mrs. Wolgamood asked if the parking lot runs the full length of the property. On the aerial photo, Mr. Webster showed the northern part of the parking lot is a turnaround area.

Mr. Hesser pointed out that adding up the total square footage if the storage barn and existing garage are torn down, and the new garage and garden shed are constructed, the total is less than the square footage of the house. Mr. Webster mentioned leaving the old garage up while the new garage is being built to have storage. Mr. Hesser still felt a variance for square footage is not needed. Mr. Mabry indicated he believes the variance is for worst case scenario if all buildings are left on the property and not torn down. He further stated if the Board were to approve this request, by doing a commitment on demolishing the two existing buildings as a contingent item for approval, he feels that would remove the need for the second variance of exceeding square footage. With Mr. Webster stating the other buildings will be torn down, Mr. Hesser said the focus is on the 8 ft. variance then.

Mr. Hesser asked Mr. Kolbus about the need to modify variance from 0 ft. to 2 ft. Mr. Kolbus said it is okay since it is less than what was advertised. Mr. Kuhns asked about the timeframe for completion of construction. Mr. Webster stated the shed would be completed in approximately two weeks and anticipates the garage construction would begin next spring. Mrs. Webster stated the barn would come down as soon as it is emptied after the shed is in place. Mr. Kuhns indicated this project would be completed by June of 2013 to which the Websters agreed. Mr. Webster submitted a letter from his neighbor to the west that lives directly behind the Post Office *[attached to the file as Petitioner's Exhibit 1]*.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated in light of the fact that the current garage is within that, he would lean in favor of this request. The only concern he has is that this is even closer although not by much. He further stated the conditions are what they were when Mr. Webster was talking about the view as he has a building blocking the view now. So, Mr. Hesser does not feel you can say the strict application causes a hardship. He reiterated his main concern is moving it closer to the property line. Mrs. Wolgamood pointed out Mr. Webster is now only asking for an eight foot side yard variance versus the 10 foot request, and he has given testimony the two existing buildings are beyond repair.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Campanello*) that based on the petitioner's testimony, the

Board finds that approval of this request will not be injurious to public health, safety, morals or general welfare; will not cause substantial adverse affect on the neighboring property; and the strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property, and based upon these, further moved that this request, as modified by the petitioner, for an 8 ft. Developmental Variance to allow for the construction of two accessory buildings 2 ft. from the West side property line (Ordinance requires 10 ft.) be approved with the following Commitment imposed:

1. The demolition of the two existing buildings on the real estate (original garage and old barn as shown on the site plan) to be completed within one year of the date of issuance of the building permit for the first new structure.

A roll call vote was taken and the motion was carried unanimously.

A motion was then made and seconded (*Wolgamood/Kuhns*) that the request for a Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage in the primary structure be denied by the Board as the Developmental Variance is no longer necessary. The motion was carried with a unanimous roll call vote.

7. The application of **Bobby J. & Brenda J. Waire** for a 14 ft. Developmental Variance to allow for the construction of a deck 36 ft. from the centerline of the right-of-way of Miller Drive (Ordinance requires 50 ft.) on property located on the Northwest curve of Miller Drive and Driftwood Drive, being Lot 154 of El Paco Manor 2nd, common address of 56629 Miller Drive in Baugo Township, zoned R-2, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #56629MillerDr-120801-1*.

There were 10 neighboring property owners notified of this request.

Bobby Waire and his daughter, Rayanna Waire, of 56629 Miller Drive were present on behalf of this request. Mr. Waire stated he hired a contractor to build a deck. He said he assumed the contractor would take care of everything but apparently he did not which is why they are here now. He further stated there is a tree in his front yard that has a wood structure built around it. Now the wood is rotting and tree roots are coming up through the ground. He said it is an eyesore. Mr. Waire submitted photos [*attached to file as Petitioner's Exhibit 1*]. He thought if a deck was built around the tree it would look nice and would improve the property.

Miss Waire stated the front steps also have holes in them which are dangerous. She stated her father has filled the holes every year with extra concrete, but the steps just keep deteriorating. Mr. Waire stated the deck does not obstruct the view of traffic.

Mrs. Wolgamood asked about any intention to enclose the deck or put a roof on it. Mr. Waire stated no, and Miss Waire added that there are just rails around the deck. Mrs. Wolgamood also asked about any interference with the well or septic system to which Mr. Waire stated there is none. Mr. Waire confirmed Mrs. Wolgamood's comment that the neighborhood is now on city water.

Mr. Hesser asked about any setback requirements in covenants for the subdivision or neighborhood association. Mr. Waire stated there were none. He also stated he talked to all of his neighbors, and they have no objections. He further indicated he just wants to improve the look of his property. Mr. Kuhns stated he is somewhat familiar with developer of neighbor, and

he is pretty sure there are no covenants. Mrs. Wolgamood added if there were covenants, she is sure they are long gone as the neighborhood is approximately 50 years old.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Wolgamood stated her only issue, which is small, is that the site plan is not to scale and suggested a corrected drawing be submitted prior to issuing a permit. She indicated she would add that as a commitment to her motion. Mr. Kolbus added if that is going to be required prior to permit being issued, it can be classified as a condition.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Kuhns*) 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 14 ft. Developmental Variance to allow for the construction of a deck 36 ft. from the centerline of the right-of-way of Miller Drive (Ordinance requires 50 ft.) be approved with the following conditions imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is taken out within 90 calendar days from the date of the grant and construction work completed within one year from the date of the issuance of the building permit (where required).
2. A site plan drawn to scale to be submitted to the staff prior to the issuance of a building permit.

The following commitment was also imposed by the Board:

1. The deck must not be enclosed by walls or roof.

A roll call vote was taken, and with a unanimous roll call vote, the motion was carried.

8. The application of **Mervin M. & Lorene Burkholder** for a Special Use renewal for an agri-business for a farm repair shop (Specification F - #56) on property located on the Northwest corner of CR 42 and SR 119, common address of 26253 CR 42 in Harrison Township, zoned A-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #26253CR 42-120622-1*. He submitted a drawing that was previously included in the packets with a correction to the date [attached to file as *Staff Exhibit #1*]. He also added that the current Commitment #8 notes approval every year which will remain in effect unless approved otherwise. He said he believes the applicant has requested 10 years on this petition.

There were five neighboring property owners notified of this request.

Mervin Burkholder, 26253 CR 42, Wakarusa, was present on behalf of this request. When Mrs. Wolgamood asked if he is in compliance with the existing Special Use, he stated that he is to the best of his knowledge. Mrs. Wolgamood asked Mr. Burkholder to explain why he is asking for 10 years. He stated the main reason is so he does not have to come back here every year as he does not like to be away from the shop. He indicated he does not see the need for any changes in the future, and if he decided to request a change, he would have to appear before the Board anyway. Mrs. Wolgamood asked Mr. Burkholder if he recalled why the Board had only issued one year at a time to which he stated he did. Mrs. Wolgamood stated she feels this request is pretty straight forward.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Wolgamood stated she is hesitant to agree to 10 years. Mr. Kuhns agreed and suggested three or five years. Mr. Hesser stated the initial request was approved for five years. However, due to the added retail business and some problems with outside storage and parking, the renewal became yearly. Mr. Kuhns mentioned if a violation occurs, staff always has the right to bring him back before the Board.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Kuhns*) 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 renewal for an agri-business for a farm repair shop (Specification F - #56) be approved with the following commitments imposed:

1. Approved in accordance with the site plan submitted to the Elkhart County Advisory Board of Zoning Appeals at the September 20, 2012 public hearing (Staff Exhibit #1 dated 9/20/12) and as represented in the petitioner's application.
2. All previously imposed commitments and conditions in June 2011 and July 2011 to remain in effect, specifically:
 - a. No more than two employees that live outside of the residence on-site.
 - b. Hours of operation to be Monday through Friday, 8:00 a.m. to 6:00 p.m., 8:00 a.m. to 12:00 p.m. on Saturday, and no business on Sunday.
 - c. Approved for 200 sq. ft. of retail spaces as requested.
 - d. No machinery waiting to be repaired or tractor or machinery parts are to be stored south of the shop building.
 - e. One sign permitted no larger than 7 ft. by 3 ft., double faced, and unlighted.
 - f. No salvage done from this site.
 - g. No junked out vehicles or farm equipment stockpiled on site.
 - h. Permit approved for a period of five years with a renewal before the Board of Zoning Appeals.
 - i. Approved for the owner/occupant of the residence on-site.

A roll call vote was taken and the motion was carried with a unanimous vote.

9. The application of **Saul & Jorgina Santos** for a Special Use for an agricultural use for the keeping of chickens on a tract of land containing three acres or less and in an R-1 district (Specification F - #1) on property located on the Southwest side of CR 19, 1,444 ft. West of Indiana Avenue, common address of 20232 CR 19 in Elkhart Township, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #20232County Road 19-120803-1*.

There were 13 neighboring property owners notified of this request.

Saul Santos, 20232 CR 19, Goshen, was present on behalf of this request. He stated he would like to keep chickens on the property. He further stated he has been there approximately six years and has had chickens as he was unaware that he could not. As it is an agricultural area right across the road, he did not realize his property is zoned residential either. He thought since he lived in the county that he could have chickens.

Looking at the aerial on Pg. 7c, Mr. Campanello asked if any of Mr. Santos' neighbors have any kind of farm animals. Mr. Santos stated some of his neighbors have chickens. He also stated the Code Enforcement officer mentioned knowledge of chickens in that area. When asked by Mr. Kuhns about the number of chickens he has, Mr. Santos stated he has 60 to 70 chickens. Mr. Campanello asked the reason for the large number of chickens which Mr. Santos stated was for his own personal use and occasionally gives them away to others. Mr. Hesser asked about the reason for so many roosters. Mr. Santos stated they buy them and they breed. He did state they also butcher some of the roosters and give some away. When Mr. Campanello asked about the number of roosters, Mr. Santos stated he did not know. Mrs. Wolgamood asked if it could possibly be half layers and half roosters. Mr. Santos stated he thinks it is close to that.

Mrs. Wolgamood asked about waste product, and he stated he uses some for his own garden and gives it away. Mr. Campanello pointed out the complaint does not mention noise. The petitioner said he cannot hear them much from the house. He stated the Code Enforcement officer said he did not realize they had chickens until he drove to the back of the property. Mr. Santos said the reason he proposed a privacy fence, which he is in the process of erecting, is because of the noise. However, he stated he does not know the reason listed in the complaint.

Mr. Campanello asked if Mr. Santos understands if board denies this, it is because of the zoning which Mr. Santos indicated he understood. Mrs. Wolgamood also said she believes you are required to have more than three acres in an agricultural zone to have chickens, so Mr. Santos has two issues as he is in the wrong zone and does not have enough acreage. Mr. Santos stated there have been other times when petitions have been granted for less acreage than he has. Mr. Kuhns stated however, that he thinks the approved requests have not been for that many birds. Mr. Hesser asked Mr. Santos if he needs that many roosters. Mr. Santos indicated he does not need that many and said he can reduce the number of chickens he has.

Michal Borzeniatow, Jr., 20204 CR 19, Goshen, was present as he is a neighbor and has chickens himself. He stated he is confused about where he stands with his chickens if Mr. Santos' request to keep chickens is denied. Mr. Hesser indicated the Board is just dealing with Mr. Santos' request at this time.

Helen Pollock, 20262 CR 19, was present in remonstrance of this request. She stated many of the neighbors did not get letters regarding this request. She went on to say the chickens are loud, and she has had chickens in her yard. When Mrs. Wolgamood asked if they were Mr. Santos' chickens, Mrs. Pollock stated she did not know who the chickens belonged to as the neighbor next to Mr. Santos also has chickens as well as horses. She said many of the neighbors in the past raised chickens and beef cattle but that was prior to the zoning change. Mrs. Pollock stated she feels a handful of chickens are okay for eggs, etc., but Mr. Santos has way too many. Mr. Campanello asked if she would have a problem with 20 chickens, and she suggested less than 20 would not bother her.

Herman Santos, 20164 CR 19, was present for the hearing. He stated the roosters do not bother him as he raises them himself. He went on to say the petitioners have horses now, and they have constructed three buildings back there within a year. Mr. Herman Santos said in the last couple of weeks, they are putting up a privacy fence. He said he just wants to know the reason for the request now. Mr. Campanello asked Mr. Herman Santos is he is in favor of the request for chickens. He responded that he is neither in favor nor against it as he just wants to

know the reason for the privacy fence and now the petition. Mr. Campanello asked Mr. Herman Santos if he is any relation to the petitioner, and he responded that he is not.

Mr. Saul Santos stated he put the fence up because he proposed fencing on the petition as he thought that would take care of noise problem. He also stated the buildings should all be on the site plan as they were all there when he applied for this Special Use. Mrs. Wolgamood asked Mr. Santos about having horses. He stated he does have them, and he talked to the neighbor across the street about taking the horses over there. He again stated he did not know he could not have animals.

Mr. Hesser asked if he is willing to reduce number of birds. Mr. Santos stated yes and indicated he will go by whatever the Board tells him. As Mr. Santos knows how much he uses, eats, and freezes, Mr. Campanello suggested Mr. Santos come up with a number. Mr. Santos suggested 20-30 birds. Mr. Campanello pointed out as new chickens hatch, Mr. Santos will need to eliminate and freeze. Mr. Campanello asked if 25 birds, with only five being roosters, was an acceptable number, and Mr. Santos agreed.

The public hearing was closed at this time.

Mr. Kuhns said although he has been off the Board for some time, he does not recall that the Board allowed anything more than just for 4-H for kids in a residential zone. Mr. Kuhns expressed that it sounds like the whole area needs to be rezoned as agricultural, and Mr. Campanello agreed. Mr. Hesser indicated the Board has allowed some chickens in some non-4-H cases in the last couple of years. In hearing testimony from the neighborhood, Mr. Miller said it is obvious many of the neighbors have chickens.

Mr. Miller further stated his estimation is 50 is too many, and his personal opinion is that he would not exceed a total of 20 including chickens and roosters. Mrs. Wolgamood stated she would not exceed 20 but would not allow any roosters. Mr. Campanello stated he believes they can all agree that the R-1 zone is a factor, and there are neighbors with farm animals as well. Mr. Kuhns expressed concern about future requests if the Board allows Mr. Santos to have 20 birds in a residential area and wondered where the line is drawn. Mr. Campanello stated common sense-wise, it is an R-1 zone that should be zoned as agricultural. He also stated staff will have to go to every neighbor now to address the situation.

Mr. Kuhns suggested tabling this request to discuss further with the Plan Commission. Mr. Mabry added a possible agricultural rezoning might not get anywhere because of the three acre issue. Mr. Campanello said in the past the Board has allowed farm animals on less than three acres in an agricultural zone. Mr. Kuhns stated he can approve that type of request much easier than he can in a residential zone. Mrs. Wolgamood stated the request before them is for chickens on less than three acres in an R-1 zone and that is the request today. She also stated she does not disagree with Mr. Kuhns that maybe somewhere along the line, this needs to be looked at again. But she does not feel the Board should delay this request and feels the Board has enough information to make a decision today regardless of the outcome.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Campanello/Miller*) that this request for a Special Use for an agricultural use for the keeping of chickens on a tract of land containing three acres or less and in an R-1 district (Specification F - #1) be approved based on the following Findings and Conclusions of the Board:

1. The Special Use will be consistent with the spirit, purpose and intent of the Zoning Ordinance as there are other neighbors who have agricultural animals in this R-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property as evidenced.
3. The Special Use will substantially serve the public convenience and welfare.

The following commitments were imposed:

1. Approved in accordance with the site plan submitted and as represented in the petitioner's application with the amendment that there be a maximum of 20 chickens and no roosters.
2. All chickens to be contained on site.

The motion was carried with the following results of a roll call vote: Miller – yes; Wolgamood – no; Campanello – yes; Kuhns – no; Hesser – yes.

It should be noted that Mr. Hesser steps down due to possible conflict.

10. The application of **Rolling Rock Stables, LLC** for an amendment to an existing Special Use for the boarding of horses to allow for the construction of a storage building on property located on the East side of SR 15, 1,740 ft. South of CR 10, common address of 54910 SR 15 in Washington Township, zoned A-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #54910SR 15-120816-1*.

There were six neighboring property owners notified of this request.

Attorney Jim Woodsmall, 121 W. Franklin Street, Suite 400, Elkhart, was present representing Rolling Rock Stables, LLC, owned by Terry & Dennis Marcott on behalf of this request. He stated the Marcotts purchased the property in June of 2012, and are in the process of cleaning and fixing up the stables. He said their request is to amend the existing Special Use permit which allowed the boarding of horses obtained by the previous owner.

As the staff stated, Mr. Woodsmall reiterated they want to build a 40'x60' storage building behind what is referred to as the small barn. The proposed building will have a 15 ft. overhang on the north side and a restroom in one corner. He further stated they moved pasture fence to create room and have had the soil tested for the septic.

Mr. Woodsmall noted the building will be used to store equipment related to the use of the horse farm, and it will be consistent with the spirit, purpose, and intent of the zoning ordinance to allow this storage of equipment for horse boarding purposes. He indicated the neighboring properties will not be injured because to the south is a farm with a house, four long buildings used for raising ducks, and the remainder of the property is in crops; to the north is approximately 20 acres of pasture with crop land beyond that; to the east are some woods with two houses back behind that have horses; and to the west is all crop land. He went on to say this request will serve the public convenience and welfare by continuing to allow the boarding of horses and to provide better services to their customers.

Mrs. Wolgamood asked the staff about a questionnaire form for a developmental variance included in the Board packets. Mr. Mabry said the developmental variance portion of the

petition was stricken on 08/16/12. Mr. Kolbus suggested that the development variance was submitted, staff determined it was not necessary, and the materials were still submitted to the Board. Mr. Mabry agreed that the developmental variance questionnaire being included was probably an error and noted that it was not advertised to include the variance but only the amendment to the special use.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Wolgamood stated if in fact the building is for agricultural purposes and the developmental variance is not required per Mr. Mabry, she has no problem with it.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Campanello/Kuhns*) 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 the boarding of horses to allow for the construction of a storage building be approved with the following commitment imposed:

1. Approved in accordance with the site plan submitted and as represented in the petitioner's application.

With a unanimous roll call vote, the motion was carried.

11. The application of ***River of Life Fellowship, Inc., an Indiana Corporation*** for an amendment to an existing Special Use for a church to allow for the construction of an addition for classrooms and to decrease parcel size, and for a 15 ft. Developmental Variance to allow for said addition 10 ft. from the South rear property line (Ordinance requires 25 ft.) on property located on the South side of SR 120, 500 ft. East of SR 13, common address of 11162 SR 120 in York Township, zoned A-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #11162SR 120-120820-1*.

There were 11 neighboring property owners notified of this request.

Enos Yoder of DJ Construction, 57594 Heritage Way, Goshen, was present representing River of Life Fellowship. He reiterated that this property was approved for church use back in 1978 and has had several updates to the site plan for the Special Use since then. This request is to update the Special Use for possible building expansion to the south and to request a developmental variance to allow for the future expansion to come within 10 feet of the south property line.

He stated Pastor Henke and Mr. Miller are present today from the church for any questions for the church regarding their ministry efforts and needs. Mr. Yoder did state that the church has been very effective in its ministry efforts to the community and is finding a growing need for education space for infants, children, and young adults and also for fellowship space. After conducting a feasibility study for the church and the most effective way to add this space to the current facility, he said this addition to the south of the current sanctuary and connecting to their foyer is the only expansion that is practical and feasible within budget constraints. He further stated since the building code will not allow a two story addition, they are requesting the developmental variance to be able to expand within 10 feet of the property line so they can accommodate the necessary expansion and the needs within this footprint. Mr. Yoder stated a survey firm was hired to accurately locate the property boundaries and the building locations as

well as update all the structures on the site. Additionally, he said the church has worked to be a good neighbor and has talked with their neighbors regarding this request. The land owner to the south sent an email in support of this request *[attached to the file as Petitioner Exhibit 1]*.

Mr. Hesser asked the use of the property to the south which Mr. Yoder stated is self-storage. Lastly, Mr. Yoder asked that they be allowed more than 90 days to obtain the building permit because they tabled the work on this plan pending the Board's decision. Therefore, they would request 180 days as they have some details to iron out prior to obtaining the permit. Mr. Hesser asked if staff had concerns regarding approval of 180 days, and Mr. Mabry indicated he had no concerns or objections to the request.

Mrs. Wolgamood asked about the mention of a two story addition but building code not allowing it. Mr. Yoder responded by saying the challenge with two stories is the need for fire suppression, and the cost of that is not feasible for the church. Mrs. Wolgamood clarified that it is a building code issue not a zoning ordinance issue. She further asked about the original Special Use being for approximately 10 acres and now this request is concerning six acres.

Pastor Gordon Henke, 11162 SR 120, Middlebury, stated the church purchased this property in 1999. He stated prior to their purchase of the property, the parsonage had been sold off to the east with approximately three acres. He indicated the church bought approximately six acres. Mrs. Wolgamood indicated she was asking because if the church had sold off the property to the south, it could be considered a self-imposed hardship. However, since it was the property to the east, there is no issue.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser asked if any of the other Board members had concerns with the request for 180 days to obtain the building permit, and there were none. Mr. Hesser asked Attorney Kolbus about the developmental variance if the last two sentences are necessary or if they can be stricken. Mr. Kolbus stated it was more appropriate to have some fact to support the conclusion. Mr. Hesser stated he feels they are self-imposed. Mr. Kolbus indicated Mr. Hesser could remove them if that is his desire. Mr. Hesser stated he feels they have gone through and mentioned what the hardship is, they have looked at alternatives, and they have met that burden. But he does not think those are the two right reasons. Mr. Kolbus said it is appropriate to strike them.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Hesser/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 church to allow for the construction of an addition for classrooms and to decrease parcel size be approved with the following commitment imposed:

1. Approved in accordance with the site plan submitted and as represented in the petitioner's application.

A roll call vote was taken and the motion was carried unanimously.

A motion was then made and seconded (*Hesser/Wolgamood*) that the request for a 15 ft. Developmental Variance to allow for said addition 10 ft. from the South rear property line (Ordinance requires 25 ft.) be approved in accordance with the Staff Analysis (as amended by the Board) with 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. The addition is located to the rear of the building.
2. Approval of the request will not cause substantial adverse affect on the neighboring property. The addition will have minimal impact on neighboring property.
3. Based on the representations and information provided by the petitioner at the hearing, the strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property.

The following condition was imposed:

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

The following commitment was imposed:

1. Approved in accordance with the site plan submitted and as represented in the petitioner's application.

With a unanimous roll call vote, the motion was carried.

12. The application of **Alton E. & Arlene E. Bontrager** for a Use Variance to allow for the construction of a second dwelling on a parcel on property located on the 400 ft. South off of CR 22, 2,800 ft. East of CR 35, common address of 13556 CR 22 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #13556CR 22-120810-1*.

There were seven neighboring property owners notified of this request.

Lamar Slabaugh, 13574 CR 22, Middlebury, was present on behalf of Alton and Arlene Bontrager. He stated he owns the 1.73 acres where his wife's parents live in the ranch-style house and their daughter, Naomi, lives in the mobile home. He went on to say Naomi wants more storage space so they have talked about moving the mobile home and constructing a shop-type building with living quarters and some storage. He indicated the size of the building is 48'x76' and they would remove the mobile home and build the shop building in the same location.

Mr. Hesser asked how much of the building would be shop and how much would be living space. Mr. Slabaugh reported 40 ft. of the west part would be living quarters and the rest would be storage. He also said they are still willing to remove the living quarters from the shop as was the agreement with the Special Use for the mobile home if/when Naomi resides elsewhere. Additionally, he said with the heat of this past summer, they put an air conditioner in the mobile home run by a generator which has to run constantly. By building a shop with better insulation, Naomi will have a better environment in which to live. Mr. Slabaugh further stated that Naomi helps care for the elderly parents. When Mr. Kuhns asked when the mobile home would be removed, Mr. Slabaugh stated the plan would be to move the mobile home and Naomi would live in it for approximately one month to build the shop. Then the mobile home would leave when the shop was completed. He added if that is an issue, they can remove mobile home before the shop is built.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated he has two concerns. The first one being that in reading the background of this property, it is pushed to the limit as it is. The property is already served by an access easement which he is not sure the Board would approve if it were a new request. He said the mobile home has not been a problem, but feels a permanent building would be less likely to be removed or converted and it makes it much less temporary. Also, he pointed out if it reverts back to an accessory structure then there is an accessory structure bigger than the house which is not really addressed.

Mr. Kuhns mentioned the possibility of a hardship case since she is there taking care of the parents. Mr. Hesser pointed out that is not a land use. Mr. Miller said it is more palatable because it is a relative, and he can support the request from that specific direction. He also stated Mr. Slabaugh indicated by testimony that 40 ft. of the shop will be living space, although square footage is unknown and offered that when the tenant would move out, it will be converted back to storage.

From a property value standpoint, Mr. Miller stated he would think the permanent structure would be better than the mobile home with respect to helping the neighborhood. Mr. Campanello indicated agreement. Mr. Hesser pointed out that the mobile home could be removed. Mr. Miller reiterated he feels it is an improvement if the mobile home leaves. Mr. Hesser then asked about the accessory building issue. Mr. Campanello said they already have a barn there that is bigger than the house.

Mrs. Wolgamood stated she does not know that Mr. Slabaugh gave any land use reason to say yes to this because he already has a residential structure there, allowed by Special Use permit, for daughter to care for the parents, and it is temporary. She indicated she is in full support of the staff recommendation.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Hesser/Wolgamood*) 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 Use Variance to allow for the construction of a second dwelling on a parcel be denied. The motion did not carry with the following results of a roll call vote: Miller – no; Wolgamood – yes; Campanello – no; Kuhns – no; Hesser –yes.

After further discussion and based on the testimony given, a motion was made and seconded (*Hesser/Miller*) that this request for a Use Variance to allow for the construction of a second dwelling on a parcel be approved by the Board with the following Findings and Conclusions of the Board:

1. The request will not be injurious to the public health, safety, morals and general welfare of the community.
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
3. A need for the Use Variance does arise from a condition that is peculiar to the property involved.
4. Strict enforcement of the terms of the Zoning Ordinance would constitute an unnecessary hardship if applied to the property.

5. The Use Variance does not interfere substantially with the Elkhart County Comprehensive Plan.

The following commitments were imposed:

1. Approved exclusively for a family member/caretaker of the occupant of the main house.
2. The existing mobile home to be removed from the property within 30 days of completion of the proposed structure (new shop building/living quarters) shown on the site plan.
3. When the family member/caretaker residing in the new living quarters is no longer providing care to the occupant of the main house, the living quarters shall be converted to non-residential space within 30 days.

A roll call vote was taken and the motion was carried with the following results: Miller – yes
Wolgamood – no; Campanello – yes; Kuhns - yes; Hesser – no.

13. The application of ***Susana Barajas & Jose A. Gonzalez Rangel*** for a Special Use for a mobile home on property located on the Northwest side of CR 22, 1,750 ft. South of CR 28, common address of 18243 CR 22 in Elkhart Township, zoned A-1, came on to be heard.

Mr. Mabry presented the Staff Report/Staff Analysis, which is attached for review as *Case #18243CR 22-120723-1(A)*.

There were eight neighboring property owners notified of this request.

Rojelio Alonso, 18243 CR 22, was present on behalf of this request. He said he and his siblings want to put a mobile home on the property for their parents to reside in. In an effort to further explain this request, Mr. Alonso stated their family used to reside in California on a ranch very similar to this, however, it was not theirs. Due to economic reasons and a better opportunity at the time, the family moved here. He went on to say their parents raised him and his siblings by working factory jobs their whole lives. He stated as they are getting older, they will not be able to work much longer as age is a factor for factory jobs. Mr. Alonso stated if this is approved, his parents will have an American dream come true because they will be able to stop working, look after their grandchildren, and spend time with family. He stated the alternative is that they will no longer be able to work, and they will be left to spend a brief time in a trailer park paying lot rent with any amount of money that they were able to save up until they have to be removed from their home and reside with one of their children. He said his parents have worked hard all their lives, and they have never been in any legal trouble. He also said the grandchildren will be able to grow up with their grandparents and get to know them. He stated he felt it would be an injustice to deny this request. Mr. Alonso said they are more than willing to provide all commitments that are requested.

Mr. Hesser asked Mr. Alonso if he owned the property. He stated his sister owns the property. Mr. Campanello asked why this position was picked for placement of the mobile home. Susana Barajas, 18243 CR 22, said the Health Department suggested the location for the mobile home. She also stated the location will make it 300 ft. away from any residential building.

Doug Beasy, 17800 CR 22, was present in remonstrance of this request. He stated he also owns the farm located at 18078 CR 22, and he owns the business located at 18029 CR 22. He stated he previously applied for a Special Use for a mobile home on his property at 17800 CR 22 in 1989. At the time, he stated his grandparents owned the farm at 18078 CR 22. He also

stated his great-grandfather owned the house at 18243 CR 22 at one point in time. Mr. Beasy went on to say he was denied having a mobile home where he currently resides because the Board felt he could move at any time and the county would be stuck with a mobile home on a piece of property. He went on to say that he did not appeal the decision, and feels he had more of a reason to stay in this area as he had a farm in the family for almost 100 years. He pointed out that Mr. Alonso stated his family was in California and moved here for economic reasons. Mr. Beasy suggested the possibility of the petitioner moving if the RV industry drops again.

He also pointed out the petitioners are siblings so their marital status may change and affect their living arrangements which could affect the parents' residence. He stated he feels there are several issues going on here. He further stated most people have money when they get older and don't always just move in with their kids because they do not have anything when they retire. Lastly, he stated granting this request will not help property values in the area. Mr. Campanello asked about the zoning of his property when he was denied, and Mr. Beasy stated it was zoned A-1.

Tom Nodine, 61971 Amber Meadows Court, was present on behalf of Lonnie Troyer of 61746 Amber Meadows Court and as the President of Amber Meadows Home Owners Association. Mr. Nodine stated Mr. Troyer wanted the Board to know that he does not want a mobile home located across from his property. He also stated Amber Meadows subdivision does not want to eventually become an island in a sea of mobile homes. Mr. Nodine went on to say the reasons given for putting a mobile home on the property are not really adequate in his view.

Diane Stealy, 18118 CR 22, was present in opposition to this request. She stated she resides across the street cater-corner from the petitioner's property and owns 17 acres. She indicated her parcel on the aerial photo on Page 11e. She stated she understands them wanting their parents there, but there are more cars parked on the property now. She added that they have parties on the weekends with cars parking out by the street. She said she feels putting a mobile home, which is another family, in that area is not good for the neighborhood. She also expressed concern about the mobile home being older.

Darryl Deisinger, 18286 CR 22, was present in remonstrance to this petition. At Mrs. Wolgamood's request, Mr. Deisinger showed his property on the aerial photo. He said he did not attend the first meeting. However, he said it was stated at that time that all neighbors were talked to and agreed to the mobile home. He reported, to his knowledge, none of that is true, and the petitioners did not speak with him regarding their request. He indicated he does not agree with placing the mobile home as he feels everyone has suffered enough home value loss due to the economy and would like to prevent any further loss.

He indicated the pine trees along driveway that provide screening actually belong to neighbor. He submitted a photo *[attached to file as Remonstrator Exhibit #1]* showing same. He said if the neighbor chose to remove his own pine trees, there would no longer be a screened driveway, and it would be in full view of anyone coming from Goshen. He suggested that if the Board members would not want a mobile home placed next to their own property, he would hope they would understand why he would not want a mobile home next door to him. He added in his opinion, the lot is not large enough for two separate dwellings, five horses, 14 goats, 25 chickens, and a barn. When Mr. Campanello asked about the farm animals on the property, Mrs. Wolgamood indicated that is a permitted use in an A-1 zone with more than three acres.

Dirk Huff, 18224 CR 22, was present in opposition to this petition. He submitted letters from two neighbors, Mary Metzler, and Mark Stealy *[attached to file as Remonstrator Exhibit #2 and #3]*. He also indicated all three properties on the aerial photo. He stated there has been some confusion about the proposed location of the mobile home. He indicated the petitioners have erected a major fence which has created a large fenced area. He further stated unless they are going to cut out fencing, the trailer will have to be placed on a rise closer to the original dwelling which is where he believes the soil tests were performed. He said if he is correct on the location of the mobile home, Mary Metzler, will be able to see it from her property. He indicated she has lived there even longer than his 33 years, and she is not interested in having a mobile home there. As he read in her letter, her views on the issue have not changed at all, and she is asking again that the request be denied. She indicated they are in the process of building a barn and have numerous animals and chickens. She also indicated if they place the mobile home closer to the front of the property, she feels it will create a cluttered appearance to the area which will devalue her property as well as the rest of the neighborhood.

Mr. Huff indicated Mr. Stealy could not be present at this hearing. Mr. Hesser indicated the Board could read over Mr. Stealy's letter. Mr. Huff stated he personally does not want a mobile home there either. He said they have all spent a lot of money to keep their places looking pretty, and they are just not interested in having a mobile home in the neighborhood. Mr. Hesser asked if there were any mobile homes in the area that Mr. Huff is aware of. Mr. Huff said there are none in that area. He mentioned a mobile home that is almost two miles away to the east. Mr. Campanello asked if one of the letters was from the property owner at 18205 CR 22. Mr. Huff stated that belongs to Jim Wortinger who is present today to speak.

Gerald Joldersma, 18242 CR 22, was present in remonstrance to this request. He stated he also owns the duplex at 18232 and 18234 CR 22 and the property at 18450 CR 22. He said the petitioners appear to be very nice people who care about their family. However, he is concerned about the mobile home because it is not the kind of structure that is consistent with the value or type of housing that is in this neighborhood. He said he purchased the property at 18450 CR 22 for the purpose of cleaning it up and making it an investment. After spending two years, he has still not completed the rehab of the property. He indicated he is trying to do whatever he can to protect and respect the values his property and the neighborhood properties. He said all of the neighbors take pride in keeping yards mowed as do the petitioners. While he can understand and respect what they are asking, he objects to the mobile home. Lastly, he said he would rather see them add on to their home or do something else to accommodate their family.

Jim Wortinger, 18205 CR 22, was present in opposition to this petition. He indicated his parcel on the aerial photo. He said his property borders the petitioner on two sides. He said this request is not consistent with intent of zoning ordinance. He indicated he read the County Comprehensive plan and did not see that this was in line with intent in that document. He feels moving a mobile home onto this property in an area where none exist now would stick out. He also indicated he feels a mobile home would cause substantial and permanent injury to his property value. He pointed out that he believes the petitioner and family are nice, hard working people, but he does not support placing a mobile home on this property.

Mr. Mabry submitted a letter in opposition from Isabella Fields of 18078 CR 22 who could not be present due to a medical appointment *[attached to file as Staff Exhibit #1]*. The letter was included in the Board members' packets previously.

When Mr. Hesser indicated interest in thoughts of the Hearing Officer as this is an Appeal, Mr. Kolbus stated it is usually a de novo hearing so he told staff not to include that information. Mrs. Wolgamood stated after the public hearing is closed, she can give the Board her opinion as the Hearing Officer.

Ms. Barajas addressed the issue of too many cars by saying they belong to her three siblings. She further stated the family enjoys gathering and spending time together frequently. She stated the cars are there on Sundays and other times when her brothers come to help her with the farm. Regarding the comment about the RV industry, she stated she works at a non-profit medical office not an RV factory. She also indicated the family has had two birthday parties thus far, but they have a big family so they have a lot of parked vehicles at times.

Mr. Hesser advised Ms. Barajas that her comments should be addressed to the Board and suggested she focus on issues that pertain to the mobile home. She stated she is open to suggestions for the mobile home such as possibly a newer mobile home or screening around the mobile home to improve the look. She indicated she would like her parents to have their own privacy rather than adding to her house. She acknowledged her parents are 50 years old now but believes it would be easier to move now rather than when they are elderly. She said her father has some health issues and would like him to be nearby. Also with her brother leaving for military service in June 2013, she would like to have her father close to her home.

Mr. Kuhns asked the age of the mobile home. As Ms. Barajas was unsure, Mrs. Wolgamood stated the petition indicates it is a 1989 Liberty mobile home.

The public hearing was closed at this time.

Mrs. Wolgamood said she understands wanting their parents close, however, it's not like they live miles and miles away. She reiterated that the mobile home is currently in a mobile home park. She pointed out that County Road 22 is the Heritage Trail which is a huge tourism route for this county, and one of the policies of that particular tour is no mobile homes. She said this is a beautiful corridor between Goshen and Middlebury, with just a couple of exceptions that have been there for many years. She further stated as the Hearing Officer, she tried to uphold that.

She mentioned the last gentleman who spoke brought up the Comprehensive Plan which asks that they stay in line with zoning ordinance. She went on to say mobile homes do not fit in this area. This is a single family residential area all up and down CR 22 so land use wise, it is not a good thing. She reiterated that she understands why they want this but believes there are other options. She also stated the mobile home would be clearly visible from all directions.

Mr. Campanello inquired about a car repair shop close to this location to which Mrs. Wolgamood said that there is but reported it has been there for years and years and is most likely non-conforming. She stated the other business is to the north on the west side, and it is in a B-3 zone classification.

Mr. Miller stated he was not aware of the Heritage Trail and asked if it is a written document regarding no mobile homes. Mrs. Wolgamood stated it was a written document. Mr. Mabry stated from his recent understanding, Heritage Trail was part of a planned corridor that

was superseded by the adopted newer Comprehensive Plan from 2006. Mr. Kolbus stated the Heritage Trail would have been formally adopted by the Plan Commission and had recommendations as to how it should be developed which was part of the old Comprehensive Plan.

Mr. Hesser indicated these requests are always difficult, and they are usually a 50/50 split as far as approval versus denial. He further stated the decision depends on a lot of circumstances and really needs to focus on land use.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Hesser/Kuhns*) that the Board deny this request for a Special Use for a mobile home based on the following Findings and Conclusions of the Board:

1. The special use will not be consistent with the spirit, purpose and intent of the Zoning Ordinance.
2. The special use will not substantially serve the public convenience and welfare.

The motion was carried with the following results of a roll call vote: Miller – no; Wolgamood – yes; Campanello – no; Kuhns – yes; Hesser – yes.

14. There were no items transferred from the Hearing Officer.

15. The first staff item for Country Forest Products (54039CR43-100621-1) was presented by Brian Mabry. Mr. Mabry stated the Yoders are present in the audience. He said a letter from Mr. Yoder was included in the Board members' packets as well as the minutes from the two previous meetings in 2010. He indicated their request is to remove a semi-trailer that is being used as a dust and chip bin and to replace it with a true bin. Mr. Mabry said his cover letter details the position and height of the proposed new structure.

Mr. Mabry indicated this is before the Board as a major/minor request as to whether this is inconsequential enough to be approved here as a minor change or if a full hearing is needed for consideration for approval.

Mr. Hesser indicated he recalled there was much controversy about this petition. In his opinion, he believes in light of requests that have been very contentious, it is more fair to notify the neighbors and give them the opportunity to comment with respect to the change. He also commented that he thought he read in the minutes that during the initial procedure, a comment was made that the use of the trailers was more advantageous and less offensive to the neighbors than a bin, and now he is saying the opposite.

Mr. Kuhns mentioned dust explosions in these types of operations and feels that should be taken into consideration. Mr. Campanello suggested Mr. Yoder returning with specifications on the ventilation system for the public hearing. Mr. Miller and Mrs. Wolgamood also indicated they would support a public hearing. Attorney Kolbus clarified by saying if the Board declares this is a major change, Mr. Yoder would have to apply for an amendment and a public hearing will be held.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Hesser/Wolgamood*) that the Board consider this request to be a major change.

With a unanimous roll call vote, the motion was carried.

16. The next staff item for Timberbrook Mobile Home Park (90-160-SU) was presented by Brian Mabry who stated the petitioners are not present today. He stated the proposal is to add two restrooms to an established mobile home park office and clubhouse. He stated a site plan, photos, and building floor plans were included in the packets. At this time, Mr. Mabry submitted two aerial photos *[attached to file as Staff Exhibit #1]*.

Mr. Mabry stated Mr. Temple would like to add two bathrooms to this building which are each 56 square feet in floor area. He further stated the existing bathrooms there have flooded recently and has caused problems in that regard. The requested two bathrooms would end up being exterior additions to this building. He indicated this is before the Board to decide if this is a major enough change to warrant a public hearing or minor enough that it would be able to be approved with a building permit.

Mrs. Wolgamood asked if the existing bathrooms that flooded are in the lower part of the building which Mr. Mabry indicated yes. Mr. Hesser asked what the original Special Use was for, and Mr. Mabry stated it was for the mobile home park itself which was originally approved in 1968. Additionally, a variance was granted in 1988 to allow a 550 ft. setback rather than 600 ft. from a residential zoning district, and in 1990, the BZA approved a Special Use to allow mobile home sales on the property. Mr. Miller indicated he believes since it is replacing one with another, it is a minor change.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Miller/Wolgamood*) that the Board consider this request to be a minor change.

With a unanimous roll call vote, the motion was carried.

17. The last staff item was a Zoning Ordinance update presented by Chris Godlewski. He indicated he feels the committees are well represented. He also stated there is not much to follow up this month. He said next month will have more as they are meeting at the early part of next month as a policy committee to finalize the discussions on the big ticket issues to then go forward and do critiques and reviews before beginning the detailed review. He reported step by step they are progressing forward. Mr. Kolbus commented that discussion has been very good.

18. The meeting was adjourned at 11:18 am.

Respectfully submitted.

Deborah Britton, Recording Secretary

Randy Hesser, Chairman

Robert Homan, Secretary