

**BZA MINUTES**  
**ELKHART COUNTY BOARD OF ZONING APPEALS MEETING**  
**HELD ON THE 15<sup>th</sup> DAY OF MAY 2025 AT 9:00 A.M.**  
**MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING**  
**117 N. 2<sup>nd</sup> STREET, 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 Kratzer, Plan Director; Jason Auvil, Zoning Administrator; Danielle Richards, Planner; Danny Dean, Planner; Laura Gilbert, Administrative Coordinator; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

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

**Absent:** John Gardner, David Miller.

2. A motion was made and seconded (*Miller/Cramer*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 17<sup>th</sup> day of April 2025 be approved as read. The motion was carried with a unanimous roll call vote.

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

4. The application of **Millersburg Park & Recreation Board** for a Special Use for an existing town park on property located on the north side of Larimer Dr., 1,115 ft. north of East Elm St., west of North Benton St. (SR 13), common address of 00000 Larimer Dr. in Clinton 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-0227-2025*.

There were thirty-eight neighboring property owners notified of this request.

Chris Yoder, 64265 CR 35, Goshen was present for this request. Mr. Yoder stated he is the contractor hired by the park to build a pavilion. Mr. Hesser clarified the pavilion is to be built on the northwest corner of the property. He continued by asking if the parking area is paved or gravel. Mr. Yoder replied it is gravel. Mr. Hesser asked Mr. Yoder if he knew how long the park had been in use. Mr. Yoder responded he did not know. Mr. Hesser clarified the park was not aware they needed a Special Use. Mr. Yoder agreed.

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** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an existing town park 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 4/9/2025) and as represented in the Special Use application.

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

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

5. The application of **Raymond Z. Oberholtzer & Martha Oberholtzer, Husband & Wife** for an amendment to an existing Special Use for an agri-business to allow for a new building on property located on the east side of CR 9, 2,350 ft. south of CR 36, common address of 64482 CR 9 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-0233-2025*.

There were ten neighboring property owners notified of this request.

Raymond Oberholtzer, 64482 CR 9, Goshen was present for this request. Mr. Oberholtzer stated he wants to build a storage building to keep his produce supplies in. Mr. Hesser asked for clarification on the location of Mr. Oberholtzer dwelling. Mr. Hesser continued by asking if he receives deliveries by semi-trucks. Mr. Oberholtzer replied yes. Mrs. Cramer clarified the new storage building would not hinder the semi-trucks from turning around on the property.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated he wants to add no backing in or out of CR 9 to the commitments required for the amendment to the Special Use.

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 an agri-business to allow for a new building be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 4/11/2025) and as represented in the Special Use Amendment application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 9 is prohibited.

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

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

6. The application of **Mark B. Bowman & Mikki G. Bowman, 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 44, 1,175 ft. east of CR 127, common address of 16790 CR 44 in Jackson Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0226-2025*.

There were 7 neighboring property owners notified of this request.

Tony Glentz, 613 Colorado St., Goshen was present for this request. Mr. Glentz stated that the owner wants to build a barn with a loft for hay storage and keeping animals. Mr. Hesser asked how big of an area the owner will be fencing off for the animals. Mr. Glentz responded that the fenced area would include part of the second parcel which is in a subdivision; thus, the need for the replat requirement. He continued by stating the fenced area will be 60' x 100'. Mr. Hesser asked about animal waste disposal. Mr. Glentz replied that the waste will be disposed of in a field next to the property that is owned by other family members. Mr. Hesser and Mrs. Cramer needed clarification on the location of the proposed barn. Mr. Glentz stated that it will be located where a previously existing barn was that has been demolished.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser added that the total number of animals is not to exceed 4 animals at any one time to the commitments.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based 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 conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for staff approval showing pasture area and a corrected east side setback for the existing barn.
3. A secondary replat and a recorded deed showing both parcels are required.

The following commitments were imposed:

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
2. The request is limited to a maximum of three (3) adult cows, three (3) adult pigs, & three (3) adult sheep at any one time. The total number of animals cannot exceed four (4) at any one time.

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 a subdivision plat is recorded within 180 calendar days from the date of the grant.
2. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

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

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

7. The application of *Missionary Church, North Central Region, Inc.* for an amendment to an existing Special Use for a place of worship to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence on property located on the northwest corner of W. Waterford St. & N. Olive St., common address of 202 W. Waterford St. in Olive Township, zoned R-1 & R-2, came on to be heard.

Mr. Hesser requested this petition be moved to the end of the agenda, because he will be recusing himself.

See item #9 on page 6.

8. The application of *Heber R. Imhoff & Christina F. Imhoff, Husband & Wife* for a Special Use for a roadside stand and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the northwest corner of CR 9 & CR 36, common address of 63909 CR 9 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-0235-2025*.

There were ten neighboring property owners notified of this request.

Heber Imhoff, 63909 CR 9, Goshen was present for this request. Mr. Imhoff stated he wants to build a storage shed to wash vegetables to sell produce at his roadside stand. Mr. Hesser clarified the location of the proposed storage shed. Mr. Imhoff stated two buildings were torn down to make space for the proposed storage shed. Mr. Hesser wanted more information regarding a possible sign on the property. Mr. Imhoff continued by clarifying that he will not have a sign, only a flag that can be removed at any time.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** 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 roadside stand be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 4/11/2025) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 4/11/2025) and as represented in the Developmental Variance application.

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

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

**\*\*It should be noted that Mr. Hesser recused himself and stepped down at this time\*\***

9. The application of *Missionary Church, North Central Region, Inc.* for an amendment to an existing Special Use for a place of worship to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence on property located on the northwest corner of W. Waterford St. & N. Olive St., common address of 202 W. Waterford St. in Olive Township, zoned R-1 & R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0186-2025.

There were fifty-two neighboring property owners notified of this request.

Grant Nine, 202 W. Waterford St., Wakarusa, was present on behalf of the Missionary Church. He stated they want to replace the current sign with a digital sign at the four-way stop at the corner of Waterford St. & Olive St.

Shane Lentine, 101 S. Olive St., Wakarusa, was present in remonstrance. He stated he had concerns about the sign being on at night because the sign will face a bedroom on the second floor of his house across the street. Mr. Miller clarified that electronic message boards are regulated by the state. Mr. Miller continued by saying Mr. Lentine should take the time to speak with the church to see if they are willing to work with him.

Mr. Nine suggested the church is willing to work with Mr. Lentine.

Mr. Auvil pointed out that the electronic message board will be placed near a streetlight, which is most likely brighter than the proposed electronic message board.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Deb 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 place of worship to allow for an electronic message board 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 3/26/2025) and as represented in the Special Use Amendment application.

Further, the motion also included that a Developmental Variance to allow for an electronic message board within 300 ft. of a residence 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 3/26/2025) and as represented in the Developmental Variance application.

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

**Yes:** Deb Cramer, Steve Warner, Cory White, Roger Miller.

10. The meeting was adjourned at 9:35 A.M.

Respectfully submitted,

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Jean Boyer, Recording Secretary

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Randy Hesser, Chairman

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Debra L. Cramer, Secretary