

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 18th DAY OF SEPTEMBER 2025 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 Kratzer, Plan Director; Jason Auvil, Zoning Administrator; Laura Gilbert, Administrative Coordinator; Danielle Richards, Planner; Danny Dean, 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 (*Miller/Warner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 21st day of August 2025 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Cramer/Miller*) 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 ***Susana N. White*** for a Special Use for a home workshop/business for a microblading & permanent makeup studio on property located on the Southwest corner of Florence Ave. & Tennessee Ave., East of CR 13, common address of 58537 Tennessee Ave. in Concord Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0524-2025*.

There were 38 neighboring property owners notified of this request.

The petitioner was not present. Petition moved to item #8 on page 3.

5. The application of ***Larry Hochstetler & Freda Hochstetler, 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 CR 21, 2,100 ft. South of CR 46, common address of 69363 CR 21 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-0526-2025*.

There were 17 neighboring property owners notified of this request.

Larry Hochstetler, 69363 CR 21, New Paris, was present for this request. Mr. Hochstetler stated he did not realize that 3 acres was needed to have horses. He continued by saying he would like to keep his two horses that he uses for transportation. Mrs. Cramer asked Mr. Hochstetler if he has a fence for the horses. He stated he is waiting for the approval of this request. Mrs. Cramer also asked Mr. Hochstetler how he would dispose of the horse manure. Mr. Hochstetler replied the horses will be in the pasture most of the time.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Debra Cramer, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for 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.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 8/13/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses at any one time.

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 *Michiana Home Rentals, Inc.* for an amendment to an existing Special Use for a marina to allow for an electronic message board on property located on the East side of SR 15, 900 ft. North of SR 120, common address of 402 Mottville Rd. in Washington 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-0464-2025.

There were twenty-one neighboring property owners notified of this request.

The petitioner was not present. Petition moved to item #13 on page 7.

7. The application of *Michele A. Mulcahey* 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 North side of Mallard Ct., 310 ft. East of Sequoia Dr., common address of 22753 Mallard Ct. in Concord 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-0528-2025.

There were 25 neighboring property owners notified of this request.

Michele Mulcahey, 22753 Mallard Ct., Goshen was present for this request. Ms. Mulcahey stated she wished to keep her chicken, ducks and her two goats. She continued by saying her two goats have been raised by her as babies, and they are no bigger than the size of a German Shepard. Mr. Hesser asked Ms. Mulcahey how the waste is disposed of. Ms. Mulcahey stated she spreads it on the grass as fertilizer.

There were no remonstrators present.

The public hearing was closed at this time.

The Board had questions regarding the complaint. Richard Masters, Code Enforcement Investigator, came to the podium to address the complaint that resulted in this petition. He stated there was nothing specific mentioned other than the owner had chickens, ducks, and goats in a residential neighborhood.

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

Motion: Action: Approve, **Moved by** Debra Cramer, **Seconded by** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 8/15/2025) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of ten (10) chickens (no roosters), two (2) ducks, and two (2) adult miniature goats at any one time.

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

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

8. The application of **Susana N. White** for a Special Use for a home workshop/business for a microblading & permanent makeup studio on property located on the Southwest corner of Florence Ave. & Tennessee Ave., East of CR 13, common address of 58537 Tennessee Ave. in Concord Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0524-2025.

Susana White, 58537 Tennessee Ave., Elkhart, was present for this request. Ms. White stated she wishes to have a small beauty business out of her home by appointment only. She continued by saying she would serve one customer at a time. She also stated she plans to have a very small sign for her business. Mr. Hesser asked Ms. White if she would have any employees. She stated no. Mr. Miller asked how many customers she will have per day. Ms. White stated 1-2 at this time since she still has a full-time job.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Debra Cramer, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a microblading & permanent makeup studio 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 8/14/2025) 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.

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

9. The application of **Middlebury Community Schools** for an amendment to an existing Special Use for a school to add property and 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 Northeast corner of SR 120 & CR 35, common address of 13549 SR 120 in York Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0542-2025.

There were 11 neighboring property owners notified of this request.

Gary Potts, Professional Permits, 58171 Dragonfly Ct., Osceola, was present for this request on behalf of Middlebury Schools, York Elementary. Mr. Potts stated the school wants to replace the current sign with a new electronic message board. Mr. Warner clarified the sign will be perpendicular to the road, and it will meet state standards for lighting.

Jeff Palmer, Director of Grounds for Middlebury Schools, 13549 SR 120, Bristol, came to the podium. He stated the intent is to have the sign on from 6 a.m. to 10 p.m.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Debra Cramer, **Seconded by** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a school to add property and 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 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 8/22/2025) and as represented in the Special Use 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 8/22/2025) and as represented in the Developmental Variance application.

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

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

Excused: Randy Hesser.

It should be noted that Mr. Hesser returned to the board at this time

10. The application of **Randy E. Trigg & Dianna L. Trigg, Husband & Wife** for a Special Use for a home workshop/business for a woodworking business on property located on the West side of Christopher Dr., 220 ft. South of Suburban Dr., East of CR 17, common address of 21950 Christopher Dr. in Washington Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0522-2025.

There were 29 neighboring property owners notified of this request.

Joshua Trigg, 21950 Christopher Dr., Elkhart was present for this request. Mr. Trigg stated he makes lighthouses, wishing well, bird houses and other items out of wood to sell. Mr. Hesser asked Mr. Trigg how long he has been making the items for sale. Mr. Trigg replied 7-8 years, and only during the summer/fall months. Mrs. Cramer asked about a driveway from CR 17. Mr. Trigg stated there is a driveway from CR 17 and plenty of parking spaces for customers as well.

Mr. Auvil presented a letter from the City of Elkhart in opposition to this request. *[Attached to file as staff exhibit #1]*. He stated the city is concerned about safety, traffic and the curb cut on CR 17 which is within the city's jurisdiction. He added that the Engineering Department views this curb cut associated with this request as commercial and the City of Elkhart wants the petitioner to seek a city driveway permit. Mr. Auvil stated CR 17 was annexed into the City of Elkhart. Mr. Auvil continued by saying he does not support the City of Elkhart's recommendation for a driveway permit.

Mr. Trigg came back to the podium. Mr. Hesser asked Mr. Trigg if he has a sign. Mr. Trigg responded he has a folding sign that he puts out and removes at the end of the day.

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 woodworking business be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 8/12/2025) and as represented in the Special Use application.
2. Backing in or backing out from/onto CR 17 is prohibited.

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 **Redbud Holdings LLC** for an amendment to an existing Use Variance for an office building to allow for a building addition on property located on the West side of CR 23, 985 ft. North of CR 146, common address of 69295 CR 23 in Jackson Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #UV-0525-2025.

There were nine neighboring property owners notified of this request.

Phil Bontrager, 69295 CR 23, New Paris, was present representing Redbud Holdings. Mr. Bontrager stated the request is for an addition to the west side of the existing building and for additional parking. He continued by saying the addition will be for storage of equipment and possibly a truck.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** 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 Use Variance for an office building to allow for a building addition 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 8/14/2025) and as represented in the Use Variance application.
2. Any further property or building expansion will require a rezoning.
3. Backing in or backing out from/onto CR 23 is prohibited.

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 *Francisco Ochoa-Valles* for a Use Variance to allow for the construction of an accessory structure without a residence on property located on the North side of CR 40, 1,160 ft. West of CR 31, 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 #UV-0472-2025.

There were fifteen neighboring property owners notified of this request.

The petitioner was not present for this request that was tabled from August 21, 2025.

The public hearing was closed at this time.

Mr. Hesser stated he is inclined to deny the request due to the absence of the petitioner.

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

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Use Variance to allow for the construction of an accessory structure without a residence be denied.

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 *Michiana Home Rentals, Inc.* for an amendment to an existing Special Use for a marina to allow for an electronic message board on property located on the East side of SR 15, 900 ft. North of SR 120, common address of 402 Mottville Rd. in Washington Township, zoned R-1, came on to be heard.

The petitioner was still not present for this request.

The public hearing was closed at this time.

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

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Debra Cramer that this request for an amendment to an existing Special Use for a marina to allow for an electronic message board be tabled until the October 16, 2025, Advisory Board of Zoning Appeals meeting due to the absence of the petitioner.

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

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

14. The meeting was adjourned at 10:57 A.M.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary