

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 16th DAY OF APRIL 2026 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

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

Roll Call.

Present: David Miller, Steve Warner, Roger Miller, Randy Hesser.

Absent: Debra Cramer, Cory White

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

3. A motion was made and seconded (*Steve Warner/Roger 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 **Raul Gaytan Ruelas** for a Special Use for a home workshop/business for a food truck commissary and for a Special Use for a roadside stand (food truck) on property located on the East side of CR 21, 3,175 ft. North of CR 19, common address of 61006 CR 21 in Elkhart 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-0107-2026*.

Mr. Hesser confirmed with Mr. Auvil that the traffic and parking are why staff is recommending denial for the roadside stand (food truck).

There were 9 neighboring property owners notified of this request.

Raul Gaytan Ruelas & Maria Conchita Gaytan, 61066 CR 21, Goshen were present for this request. Ms. Gaytan stated their business is a small family business owned by her mom and dad and herself. She continued by saying they currently have permits to sell food in LaGrange, Indiana. Ms. Gaytan said they wish to sell food from their home location on Fridays and Saturdays, with limited hours. She expressed that they did reach out to neighbors to let them know about their request for a food truck at their location. Mr. Hesser asked about the location of the food truck. Ms. Gaytan stated they plan to move the location to allow 4 cars to park off the road. Mr. Hesser confirmed the food service window will not face the road; it will face the driveway. Ms. Gaytan added that they will not allow any cars to block the driveway. She continued to say there is a section of grass that they hope to pave in the future to allow additional parking. Mr. Miller asked if she had an idea of how many cars might show up at one time. Ms. Gaytan said 3-4 and added that the food is prepared and served within 5-10 minutes. She confirmed that it will be an order and pickup food service. Mr. David Miller asked what the hours of operation will be. Ms. Gaytan stated Fridays from 4 p.m. to 9 p.m. and Saturdays from 2 p.m. to 9 p.m. Mr. Warner noted the hours she mentioned are different than on the application. Ms. Gaytan confirmed they did adjust

the hours. Mr. Warner asked if the neighbors will be bothered by the service hours. Ms. Gaytan stated there will be no noise from a generator, no music and no crowds of people at one time.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Auvil stated that approval of a commitment of no street parking and adjusted hours would be acceptable to staff. Mr. Roger Miller stated that no generator use on the subject property should be added as a commitment. Mr. David Miller asked about their plans if there were more than 4 customer cars on their property at one time. Ms. Gaytan came back to the podium and stated there will be someone to direct cars in and out of the driveway. She continued by saying she can adjust hours if necessary and will see how things go. Mr. Roger Miller expressed concern about the property being near a busy intersection and traffic parking on the road. Mr. Hesser stated it should help that the service window will be facing the driveway.

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 a home workshop/business for a food truck commissary be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/6/2026) and as represented in the Special Use application.
2. No street parking is allowed.
3. No generator to be used on site of the petitioner's home.

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller.

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

Yes: David Miller, Steve Warner, Roger Miller, Randy Hesser.

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that a Special Use for a roadside stand (food truck) 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 Development Ordinance.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property.
3. The Special Use will substantially serve the public convenience and welfare.

The following condition was imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/6/2026) and as represented in the Special Use application.
2. The hours of operation are Fridays from 4 p.m. to 9 p.m. and Saturdays from 2 p.m. to 9 p.m.

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

Yes: David Miller, Steve Warner, Roger Miller, Randy Hesser.

5. The application of *Old Order Mennonite Schools (Buyer) & Laural D. Nissley & Geraldine R. Nissley, Husband & Wife (Sellers)* for a Special Use for a school on property located on the Northwest corner of CR 36 & CR 11, common address of 00000 CR 36 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-0121-2026*.

There were eleven neighboring property owners notified of this request.

Jeryl Martin, 62054 CR 9, Goshen, was present for this request. Mr. Martin stated he is a builder representing the buyer who wished to build a school on the vacant land. Mr. Hesser confirmed with Mr. Martin that he understands staff is requesting a revised site plan. Mr. Martin stated the property has not been purchased, and the current owner wanted BZA approval prior to selling.

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 a school 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 the proposed school out of the swale and wetland.

The following commitment was 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.

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

Yes: David Miller, Steve Warner, Roger Miller, Randy Hesser.

6. The application of *Lealan O. Martin & Loretta M. Martin, Husband & Wife* for a Special Use for a home workshop/business for farm and lawn equipment repair 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 1 & CR 30, common address of 61937 CR 1 in Olive 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-0131-2026*.

There were ten neighboring property owners notified of this request.

Mr. Hesser and Mr. David Miller needed clarification from Mr. Auvil on the number of tractors to be stored outside. Mr. Auvil stated the aerial view of the property showed about 40 tractors being stored outside. Staff decided 25 should be the maximum number of tractors/mowers to be stored outside.

Lealan Martin, 61937 CR 1, Elkhart, was present for this request. Mr. Martin stated he is the property owner, he and his family work for the business, and he has one outside employee. He continued by saying they do lawn, garden, and tractor repair. Mr. Martin stated his existing large building will be used mostly for storage, and the new building for repairs. He continued by saying he currently has a dumpster on site for all the junk and recycled scrap metal from the business. Mr. Hesser confirmed the dumpster will always be on site, other than when it is taken to be dumped. He continued by clarifying with Mr. Martin that the number of tractors allowed to be stored outside is 25 at any one time. Mr. Martin confirmed that he can work with that number of tractors allowed to be stored outside. Mr. Hesser asked staff if it will be an issue to have the dumpster on site. Mr. Auvil stated it has a designated area on the site plan.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for farm and lawn equipment repair be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/16/2026) and as represented in the Special Use application.
2. No outside storage of parts or scrap materials.
3. Outside storage for the home workshop/business is limited to a maximum of twenty-five (25) tractors and/or lawn mowers 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 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 3/16/2026) and as represented in the Developmental Variance application.

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

Yes: David Miller, Steve Warner, Roger Miller, Randy Hesser.

7. The application of *Tylinna J. Maracle* for a Use Variance to allow for the construction of an accessory structure without a residence, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a 13 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 37 ft. from the centerline of the right-of-way of Mason St., for a 40 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 10 ft. from the centerline of the right-of-way of Mason St., and for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 30 ft. from the centerline of the right-of-way of East County Line Rd. on property located on the West side of E. County Line Rd., 1,140 ft. North of CR 4, common address of 51775 E. County Line Rd. in York Township, zoned R-2, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0125-2026*.

Mr. Hesser clarified with Mr. Dean that the Use Variance is for a single parcel but the reason for needing all five parcels on the site plan is that they work in harmony as a single residential homesite.

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

Tylinna Maracle, 51775 E. County Line Rd, Middlebury, was present for this request. Mrs. Maracle stated she has a family of 6 with 4 kids. She continued to say her husband restores classic cars for a living. She said their oldest son is driving and aspires to work with his dad to restore cars. Mrs. Maracle stated they have a lot of cars and other items that need to be stored inside. She continued to say that is why they need a bigger, nicer pole barn to replace the existing one and to increase her property value. Mr. Hesser asked how long the current barn has existed on the property. Mrs. Maracle said it was built in the 1960's, and that the property, including all 5 parcels belonged to her grandparents.

Mr. Hesser stated that a Use Variance must show that a property can't be used without the variance and are the most difficult to get approved. He continued by saying lake properties like this one with roads that split the parcels typically have an accessory structure that is on a standalone parcel.

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 Use Variance to allow for the construction of an accessory structure without a residence, 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 (a) all five parcels; (b) E. County Line Rd., Mason St., and property line setbacks for the residence and existing

accessory structure; (c) a correct interior property boundary for the parcels on the west side of Mason St.; and (d) Mason St. setbacks to the centerline, not the property line.

The following commitment was imposed:

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Use Variance application.

The motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a 13 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 37 ft. from the centerline of the right-of-way of Mason St., for a 40 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 10 ft. from the centerline of the right-of-way of Mason St., and for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 30 ft. from the centerline of the right-of-way of East County Line Rd. be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the 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 = 4).

Yes: David Miller, Steve Warner, Roger Miller, Randy Hesser.

8. Danielle Richards presented a minor change to a Special Use for a home workshop/business for a welding shop and a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right (SUP-0056-2026) for Harlan Martin. She explained that Mr. Martin wants to change the building from 3,640 square feet to 4,200 square feet. Mr. Hesser asked Mr. Martin to come to the podium to explain why he wants to make his building bigger than what was approved of in the previous month's hearing. Mr. Martin stated when he was surveying the area where the new building is going, he decided he wanted to change the width of the building from 52 ft. wide to 60 ft. wide to accommodate larger equipment. Mr. Roger Miller stated there were no remonstrators for this petition. Mr. Hesser agreed but stated he hesitates when approval was so recent, and the petitioner is back a month later for a change. Mr. David Miller said that the building is going to be a bit wider and does not have issues with the change. Mr. Hesser confirmed the site plan submitted for the change has staff approval.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** David Miller that the request be approved as a minor change minor.

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

Yes: David Miller, Steve Warner, Roger Miller, Randy Hesser.

9. Jason Auvil presented an update on the Zoning Ordinance on shipping containers on residential parcels smaller than 3 acres. He continued to say the Development Ordinance Amendment regarding shipping containers has been to the Planning Commission and approval was recommended. The Development Ordinance Amendment will go to the County

Commissioners in May 2026. Mr. Auvil stated there were no set standards for shipping containers on parcels with less than 3 acres. He continued by saying shipping containers are not structures and have an industrial look to them, and the amendment is an attempt to put some constraints on permitting shipping containers. He said the amendment includes setbacks and requires a Special Use Variance in some zones. Mr. Auvil noted the other items on the list for Development Ordinance will be looked at this fall. Mr. Roger Miller noted there were 2 Plan Commission members that had issues with the shipping container Development Ordinance Amendment, due to adding more restrictions. Mr. Hesser stated any guidance regarding shipping containers will be appreciated. Mr. Warner clarified the Amendment will be heard by the Commissioners on the third Monday in May.

10. The meeting was adjourned at 9:51 A.M

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary