

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 21ST DAY OF MAY 2026 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

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

Roll Call.

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

2. A motion was made and seconded (*Miller/Warner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 16th day of April 2026 be approved as read. The motion was carried with a unanimous roll call vote.

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

4. The application of ***Jennifer Hoff & Kevin Hoff, Wife & Husband*** 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 Northeast side of CR 5, 535 ft. South of CR 2, common address of 51074 CR 5 in Cleveland Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0140-2026*.

There were nineteen neighboring property owners notified of this request.

Jennifer Hoff, 51074 CR 5, Elkhart, was present for this request. Mrs. Hoff stated they just moved into this house that was her grandfather's house. She continued by saying they were allowed to have 16 fowl at her old house. Mrs. Hoff stated the birds help her daughter who is intellectually challenged. Mrs. Hoff asked the Board to let her keep the 10 chickens, 3 ducks and 1 turkey. Mr. Miller clarified that the birds are contained in a fenced area.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser asked staff why they are recommending only 8 fowl. Mrs. Richards stated that staff is now reviewing requests for fowl and limiting the number based on the size of the property because of the number of complaints being filed, especially in small neighborhoods. Mr. Hesser confirmed that there is no history of complaints for the property. Mr. Warner noted the property is bordered by a commercial property and a wooded area, which would mean minimal contact with neighbors. Mr. Hesser suggested allowing the petitioner to keep the existing fowl and not replace them when they are gone. Mrs. Cramer agreed. Mr. White confirmed there are no restrictions on having male turkeys.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Randy Hesser 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 coop and run location and dimensions.

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 agricultural use is limited to a maximum of eight (8) fowls at any one time, no goats or roosters.
3. The petitioner will not replace the existing fowl over the eight (8) approved when they are gone.

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 *Allen Helmuth & Ruth Helmuth, Husband & Wife* for a Special Use for a home workshop/business for a furniture business on property located on the North side of CR 46, 600 ft. East of SR 13, common address of 11461 CR 46 in Benton 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-0199-2026*.

There were 5 neighboring property owners notified of this request.

Harley D. Bontrager, 57342 CR 116, Middlebury was present representing the owner. Mr. Bontrager stated the owner intends to build some new buildings for the business and will use the existing lane. He added there will be no need to back onto or off of CR 46. Mr. Hesser confirmed the new buildings will not require a storage variance.

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** Roger Miller, **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 furniture business 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 parking and semi tractor trailer turnaround.

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. Backing in or backing out from/onto CR 46 with semi tractor trailers 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 *Lyndon Martin* for a Special Use for an RV storage business on property located on the South side of CR 40, 2,125 ft. East of CR 7, common address of 26620 CR 40 in Harrison Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0204-2026*.

There were 7 neighboring property owners notified of this request.

Mr. Auvil stated that he received a request from Mr. Martin to table this request until next month's meeting to allow more time to prepare a new plan to present to the Board.

The remonstrators present chose to wait until the June 18, 2026, meeting to speak.

The public hearing was closed at this time.

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

Motion: Action: Table, **Moved by** Roger Miller, **Seconded by** Deb Cramer that this request for a Special Use for an RV storage business be tabled until June 18th, 2026, Advisory Board of Zoning Appeals meeting at the request of the petitioner to allow more time to prepare a better plan to present to the Board.

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 *First Baptist Church of Elkhart* for an Amendment to an existing Special Use for a place of worship to allow for additional signage on property located on the West side of CR 17, 700 ft. North of CR 10, common address of 53953 CR 17 in Osolo 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-0168-2026*.

There were eighty-two property owners notified of this request.

Stephanie Lehman, Signtech Sign Services, 1508 Bashor Rd., Goshen, was present for this request. Mrs. Lehman stated the church is asking for an 11' x 11' halo lit sign to be placed on the new addition portion of the building. She continued by saying there will be a subtle glow around the edges of the sign to illuminate it at night. Mr. Hesser questioned why the sign was not asked for at the last meeting when the church asked to extend the pickle ball hours. Mrs. Lehman said they weren't ready at that time. Mrs. Cramer confirmed the sign will be on the building. Mrs. Lehman mentioned renderings of the sign were included in the application.

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** Roger Miller, **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 place of worship to allow for additional signage 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 3/31/2026) and as represented in the Special Use Amendment application.

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

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

8. The application of *Christina Giles & Evan Giles, Wife & Husband* for an Amendment to an existing Special Use for a home workshop/business for a carpentry/home improvement business to allow for an addition to the existing building and a sawmill on property located on the Northwest side of Glenmoor St., 370 ft. Northeast of Dover Ct., common address of 52933 Glenmoor St. in Cleveland Township, zoned A-1, came on to be heard.

The Board requested to move this petition to the end of the meeting after the Nery L. Martinez-Barreto petition. See item #10 on page 6.

9. The application of *Nery L. Martinez-Barreto* 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 6 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing shed 4 ft. from the rear property line on property located on the North side of Broadwood Dr., 480 ft. West of Homeland Rd., North of E. Bristol St. (CR 10), common address of 23377 Broadwood Dr. in Osolo 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-0202-2026*.

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

Nery Martinez-Barreto, 23377 Broadwood Dr., Elkhart, was present for this request. Ms. Barreto asked the Board to be able to keep the chickens that she currently has. She continued by saying when the complaint was filed in November of 2025, she only had 10 chickens and 1 rooster. Ms. Barreto stated she no longer has the rooster, and she currently has 12 chickens. Mr. Hesser clarified staff has recommended a maximum of 6 chickens. Ms. Barreto stated she keeps the chickens in an enclosure, and she has not personally received any complaints from her neighbors. She continued by saying her family is a big consumer of eggs and owning chickens is more than a hobby, it's a lifestyle. She added that it gives her twin daughters a sense of responsibility. Ms. Barreto said the eggs taste so much better than store bought eggs. She continued by saying the chickens have helped control the insect population in her yard. Ms. Barreto stated that a few of her neighbors bring food scraps for her chickens, in exchange for fresh eggs. Mr. Hesser clarified the property behind her is wooded, vacant land.

John Tisdell, 23410 Broadwood Dr., Elkhart, was present in support of the petitioner. Mr. Tisdell said he grew up on a farm and does not have any issues with chickens. He continued to say that he was not aware of the complaint about chickens on Ms. Barreto's property until he received the notice of the hearing in the mail. Mr. Tisdell clarified the property behind Ms. Barreto is owned by AEP and is a utility easement. Mr. Miller clarified that Mr. Tisdell lives across the road and down a bit from Ms. Barreto.

Linda Morey, 23319 Broadwood Dr., Elkhart, was present in remonstrance. Mrs. Morey stated she lives 2 houses down from the petitioner and they have been in the neighborhood for about 30 years. Mrs. Morey expressed difficulty with the verbiage of the Special Use for the keeping of agricultural animals when it is clearly chickens that are being kept on the property. She continued by saying that if the zoning is changed, she believes someone who would buy the property in the future will be allowed to have farm animals. Mr. Hesser clarified that the zoning will not change. He said that if the Special Use is approved, the wording will say animals, but the use will allow a maximum of 6 chickens. He further explained if the property sold, that it will continue unless the new owner petitioned before the Board for something different. Mr. Hesser continued by saying if the Special Use is approved, there will be conditions and commitments that the owner is held to. Mrs. Morey mentioned that the petitioner added on to her shed without a permit. Mr. Hesser clarified that there are some additions that may not require a permit. He continued by saying the Developmental Variance submitted with this Special Use is to make an existing shed conforming. Mrs. Morey asked who would monitor the number of chickens. Mr. Hesser stated enforcement is made by complaints filed.

David Lung, 23433 Broadwood Dr., Elkhart, was present in remonstrance. Mr. Lung stated he has lived in the neighborhood for less than a year. He continued by saying his wife grew up on a chicken farm. Mr. Lung stated it is a dense, residential neighborhood with all septic, no sewer. He went on to say the water draining from the property will not be very clean and can cause various issues. Mr. Lung expressed further concern that bird flu could be spread to the chickens and may not be recognized as such.

Carter Morey, 23319 Broadwood Dr., Elkhart, was present in remonstrance. Mr. Morey stated he is against the owner having chickens on her property. He expressed that she has not been a good neighbor because the leaves don't get raked in the fall and garbage is burned in a barrel in the backyard. Mr. Morey went on to say he does not believe anyone should have chickens in a subdivision.

Mr. Hesser asked Ms. Barreto how the chicken waste gets disposed of. Ms. Barreto said she had friends who come to pick up the waste to use as fertilizer on their gardens. She addressed Mr. Morey's concern about the leaves saying winter came early, and the leaves did not get taken care of until the snow melted. She expressed that she has neighbors that do help her at times, since she is a single mother of twin girls. She continued to say she is not the only person in the subdivision with chickens. Ms. Barreto said the concern should be for the speed limit, because the children in the neighborhood, and not her chickens.

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 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 4/23/2026) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of six (6) chickens at any one time, no roosters.
3. The petitioner will not replace the existing chickens over the six (6) approved when they are gone.

Further the motion also included that a 6 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing shed 4 ft. from the rear property line 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 4/23/2026) 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. White recused himself and stepped down*****

10. The application of ***Christina Giles & Evan Giles, Wife & Husband*** for an Amendment to an existing Special Use for a home workshop/business for a carpentry/home improvement business to allow for an addition to the existing building and a sawmill on property located on the Northwest side of Glenmoor St., 370 ft. Northeast of Dover Ct., common address of 52933 Glenmoor St. in Cleveland Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0151-2026*.

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

Mr. Auvil clarified that this amendment is because the addition which is going to be used to operate the business was not part of the previous Special Use approval, and Mr. Giles wants to have his sawmill as part of the Special Use permit included as well. Mr. Hesser clarified that the sawmill was not approved in the latest round of requests. Mr. Auvil confirmed that the original petitions expired and had to be resubmitted, because the petitioner had health issues.

Evan Giles, 52933 Glenmoor St., Elkhart, was present for this request. Mr. Giles stated the original petition was from April of 2020, and the sawmill was one of the main complaints. He continued by saying the sawmill was originally approved with the stipulation that it had to be stored inside always. Mr. Giles noted that he has abided by that rule unless the sawmill is in the

truck to be taken to a job. He continued by saying there have been no complaints filed regarding the sawmill that is currently being used at his residence. He explained that the engine is similar size and noise level of a lawn mower. Mr. Giles stated the airplanes that fly over his property are louder than the sawmill. He continued by saying that most sawmills are recognized as farm equipment. Mr. Giles submitted information to the Board regarding the definition of sawmills and their use *[Attached to file as petitioner exhibit #1]*. Mr. Giles noted that the use of the sawmill given his scope and scale of use is essentially a hobby. Mr. Hesser asked Mr. Giles about the outside storage of logs, and how it relates to the use of the sawmill. Mr. Giles expressed he stores firewood outside behind the building used for his business. Mr. Hesser asked about the large logs outside. Mr. Giles stated they are outside for a short time and placed in his work trailer for a future job. Mr. Giles said that he has been abiding by the no outside storage rule and will do the same with the approval of the sawmill. He continued by saying his neighbors have benefited from the sawmill on his property.

Mr. Hesser confirmed with Mr. Auvil that there have been no complaints. He added if the Board approves the sawmill, they can require it be used and stored inside. Mr. Auvil stated the storage of firewood outside is different than the storage of large logs which may or may not be apparent. Mr. Hesser clarified that with respect to the sawmill if approved, everything related to the use of the sawmill would need to be stored inside. Mrs. Cramer clarified that there really will be no way to differentiate whether the wood being stored outside is firewood or logs to be used to make something. Mr. Auvil stated ideally wood being used as firewood will be tied up in chords and will be apparent as to the intended use. He continued by saying logs for a sawmill are being used to create something. Mr. Auvil stated it would make sense if the sawmill is approved that the sawmill and all related materials be stored inside.

Mr. Warner confirmed with Mr. Giles that his sawmill is a bandsaw which makes less noise than a larger industrial sawmill. Mrs. Cramer confirmed that with the larger addition to the existing building, Mr. Giles will be able to store the logs inside. Mr. Giles confirmed that he is currently storing the logs and sawmill inside. He continued by saying occasionally a few large logs (not for personal use) are dropped off for a project. Mrs. Cramer confirmed with Mr. Giles that any logs stored on the trailer will be short term. Mr. Hesser asked Mr. Giles if he could agree to the terms of the sawmill and related items to be stored inside, if approved. Mr. Giles agreed. He then reminded the Board that he is only one person, and inside storage may not happen immediately.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser asked the other Board members if the idea of no outside storage related to the sawmill is agreeable. He then added that maybe a time limit should be added as part of the conditions if approved. Mr. Miller commented that a sawmill doesn't belong in a subdivision. Mrs. Cramer said a time limit is appropriate. Mr. Warner expressed his concern is no longer valid because the noise created from a bandsaw is not the same as a sawmill. Mr. Auvil confirmed there have been no recent complaints and suggested a one-year renewal for staff review.

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 an Amendment to an existing Special Use for a home

workshop/business for a carpentry/home improvement business to allow for an addition to the existing building be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/25/2026) and as represented in the Special Use Amendment application.

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

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

Excused: Cory White.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Steve Warner that this request for an Amendment to an existing Special Use for a home workshop/business for a carpentry/home improvement business to allow for a sawmill be approved based on the Findings and Conclusions of the Board:

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

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 3/25/2026) and as represented in the Special Use Amendment application.
2. The sawmill and material related to the sawmill business shall be always stored inside.
3. Subject to one year staff renewal for compliance, with renewal before the Advisory Board of Zoning Appeals if not in compliance.

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Steve Warner.

Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 0).

Yes: Debra Cramer, Randy Hesser, Steve Warner.

No: Roger Miller.

Excused: Cory White.

11. As a staff item, Mr. Auvil presented a minor change request for Danny R. Lehman & Vonda Lehman, Husband & Wife (SUP-0718-2022) for a home workshop/business for a campground shower manufacturing business and a Developmental Variance to allow for 3 outside employees (Ordinance allows 2). Mr. Auvil stated the request is to add an additional home workshop/business for covered wagon manufacturing business which will include remodeling 5,000 square feet of the current shop to accommodate the new business. He continued by saying the petitioner is also

asking for 2 more outside employees. Mr. Hesser clarified that the petitioner currently has 3 outside employees and is requesting 2 more. Mr. Auvil clarified that the petitioner is remodeling 5000 square feet of the existing building to house the new business if approved. He continued by saying there have been no complaints filed against the petitioner. Mr. Auvil clarified that if approved, the minor change will be noted in the file and added to the original Special Use. He continued by saying if the Board finds that this needs to be a major change, then the petitioner will need to file a new application for a Special Use and be scheduled to go before the Board.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Steve Warner that this request be approved as a minor change.

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

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

Excused: Cory White.

12. The meeting was adjourned at 10:20 A.M.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary