

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 17th DAY OF APRIL 2025 AT 9:00 A.M.
MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING
117 N. 2nd 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 20th day of March 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 ***Derek Lynn Miller & Dorcas R. Miller, 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 East side of CR 27, 25 ft. North of CR 126, common address of 60482 CR 27 in Jefferson 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-0152-2025*.

There were eleven neighboring property owners notified of this request.

Jeremiah Hochstetler, Freedom Builders, 54824 CR 33, Middlebury was present representing the petitioner. He stated the property owner purchased the property a few years ago, but he was not aware of the need for a Special Use for the animals. Mr. Hochstetler continued by saying the barn that the horses are kept in burned down and when he came to get the permit to rebuild he also applied for the Special Use. Mr. Warner asked about waste removal from the property. Mr. Hochstetler responded his understanding is it is spread on the field.

Mr. Auvil presented an email from Miranda Kinney, 60481 CR 27, Goshen, in remonstrance [Attached to file as Staff Exhibit #1]. He went on to explain the concerns in the letter regarding several animals, dogs, ducks, and chickens, that have gotten out onto her property as well as others and the road. Mr. Warner asked if code enforcement has received any complaints, and Mr. Auvil responded no. Mr. Hesser clarified approval of horses with a Special Use does not permit any other ag animals.

Mr. Hochstetler came back on. He stated that he does not know about any other animals present on this property.

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** Steve Warner, **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 3/11/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of three (3) adult horses at any one time.

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 *Jeffrey M. Lorenz & Kelly E. Lorenz, Husband & Wife* for a Special Use for a home workshop/business for a pet cremation business on property located on the East side of CR 21, 515 ft. South of CR 46, common address of 68600 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-0161-2025*.

There were nineteen neighboring property owners notified of this request.

Jeffrey Lorenz, 68600 CR 21, New Paris, was present for this request. He stated they have lived on the property since 1997. He added he has been working on this property for a few years, and he plans to purchase a pet cremation unit that will sit inside two commercial shipping containers. He stressed that no smoke or smell will come out of the unit, but some vapor will occasionally come out of the unit. He further explained that he will have two freezers to hold the animals until he can cremate them. He added that he will pick up the animals from veterinarian's offices and no customers will be coming to the property. Mr. Hesser asked if the business will just be for small pets. He responded yes. Mrs. Cramer asked about the cremated remains. Mr. Lorenz stated the ashes will be given to the veterinarians or any that are not picked up will go to the landfill. Mr. Warner asked about state regulations, and Mr. Lorenz responded he is unsure of the regulations at this time. Mr. Miller clarified the petitioner is stating this process will not emit odors for the neighbors. Mr. Lorenz responded the company he is purchasing the unit from assured him there will be no odor.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. White asked if a permanent foundation will be required, and Mr. Dean responded yes. Mr. Lorenz explained the shipping containers are 10'x 20', so the total sq. ft. is 400 sq. ft. He added staff informed him a permanent foundation is required.

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

Motion: Action: Approve, **Moved by** Steve Warner, **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 pet cremation 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. The cremation facility will require an engineered footing and a commercial building permit.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/12/2025) 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.

6. The application of **Ariel R. Yoder** 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 Southwest corner of Westlake Dr. & Erin Ct., 330 ft. South of U.S. 20, common address of 601 Westlake Dr. in Middlebury 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-0172-2025*.

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

Ariel Yoder, 601 Westlake Dr., Middlebury, was present for this request. She stated she would like to raise chickens for her family. Mr. Miller asked if the chicken coop will be fixed or move, and she responded fixed.

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** Steve Warner, **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 (1) showing the shed at least 10 ft. from the rear property line and at least 7.5 ft. from the south property line, (2) showing the chicken coop at least 7.5 ft. from the south property line, and (3) showing the east property line.

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 six (6) chickens at any one time, no roosters.

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 ***Kraig D. Kliewer & Sonny J. Kliewer, Husband & Wife*** for a Special Use for a home workshop/business for a poultry supply business on property located on the West side of CR 131, 1,250 ft. South of CR 4, common address of 52241 CR 131 in York 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-0134-2025.

There were seventeen neighboring property owners notified of this request.

Kraig Kliewer, 52241 CR 131, was present for this request. He stated they would like to have a larger storage space for their business. He explained they sell poultry supplies online. Mr. Warner asked the size of trucks that make deliveries to the property. Mr. Kliewer responded they receive a few semi deliveries a year. Mr. Warner clarified the Board requires semis turn-around on the property, not on the street. Mr. Kliewer explained he is adding gravel for a semi turn-around.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Cramer commented that Board should add the commitment prohibiting backing onto or off of the property.

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

Motion: Action: Approve, **Moved by** Steve Warner, **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 poultry supply 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 3/5/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 131 is prohibited.

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

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

8. Danielle Richards presented a minor change request for Devon R. Schrock (SUP-0641-2024) approved October 17, 2024. The request is to extend the ILP requirements for 6 months.

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Steve Warner that the Board approve the request as a minor change.

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

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

9. Mae Kratzer presented the staff item for the Agreement for Legal Services for Barkes, Kolbus, Rife & Shuler effective July 1, 2025-July 1, 2026. She explained the new contract will be with the Firm and not just with Attorney Kolbus as he is retiring.

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Steve Warner that the Board approve the Agreement for legal services July 1, 2025 – July 1, 2026.

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

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

10. The application of *Ray J. Hershberger & Lizzie Hershberger, as Trustees of the Ray & Lizzie Hershberger Revocable Trust* for a Special Use for a home workshop/business for a welding shop and for a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow an existing accessory structure 3 ft. from the rear property line on property located on the West side of CR 37, 1,580 ft. South of CR 30, common address of 62270 CR 37 in Clinton 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-0116-2025*.

There were 5 neighboring property owners notified of this request.

Mr. Hesser clarified the Developmental Variance from the property line is only for the existing building, because the addition meets setback requirements.

David Bontrager, 62021 SR 13, Goshen, was present representing the petitioner. He explained the property owner would like to construct an addition to allow for the welding shop. He went on to add that the current owner must go to another shop to finish the product, thus the need for the addition. Mr. Hesser asked about any waste from the welding. Mr. Bontrager replied there will be none. Mr. Hesser then clarified the addition will be 10 ft. from the property line. Mr. Bontrager stated yes it will be 10 ft. from the property line.

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 a welding shop 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 2/26/2025) and as represented in the Special Use Application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 37 is prohibited.

Further, the motion also included that a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow an existing accessory structure 3 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 2/26/2025) 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.

11. The application of *Lavon Dale Miller & Martha Ann Miller, 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 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the centerline of the right-of-way on property located on the Southwest side of CR 8, 2,780 ft. Northwest of CR 35, common address of 13974 CR 8 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-0160-2025.

There were ten neighboring property owners notified of this request.

Lavon Miller, 13974 CR 8, Middlebury, was present for this request. He stated he would like to construct a 30' x 40' barn for the two horses and then tear down the existing barn. He continued to say he will also be moving some fencing. Mr. Hesser asked for clarification of the pasture and if it will be fenced in. Mr. Miller replied yes.

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** 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 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 3/12/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses and twelve (12) chickens at any one time, no roosters.

Further, the motion also included that a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the centerline of the right-of-way 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 3/12/2025) 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.

Motion: Action: Rescind, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the request for a Special Use for horses from the previous owner be rescinded at the request of staff.

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

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

12. The application of **Tanner D. Bunch & Kaicee B. Bunch, Husband & Wife** for a Special Use for a home workshop/business for a dog grooming business, for a Developmental Variance to allow for 7 outside employees (Ordinance allows 4) 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 East end of the easement, East of CR 29, 2,640 ft. North of CR 52, common address of 00000 CR 29 in Jackson 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-0171-2025*.

There were 8 neighboring property owners notified of this request.

Tanner & Kaicee Bunch, 206 E. Wabash Ave., Wakarusa, were present for this request. He explained they are building a residence and accessory structure for a grooming salon on their property. He added they would like to decrease the size of the building from 60' x 72' to 50' x 60'. Mr. Hesser clarified they will be constructing a residence on the subject property. Mr. Hesser clarified the residence and business will both be constructed on the back parcel. Mr. Bunch explained the front parcel is for a family member. Mrs. Cramer noted their property will utilize an access easement to access the property. Mr. Bunch affirmed they will use the access easement for the new residence and accessory structure. Mr. Warner commented that with the number of dogs they want to groom each day; they will need plenty of parking spaces. Mrs. Cramer asked if

the seven requested employees are full-time or part-time. Mr. Bunch answered there are currently four employees, but they would like approval for seven. Mr. Hesser clarified all seven employees will not be working at the same time.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser expressed concern about the size of the operation. Mr. Miller commented that the business will be in an area that will not affect the neighbors. Attorney Kolbus suggested a revised site plan be required, since the size of the proposed structure has changed.

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 dog grooming 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.
2. The petitioner must provide a revised site plan reflecting the new building size for approval.

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.

Further, the motion also included that a Developmental Variance to allow for 7 outside employees (Ordinance allows 4) and for 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. 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 site plan submitted (dated 3/17/2025) 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.

11. The application of *Tri-County Land Trustee Corporation (Land Contract Holder) & Norman E. Lehman & Katie Lehman (Land Contract Purchasers)* for an Amendment to an existing Special Use for a home workshop/business for a retail store to allow for an addition, for a Developmental Variance to allow for the total square footage of the accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4) on property located on the North side of CR 16, 1,815 ft. West of CR 43, common address of 11351 CR 16 in Middlebury 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-0130-2025.

There were 9 neighboring property owners notified of this request.

Mike Bontrager, 59155 CR 41, Middlebury, was present representing the petitioner. He explained the petitioner would like to add a 50' x 70' addition for a small office and warehouse space. He added there is only one full-time employee currently and four outside employees in total, but they would like to add one more employee.

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** 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 retail store to allow for an addition 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 both parcels.

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 Amendment application.
2. Any further expansion requires a DPUD.

Further, the motion also included that a Developmental Variance to allow for the total square footage of the accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4) 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 = 5).

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

12. The application of *Creekside Church of the Brethren, 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 West side of CR 113, 2,400 ft. South of CR 26, common address of 60455 CR 113 in Concord 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-0162-2025.

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

Mr. Miller clarified that dimming of the sign is a state regulation.

Stephanie Lehman, Signtech Sign Services, 1508 Bashor Rd., Goshen, was present representing the petitioner. She explained Creekside Church would like to remove their existing sign and replace it with an electronic message board. She added the sign will be within 300 ft. of residences, and the church spoke to the neighboring property owners regarding the sign. She explained electronic message boards are regulated by the state, and they must dim by dusk. Attorney Kolbus asked about flashing messages. Mrs. Lehman responded that is not allowed. She added they make all customers aware of the regulations. Mr. Hesser clarified the location of the messages. Mrs. Lehman added the proposed sign is a basic message center.

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 Special Use for a place of worship to allow for an electronic message board 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 recorded deed must be submitted excluding parcels 20-06-35-176-008.000-009 and 20-06-35-326-046.000-009.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/13/2025) 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 3/13/2025) 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.

13. The application of *Tri-County Land Trustee Corporation (Land Contract Holder) & Martin Graber & Lucinda Graber (Land Contract Purchasers)* for a Special Use for a home workshop/business for a woodworking shop 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 West side of CR 31, 2,130 ft. South of CR 14, common address of 56831 CR 31 in Jefferson 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-0095-2025*.

There were ten neighboring property owners notified of this request.

Mr. Hesser noted he lives two properties north of the subject property, but he has no financial interest in this property. He added this proposed Special Use will not affect his property.

Martin Graber, 56831 CR 31, Goshen, was present for this request. He stated they would like to construct a small woodworking shop, and all the work would take place inside. Mr. Hesser needed clarification regarding the other party on the application. Mr. Graber stated that the other party is the general contractor. Mrs. Cramer clarified the petitioner lives on the property. She also asked the hours the generator will be running. Mr. Graber responded approximately 6 a.m. to 2:30 p.m. Mr. Hesser mentioned the remonstrator from last month's meeting had a concern about the generator being close to his residence which is south of the petitioner's property. Mr. Graber replied that the shop is going to be on the north side of the building. Mr. Hesser noted the site plan shows the generator in the middle of the building, and the site plan will need to be revised, if it will be located on the north side of the building. Mr. Graber responded he would like to keep the generator in the location shown on the site plan. Mr. Hesser stated he does not believe the barn on the site plan is to scale or in the correct location on the property. Mr. Hesser noted no sign is shown on the site plan. Mr. Graber said he is unsure where the sign will be located. Mr. Hesser asked the required setback for a sign. Mr. Dean stated the sign cannot be in the right-of-way. Mr. Miller asked about the discharge from the spray booth. Mr. Graber responded it will either go north or straight out of the building. Mr. Miller stressed his concern is with the diesel generator and the spray booth discharge outside. He went on to say he does believe this business will affect the neighboring property owners. He added the generator can be quieted, but it is still a constant noise. He continued saying the vapor will also be smelled. He stressed he struggles with woodworking shops affecting the neighbors. Mr. Hesser asked if noise buffering could be added to the building. Mr. Graber responded he is open to whatever is needed for approval.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Cramer agreed with Mr. Miller's concerns about the noise and smell produced by the business. She went on to say the petitioner mentioned they can make the generator quieter, but they do not have a clear plan to make it quieter. Mr. Hesser noted the topography of the property does affect where the business can be located. He continued by saying that placing the building further back would help with the noise. Mr. Hesser suggested tabling the request and require specific plans for noise buffering. Mr. Miller stressed once the business is approved, the neighbor must deal with the noise. Mr. Warner asked if there is a standard for spray booth emissions. Mr. Miller noted the County can go out and measure the sound and the emissions from a spray booth. He stressed noise from a generator cannot be fully eliminated. Attorney Kolbus explained that a

few petitioners have been required to bring in detailed plans with insulation and muffler details for the generator.

Mr. Graber came back up to the podium. Mr. Hesser again stated the Boards's concern about this operation is the noise produced by the generator. He asked if they can bring back a proposal for muffling the sound by next month's hearing. Mr. Miller stated he would like the petitioners to work with the neighbor next door. Mr. Hesser stated the Board will need to see a revised site plan that shows more accurately the size and location of the buildings, including the exact location of the diesel generator. He continued by saying the revised site plan should show the location of the sign and include the proposal for muffling the sound of the diesel generator. Mr. Graber requested two months to provide the information. Mr. Miller added the spray booth exhaust also needs to be addressed, and he would like to see a plan regarding that as well. Mr. Warner added the plan for the spray booth should provide detail as well.

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

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that this request for a Special Use for a home workshop/business for a woodworking shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be TABLED until the June 19, 2025 Advisory Board of Zoning Appeals meeting to allow the petitioner time to provide a detailed plan for mitigating generator exhaust, and vapor impact.

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

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

14. The meeting was adjourned at 10:26 a.m.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary