

**BZA MINUTES**  
**ELKHART COUNTY BOARD OF ZONING APPEALS MEETING**  
**HELD ON THE 20<sup>th</sup> DAY OF FEBRUARY 2025 AT 9:00 A.M.**  
**MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING**  
**117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA**

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

**Roll Call.**

**Present:** Roger Miller, Randy Hesser, Deb Cramer, John Gardner, Cory White.

**Absent:** Steve Warner, David Miller.

2. A motion was made and seconded (*Miller/Gardner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 16<sup>th</sup> day of January 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 *Tri-County Land Trustee Corporation (Land Contract Holder) & Dean J. Troyer & Edna M. Troyer, Husband & Wife (Land Contract Purchasers)* for a Special Use for a home workshop/business for a fuel storage and delivery business on property located on the North side of CR 50, 675 ft. West of US 33, common address of 12383 CR 50 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-0015-2025*.

There were four neighboring property owners notified of this request.

Dean Troyer, 12383 CR 50, Syracuse was present for this request. Mr. Troyer stated that he wants a home business for a fuel storage and delivery business and needs a concrete storage area to contain the fuel, basically above ground storage tanks held in concrete storage. He continued by saying the fuel is delivered via semi-trucks and then his business delivers the fuel to homes or businesses in the area. Mr. Hesser wanted clarification on the size of the concrete storage areas that Mr. Troyer wants to build. Mr. Hesser continued by asking if there was room for the semi-trucks to turn around on the property. Mr. Troyer responded yes. Mr. Miller asked Mr. Troyer how big the storage tanks are and what type of fuel is stored in them. Mr. Troyer stated that the tanks can hold 6,800 gallons of either gasoline or diesel fuel.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller stated concern about the business being beyond the scope of a home workshop/business. Mr. Hesser replied that he understands his concern and reminded Mr. Miller that the Board has approved of this type of request before.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** John Gardner 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 fuel storage and delivery 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 1/24/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 50 is prohibited.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

5. The application of *Merle D. Hostetler & Barbara E. Hostetler, 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 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 50 ft. from the centerline of the right-of-way on property located on the West side of CR 9, 880 ft. South of CR 52, common address of 71687 CR 9 in Union 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-0021-2025*.

There were seven neighboring property owners notified of this request.

Merle Hostetler, 29172 CR 50, Nappanee was present for this request. Mr. Hostetler stated that he wants to have 2 horses. Mr. Hesser asked if Mr. Hostetler would be living on the property. Mr. Hostetler responded he intends to rent the property. Mr. Hesser continued by asking if the fence on the site plan is existing. Mr. Hostetler responded yes. Mr. Hesser then asked when the house was built. Mr. Hostetler stated it was built in 1966. Mrs. Cramer asked Mr. Hostetler if he has a renter for the property, and if that renter needs the horses for transportation. Mr. Hostetler stated that was correct.

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 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 1/10/2025) 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.

Further, the motion also included a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 50 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 on 1/10/2025 and as represented in the Developmental Variance application.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

6. The application of **Victor H. Juarez** for a Special Use for a home workshop/business for a tire 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 North side of CR 18, 2,350 ft. West of CR 17, common address of 22407 CR 18 in Concord 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-0908-2024*.

There were eight neighboring property owners notified of this request.

Victor Juarez, 22407 CR 18, Goshen, was present for this request. Mr. Juarez stated that he wants to sell tires on his property. Mr. Hesser asked how long he had been selling tires on the property. Mr. Juarez responded he has been selling tires for 6 months and did not realize that he needed a Special Use to run his business at his home.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Auvil remarked he drives by this property twice a day, and it always appears neat and tidy.

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 tire 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 12/27/2024) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 18 is prohibited.

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 12/27/2024) and as represented in the Developmental Variance application.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

7. The application of *AMF Trustee Corporation (Land Contract Holder) & Kevin Hershberger (Land Contract Purchaser)* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the South side of US 6, 1,000 ft. West of CR 9, common address of 26190 US 6 in Union 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-0027-2025*.

There were 12 neighboring property owners notified of this request.

Kevin Hershberger, 26190 US 6, Nappanee was present for this request. Mr. Hershberger stated that he wants to build a barn for horses and storage. He continued by saying the horses are for transportation. Mr. Hesser asked about the height to the peak of the barn. Mr. Hershberger stated he was not sure, but it will most likely be under the required 25 ft. peak height. Mr. Miller asked how many horses he is applying for. Mr. Hershberger responded that he would like two horses.

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** John Gardner 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 1/13/2025) 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.

Further, the motion also included that a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 ft. from the centerline of the right-of-way, 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 1/13/2025) and as represented in the Developmental Variance application.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

8. The application of *Gripdog Enterprises LLC* for a Use Variance to allow for the construction of an accessory structure without a residence on property located on the Northwest side of North Shore Dr., 865 ft. East of SR 19, common address of 51245 North Shore Dr. in Osolo Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0896-2024*.

There were 33 neighboring property owners notified of this request.

Gripdog Enterprises, Darrin Benton, 51264 North Shore Drive, Elkhart was present for this request. Mr. Benton stated he owns a house at 51264 North Shore Dr. He also owns 51248 North Shore Dr. and 51245 North Shore Dr., where he wants to build a 20'x30' storage building for bikes and other lake items, which are on the same deed. He continued by saying that he intends to sell 51264 North Shore Dr. soon, thus the need for the storage building at 51245 North Shore Dr., which is vacant land across from 51248 North Shore Dr.

Lesia Hershberger, 51236 North Shore Dr. Elkhart was present in remonstrance. Ms. Hershberger stated she is directly across the street from Mr. Benton's property at 51245 North Shore Dr. She continued by saying that she feels anything he builds would be unsightly and adversely affect property values.

Thomas Galbreth, 51218 North Shore Dr. was also present to remonstrate. He questioned the zoning for the petitioner's property located at 51245 North Shore Dr. He continued by saying the size of the shed that Mr. Benton wants to build seems more like a pole barn. He stressed he has concerns about Mr. Benton parking vehicles on the vacant property.

Sandra Rousseve, 51208 North Shore Dr., Elkhart was present to remonstrate. She supplied letters from 8 neighbors objecting to the request to build an accessory structure at 51245 North Shore Dr. *[attached to file as Remonstrator Exhibit #1]*.

Mr. Benton came back to the podium. He expressed shock that none of the neighbors came to him to ask about his plans to build on the vacant lot. He continued to say he takes meticulous care of the properties that he currently owns on North Shore Dr. Mr. Benton addressed the issue of parking vehicles on the vacant lot and stated that it is for less than a 24 hour period. He continued by saying he owns 9 acres just over the Indiana State line in Michigan that he uses for storage of vehicles.

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, with the exception of the second sentence of number four 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 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 12/19/2024) and as represented in the Use Variance application.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

9. The meeting was adjourned at 9:54 A.M.

Respectfully submitted,

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Jean Boyer, Recording Secretary

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Randy Hesser, Chairman

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Debra L. Cramer, Secretary