

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, MARCH 12, 2026 AT 6:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

THIS MEETING WILL ALSO BE HELD ELECTRONICALLY VIA WEBEX.

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2302 705 9818** as the meeting number and “**BZA2026**” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to raen.levendoski@cityofelkhartin.gov prior to the meeting.

1. **ROLL CALL**
2. **ELECTION OF OFFICERS**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES FEBRUARY 12, 2026**
5. **APPROVAL OF PROOFS OF PUBLICATION**

6. **OLD BUSINESS**

25-UV-10 PETITIONER IS NICHOLE HOGENDOBLER
PROPERTY IS LOCATED AT 1746 E BEARDSLEY AV

To vary from Section 4.2 Permitted Uses in the R-2, One Family Dwelling District, to allow for one (1) accessory dwelling unit at 1746 E Beardsley Avenue.

To vary from Section 26.1.B.8.a, which states in part, ‘Accessory buildings on property occupied by a one or two family residential use shall be limited to a maximum floor area of 720 square feet for the largest structure, with a maximum total of 840 square feet for all accessory buildings combined’, to allow for the proposed accessory dwelling unit at 748 square feet, where the maximum for any one accessory structure is 720 square feet, a variance of 28 square feet.

To also vary from the maximum total area for all accessory structures of 840 square feet to allow for a total area for all accessory structures of 1,148 square feet, a variance of 308 square feet.

To vary from Section 26.1.B.8.a, which states in part, ‘A maximum of two (2) accessory buildings is allowed on each lot’, to allow for a total of four (4) accessory buildings, a variance of two (2) accessory buildings (including the proposed accessory dwelling unit).

To vary from Section 26.1.B.11, which states, ‘No accessory structures shall be used for permanent or temporary habitation’ to allow the accessory dwelling unit to be used for habitation.

7. **NEW BUSINESS**

26-BZA-05 PETITIONER IS GATEWAY MILE PROPERTIES, LLC
PROPERTY IS LOCATED AT 101 SOUTH MAIN STREET

To vary from Section 26.10.D – Table 1, Wall signs in the CBD for multiple tenant buildings, that limits the size to 50% of the signable area to a maximum of 25 square feet per store front to allow for wall signs that are:

North – 96 sf, a variance of 71 sf;

East – 96 sf, a variance of 71 sf;

Southeast – 56 sf, a variance of 31sf.

To also vary from Section 26.10.D – Table 1, Projecting signs in the CBD, that limits the size to 9 square feet to allow for a projecting sign that is 12.56 square feet, a variance of 3.56 square feet.

26-UV-05 PETITIONER IS ELKHART SC INC / STEVEN DUCKATT
PROPERTY IS LOCATED AT 1522 CASSOPOLIS STREET

To vary from Section 12.2, Permitted Uses in the B-3, Service Business District, to allow for the property to be used for small scale food production, packaging and accessory on site sales.

26-UV-06 PETITIONER IS VOCATIONAL BUILDING TRADES, INC.
PROPERTY IS LOCATED AT 1425 WEST INDIANA AVENUE

To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District, to allow for the construction of a single-family dwelling. Single-family dwellings are not a permitted use in the B-1 District.

Also:

For the same dwelling above, the proposed area of the dwelling is 864 square feet, the minimum area of any one family dwelling is 950 square feet found in Section 5.2.B in the R-2, One Family Dwelling District, a variance of 86 square feet.

To vary from Section 11.4, Yard Requirements, for the front yard average established setback of twenty one and five tenths (21.5) feet, to allow for the construction of a one family detached dwelling at a front yard setback of seventeen and three tenths (17.3) feet, a variance of four and two tenths (4.2) feet.

To vary from Section 11.4, Yard Requirements, for the corner side yard average established setback of seventeen (17) feet, to allow for the construction of a one family detached dwelling at a corner side yard setback of fifteen (15) feet, a variance of two (2) feet.

To vary from Section 26.3.B. 9, Obstructions Permitted in the Front Yard to allow for an open porch to project eight (8) feet into the front yard when six (6) feet is permitted, a variance of two (2) feet.

8. **ADJOURNMENT**

**PLEASE REMEMBER TO USE THE MICROPHONE WHEN SPEAKING.
ERRORS IN THE MINUTES MAY RESULT FROM INAUDIBLE VOICES.**

BOARD OF ZONING APPEALS MEMBERS

<u>Name</u>	<u>Term</u>	<u>Appointed By</u>
Janet Evanega-Rieckoff, President	February 2, 2024 – January 6, 2028	Mayor
Phalene Leichtman, Vice President	January 1, 2024 – December 31, 2027	Mayor
Ann Linley	January 1, 2026 – December 31, 2027	City Council
Rochali Newbill	January 1, 2026 – December 31, 2030	Plan Commission
Position Vacant	TBD	Mayor

IN THE SUPERIOR COURT NO. 2 OF ELKHART COUNTY STATE OF INDIANA

IN THE MATTER OF THE CASE NO.: 20D02-2602-EU-000024
UNSUPERVISED ESTATE
OF: JUNE NIHART, DECEASED

NOTICE OF FILING FOR ISSUANCE OF LETTERS OF UNSUPERVISED ADMINISTRATION FOR THE SOLE PURPOSE OF COLLECTING DAMAGES FOR WRONGFUL DEATH, NOTICE OF HEARING DATE AND OBJECTION DEADLINE

On April 1, 2026, at 11:30 o'clock A.M. in the Superior Court No. 2 of Elkhart County, Goshen, Indiana, a hearing will be held to determine whether Mitchell Nihart should be appointed as Personal Representative of the Estate of June Nihart for the purpose of pursuing a wrongful death claim. A copy of the Petition requesting appointment of a Personal Representative is attached to this Notice. Any interested party must object in writing to the request contained in the petition, or request in writing alternate personal representative at least 14 days prior to the hearing date. If no objections or requests for an alternate special administrator are filed by this deadline, the Court will act upon the Petition.

CLERK, ELKHART COUNTY COURT

LEGAL NOTICE #26-UV-05

Hearing on proposed Use Variance #26-UV-05

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **THURSDAY, MARCH 12, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-05.

Petitioner: Elkhart S.C. Inc. / Steven Duckatt

Request: To vary from Section 13.2, Permitted Uses in the B-3, Service Business District, to allow for the property to be used for small scale food production, packaging and accessory on site sales.

Location: 1522 Cassopolis Street

Zoning: B-3, Service Business District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2302 705 9818** as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhartin.gov prior to the meeting.

LEGAL DESCRIPTION:

Parcel 1:
A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, all of Lot Number Seventy-one (71), and a part of Lot Numbered Seventy (70), as said lots are known and designated on the recorded Plat of Country Club Terrace, in Elkhart County, Indiana, all being more particularly described as follows:
Commencing at the point where the South line of the Northeast Quarter of said Section 32 is intersected by the center line of Cassopolis Street, thence Northerly along the center line of said Cassopolis Street a distance of 217.66 feet to the PLACE OF BEGINNING of this description; thence East, parallel with the South line of said quarter section, a distance of 190 feet, thence Northwardly 60 feet to the Southwest corner of Lot Number Seventy-one (71) in said Country Club Terrace; thence East along the South line of said Lot Numbered Seventy-one (71) a distance of 79.98 feet to the Southeast corner of said lot; thence Northwardly along the East line of Lots Numbered Seventy-one (71) and Seventy (70) in said Country Club Terrace a distance of 230.05 feet; thence West parallel with the South line of said quarter section a distance of 273.32 feet to a point located on the center line of said Cassopolis Street; thence Southerly along the center line of said Cassopolis Street a distance of 290 feet to the PLACE OF BEGINNING; and the vacated West one-half of Canton Street, adjoining said Lot 71 and Part of Lot 70 on the East;

EXCEPTING THEREFROM:

A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, and a part of Lot 1 in Country Club Terrace Addition to the City of Elkhart, the plat of which is recorded in Plat Book 4, page 11, in the Office of the Recorder of Elkhart County, Indiana, described as follows:
Commencing at the intersection of the center line of S.R. 19 (Cassopolis Street) and the South line of said quarter section; thence North 0 degrees 56 minutes 01 second West 217.66 feet along said center line to the Southwest corner of the owner's land; thence South 89 degrees 32 minutes 41 seconds East 25.01 feet to the East boundary of said S.R. 19 and the POINT OF BEGINNING of this description; thence North 0 degrees 56 minutes 01 second West 416.73 feet along the boundary of said S.R. 19 and the Northwest corner of said Lot 1; thence South 89 degrees 32 minutes 11 seconds East 25.01 feet along the North line of said lot; thence South 37 degrees 47 minutes 26 seconds West 14.39 feet; thence South 0 degrees 56 minutes 01 seconds East 405.33 feet; thence North 89 degrees 32 minutes 41 seconds West 16.00 feet to the POINT OF BEGINNING.

Parcel 2:
A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, all of Lot Number 1, and part of Lot Number 70, as said Lots are known and designated on the recorded Plat of Country Club Terrace, in Elkhart, Indiana all being more particularly described as follows:
Beginning at the Northwest Corner of Lot Number 1, in said Country Club Terrace; thence Southerly along the West line of said Lot, a distance of 61.28 feet to the Southwest Corner of said Lot; thence West-erly, along a Westerly extension of the South line of said Lot, a distance of 25 feet to a point located on the center line of Cassopolis Street; thence Southerly, along the center line of said Cassopolis Street, a distance of 65.50 feet to a point that is located 507.66 feet North of the South line of the Northwest Quarter of said Section; thence East, parallel with the South line of said Quarter Section, a distance of 273.55 feet to a point located on the East line of Lot Number 70, in said Country Club Terrace; thence Northerly, along the East line of said Lot, a distance of 65.52 feet to the Northeast Corner of said Lot; thence West-erly, along the North line of said Lot, and an extension of said North Line, a distance of 120 feet to the Southeast Corner of said Lot Number 1; thence Northerly, along the East line of said Lot, a distance of 61.14 feet to the Northeast Corner of said Lot Number 1; thence West-erly, along the North Line of said Lot, a distance of 130.35 feet to the place of beginning.

EXCEPTING THEREFROM:

A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, and a part of Lot 1 in Country Club Terrace Addition to the City of Elkhart, the plat of which is recorded in Plat Book 4, page 11, in the Office of the Recorder of Elkhart County, Indiana, described as follows:
Commencing at the intersection of the center line of S.R. 19 (Cas-

LEGAL NOTICE #26-UV-06

Hearing on proposed Use Variance #26-UV-06

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **THURSDAY, MARCH 12, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-06.

Petitioner: Vocational Building Trades, Inc.

Request: To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District, to allow for the construction of a single-family dwelling. Single-family dwellings are not a permitted use in the B-1 District.

Also:
For the same dwelling above, the proposed area of the dwelling is 864 square feet, the minimum area of any one family dwelling is 950 square feet found in Section 5.2.B in the R-2, One Family Dwelling District, a variance of 86 square feet.
To vary from Section 11.4, Yard Requirements, for the front yard average established setback of twenty-one and five tenths (21.5) feet, to allow for the construction of a one family detached dwelling at a front yard setback of seventeen and three tenths (17.3) feet, a variance of four and two tenths (4.2) feet.
To vary from Section 11.4, Yard Requirements, for the corner side yard average established setback of seventeen (17) feet, to allow for the construction of a one family detached dwelling at a corner side yard setback of fifteen (15) feet, a variance of two (2) feet.
To vary from Section 26.3.B. 9, Obstructions Permitted in the Front Yard to allow for an open porch to project eight (8) feet into the front yard when six (6) feet is permitted, a variance of two (2) feet.

Location: 1425 West Indiana Avenue

Zoning: B-1, Neighborhood Business District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2302 705 9818** as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhartin.gov prior to the meeting.

LEGAL DESCRIPTION:
ALL OF LOT NUMBERED 55, AND THE EAST 2.75 FEET OF LOT NUMBERED 54, IN ELLISTON'S SECOND ADDITION TO THE CITY OF ELKHART, AS PER PLAT THEREOF RECORDED IN DEED RECORD 111, PAGE 303 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 23rd day of February 2026, by the City of Elkhart, Board of Zoning Appeals.

LEGAL NOTICE #26-BZA-05

Hearing on proposed Developmental Variance #26-BZA-05

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **THURSDAY, MARCH 12, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-05.

Petitioner: Gateway Mile Properties, LLC

Request: To vary from Section 26.10.D - Table 1, Wall signs in the CBD for multiple tenant buildings, that limits the size to 50% of the signable area to a maximum of 25 square feet per store front to allow for wall signs that are:
North - 96 sf, a variance of 71 sf;
East - 96 sf, a variance of 71 sf;
Southeast - 56 sf, a variance of 31sf.

To also vary from Section 26.10.D - Table 1, Projecting signs in the CBD, that limits the size to 9 square feet to allow for a projecting sign that is 12.56 square feet, a variance of 3.56 square feet.

Location: 101 SOUTH MAIN STREET

Zoning: CBD, Central Business District

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LEGAL DESCRIPTION:

TRACT 1:
THE NORTHERLY SEVENTEEN AND ONE-HALF (17 1/2) FEET BY PARALLEL LINES OF LOT NUMBER FOURTEEN (14) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE ORIGINAL PLAT OF THE TOWN OF ELKHART; (NOW CITY) SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.
ALSO, THE WESTERLY ONE AND TWENTY-FIVE HUNDREDTHS (1.25) FEET OF VACATED MAIN STREET LYING EASTERLY OF AND ADJACENT TO SAID REAL ESTATE.

TRACT 2:
LOTS NUMBERED FIFTEEN (15) AND SIXTEEN (16) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF ELKHART; SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.
ALSO, THE WESTERLY ONE AND TWENTY-FIVE HUNDREDTHS (1.25) FEET OF VACATED MAIN STREET LYING EASTERLY OF AND ADJACENT TO SAID REAL ESTATE.
EXCEPTING THEREFROM:
A PART OF LOT 14 AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED ORIGINAL PLAT OF TOWN (NOW CITY) OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 14 A DISTANCE OF 16.8 FEET FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 14 A DISTANCE OF 7/10 OF ONE FOOT TO THE NORTHEAST CORNER OF LAND CONVEYED TO PERFECTA ROLL

TOWNSHIP OF MASON 2026 NOTICE OF BOARD OF REVIEW

PLEASE TAKE NOTICE that the Board of Review will meet at the Township Hall, 17049 US 12, Edwardsburg, MI 49112, to examine and review the 2026 assessment roll. The board will convene on the following dates for the hearing of appeals of assessments or taxable values, poverty exemptions, parcel classification appeals and/or current year qualified agricultural denials:

Tuesday, March 3, 2026, 8:00 pm Organizational Meeting
Monday, March 9, 2026, 3:00 pm to 9:00 pm
Friday, March 13, 2026, 10:00 am to 4:00 pm

And on such additional days as required to hear all persons who have given notice of the desire to be heard until assessment rolls have been revised, corrected and approved.

APPEALS ARE HEARD ON A FIRST COME FIRST SERVE BASIS. Letter appeals will be accepted and must be received no later than 5:00 pm the Friday before the first appeal hearing.

Tentative ratios and estimated multipliers for 2026 are as follows:

Agricultural	45.89%	1.0896
Commercial	47.58%	1.0509
Industrial	44.12%	1.1333
Residential	48.85%	1.0235
Personal Property	50.00%	1.0000

Tentative equalization factor of 1.0000 for all classes is expected after completion of Board of Review.

Charlie Arnold, Supervisor Mason Township
Kevin Harris, Assessor Mason Township

Mason Township Board Meetings are open to all without regard to race, color, national origin, sex or disability.

American with Disabilities (ADA) Notice
The township will provide necessary reasonable auxiliary aids and services, to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to Mason Township. Individuals with disabilities requiring auxiliary aids or services should contact Mason Township by writing or calling.

Mason Township Clerk
PO Box 386, Union, MI 49130, 269-641-592 HSPAXLP

NOTICE TO BIDDERS

Notice is hereby given that the Board of County Commissioners of Elkhart County, Indiana, will receive bids up to 9:00 AM on **March 23, 2026, for the BRIDGE 253 REHABILITATION PROJECT.** It is the responsibility of the bidder to ensure that its bid is delivered on time to the Office of the Elkhart County Commissioners, County Administration Building, 117 N. Second Street, Goshen, IN 46526.

Plans, Specifications and bidding documents may be obtained from the **Elkhart County Highway Department, website at www.elkcohw.org** starting at 9:00 AM on **February 20, 2026.** Plans, Specifications and Bidding Documents may not be obtained prior to this date.

Plans, Specifications and Bidding Documents will be available for inspection at the Elkhart County Highway Department Office, 610 Steury Ave, Goshen, Indiana starting on **February 20, 2026.** A pre-bid meeting will not be held for this project.

Proposals shall be properly and completely executed on proposal forms furnished by the County in accordance with Indiana Form 96 and shall be accompanied by the Contractor's Financial Statement form taken from Form 96 for any proposal of \$5,000 or more.

The Contractor shall submit an itemized proposal of the approximate quantities and components of labor and materials to complete the contract. Said proposal shall be upon the standard bid sheets used by Elkhart County, and said sheet must contain an authorized signature of the Contractor, or the bid of the Contractor may, at the discretion of Elkhart County, be rejected and declared invalid. Each proposal shall be accompanied by a non-collusion affidavit as required by the Statutes of Indiana and included on Form 96. Bids shall be enclosed in a sealed envelope, bearing the title of the project and name and address of bidder.

A current Contractor's Financial Statement taken from Form 96 and the Indiana Department of Transportation prequalification certificate may be placed on file with the Board of County Commissioners of Elkhart County at the Highway Division annually in lieu of executing these documents for each project.

All work may begin on **July 6, 2026**, and shall be completed by **November 2, 2026.** Delays in completion beyond that date shall result in liquidated damages levied against the Contractor by Elkhart County. The damage charges shall be \$1,000.00 per day beyond the above stated date and any intermediate completion dates noted in the specifications.

A satisfactory bid bond (10% of bid), payable to the Board of County Commissioners of Elkhart County, Indiana executed by the bidder shall be submitted with each bid.

No bids shall be withdrawn after the opening of the bids without the consent of the Board of Commissioners of Elkhart County for a period of thirty (30) days after the scheduled time of closing.

Said work shall be subject to all the provisions of the plans and specifications therefore herein above referred to including the completion date thereof and penalty clause as therein set forth.

The Board of County Commissioners reserves the right to reject any and all Bids or to waive any informalities in the bidding.

Dated this **9th day of February 2026**
Board of County Commissioners of Elkhart County

Attest:
Tiara Jackson, Elkhart County 1st Deputy Auditor HSPAXLP

NOTICE OF DECISION

The Indiana Department of Environmental Management (IDEM) has issued a renewal for the Elkhart County Landfill (SW Program ID 20-04) at 59530 County Road 7 South in Elkhart, Elkhart County. Documents related to this decision can be found in IDEM's Virtual File Cabinet (VFC) at <http://vfc.idem.in.gov/> by selecting the "Solid Waste Program ID" in the "Quick Search" field (in the upper right-hand corner of the page) then enter 20-04. Contact information can be located at <https://www.in.gov/idem/waste/contact/>.

APPEAL PROCEDURES

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during the Administrative Review, you must also file a Petition for Stay. The Petition(s) must be submitted to the Indiana Office of Administrative Proceedings (OALP) at the following address within 15 days of this Notice (18 days if you received this notice by U.S. Mail):
Indiana Office of Administrative Law Proceedings
Indiana Government Center North, Room N802
100 North Senate Avenue
Indianapolis, IN 46204

The Petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite re-

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2302 705 9818 as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

Parcel 1:
A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, all of Lot Number Seventy-one (71), and a part of Lot Numbered Seventy (70), as said lots are known and designated on the recorded Plat of Country Club Terrace, in Elkhart County, Indiana, all being more particularly described as follows:
Commencing at the point where the South line of the Northeast Quarter of said Section 32 is intersected by the center line of Cassopolis Street, thence Northerly along the center line of said Cassopolis Street a distance of 217.66 feet to the PLACE OF BEGINNING of this description; thence East, parallel with the South line of said quarter section, a distance of 190 feet, thence Northwardly 60 feet to the Southwest corner of Lot Number Seventy-one (71) in said Country Club Terrace; thence East along the South line of said Lot Numbered Seventy-one (71) a distance of 79.98 feet to the Southeast corner of said lot; thence Northwardly along the East line of Lots Numbered Seventy-one (71) and Seventy (70) in said Country Club Terrace a distance of 230.05 feet; thence West parallel with the South line of said quarter section a distance of 273.32 feet to a point located on the center line of said Cassopolis Street; thence Southerly along the center line of said Cassopolis Street a distance of 290 feet to the PLACE OF BEGINNING; and the vacated West one-half of Canton Street, adjoining said Lot 71 and Part of Lot 70 on the East;

EXCEPTING THEREFROM:

A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, and a part of Lot 1 in Country Club Terrace Addition to the City of Elkhart, the plat of which is recorded in Plat Book 4, page 11, in the Office of the Recorder of Elkhart County, Indiana, described as follows:

Commencing at the intersection of the center line of S.R. 19 (Cassopolis Street) and the South line of said quarter section; thence North 0 degrees 56 minutes 01 second West 217.66 feet along said center line to the Southwest corner of the owner's land; thence South 89 degrees 32 minutes 41 seconds East 25.01 feet to the East boundary of said S.R. 19 and the POINT OF BEGINNING of this description; thence North 0 degrees 56 minutes 01 second West 416.73 feet along the boundary of said S.R. 19 and the Northwest corner of said Lot 1; thence South 89 degrees 32 minutes 11 seconds East 25.01 feet along the North line of said lot; thence South 37 degrees 47 minutes 26 seconds West 14.39 feet; thence South 0 degrees 56 minutes 01 seconds East 405.33 feet; thence North 89 degrees 32 minutes 41 seconds West 16.00 feet to the POINT OF BEGINNING.

Parcel 2:
A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, all of Lot Number 1, and part of Lot Number 70, as said Lots are known and designated on the recorded Plat of Country Club Terrace, in Elkhart, Indiana all being more particularly described as follows:

Beginning at the Northwest Corner of Lot Number 1, in said Country Club Terrace; thence Southerly along the West line of said Lot, a distance of 61.28 feet to the Southwest Corner of said Lot; thence Westerly, along a Westerly extension of the South line of said Lot, a distance of 25 feet to a point located on the center line of Cassopolis Street; thence Southerly, along the center line of said Cassopolis Street, a distance of 65.50 feet to a point that is located 507.66 feet North of the South line of the Northwest Quarter of said Section; thence East, parallel with the South line of said Quarter Section, a distance of 273.55 feet to a point located on the East line of Lot Number 70, in said Country Club Terrace; thence Northerly, along the East line of said Lot, a distance of 65.52 feet to the Northeast Corner of said Lot; thence Westerly, along the North line of said Lot, and an extension of said North Line, a distance of 120 feet to the Southeast Corner of said Lot Number 1; thence Northerly, along the East line of said Lot, a distance of 61.14 feet to the Northeast Corner of said Lot Number 1; thence Westerly, along the North Line of said Lot, a distance of 130.35 feet to the place of beginning.

EXCEPTING THEREFROM:

A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, and a part of Lot 1 in Country Club Terrace Addition to the City of Elkhart, the plat of which is recorded in Plat Book 4, page 11, in the Office of the Recorder of Elkhart County, Indiana, described as follows:

Commencing at the intersection of the center line of S.R. 19 (Cassopolis Street) and the South line of said quarter section; thence North 0 degrees 56 minutes 01 second West 217.66 feet along said center line to the Southwest corner of the owner's land; thence South 89 degrees 32 minutes 41 seconds East 25.01 feet to the East boundary of said S.R. 19 and the POINT OF BEGINNING of this description; thence North 0 degrees 56 minutes 01 second West 416.73 feet along the boundary of said S.R. 19 to the Northwest corner of said Lot 1; thence South 89 degrees 32 minutes 11 seconds East 25.01 feet along the North line of said lot; thence South 37 degrees 47 minutes 26 seconds West 14.39 feet; thence South 0 degrees 56 minutes 01 seconds East 405.33 feet; thence North 89 degrees 32 minutes 41 seconds West 16.00 feet to the POINT OF BEGINNING.

Parcel 3:
Lot Number 69 as the said Lot is known and designated on the recorded Plat of Country Club Terrace, an Addition in Oslo Township, Elkhart County, State of Indiana, said Plat being recorded in Plat Book 4, page 11 in the Office of the Recorder of Elkhart County, Indiana.

PARCEL NOS: 20-02-32-253-016.000-027
20-02-32-253-017.000-027
20-02-32-253-001.000-027
20-02-32-253-009.000-027

COMMON ADDRESS: 1522-1530 Cassopolis St., Elkhart, IN 46514

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 23rd day of February 2026, by the City of Elkhart, Board of Zoning Appeals.

LEGAL DESCRIPTION:

ALL OF LOT NUMBERED 55, AND THE EAST 2.75 FEET OF LOT NUMBERED 54, IN ELLISTON'S SECOND ADDITION TO THE CITY OF ELKHART, AS PER PLAT THEREOF RECORDED IN DEED RECORD 111, PAGE 303 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 23rd day of February 2026, by the City of Elkhart, Board of Zoning Appeals.

LEGAL NOTICE #26-BZA-05

Hearing on proposed Developmental Variance #26-BZA-05

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on THURSDAY, MARCH 12, 2026, at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-05.

Petitioner: Gateway Mile Properties, LLC

Request: To vary from Section 26.10.D – Table 1, Wall signs in the CBD for multiple tenant buildings, that limits the size to 50% of the signable area to a maximum of 25 square feet per store front to allow for wall signs that are:
North – 96 sf, a variance of 71 sf;
East – 96 sf, a variance of 71 sf;
Southeast – 56 sf, a variance of 31sf.

To also vary from Section 26.10.D – Table 1, Projecting signs in the CBD, that limits the size to 9 square feet to allow for a projecting sign that is 12.56 square feet, a variance of 3.56 square feet.

Location: 101 SOUTH MAIN STREET

Zoning: CBD, Central Business District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2302 705 9818 as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

TRACT 1:
THE NORTHERLY SEVENTEEN AND ONE-HALF (17 1/2) FEET BY PARALLEL LINES OF LOT NUMBER FOURTEEN (14) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE ORIGINAL PLAT OF THE TOWN OF ELKHART; (NOW CITY) SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.
ALSO, THE WESTERLY ONE AND TWENTY-FIVE HUNDREDTHS (1.25) FEET OF VACATED MAIN STREET LYING EASTERLY OF AND ADJACENT TO SAID REAL ESTATE.

TRACT 2:
LOTS NUMBERED FIFTEEN (15) AND SIXTEEN (16) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF ELKHART; SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.
ALSO, THE WESTERLY ONE AND TWENTY-FIVE HUNDREDTHS (1.25) FEET OF VACATED MAIN STREET LYING EASTERLY OF AND ADJACENT TO SAID REAL ESTATE.

EXCEPTING THEREFROM:
A PART OF LOT 14 AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED ORIGINAL PLAT OF TOWN (NOW CITY) OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 14 A DISTANCE OF 16.8 FEET FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 14 A DISTANCE OF 7/10 OF ONE FOOT TO THE NORTHEAST CORNER OF LAND CONVEYED TO PERFECTA ROLL (ELKHART COUNTY INSTRUMENT #92-02 1954); THENCE WEST ALONG THE NORTH LINE OF SAID ROLL LAND 165.05 FEET (165 FEET REC.) TO THE NORTHWEST CORNER OF SAID ROLL LAND (SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 14); THENCE NORTH ALONG THE WEST LINE OF SAID LOT 14 A DISTANCE OF 7/10 OF ONE FOOT; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID ROLL LAND 165.05 FEET (165 FEET REC.) TO THE PLACE OF BEGINNING.
ALSO, THE WESTERLY 1.25 FEET OF THE VACATED MAIN STREET LYING EAST OF AND ADJACENT TO THE ABOVE-DESCRIBED PARCEL.

TRACT 3:
A SIXTEEN AND ONE-HALF (16 1/2) FOOT ALLEY BETWEEN LOTS NUMBERED 14 AND 15, IN ORIGINAL ELKHART ADDITION TO THE CITY OF ELKHART, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT NUMBERED 15, IN SAID ADDITION, THENCE WESTERLY 165 FEET TO THE SOUTHWESTERLY CORNER OF LOT NUMBERED 15; THENCE SOUTHERLY, 16 1/2 FEET TO THE NORTHWESTERLY CORNER OF LOT NUMBERED 14; THENCE NORTHEASTERLY 165 FEET TO THE NORTHEASTERLY CORNER OF LOT NUMBERED 14, THENCE NORTHERLY 16 1/2 FEET TO THE PLACE OF BEGINNING.
Commonly known as: 101 S. MAIN ST., ELKHART, IN 46516

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 23rd day of February 2026, by the City of Elkhart, Board of Zoning Appeals.

23, 2026, for the BRIDGE 253 REHABILITATION PROJECT. It is the responsibility of the bidder to ensure that its bid is delivered on time to the Office of the Elkhart County Commissioners, County Administration Building, 117 N. Second Street, Goshen, IN 46526.

Plans, Specifications and bidding documents may be obtained from the Elkhart County Highway Department, website at www.elkcohw.org starting at 9:00 AM on February 20, 2026. Plans, Specifications and Bidding Documents may not be obtained prior to this date.

Plans, Specifications and Bidding Documents will be available for inspection at the Elkhart County Highway Department Office, 610 Steury Ave, Goshen, Indiana starting on February 20, 2026. A pre-bid meeting will not be held for this project.

Proposals shall be properly and completely executed on proposal forms furnished by the County in accordance with Indiana Form 96 and shall be accompanied by the Contractor's Financial Statement form taken from Form 96 for any proposal of \$5,000 or more.

The Contractor shall submit an itemized proposal of the approximate quantities and components of labor and materials to complete the contract. Said proposal shall be upon the standard bid sheets used by Elkhart County, and said sheet must contain an authorized signature of the Contractor, or the bid of the Contractor may, at the discretion of Elkhart County, be rejected and declared invalid. Each proposal shall be accompanied by a non-collusion affidavit as required by the Statutes of Indiana and included on Form 96. Bids shall be enclosed in a sealed envelope, bearing the title of the project and name and address of bidder.

A current Contractor's Financial Statement taken from Form 96 and the Indiana Department of Transportation prequalification certificate may be placed on file with the Board of County Commissioners of Elkhart County at the Highway Division annually in lieu of executing these documents for each project.

All work may begin on July 6, 2026, and shall be completed by November 2, 2026. Delays in completion beyond that date shall result in liquidated damages levied against the Contractor by Elkhart County. The damage charges shall be \$1,000.00 per day beyond the above stated date and any intermediate completion dates noted in the specifications.

A satisfactory bid bond (10% of bid), payable to the Board of County Commissioners of Elkhart County, Indiana executed by the bidder shall be submitted with each bid.

No bids shall be withdrawn after the opening of the bids without the consent of the Board of Commissioners of Elkhart County for a period of thirty (30) days after the scheduled time of closing.

Said work shall be subject to all the provisions of the plans and specifications therefore herein above referred to including the completion date thereof and penalty clause as therein set forth.

The Board of County Commissioners reserves the right to reject any and all Bids or to waive any informalities in the bidding.

Dated this 9th day of February 2026
Board of County Commissioners of Elkhart County

Attest:
Tiara Jackson, Elkhart County 1st Deputy Auditor HSPAXLP

NOTICE OF DECISION

The Indiana Department of Environmental Management (IDEM) has issued a renewal for the Elkhart County Landfill (SW Program ID 20-04) at 59530 County Road 7 South in Elkhart, Elkhart County. Documents related to this decision can be found in IDEM's Virtual File Cabinet (VFC) at <http://vfc.idem.in.gov/> by selecting the "Solid Waste Program ID" in the "Quick Search" field (in the upper right-hand corner of the page) then enter 20-04. Contact information can be located at <https://www.in.gov/idem/waste/contact/>.

APPEAL PROCEDURES

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21-5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during the Administrative Review, you must also file a Petition for Stay. The Petition(s) must be submitted to the Indiana Office of Administrative Proceedings (OALP) at the following address within 15 days of this Notice (18 days if you received this notice by U.S. Mail):

Indiana Office of Administrative Law Proceedings
Indiana Government Center North, Room N802
100 North Senate Avenue
Indianapolis, IN 46204

The Petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 and 315 IAC 1-3-2 require that your Petition include:

1. the name, address, and telephone number of the person making the request;
 2. the interest of the person making the request;
 3. identification of any persons represented by the person making the request;
 4. the reasons, with particularity, for the request;
 5. the issues, with particularity, for the request;
 6. identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type granted or denied by the Commissioner's action; and
 7. a copy of the pertinent portions of the permit, decision, or other order for which you seek review, at a minimum, the portion of the Commissioner's action that identifies the person to whom the action is directed and the identification number of the action.
- Pursuant to IC 4-21-5-3-1(f), any document serving as a petition for review or stay must be filed with the OALP within the deadline above. Filing of such a document is complete on the date that the petition is:
1. delivered in-person to the OALP;
 2. postmarked on the envelope containing the petition, if the petition is mailed to the OALP by United States mail; or
 3. deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent to the OALP by private carrier.
4. submitted using OALP's online petition form, available at IN.gov/oalp. In order to assist IDEM in tracking any appeals of the decision, please provide a copy of your petition to IDEM, Solid Waste Permits, IGCN 1154, 100 North Senate Ave., Indianapolis, IN 46204-2251 or Solid-WasteSubmittals@idem.in.gov.

The OALP will provide you with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders regarding this decision if you submit a written request to the OALP. If you do not provide a written request to the OALP, you will no longer be notified of any proceedings pertaining to this decision.

For additional information on filing a petition with OALP, visit their website at IN.gov/oalp.

BOARD OF ZONING APPEALS

-MINUTES-

**Thursday, February 12, 2026 - Commenced at 6:05 P.M. & adjourned at 7:06 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Phalene Leichtman
Ann Linley
Rochali Newbill

MEMBERS ABSENT

Janet Evanega Rieckhoff

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning
Kyle Anthony-Petter, Planner II

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Raen Levendoski

ELECTION OF OFFICERS

Eric Trotter, Assistant Director for Planning, states that last month when they had the election of officers, they didn't have a full slate and when they took the vote on Vice Chair they did not have a proper second. This evening, they will have to revote for Vice-Chair and, it is his thought to do just a one-month for the Secretary until they have all their members back from vacation.

Leichtman asks if anyone would like to make a nomination for Vice Chair.

Linley makes a motion to approve Leichtman for Vice Chair (Vice President) for the 2026 service year. Second by Newbill.

Leichtman asks if there are any other nominations for Vice Chair.

Leichtman – Yes
Linley – Yes
Newbill – Yes

Leichtman asks if there are any nominations for Temporary Secretary for the board. She makes a motion to nominate Newbill. Second by Linley.

Leichtman asks if there are any other nominations for Vice Chair.

Leichtman – Yes
Linley – Yes
Newbill – Yes

APPROVAL OF AGENDA

Linley makes a motion to approve; Second by Newbill. Voice vote carries.

APPROVAL OF MINUTES FOR DECEMBER 11, 2025

Linley makes motion to approve; Second by Newbill. Voice vote carries.

APPROVAL OF MINUTES FOR JANUARY 8, 2026

Linley makes motion to approve; Second by Newbill. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

Linley makes motion to approve; Second by Newbill. Voice vote carries.

OPENING STATEMENT

Welcome to the February 12, 2026 meeting of the Elkhart City Board of Zoning Appeals.

The video comments will only be taken on WebEx. You cannot comment on Facebook, you can watch only. If you are on video, please mute your mic when not speaking. Speak up and identify yourself before you begin to speak.

The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing. If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. If you are here in person, a sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. If you are appearing by WebEx or Facebook, please put your name and address in the comment section. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

Tonight, we have our minimum quorum of three members present. While we can conduct business with three members, any votes taken must be unanimous. Anything less than a unanimous vote will be considered No Action and the case will be reset for the next month.

DRAFT

NEW BUSINESS

26-BZA-03 PETITIONER IS POLLY PROPERTIES LLC PROPERTY IS LOCATED AT 345 COUNTRY CLUB DRIVE

The request is to vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet.

To also vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet.

Leichtman calls the petitioner forward.

Ben Stanley, of 2810 Dexter Dr, Goshen, with Surveying And Mapping, appears in person to represent this proposal and answer any questions. This is a property, or several different tracts all owned by the land owner – the Dairy Queen that's there on Cassopolis. This address on Country Club is a house, but it is not used as a house or residence, it is used as a business office. Back in 2017, there was some approvals to get some variance to expand the Dairy Queen business, back into the other parcels there. It is his understanding that this is to help create two separate parcels, which is another action that they're requesting of the Council at a different time. This is in conjunction with that, to basically have the house be its own parcel and the Dairy Queen be on its own.

Leichtman asks if Stanley signed in, and he confirms.

Leichtman asks for questions from the Board. Seeing none, she opens for public comments to speak in favor. Seeing none, she opens for opposition. Seeing none, she closes the public portion of the meeting and calls staff forward.

STAFF ANALYSIS

Trotter presents.

The petitioner requests to vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet. And, to also vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet.

Currently, the petitioner has a rezoning request before the Common Council to rezone the property part of this request from R-3, Two Family Dwelling District to B-1, Neighborhood Dwelling District and a Minor Subdivision request pending for the same parcel to establish the lot in question for this action.

The home on Country Club is no longer used as a residence and is now used as a business office for the Dairy Queen restaurant at 1839 Cassopolis Street. In 2017, the then owner of the restaurant began the process of expanding the drive thru by means of acquiring the home at 345 Country Club Drive to use the rear yard for the business expansion. At that time staff and the then owner chose the path of requesting a use variance in order to expedite the business development/expansion timeline.

The need for the variance arises from the fact that when the original project was approved in 2017 and the current subdivision was filed, the natural dividing line between the properties necessitated this variance request. The existing driveway, which circles 345 Country Club Drive, remains intact and does not impact the generous side yard to the west.

Staff supports the request. The residential zoning is no longer appropriate for this property on Country Club Drive as the use as residential no longer exists and is now being used as an office. The rezoning request on Cassopolis Street reflects the use of the property.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet; And to vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because there will be no perceptible change or use of the land as the layout for the adjacent business was established in 2017 with no apparent harm to the public;

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the current layout of the properties has been in place since 2017 with no impact to adjacent use or value to other property;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because this building setback was established when the expanded drive thru for the adjacent business was developed and previously approved by this body;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because without some measure of relief the current structure will be non-conforming. The decision was made for this developmental circumstance in 2017 when the adjacent business expanded;
6. The special conditions and circumstances does result from an action or inaction by the applicant because this request will legalize the developmental condition for this property. However, it does not create any extraordinary conditions or circumstances as a result of this request;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

If the Board chooses to approve the requested development variances, staff recommends that the following conditions be placed upon the approval:

1. If the rezoning request, 25-Z-04 has not become effective by the date of this hearing, February 12, 2026, the requested developmental variances will become effective once the statutory wait time for the pending rezoning has passed.

Trotter states there were 16 letters mailed with none returned.

Trotter calls attention to a new item on staff reports – on the first page, they are trying to list previous board action, if they can find it and it’s readily available, and are doing their best to include with the staff reports.

Leichtman asks if there are questions from the Board for staff. Seeing none, she calls for a motion.

Newbill makes a motion to approve 26-BZA-03 and adopt the petitioner’s documents and presentation, together with the Staff’s finding of fact, as the Board’s findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Linley.

Linley – Yes
 Newbill – Yes
 Leichtman – Yes

Motion carries.

**26-UV-03 PETITIONER IS KAJO INC – JOSEPH T. LIVINGS & KATHRYN LIVINGS
 PROPERTY IS LOCATED AT 2111 CASSOPOLIS ST**

The request is to vary from Section 13.2, Permitted Uses in the B-3, Service Business District to allow for a private club or lodge at 2111 Cassopolis Street.

Jason Auvil, 22368 Fireside Drive, Goshen, appears in person representing Joseph Livings as well as members from Tyrian Lodge #12. Their request is to convert the existing building located at 2111 Cassopolis Street to a Masonic Lodge. It is located in a B-3 Service District, and unfortunately in the City of Elkhart zoning ordinance, private clubs or lodges are not allowed by right, and that’s why they’re here with the use variance request.

Leichtman asks for questions from the Board. Seeing none, she opens for public comments to speak in favor. Seeing none, she opens for opposition. Seeing none, she closes the public portion of the meeting and calls staff forward.

STAFF ANALYSIS

Kyle Anthony-Petter, Planner II, presents.

The petitioner is requesting a use variance to allow the property at 2111 Cassopolis Street to be used as a lodge. Section 13.2 Permitted Uses in the B-3, Service Business District does not permit lodges.

The property was formerly long time business Printers Plus. The property is currently vacant and being marketed for sale. There is now interest by the Masonic Lodge to relocate to this site from Industrial Parkway on the east side of town. The current membership of the lodge is small enough to where this location is ideal for the organization. The onsite parking is sufficient for the members – parking available on the west end of the building and the east. The adjacent parking lot for the Matterhorn is available for overflow when needed.

Based on material submitted, most lodge meetings occur during the week on the first Monday of the month normally from 6:00 to 9:00 pm. There are occasional Saturday morning meetings normally ending by noon. The building will require some interior remodeling. There are no plans or current need to expand the structure itself.

Staff supports the request. The property is located in an area of Cassopolis Street transitioning from lower density and less intense uses to the north to more intense uses to the south and east. The proposed use as a lodge should not pose any harm or create any hardship to adjacent uses.

STAFF RECOMMENDATION

The Staff recommends approval of the use variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the building will not be expanded and any necessary updates will be performed per all applicable building codes;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because there will be no exterior changes to the existing building and the proposed use should not cause any nuisance to adjacent uses;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action a lodge on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because developing a permitted B use could be achieved with both adjacent structures used commercial and providing for required off-street parking would be possible;
6. The special conditions and circumstances do not result from an action or inaction by the applicant as the zoning for the property has existed for some time;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

If the Board chooses to approve the requested use variance, staff recommends that the following conditions be placed upon the approval:

1. When interior modifications are made, all necessary/required building permits be issued by the Building Department.

Anthony-Petter states there were 13 letters mailed with 0 responses.

Leichtman asks if there are questions from the Board for staff, seeing none she calls for a motion.

Linley makes a motion to approve 26-UV-03 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Newbill.

Linley – Yes

Newbill – Yes

Leichtman – Yes

Motion carries.

**26-BZA-04 PETITIONER IS MELINDA MCCAREY
PROPERTY IS LOCATED AT 1620 SOUTH NINTH STREET**

The request is to vary from Section 5.4, Yard Requirements in the R-2 One-Family Dwelling District, to allow for a six (6) foot side yard setback where seven (7) feet are required, a variance of one (1) foot.

To vary from Section 5.4, Yard Requirements, Rear Yard to allow for a twenty-five (25) foot rear setback where thirty (30) feet is required, a variance of five (5) feet.

To vary from Section 5.4, Yard Requirements, for the front yard average established setback of twelve (12) feet, to allow for the construction of a one family detached dwelling at a front yard setback of eleven (11) feet, a variance of one (1) foot.

To vary from Section 5.2.B, Permitted Uses, which requires a one family detached dwelling to be a minimum of 600 square feet on the ground floor to allow for five hundred fourth (540) square feet on the ground floor, a variance of sixty (60) square feet.

Leichtman calls the petitioner forward.

Hugh Williams appears in person, representing Melinda McCarey. As Kyle alluded to what they wanted to do. At an R-2 zoning at 1620, the property is not exactly large enough to meet the established setback requirements. The property was an established property for an existing home in the past. That's all they're asking – to put a like property back in the neighborhood, two-story to match all the existing two-story homes in the area, and in doing so, clearing up some of the vacant lots in the area.

Leichtman asks for questions from the Board. Seeing none, she opens for public comments to speak in favor. Seeing none, she opens for opposition. Seeing none, she closes the public portion of the meeting and calls staff forward.

STAFF ANALYSIS

Anthony-Petter presents.

The petitioner is requesting to vary from Section 5.4, Yard Requirements in the R-2 District which requires a seven (7) foot side yard setbacks to allow for a six (6) feet from the property line, a variance of one (1) foot. To also vary from Section 5.4, Yard Requirements in the R-2 District which requires a thirty (30) foot rear yard setback to allow for twenty-five (25) feet from the rear property line, a variance of five (5) feet.

To also vary from Section 5.4, Yard Requirements, for the front yard average established setback of twelve (12) feet, to allow for the construction of a one family detached dwelling at a front yard setback of eleven (11) feet, a variance of one (1) foot.

To vary from Section 5.2.B, Permitted Uses, which requires a one family detached dwelling to be a minimum of 600 square feet on the ground floor to allow for five hundred fourth (540) square feet on the ground floor, a variance of sixty (60) square feet.

The petitioner is proposing to build a new two-story single-family dwelling on an infill parcel in the 1600 block of South 9th Street. Due to the size of the parcel, the proposed home does not meet the rear, side and front setbacks or the minimum square footage for the ground floor requirements. Because of the configuration of the parcel, a front yard rear, and side yard variances are required. This type of variance is not uncommon for parcels in established neighborhoods where new infill homes are placed on parcels that do not meet the development standards.

The scale of home is not out of character for the neighborhood and may in fact be desirable in terms of property values. Given the constraints of the established setback, it will not allow a home of this scale to be built without some measure of relief.

The City of Elkhart is in the process of updating its zoning ordinance, including new Development Standards. The requested setbacks are consistent with proposed regulations found in the anticipated UDO and this request to the board would have only included relief from front yard setback requirements if under the new UDO.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variances based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the house will be constructed and inspected to ensure it is built to all applicable code requirements;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed structure will have similar setbacks in both the front, rear and side yards to nearby properties;

3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the setbacks create a hardship on this particular plot of land;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because the current development standards limits the scale of housing that can be developed on the parcel;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because no construction has begun;
7. This property does not lie within a designated flood hazard area.

Anthony-Petter states there were 34 letters mailed with no responses.

Leichtman asks if there are questions from the Board for staff.

Leichtman asks if this will affect if they ever want to put a fence in. Staff responds off-screen and off-mic that it will not. Williams speaks inaudibly off-mic.

Leichtman calls for a motion.

Newbill makes a motion to approve 26-BZA-04 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Linley.

Linley – Yes
Newbill – Yes
Leichtman – Yes

Motion carries.

26-UV-04 PETITIONER IS AMERICA RIVERA
PROPERTY IS LOCATED AT 2005 SOUTH MAIN STREET

The request is to vary from the uses found in Section 13.2, Permitted Uses in the B-3, Service Business District to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the B-3 District.

To also vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, 'an accessory structure shall not be located closer than three (3) feet to an interior side yard lot line' to allow for a variance of two point six (2.6) feet.

To also vary from Section 26.1.B.8, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for three (3) accessory structures, a variance of one (1) structure.

Leichtman calls the petitioner forward.

Brenda Balcazar appears in person, representing America Rivera. She would like to answer any questions regarding the two structures. The first structure, the accessory structure, was put in place for her to have more privacy against her neighbors who are predominantly male. Rivera has young nieces, and wants to keep them protected. The second structure is the shed. The garage that is there is very small, and can only fit a car. The mower and gardening equipment cannot fit. The shed would be for this equipment, without it being in the way of nieces and nephews.

Leichtman asks for questions from the Board.

Leichtman asks for clarification on the garage, which was not pictured. Trotter and Anthony-Petter approach the Board to clarify which pictures are for which accessory structures, and where each is located on the site map.

Linley asks if the concern is the house to the North – the grey home – where they're concerned about people over-looking. Balcazar confirms.

Leichtman asks if that structure is occupied, if people live there. Balcazar confirms.

Leichtman opens for public comments to speak in favor. Seeing none, she opens for opposition. Seeing none, she closes the public portion of the meeting and calls staff forward.

STAFF ANALYSIS

Trotter presents.

The petitioner is requesting a use variance to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the B-3 District. The petitioner is also requesting relief from the location standards and relief from the number of accessory structures found in the zoning ordinance. The need for relief is due to the fact that the petitioner constructed a 13' x 24' sun shelter in her rear yard 6" from the property line. Additionally, the home has an existing freestanding garage and a previously permitted 10' x 10' garden shed. With the construction of the new sun shelter, that action resulted in one too many structures that are allowed by right.

The zoning ordinance requirement is found in Section 26.1.B.3, Accessory Structures, General Provisions, which states in part, 'an accessory structure shall not be located closer than three (3) feet to an interior side yard lot line' to allow for a structure that is 6 inches from the property line, a variance of two point six and (2.6) feet. And to also vary from Section 26.1.B.8, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for three (3) accessory structures, a variance of one (1) structure.

Because the property is zoned B-3, the use variance is required in order to address the developmental requirements. The house predates the current zoning ordinance and is considered a legally non-conforming use. Because the use was expanded the use variance was necessary as a first step to legalize the use and the variance requests.

Zoning enforcement cited the property for a zoning violation for the construction of the detached accessory structure on July 25, 2025. Staff determined there was no permit for the structure. The petitioner contacted staff after receiving the notice.

Staff met with the petitioner onsite on August 14, 2025, to inspect the structure and discuss next steps from a zoning standpoint. The goal of this interaction was to work with the petitioner to chart a path to bring the structure into compliance. The 13' x 24' accessory structure had been constructed in the backyard without permits or inspections from the Building Department. The Building Department is waiting on the outcome of this petition before conducting any additional inspections.

This request is a challenge for staff. We understand the petitioner's desire to improve her home but the lack of obtaining the necessary approvals and permits can be a safety issue for not only the owner but also the public. This process will allow the petitioner to bring the structure into compliance and allow them to work with the building department to ensure safety and code compliance.

Staff supports the request. The board is being asked to approve the use variance and development variances associated with this project.

STAFF RECOMMENDATION

The Staff recommends approval of the use variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the accessory structure will be inspected to ensure it is built to all applicable code requirements;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the majority of surrounding uses are residential and are residential structures;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action residential development on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because developing a permitted B use is not easily achieved with both adjacent structures used residentially and providing for required off street parking would be challenging;

6. The special conditions and circumstances do result from any action or inaction by the applicant because the property owner started construction without the necessary permits or approvals;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

If the Board chooses to approve the requested use variance, staff recommends that the following conditions be placed upon the approval:

1. The petitioner will be required to submit for zoning and building permits for the accessory structure.

Trotter states there were 30 letters mailed with none returned.

Leichtman asks if there are questions from the Board for staff.

Leichtman asks if it would be an appropriate condition to say they could keep the structure but have to remove the shed, or if that would fall into the UDO.

Trotter states that for this particular circumstance, it is a little unique. First of all, the property is zoned commercially. They had to start with the use variance first, because once a non-conforming use is expanded, the non-conformity is lost. Therefore, they must have a use variance to start on the developmental variances. The way staff looks at this particular circumstance with the size of the garage being as small as it is, having necessary on-site storage that is able to be secured, the shed is necessary. The accessory structure that they have with the sun shade in theory could be enclosed, but it is not being used that way. If, in theory, what you could say is that with the existing sun shade, if you're looking to preserve the harmony, you could potentially say that they could not enclose the sunshade area, that it has to remain a pergola-type structure. From Staff's perspective, with the size of the lot, the size of the existing structures, the shed and the garage are really necessary. To get yourself some shade, it's not that out-of-the-ordinary – some people just put the pop-up things up and take them down in the fall, so this is more of a permanent structure. So, in this circumstance it is not that far out of the realm of reality.

Newbill asks if there was an inspection done on August 14, 2025, and if there will be another inspection.

Trotter states that that was just for zoning and to chart a path forward. The Building Department is not doing inspections until this Board makes their determination, because then they will go in and make the determination on whether it was constructed soundly, footers are correct, and all that. They didn't want to make those judgment calls ahead of time because it is a cart-horse situation.

Leichtman asks if it's possible to switch it [the sunshade] and have it like a porch for the house.

Trotter states that it would be practically be very difficult for the home owner because of the way it is constructed now. Leichtman states that her concern is how close it is to the fence itself and for the safety, having a structure like that. Trotter states that with the way it is constructed, it would be difficult for them to switch because it is in there pretty good.

Linley states that Trotter mentioned no letters were returned, and wants to know where in the documentation the Neighbor Support Statements come in – are those considered letters, or were they submitted by the applicant.

Trotter states that those were submitted by the applicant, and that Staff cannot take those into account. Staff can say there are people in support, but from the petitioner's perspective, they have gone to seek support for their project. From Staff perspective, they cannot count that.

Leichtman calls for a motion.

Linley makes a motion to approve use variance 26-UV-04 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Newbill.

Linley – Yes

Newbill – Yes

Leichtman – Yes

Motion carries.

**26-REV-01 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT VACANT LOT WADE DRIVE**

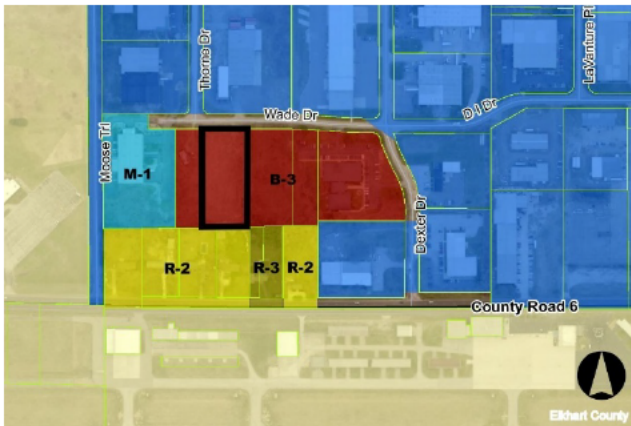
A request by the City of Elkhart to revoke 22-UV-01 which was approved January 13, 2022 to grant a use variance to allow for the creation of a recreational vehicle finished goods storage lot.

Since the City is the petitioner, Trotter continues to the Staff Report.

STAFF ANALYSIS

Trotter presents.

On January 13, 2022, the Board of Zoning Appeals approved a use variance for a vacant parcel on Wade Drive. The request was to permit a recreational vehicle finished goods storage lot, case number 22-UV-01. The specific lot is marked/outlined in black below.



This use variance from 2022 will need to be revoked as the use requested is not consistent with the current development plan presented with the new use. In December 2025, case number 25-BZA-27, this body approved several developmental variances to support a new use and business for both this parcel as well as the building to the east. At that time, staff highlighted in the case analysis the need for the previous use variance to be revoked as the previous use variance was no longer relevant.

The BZA may revoke a use variance whenever one or more of the following exists:

1. The BZA determines that the variance was obtained by the applicant by fraudulent or misleading statements;
2. That there has not been compliance with any requirement contained in the variance;
3. That circumstances have materially changed since a variance was granted so that, if the sanction is not imposed, public health, safety or welfare will be adversely affected.

Staff have determined that circumstances have materially changed for the property. The land is being redeveloped with a new user and this body previously approved developmental variances with recent board action therefore, meeting one of the points above for revocation for case number 22-UV-01.

STAFF RECOMMENDATION

The Staff recommends approval of revocation for case number 22-UV-01 that permitted a use variance to allow for the creation of a recreational vehicle finished goods storage lot based on the fact the circumstances have materially changed and the need for the previous use variance is no longer valid.

Leichtman asks if there are questions from the Board for staff.

Leichtman opens for public comments to speak in favor. Seeing none, she opens for opposition.

Daraleigh Stephenson, 1400 County Road 6 West, appears in person. Stephenson’s back yard abuts directly to the vacant lot area they are using for storage. They weren’t planning on speaking, and not understanding if the letters they sent in would be available for the board to hear, they are appearing as a neighborhood representative. Stephenson is not opposed to the storage, but is opposed to changing the zoning. They are agreeable to another variance, but is concerned about what could go in that space in the future should they decide to change their mind again, or if they sold that property and rezoned, what could be going into the back. Their backyard butts up into it; they have children and grandchildren that play there. They are concerned about safety, not now in the present, but in the future if it is rezoned. They are agreeable to the change in the variance that was already granted, but they do not want that area completely rezoned permanently. Just for affecting their houses, future safety and the values of their home.

Trotter states that he neglected to read the letters and responses, and will read that into the record. He apologizes.

Trotter states there were 13 letters mailed with two returned not in favor with comments. Comments were: concern for children's safety in backyard, safety of citizens in area, concern with zoning change, and concern with home values.

Trotter clarifies that this is not a zoning change. It will remain unchanged for their properties as well as the properties behind. This case came about because the previous owner, an RV company, sought permission to use one of the parcels behind these folks' home as a storage lot, and that was not permitted by right so they had to obtain the use variance. The City is asking the Board of Zoning Appeals to revoke that previously granted use variance from 2022 because in 2025, a different company bought the building and all of those parcels, including the storage lot, for a new use. There were some developmental variances that were requested and approved by this body, and during that time, Staff mentioned during the staff analysis that this current use variance would need to be revoked, which is the action being taken tonight. It's not something typically done, and staff is really trying in earnest, which is why the staff reports have been changed to include any past board action, to bring back to the Board, so that when they are no longer relevant or applicable, they'll be revoked to tidy up the bookkeeping.

Leichtman clarifies essentially nothing is changing. Trotter confirms and states that this is revoking the action that had been previously approved because this Board has already approved another action back in 2025. Trotter asks Stephenson if that makes sense, she responds no. Leichtman clarifies that nothing is changing, because the Board already voted on that in December, but there was an old use variance granted in 2022 that the Board has to revoke so it can be used in the new request.

Trotter adds that the other use was allowed by right and there were some developmental variances. They have not gone through Tech Review, Staff is aware that there are residential properties adjacent, they are going to make sure the buffering and everything is appropriate for the next user.

Stephenson asks what zoning it is going back to. Trotter clarifies that there is no change in zoning, and it will stay B-3.

Leichtman states that, essentially, what the Board is doing tonight by revoking an old case from 2022, they're just making it more – Trotter states they're just keeping the books straight. Leichtman clarifies that this is essentially housekeeping, and it won't change what they voted on in December. Trotter states he is happy to speak with Stephenson after the meeting.

Leichtman closes the public meeting and asks if there are any other questions for staff.

Newbill voices concern about the children playing. Leichtman reiterates the purpose of this revocation and states everyone will still be safe.

Leichtman calls for a motion.

Linley makes a motion to approve 26-REV-01 and adopt the petitioner City of Elkhart's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Newbill.

Linley – Yes
Newbill – Yes
Leichtman – Yes

Motion carries.

STAFF ITEMS

Leichtman asks if there are any staff items. Trotter states that no, there are no staff items, but Staff is thanking the Board in advance for their attendance and participation on the 21st.

ADJOURNMENT

Leichtman makes motion to adjourn; Second by Linley. All are in favor and meeting is adjourned.

President or Vice-President

Secretary



City of Elkhart

Staff Report

Planning & Zoning

Petition: 25-UV-10

Petition Type: Use Variance

Date: February 21, 2026

Petitioner: Nichole Hogendobler

Site Location: 1746 East Beardsley Avenue

Request: To vary from the uses found in Section 4.2, Permitted Uses in the R-2, One Family Dwelling District to allow for the construction of a one (1) accessory dwelling unit.

Also:

To vary from Section 26.1.B.8.a, which states in part, ‘Accessory buildings on property occupied by a one or two family residential use shall be limited to a maximum floor area of 720 square feet for the largest structure, with a maximum total of 840 square feet for all accessory buildings combined’, to allow for the proposed accessory dwelling unit at 748 square feet, where the maximum for any one accessory structure is 720 square feet, a variance of 28 square feet. To also vary from the maximum total area for all accessory structures of 840 square feet to allow for a total area for all accessory structures of 1,148 square feet, a variance of 308 square feet.

To vary from Section 26.1.B.8.a, which states in part, ‘A maximum of two (2) accessory buildings is allowed on each lot’, to allow for a total of four (4) accessory buildings, a variance of two (2) accessory buildings (including the proposed accessory dwelling unit).

To vary from Section 26.1.B.11, which states, ‘No accessory structures shall be used for permanent or temporary habitation’ to allow the accessory dwelling unit to be used for habitation.”

Existing Zoning: R-2, One Family Dwelling District

Size: +/- 0.455 Acres

Thoroughfares: East Beardsley Avenue

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by residential uses R-2, One Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with a mix of low density residential uses.



Staff Analysis

The petitioner is requesting a use variance to allow for the construction of a detached accessory dwelling unit that is 748 square feet in area. Section 4.2 Permitted Uses in R-2, One Family Dwelling District does not permit accessory dwelling units. Plus, the number of accessory structures and square footage.

The request comes to us as the petitioner looking to build a detached accessory dwelling unit (ADU) in the rear of their property for a family member. The parcel is currently used by the petitioner primary residence as a single-family home. The need for the use variance comes from the fact that the R-2 zoning district does not permit accessory dwelling units as a permitted use. The petitioner reached out to staff doing the necessary due diligence in order to establish the use. The petitioner was made aware at that time that Board action would be required.

The number of accessory structures on the property is currently three (3). With the added ADU structures this raises the total number of structures to four (4). Should the BZA approve the request-one of the sheds should be removed.

From the street, this detached dwelling will have the appearance of a house set in the back yard. Only one entrance will be permitted on the front facade while a second entrance can be on the side or rear of the building. The structure will be secondary and accessory to the main dwelling as the ADU will be fully functional as an independent living space from the primary dwelling. All utility connections will connect into the primary dwelling. This ADU will meet the Accessory Structure Setbacks. The ADU will be on the same lot as the primary dwelling and will not be split off in the future. The primary structure or ADU must be occupied by the property owner of record and will be recorded with the Elkhart County recorder with a deed restriction.

This request will allow the property to add housing variety and continue to chip away at the shortage of housing in our community as outlined in the Zimmerman Volk Housing study. The city needs housing at every level, and this request helps the city in promoting incremental increases in housing options within existing neighborhoods throughout the city.

The City of Elkhart is in the process of updating its zoning ordinance, including the accessory dwelling unit regulations. In the anticipated UDO, accessory dwelling unit are listed as a Special Exception with conditions. The requested condition is consistent with proposed regulations found in the anticipated UDO. Staff anticipate seeing more requests similar to this one following the anticipated UDO being implemented.

Recommendation

The Staff recommends **approval** of the use variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the detached dwelling will be built per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the surrounding uses are residential and are residential structures;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action the adding of an accessory dwelling unit on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because the owner would not be able to place the structure;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because no construction has begun;
7. This property **does not** lie within a designated flood hazard area.

Conditions

If the Board chooses to **approve** the requested developmental variance, staff recommends that the following conditions be placed upon the approval:

1. Only one entrance is permitted on the front facade while the second entrance can be on the side or rear of the building.
2. Shall be secondary and accessory to the main dwelling.
3. Shall be fully functional as an independent living space.
4. Shall be on the same lot as the primary dwelling and not be split off in the future.
5. Must meet Accessory Structure Setbacks.
6. Primary structure or ADU must be occupied by the property owner of record. A deed restriction shall be recorded with the Elkhart County recorder.
7. Utility connection must connect with the primary dwelling.
8. The removal of one shed from the property to allow for a three (3) total structure.

Photos



Front Elevation, East Beardsley Ave



Front Elevation, East Beardsley Ave



Front Elevation, East Beardsley Ave

PETITION #: 25-UV-10

FILING FEE: \$ 200.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): NICHOLE HOGENDOBLER

Mailing Address: 1746 E BEARDSLEY AVE, ELKHART IN 46514

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: SAME

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 1746 E BEARDSLEY AVE, ELKHART IN 46514

Zoning: R-2, ONE-FAMILY DWELLING DISTRICT

Present Use: RESIDENTIAL OWNER OCCUPANCY Proposed Use: SAME

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): NICHOLE HOGENDOBLER

SIGNATURE(S): [Signature] DATE: 9/9/25

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.

A completed Petition form signed by the legal owner of record (or approved representative).

If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.

A full and accurate legal description of the property.

One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.

Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: [Signature] DATE: 9/9/25

DATE: September 4, 2025

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Use Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Nichole Hogendobler, am the owner of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, to-wit:
 - See legal description attached hereto and made part hereof as “EXHIBIT A”.
APN#: 20-02-33-427-027.000-027
which currently has the address of **1746 E Beardsley Ave, Elkhart Indiana 46514-3704.**
2. The above-described real estate presently has a zoning classification of **R-2, One-Family Dwelling** District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above-described property in the following manner:
 - Residential Owner Occupancy
4. Petitioner desires to add a “Mother-in-Law” suite to the property. The proposed residential suite will be approximately 56’ x 13’ 4”, 748ft². The proposed residential suite will be occupied by only the Owner’s Mother and will not need an additional street/mailing address. Proposed suite will be hooked to the existing properties utilities.
5. The Zoning Ordinance of the City of Elkhart requires:
 - **Section 5, 5.2(B):** Single family detached residences located on a permanent foundation with a minimum width of 24 feet and a minimum of nine hundred fifty (950) square feet of dwelling unit space, in which case the ground floor shall consist of no less than 600 square feet of such dwelling unit space. The primary façade of the structure shall face a public street. (as amended per Ordinance No. 4542 dated December 4, 2000 & as amended per Ordinance 4762 on August 1, 2003).
 - **Section 26, 26.1(8a):** Accessory buildings on property occupied by a one- or two-family residential use shall be limited to a maximum floor area of seven hundred twenty (720) square feet for the largest structure, with a maximum total of eight hundred forty (840) square feet for all accessory buildings combined. Accessory buildings on all other residential use properties shall be limited to a maximum floor area of nine hundred sixty (960) square feet, both individually and aggregate. A maximum of two (2) accessory buildings (not including a swimming pool or satellite dish) is allowed on each lot.

- **Section 26, 26.1(11):** No accessory structures shall be used for permanent or temporary habitation.
 - **Section 26, 26.1(E):** A vehicle or recreational vehicle may be stored in the side yard or in the rear yard on a paved surface. All vehicles stored outside on residentially zoned properties shall be operable and properly plated.
 - **Section 26, 26.7(B1a):** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by the regulations herein.
6. Strict adherence to the Zoning Ordinance requirements would create an unusual hardship to both the owner of the property and the person, referred to as “occupant”, that is planned to inhabit the proposed structure. The occupant has a chronic health condition that will worsen over time and require her to have more assistance as she ages. The occupant already requires assistance at times in keeping up with housework and yard work. Having the occupant live in the proposed dwelling allows for her to receive timely help, to be “taken care of” as she ages and allows the owner of said property to be able to make sure occupant is safe, healthy, and happy as she ages. If this is not granted the occupant will have to find suitable living further away and cause help to be untimely, unsafe, and leave the occupant in a situation of solitude.
7. **Standards considered for a Use Variance**
- *The approval will not be injurious to the public health, safety, morals and general welfare of the community.*
 - ✓ True. Adding this structure to the property will not cause any harm or concern to anyone and will not block any sight lines for drivers using the roadway. Adding this structure is good morally, because it is a daughter’s attempt to care for her mother.
 - *The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.*
 - ✓ True. Adding this structure will not adversely affect any of my neighbors’ physical properties because it will sit only on my property back far enough not to block any sight lines. It will not affect any property values adversely because it will be maintained and kept maintained at all times just as the primary residence is.
 - *The need for the variance arises from some condition peculiar to the property involved.*

- ✓ True. Due to the property being zoned R-2, adding a separate residential dwelling is a “peculiar” request. Not many homes zoned as such have a second residential dwelling built on them.
- *The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*
 - ✓ True. If the occupant is not allowed to reside in the proposed dwelling, she may not receive the help and care she needs as she ages in a timely fashion, which can lead to more serious circumstances, including loss of independence and or major health issues that could have been prevented.
- *The approval does not interfere substantially with the Comprehensive Plan.*
 - ✓ True. Adding the proposed suite is an investment into an existing residential neighborhood. It will not interfere with any type of transportation safety or needs. It will not inhibit future land use due to the fact that a “regular” sized home would not be an eligible addition to the property in the future.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested use variance.

Signature of Property Owner: _____

Printed Name: Nichole Hogendobler

Contact Person: Nichole Hogendobler

Address: 1746 E Beardsley Ave, Elkhart IN 46514



EXHIBIT "A"

Property Description

Property Address: 1746 East Beardsley Avenue, Elkhart, Indiana 46514

PROPERTY DESCRIPTION:

TRACT I: The East Fifty (50) feet of the South Two Hundred (200) feet of lot numbers Twenty (20), as said Lot is known and designated on the recorded Plat of LAWNDALE PLACE, an Addition to the City of Elkhart, Indiana; said Plat being recorded October 10, 1924 in Plat Book 2, page 124 in the Office of the Recorder of Elkhart County, Indiana,

TRACT II: A part of Lot Numbered Twenty-one (21), as the same is known and designated on the recorded Plat of LAWNDALE PLACE, and Addition to the City of Elkhart, Indiana; said Plat being recorded October 10, 1924 in the Plat Book 2, Page 124 in the Office of the Recorder of Elkhart County, Indiana, and more particularly described as follows:

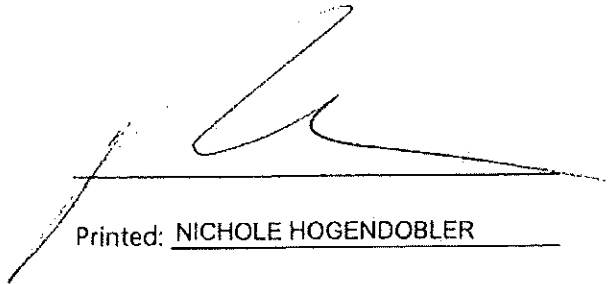
Beginning at the Southwest corner Lot: thence North along the West line of said Lot, Two hundred (200) feet); thence East parallel with the South line along the center line of said lot, Two Hundred (200) feet to the South line of said lot; thence West along the South line of said lot, Forty-eight and One-half (48 ½) feet to place of beginning and being the South Two Hundred (200) feet of the West Half (W ½) of Lot Numbered Twenty-one (21).

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Nichole Hogendobler, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

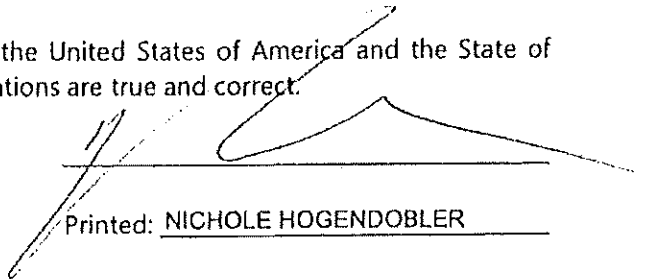
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 1746 E BEARDSLEY AVE Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 3rd day of SEPTEMBER, 2025.



Printed: NICHOLE HOGENDOBLER

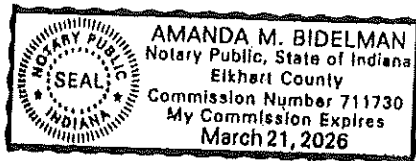
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

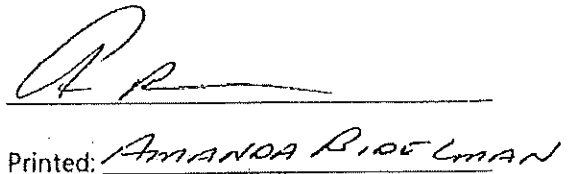


Printed: NICHOLE HOGENDOBLER

STATE OF INDIANA)
) SS:
 COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared NICHOLE HOGENDOBLER, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 3rd day of SEPTEMBER, 2025.

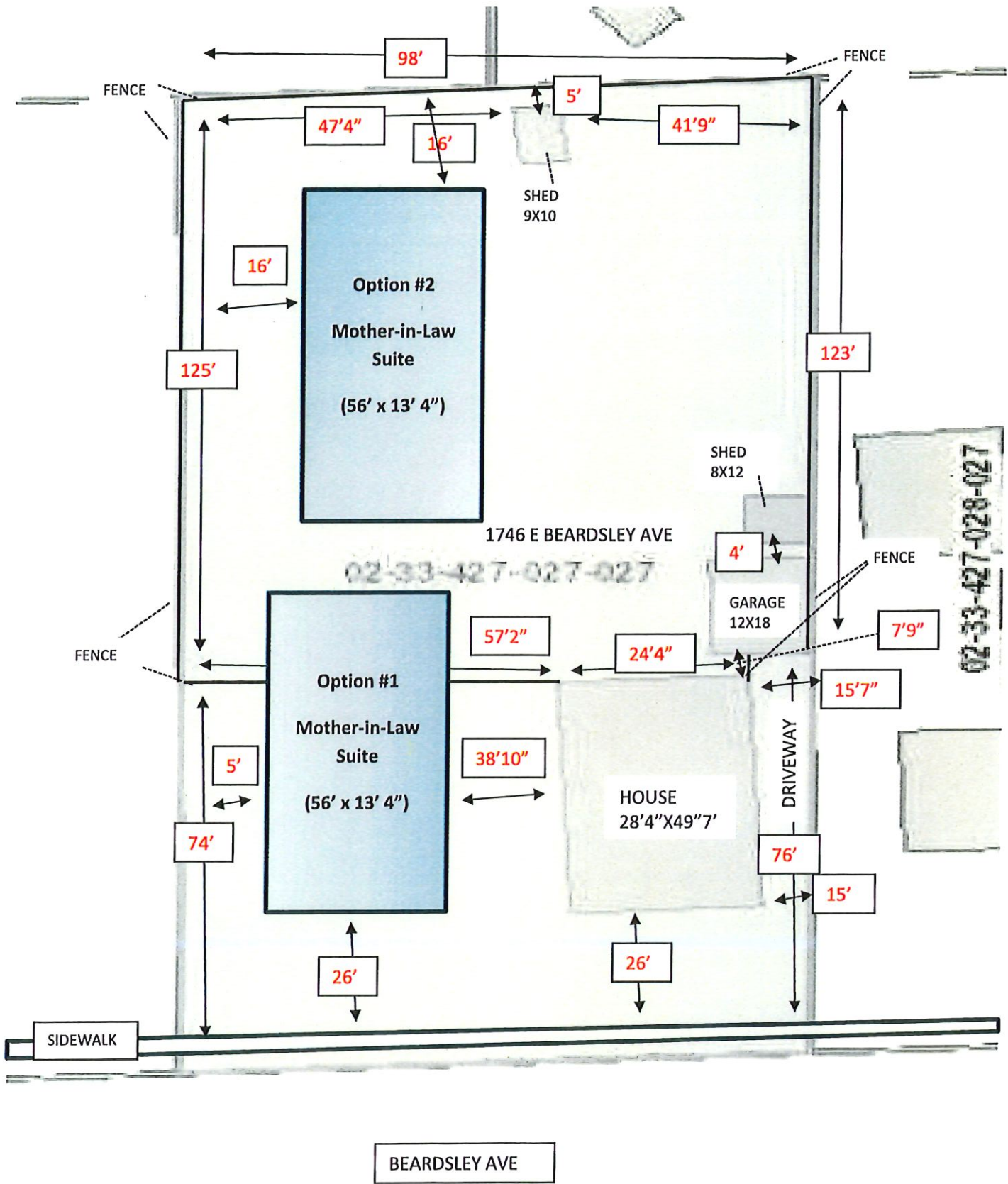




Printed: AMANDA BIDE LMAN

My Commission Expires:
MARCH 21, 2026

Notary Public in and for the State of Indiana
 Resident of Elkhart County, Indiana



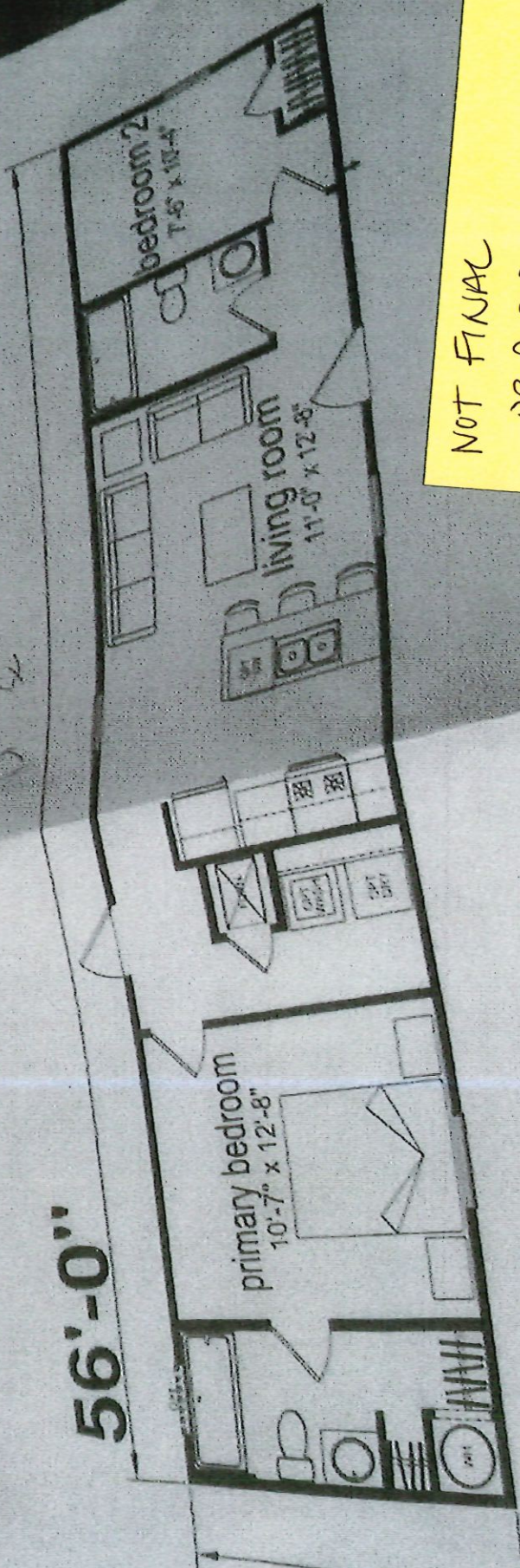
02-33-427-028-027

CHAMPION HOMES CENTER

Bowmansville
Prime Series
746 SQ. FT. (Approximate) 2 Bedroom, 2 Bath

56'-0"

13'-4"



NOT FINAL
PROPOSED FLOOR
PLAN

CHAMPION HOMES CENTER
6855 West 700 South
Tropic, IL 60071

1-800-581-5380



City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-05
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	March 12, 2026
<u>Petitioner:</u>	Gateway Mile Properties, LLC
<u>Site Location:</u>	101 South Main Street
<u>Request:</u>	<p>To vary from Section 26.10.D – Table 1, Wall signs in the CBD for multiple tenant buildings, that limits the size to 50% of the signable area to a maximum of 25 square feet per store front to allow for wall signs that are: North – 96 sf, a variance of 71 sf; East – 96 sf, a variance of 71 sf; Southeast – 56 sf, a variance of 31sf.</p> <p>To also vary from Section 26.10.D – Table 1, Projecting signs in the CBD, that limits the size to 9 square feet to allow for a projecting sign that is 12.56 square feet, a variance of 3.56 square feet.</p>
<u>Previous BZA Action:</u>	24-BZA-26 – To vary from Section 26.10.D – Table 1, Wall signs in the CBD for single tenant buildings, that limits the size to 50% of the signable area to a maximum of 50 square feet to allow for a wall sign that is 115 square feet, a variance of 65 square feet.
<u>Existing Zoning:</u>	CBD, Central Business District
<u>Size:</u>	+/- 0.75 Acres
<u>Thoroughfares:</u>	South Main Street, West Jackson Boulevard
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available to site
<u>Surrounding Land Use & Zoning:</u>	The surrounding properties are CBD Central Business District.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

The Comprehensive calls for this area to be developed office and institutional uses of the downtown mixed use future land use district.



Staff Analysis

The petitioner is requesting to vary from Section 26.10.D – Table 1, Wall signs in the CBD for multiple tenant buildings, that limits the size to 50% of the signable area to a maximum of 25 square feet per store front to allow for wall signs that are: North – 96 sf, a variance of 71 sf; East – 96 sf, a variance of 71 sf; Southeast – 56 sf, a variance of 31sf. And to also vary from Section 26.10.D – Table 1, Projecting signs in the CBD, that limits the size to 9 square feet to allow for a projecting sign that is 12.56 square feet, a variance of 3.56 square feet.

The Board previously heard and approved a developmental variance in 2024 for similar sized wall signage. At that time, the building was only occupied by one tenant and relief was sought from the part of the ordinance for wall signage for single tenant buildings, which allows up to 50 square feet of sign area per façade. The building now has a second tenant; multi-tenant buildings allow up to 25 square feet. This request is for a similar sign design to the original request.

The petitioner is requesting a variance to allow for a sign that is 96 square feet in area where the maximum allowed is 25 square feet. The requested sign is of similar area as the previous Key Bank sign but is slightly larger due to the longer name of the tenant that is proposed to occupy the building, Notre Dame Federal Credit Union.

There are several important factors to be mindful of when evaluating the specifics of this case. First, this building is a much newer infill type building with much larger areas available for signage. The architecture for this building is not a traditional downtown building with the ornamentation and other elements found on buildings from past decades. This building's facades have smaller windows and more blank space between floors. This building also has at least twice the street frontage as other buildings found in the downtown area, which would allow more potential signable area.

The request is not out of scale for the building. Due to the location downtown, at the intersection of two main thoroughfares (Jackson and Main), this site does not permit other forms of signage as ground or pylon signs are expressly prohibited. This regulation is a part of the design guidelines in the Central Business District, which were approved and adopted in 2017. The small projecting sign is not out of character and should not pose any harm to adjacent property owners if installed as presented.

Staff recommends approval of this variance.

Recommendation

The Staff recommends approval of the developmental variances to vary from the three wall signs for area and projecting sign based on the following findings of fact:

1. The approval **will not be** injurious to the public health, safety, morals, or general welfare of the community as a wall signage scaled appropriately to the building is typically found in central business districts;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the size of the proposed sign is not out of character for the Central Business District as wall signage is the primary form of advertisement in the district;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** that are peculiar to the land involved as the building façades, on which the signs will be located, are larger than most neighboring buildings in the district;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because other forms of signage are not permitted by ordinance and the design of the infill building lends itself to the size and scale of the proposed signage;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because the current building is existing and the signable area on the building will not change as a result of this request;
7. This property **does not** lie within a designated flood hazard area.

Conditions

If the Board chooses to approve the requested development variances, staff recommend that the following conditions be placed upon the approval:

1. None

Photos



Image taken from Google street view

Attachments

Petition, appeal letter, affidavit, and site plan.

PETITION #: 26-BZA-05

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Gateway Mile Properties, LLC
Mailing Address: ~~714~~ 210 S. Michigan St., Ste 200 South Bend IN 46601
Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Allen Stenberg
Mailing Address: P.O. Box 7878, Notre Dame, IN 46556-7878
Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 101 S. Main St., Ste 200, Elkhart, IN 46516

Zoning: _____

Present Use: _____ Proposed Use: _____

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Patrick R Lee

SIGNATURE(S): *Patrick R Lee* DATE: 1/28/26

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.
- Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Raen Lewendowski DATE: 1/28/26

January 21, 2026

To Whom It May Concern,

I am an owner of the property located at 101 S Main Street, Elkhart, IN 46516.

This letter serves to formally authorize Allen Stenberg and/or any other representative from Notre Dame Federal Credit Union, the tenant of the above-referenced property, to act on my behalf for the limited purpose of preparing, submitting, and pursuing a petition for a sign variance with the City of Elkhart. This authorization includes communicating with city staff, attending hearings or meetings, and submitting any materials required in connection with the sign variance application.

I understand the nature of the request and support Notre Dame Federal Credit Union's efforts to obtain approval for the proposed signage, subject to the City's applicable regulations and review processes.

If you have any questions or require additional information, please feel free to contact me at 574-289-4011 or pleee@klopas.com.

Sincerely,



Patrick Lee
Principal
Gateway Mile Properties, LLC
210 S Michigan, Suite 200
South Bend, IN 46601



DATE: 12/19/2025

TO: City of Elkhart Board of Zoning Appeals
City of Elkhart, Indiana

RE: Developmental Variance Request
Signage - Central Business District (CBD)
101 S. Main St., Elkhart, Indiana 46516

1. The undersigned petitioner respectfully submits this appeal to the Board of Zoning Appeals for a Developmental Variance related to signage regulations within the Central Business District (CBD), and states the following:
The petitioner is the lessee Notre Dame Federal Credit Union with agreement of site owner of the real estate commonly known as 101 S. Main St., Elkhart, Indiana, located within the City of Elkhart, Elkhart County, Indiana. Complete legal description can be found in exhibit A.
2. The subject property is zoned Central Business District (CBD) under the City of Elkhart Zoning Ordinance.
3. The property will be occupied by Notre Dame Federal Credit Union, providing financial services to residents and businesses of Elkhart County. This use is consistent with the intent of the CBD zoning district and represents a low-impact, professional commercial use.
4. The petitioner is requesting a Developmental Variance for signage due to the existing building configuration and facade dimensions. Specific to signage:
 - Exterior signage outlined in this petition can be found in exhibit B.
 - The north, east, and southeast facade signs of the building exceed the maximum signable area permitted.
 - North and east signs are 105 square feet per side, matching other signage currently on the building. This falls within the 50% of the signable areas guidelines but is greater than the 25 square foot per store front limit set by ordinance.
 - South east signage is greater than the 50% signable area set by city ordinance.
 - The entrance door projecting sign is also greater than what the ordinance allows for its signable area in the Central Business District (CBD).
 - Blade sign measures 12 square feet per side. This is greater than the allowable 9 feet per square foot.
 - These conditions require a Developmental Variance prior to signage installation.
5. The City of Elkhart Zoning Ordinance limits:
 - The maximum allowable signable area per facade within the Central Business District is 50% of the Signable Area to a maximum of 25 square feet per store front.
 - Projecting signs to a maximum sign area of 9 square feet per side.

- See full details and renderings in exhibit C.

6. Strict application of the signage standards creates a hardship due to conditions unique to the property, including:

- Strict application of the signable-area formula results in a more restrictive outcome for this property than for similarly situated downtown properties with fewer facades or different building orientations. Granting the variance allows the petitioner to enjoy rights commonly afforded to other CBD properties.
- Due to the building's downtown location, the petitioner cannot utilize alternative signage methods such as ground signs, pylon signs, or extensive wall setbacks. Facade signage and a projecting blade sign are the only viable identification methods available for this property.
- The entrance door blade sign slightly exceeds the maximum allowed sign area; however, its projecting nature is critical for identifying the entrance along a narrow sidewalk corridor with limited sightlines. The hardship arises from the urban streetscape context, not from the sign design itself.
- The building's multi-faceted downtown corner orientation, which results in multiple visible facades.
- The need for reasonable, proportional identification signage on each visible facade to support wayfinding and business identification in a dense downtown environment.
- These conditions are inherent to the property and were not created by the petitioner. Financial considerations are not the basis of this request.

7. Standards for Granting a Developmental Variance The requested variance satisfies all statutory standards as follows:

1. Public health, safety, and welfare:

The proposed signage will not be injurious to public health, safety, morals, or general welfare. The signage is professionally designed, appropriately scaled, and consistent with downtown character.

2. Impact on adjacent properties:

The use and value of surrounding properties will not be adversely affected. Similar projecting signs and facade signages are common throughout the Central Business District.

3. Consistency with zoning intent:

Granting the variance supports the intent of the CBD zoning district by promoting active ground-floor commercial use and pedestrian-oriented business identification.

4. Unique site conditions:

The building's configuration, visibility on multiple facades, and downtown location are conditions not common to all properties within the district.

5. Deprivation of commonly enjoyed rights:

Denial of the variance would prevent the petitioner from enjoying reasonable signage visibility afforded to other downtown businesses.

6. No self-created hardship:

The hardship does not result from any action or inaction by the petitioner, but from the existing structure and site conditions.

7. Flood hazard considerations:

The property is not located within a designated flood hazard area, and the requested variance will not increase flood risk or public expense.

8. See exhibit D for supplemental information.

WHEREFORE, the petitioner respectfully requests that the Board of Zoning Appeals grant the requested Developmental Variance to allow signage exceeding the standard signable area and projecting sign limitations for the north, east, and southeast facades of the property located at 101 S. Main St., Elkhart, Indiana.

Signature of Property Owner: Patrick R Lee

Printed Name: Patrick R Lee

Lessee Name: Notre Dame Federal Credit Union

Contact Person: Allen Stenberg, SVP of Marketing, Notre Dame Federal Credit Union

Address: 1828 Moreau Dr, Notre Dame, IN 46556

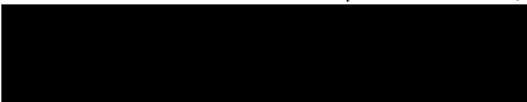


EXHIBIT A

Legal Description of Real Estate

The land referred to in this Real Estate Mortgage is located in the County of ELKHART, State of Indiana and described as follows:

For APN/Parcel ID(s): 20-06-05-406-039.000-012

TRACT 1:

THE NORTHERLY SEVENTEEN AND ONE-HALF (17 1/2) FEET BY PARALLEL LINES OF LOT NUMBER FOURTEEN (14) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE ORIGINAL PLAT OF THE TOWN OF ELKHART; (NOW CITY) SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO, THE WESTERLY ONE AND TWENTY-FIVE HUNDREDTHS (1.25) FEET OF VACATED MAIN STREET LYING EASTERLY OF AND ADJACENT TO SAID REAL ESTATE.

TRACT 2:

LOTS NUMBERED FIFTEEN (15) AND SIXTEEN (16) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE ORIGINAL PLAT OF THE TOWN (NOW CITY) OF ELKHART; SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO, THE WESTERLY ONE AND TWENTY-FIVE HUNDREDTHS (1.25) FEET OF VACATED MAIN STREET LYING EASTERLY OF AND ADJACENT TO SAID REAL ESTATE.

EXCEPTING THEREFROM:

A PART OF LOT 14 AS SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED ORIGINAL PLAT OF TOWN (NOW CITY) OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH ALONG THE EAST LINE OF SAID, LOT 14 A DISTANCE OF 16.8 FEET FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 14 A DISTANCE OF 7/10 OF ONE FOOT TO THE NORTHEAST CORNER OF LAND CONVEYED TO PERFECTA ROLL (ELKHART COUNTY INSTRUMENT #92-02 1954); THENCE WEST ALONG THE NORTH LINE OF SAID ROLL LAND 165.05 FEET (165 FEET REC.) TO THE NORTHWEST CORNER OF SAID ROLL LAND (SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 14); THENCE NORTH ALONG THE WEST LINE OF SAID LOT 14 A DISTANCE OF 7/10 OF ONE FOOT; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID

ROLL LAND 165.05 FEET (165 FEET REC.) TO THE PLACE OF BEGINNING.

ALSO, THE WESTERLY 1.25 FEET OF THE VACATED MAIN STREET LYING EAST OF AND ADJACENT TO THE ABOVE DESCRIBED PARCEL.

TRACT 3:

A SIXTEEN AND ONE-HALF (16 1/2) FOOT ALLEY BETWEEN LOTS NUMBERED 14 AND 15, IN ORIGINAL ELKHART ADDITION TO THE CITY OF ELKHART, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT NUMBERED 15, IN SAID ADDITION, THENCE WESTERLY 165 FEET TO THE SOUTHWESTERLY CORNER OF LOT NUMBERED 15; THENCE SOUTHERLY, 16 1/2 FEET TO THE NORTHWESTERLY CORNER OF LOT NUMBERED 14; THENCE NORTHEASTERLY 165 FEET TO THE NORTHEASTERLY CORNER OF LOT NUMBERED 14, THENCE NORTHERLY 16 1/2 FEET TO THE PLACE OF BEGINNING.

Commonly known as: 101 S. MAIN ST., ELKHART, IN 46516

Customer Name: GATEWAY MILE PROPERTIES, LLC

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Patrick R Lee being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 101 S. Main Street, Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 9th day of January 2026.

Patrick R Lee

Printed: Patrick R Lee

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Patrick R Lee

Printed: Patrick R Lee

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

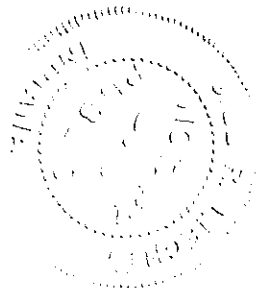
Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Patrick R. Lee, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 9th day of January 2026.

Jill R Replogle

Printed: Jill R Replogle

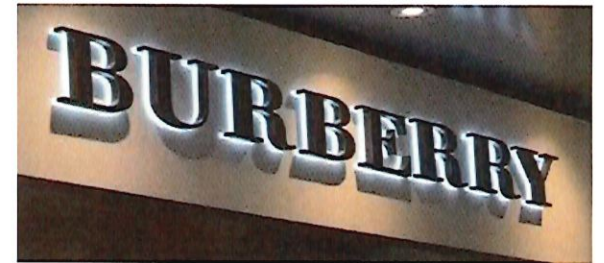
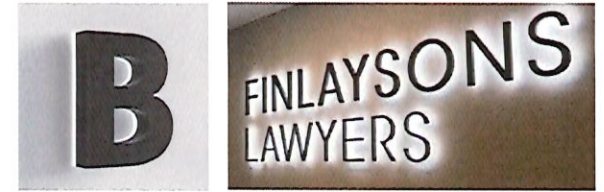
My Commission Expires:

September 22, 2029



Notary Public in and for the State of Indiana
Resident of Elkhart County, Indiana

Exhibit B
Notre Dame FCU Site Plan



EAST

Notre Dame FCU Cabinet Sign (1 of 2)

Reverse Acrylic Channel Lit Remote Mount
(May need to add stroke/thickness to the shammy stem)

* A variance will need to be requested for this sign due to size.

252"w 55"h - Qty. 2





NORTH

Notre Dame FCU Cabinet Sign (2 of 2)

Reverse Acrylic Channel Lit Remote Mount
(May need to add stroke/thickness to the shammy stem)

* A variance will need to be requested for this sign due to size.

252"w 55"h - Qty. 2





SOUTHEAST

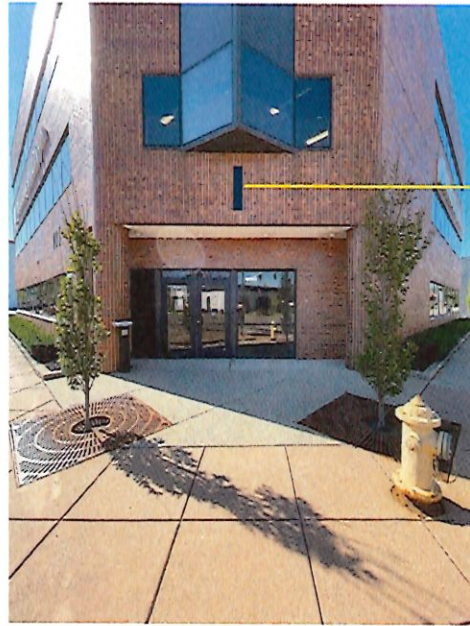
Notre Dame FCU Cabinet Sign

Reverse Acrylic Channel Lit Remote Mount
(May need to add stroke/thickness to the shammy stem)

* This sign falls within the guidelines set by signage regulations within the Central Business District (CBD).

192"w 42"h - Qty. 1





NORTHEAST (MAIN ENTRANCE)

Double Sided Blade Sign

Double Sided Blade Sign with Acrylic Push-Thru Logo
Illuminated 48"x48" (54" including 3" mounting arms)

* A variance will need to be requested for this sign due to size.



48" Circle - Qty. 1

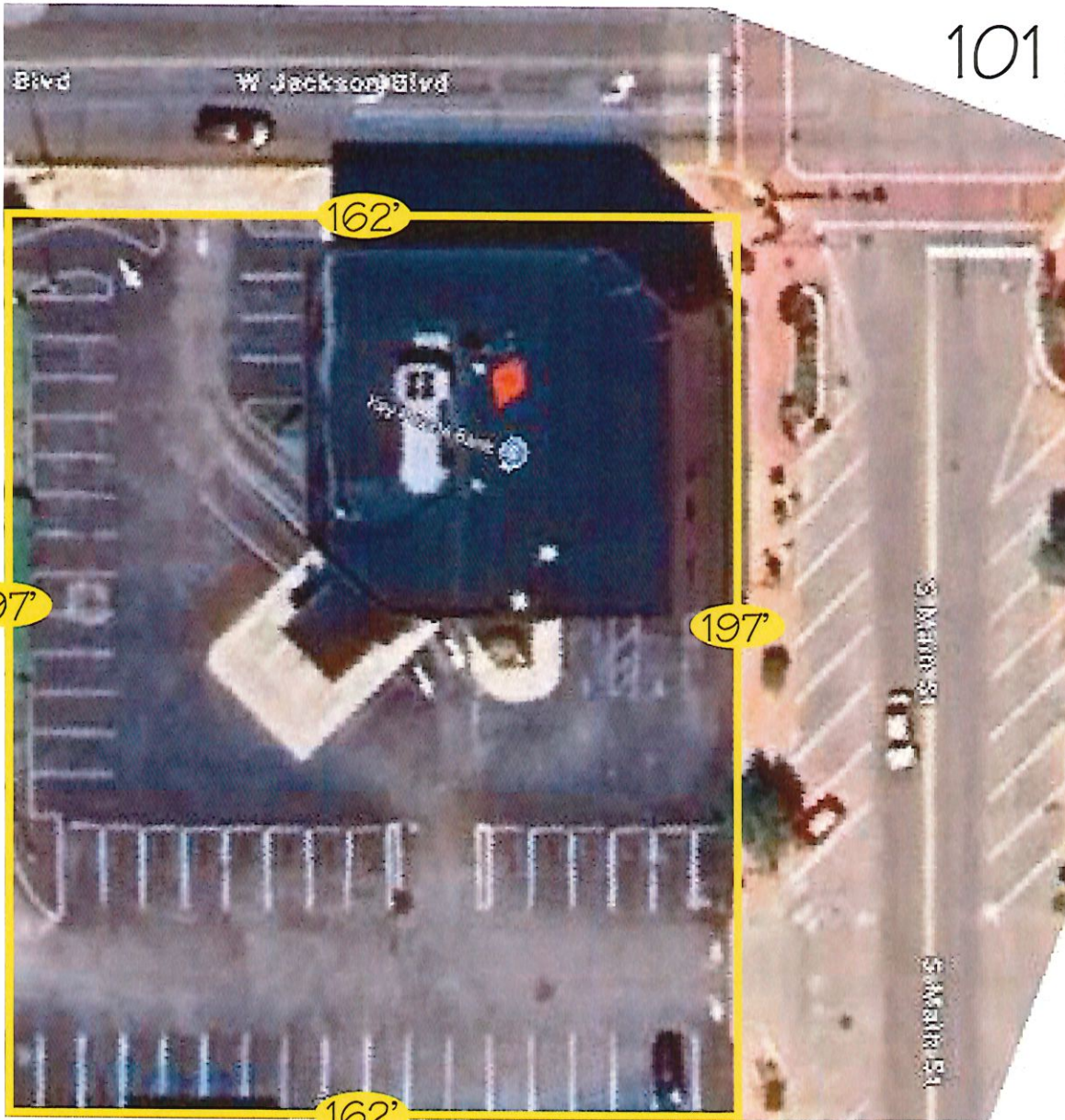
10" Total Depth

Exhibit C

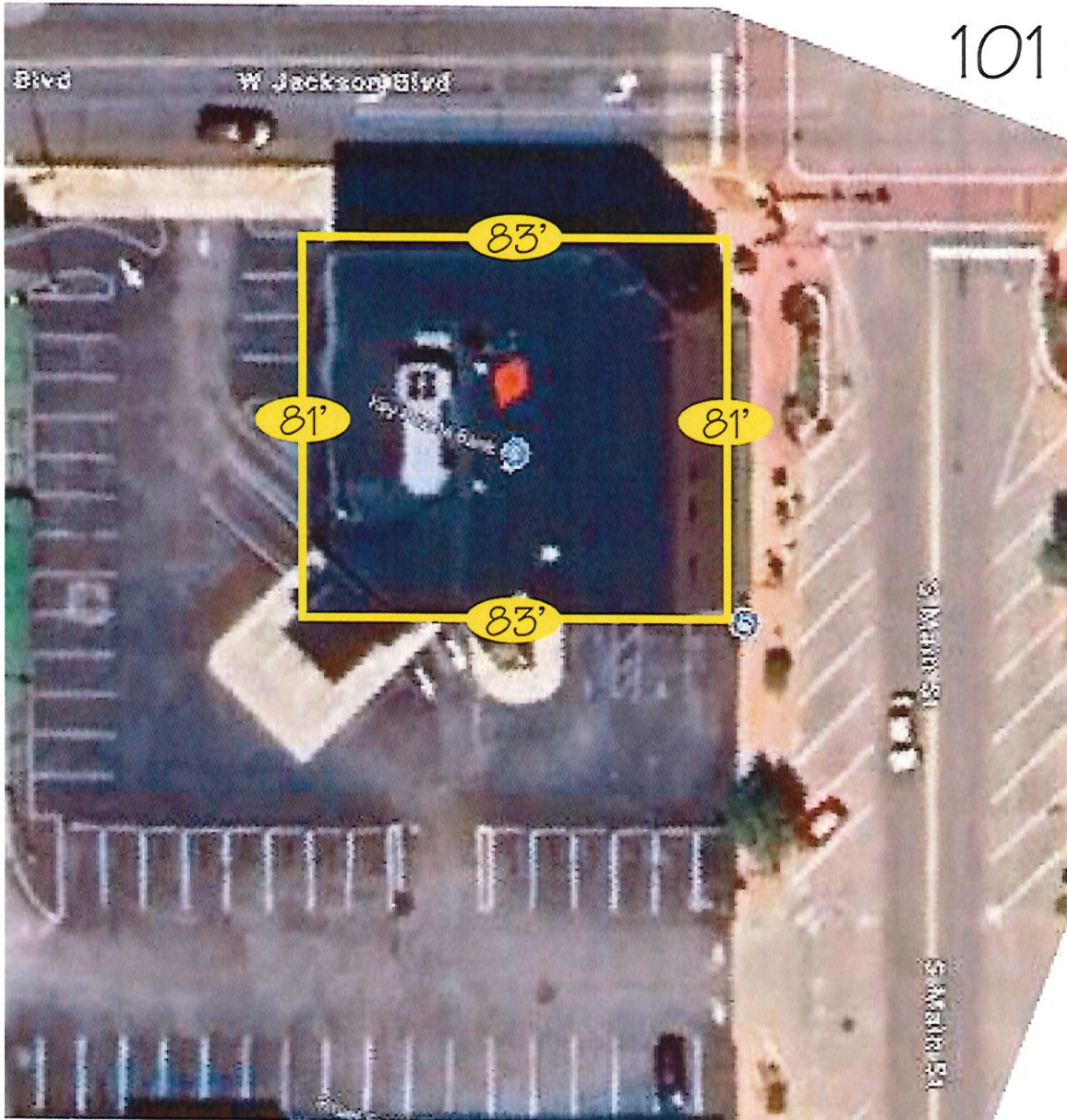
Site analysis Completed by
Scorpion Sign Graphic
of Elkhart

101 S. Main St. Elkhart, IN

Property - 197'x162'



101 S. Main St. Elkhart, IN



Building - 81'x83'

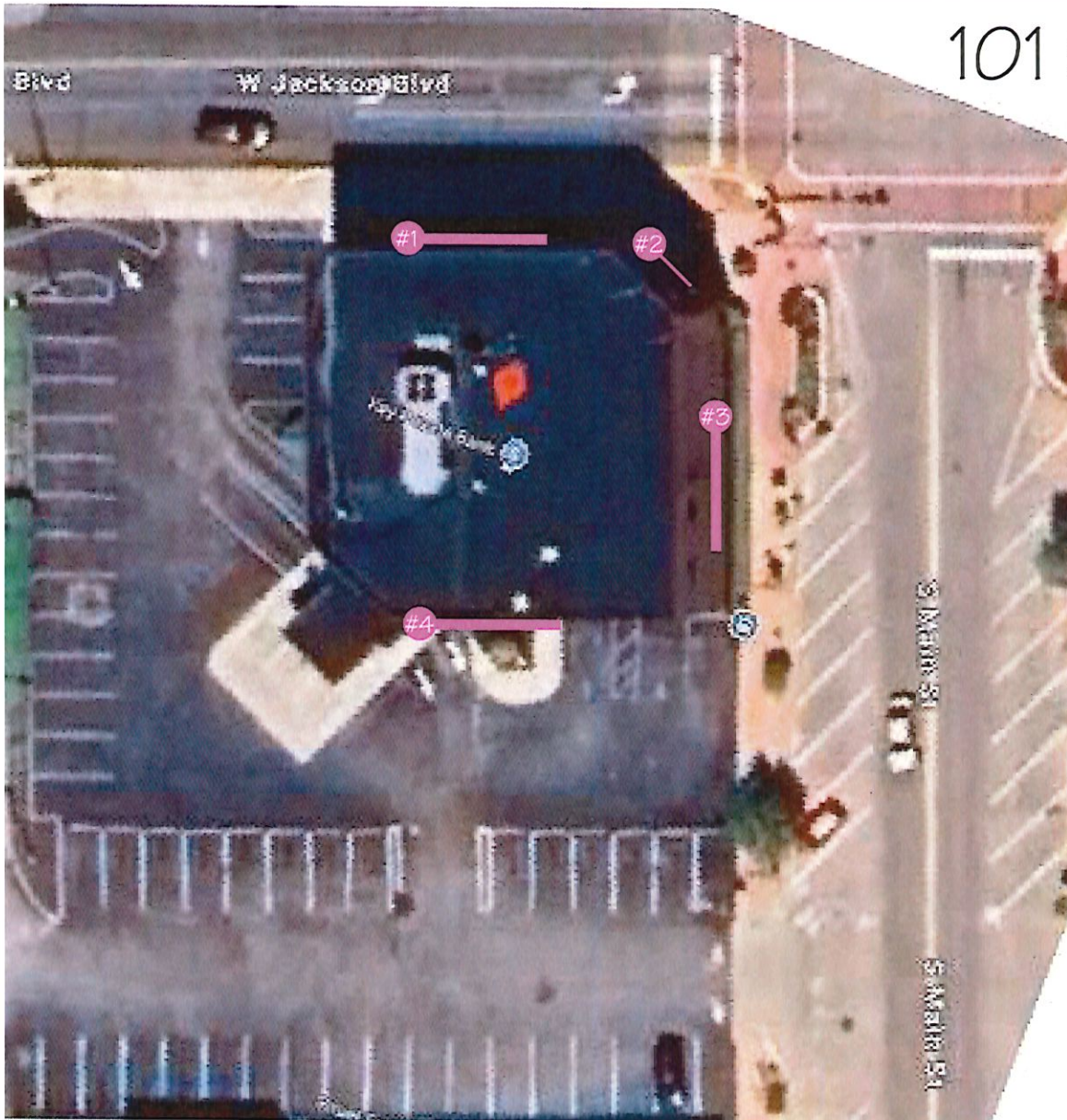
Distance from building
to the south: 131'

Distance from building
to the west: 99'

Distance from centerline
(Main Street): 43'

Distance from centerline
(Jackson Blvd): 43'

101 S. Main St. Elkhart, IN



Proposed Sign Locations

- #1 North Facade - 1st Floor
Sign Size: 252"w x 55"h
Sign Type: Reverse Channel Illuminated.
- #2 Main Entrance (Above Entry Doors)
Sign Size: 48" Diameter
Sign Type: Projecting Blade Illuminated.
- #3 East Facade
Sign Size: 252"w x 55"h
Sign Type: Reverse Channel Illuminated.
- #4 South Facade Wall or Metal Canopy Face
Sign Size: 192"w x 42"h
Sign Type: Reverse Channel Illuminated.

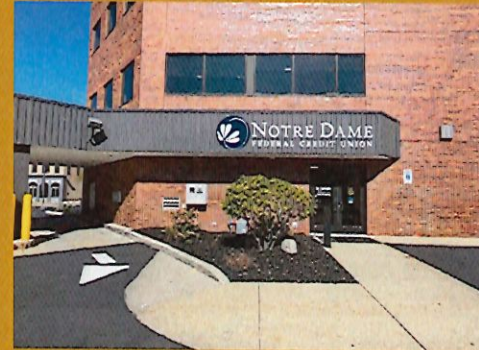
EAST 252"w x 55"h



NORTH 252"w x 55"h

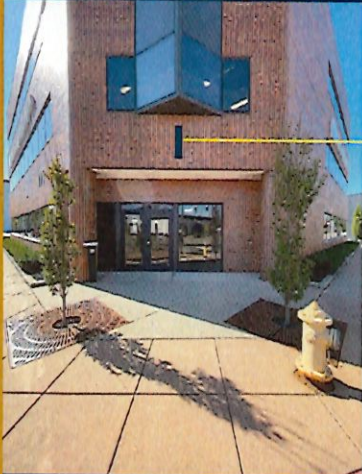


SOUTHEAST 192"w x 42"h



Sign Type:
Reverse Channel
Illuminated.
Remote Mount
(No Raceway)

NORTHEAST (MAIN ENTRANCE) 48"w x 48"h



Sign Type: Projecting Blade
Illuminated.
Thru-Bolt Wall Mount.

101 S. Main St. Elkhart, IN

Proposed Sign Types

EAST 252"w x 55"h



NORTH 252"w x 55"h

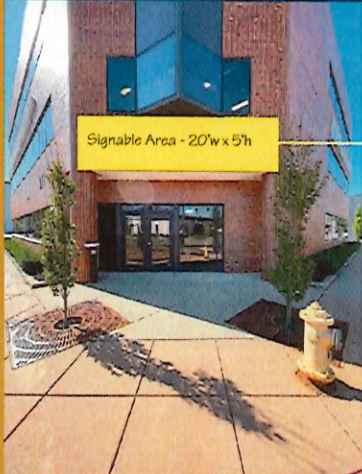


SOUTHEAST 192"w x 42"h



Sign Type:
Reverse Channel
Illuminated.
Remote Mount
(No Raceway)

NORTHEAST (MAIN ENTRANCE) 48"w x 48"h



Sign Type: Projecting Blade
Illuminated.
Thru-Bolt Wall Mount.

Notes:

Kruggel Lawton Sign Dimensions are:
39'w x 44'h (140.4 Sq. Ft.)

101 S. Main St. Elkhart, IN

Signable Area Locations



City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-05
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	March 12, 2026
<u>Petitioner:</u>	Elkhart S.C. Inc. / Steven Duckatt
<u>Site Location:</u>	1522 Cassopolis Street – C Street Center Shopping Complex
<u>Request:</u>	To vary from Section 13.2, Permitted Uses in the B-3, Service Business District, to allow for the property to be used for small scale food production, packaging and accessory on site sales.
<u>Previous BZA Action:</u>	None found based on search of files
<u>Existing Zoning:</u>	B-3, Service Business District
<u>Size:</u>	+/- 1.61 Acres
<u>Thoroughfares:</u>	Cassopolis Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by a mix of residential and commercial uses zoned R-2, One-Family Dwelling, B-3, Service Business District and B-2, Community Business District

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with a mix of low-density residential uses and commercial uses



Staff Analysis

The petitioner is requesting a use variance to allow the property at 1522 Cassopolis Street to be used for small scale food production, packaging and accessory on-site sales. Section 13.2 Permitted Uses in the B-3, Service Business District does not permit scale food production and packaging.

The property was formerly a Family Dollar. The property is currently vacant and being marketed for lease. There is now interest by a new user for small-scale food production, packaging along with some retail sales. The specific portion of the request requiring the use variance is the food production and packaging. The use is tortilla production. Retail sales is a permitted use in the B-3 district. The former Family Dollar building is free standing within the C Street Center shopping center built around 1987.

Because of the change of use and specifically food preparation – there will be expectations from the Department of Public Works related to the installation of grease interceptors to protect the public sewer infrastructure. The project will be required to be submitted and be approved through Technical Review to ensure compliance will all utility and developmental standards.

Based on material submitted for this case, there will be some interior building renovations required. Included are modified and added wall partitions plus a new entry door that is proposed on the west wall of the building - making the loading of food products in delivery vehicles easier and not mix with retail client traffic. It was also stated in the submittal material that product will be picked up by cargo vans – no box trucks or semis will be used by this business.

The hours of operation for the food production part of the operation are 5:00 am to 2:00 pm. The retail store hours will be 7:00 am to 5:00 pm – seven (7) days per week.

Currently there are approximately 48 parking spaces that surround the shopping complex landscape island, plus seven (7) spaces at the north side of this building. The petitioner indicated in the submittal material, there would be no more than ten (10) employees on site at any one time. Including the retail portion of the business, the existing onsite parking appears to be sufficient. As a part of the Technical Review submittal, staff would like the petitioner to indicate on a site plan where the employees will be asked to park plus delivery truck movements.

Staff supports the request. The property is located in a shopping center that would seemingly benefit from a new business. The hours of operation are similar to those of other businesses in the complex. The proposed use as a should not pose any harm or create any hardship to adjacent uses.

Recommendation

The Staff recommends **approval** of the use variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the building will not be expanded and any necessary updates will be performed per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because there will be no exterior changes to the existing building and the proposed use should not cause any nuisance to adjacent uses;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action this project on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because developing a permitted B use could be achieved within the structure as many commercial uses are possible and the site provides for required off-street parking;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant as the zoning for the property has existed for some time;
7. This property does not lie within a designated flood hazard area.

Conditions

If the Board chooses to approve the requested use variance, staff recommends that the following conditions be placed upon the approval:

1. Submittal of the project for Technical Review – to ensure compliance with developmental standards for the Public Works and Planning Departments. The food service portion of the request will necessitate some form of grease interception.
2. Any and all interior modifications will require plans submitted to the Building Department for review and approval prior to commencing any construction.

Photos





Images taken from Google street view

PETITION #: 26-UV-05

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Elkhart S.C. Inc. / Steven Duckatt

Mailing Address: 1410 S. Clinton Street Chicago, IL 60607

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Gerardo Tapia / JRL Custom Colors LLC

Mailing Address: P.O. Box 606 South Bend, IN 46624

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 1522 Cassopolis St. Elkhart, IN 46514

Zoning: B-3 Service Business District

Present Use: VACANT (formerly Family Dollar retail store) Proposed Use: small scale food production & packaging (indoor use only)

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Gerardo Tapia, JRL Custom Colors LLC

SIGNATURE(S): [Signature] DATE: 01.27.2026

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.
- Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Raen Lewendowski DATE: 2/5/26



JRL CUSTOM COLORS LLC
P.O. Box 606
South Bend, IN 46624

AUTHORIZATION TO APPLY FOR ZONING / VARIANCE CHANGE

City of Elkhart, Indiana

Date: 01-24-2026

Property Owner Name: Elkhart S.C., Inc. / Steven Dukatt, President

Property Owner Address: 1410 S. Clinton Street

City, State, ZIP: Chicago, IL 60607

Subject Property Address:

1522 Cassopolis St, Elkhart, IN 46514

LEGAL DESCRIPTION OF PROPERTY

The following legal description is provided for reference and must be reviewed and confirmed by the Property Owner to ensure accuracy. The final legal description should match the description contained in the recorded deed or official Elkhart County property records.

LEGAL DESCRIPTION:

Lot 71, in the City of Elkhart, Elkhart County, Indiana, according to the recorded plat thereof, together with all improvements located thereon.
Full Legal Description (from Deed or Recorder):

SEE ATTACHMENT

Parcel Number / Key Number (if applicable): _____

Authorization Statement

I, Steven Dukatt, am the ~~legal owner~~ or authorized representative of the owner of the above-referenced property located in the City of Elkhart, Indiana.

I hereby grant permission and authorization to JRL Custom Colors LLC, or its authorized





JRL CUSTOM COLORS LLC
P.O. Box 606
South Bend, IN 46624

representatives, to apply for, submit, and pursue any required zoning changes, zoning variances, special use approvals, or related land use applications with the City of Elkhart, Indiana, including the Elkhart Plan Commission and/or Board of Zoning Appeals, as required for the evaluation of a proposed lease and intended use of the property.

This authorization is granted solely for municipal review, application, hearings, and correspondence purposes and does not constitute a lease, sale, or transfer of ownership interest in the property.

This authorization shall remain in effect until 06-01-2026, unless revoked in writing by the undersigned.

Property Owner Authorization

Owner Signature: _____

Printed Name: _____

Phone Number: _____

Email: _____

Applicant Information

JRL Custom Colors LLC
P.O. Box 606
South Bend, IN 46624

www.jrlcustomcolors.com

Use Variance Appeal Letter

Date: 02-05-2026

To: Board of Zoning Appeals
City of Elkhart, Indiana

Re: Use Variance

1. I, **Elkhart S.C. Inc\Steven Duckatt**, am the owner of the real estate located at **1522 Cassopolis St., Elkhart Township, Elkhart County, Indiana**. The legal description of the property is attached and incorporated herein. The undersigned petitioner, **Gerardo Tapia on behalf of JRL Custom Colors LLC**, is the duly authorized agent of the property owner and is authorized to apply for the use variance on the owner's behalf. Written authorization from the property owner is attached.
2. The subject property is currently **zoned B-3 (Service Business District)** under the Zoning Ordinance of the City of Elkhart.
3. **Existing and Proposed Use:** The subject property was previously occupied and operated as a Family Dollar retail store. The building has been completely vacant for approximately one year and is not currently in active use.

The petitioner proposes to use the property for small-scale food production, packaging, and accessory on-site retail sales, with all operations occurring entirely within the building.

The proposed operation will employ no more than ten (10) employees at any given time, including production, retail, and administrative staff.

Production activities, including tortilla production, will occur during early morning hours from 5:00am to 2:00pm. The retail storefront component will operate from 7:00am-5:00pm Monday through Sunday. The retail component is accessory in nature and is not intended to operate as a high-traffic retail establishment.

Products will be distributed to other retail and commercial locations using delivery vans only. No box trucks or semi-trucks will be used for outbound product distribution.

Deliveries of ingredients, supplies, or equipment, to the facility may occur via delivery vans, box trucks, or occasional semi-truck deliveries. An overhead door will be installed on the west side of the building, providing a designated delivery area that is separate from customer parking, located away from public roadways, and designed to prevent interference with customer traffic or pedestrian activity.

4. **The attached floor plan** illustrates a clearly defined layout consisting of production, storage, office, break room, and restroom areas. The proposed use does not include public dining, outdoor operations, or high-traffic customer activity.

5. While Section 13.2 of the Zoning Ordinance identifies permitted uses within the B-3 district, the proposed use is not expressly listed. However, the operational characteristics of the proposed use are similar in nature and impact to other permitted service-oriented commercial uses within the district.

6. Strict enforcement of the zoning ordinance would create unnecessary hardship due to the physical layout, utility infrastructure, and existing configuration of the building, which are uniquely suited for this type of service-oriented food production use.

The building's size, internal layout, and existing electrical and mechanical capabilities limit reasonable use to operations of a similar nature. Without the requested variance, the property cannot be reasonably utilized in a manner consistent with its design and surrounding commercial development.

The proposed use will not be injurious to the public health, safety, or welfare. All production activities are conducted indoors using commercial-grade equipment appropriate for the building's infrastructure.

The use will not increase traffic congestion, noise, or environmental impacts beyond those typical of permitted B-3 service businesses.

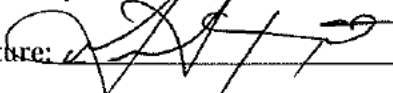
The proposed operation is compatible with surrounding commercial uses and will not negatively affect neighboring property values.

The attached site and equipment layouts demonstrate an organized, low-impact operation consistent with the intent of the B-3 Service Business District.

WHEREFORE, the Petitioner respectfully requests that the Board of Zoning Appeals grant the requested use variance.

Copies of the proposed floor plan, equipment layout, and owner Authorization are attached and incorporated herein.

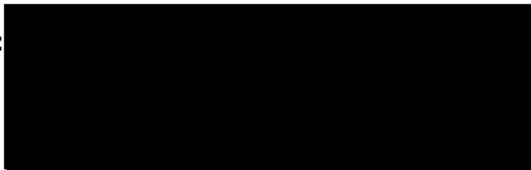
Respectfully submitted,

Signature:  JRL Custom Colors LLC

Printed Name: Gerardo Tapia / JRL Custom Colors LLC

Contact Person: Gerardo Tapia

Phone:



Address:



Email:

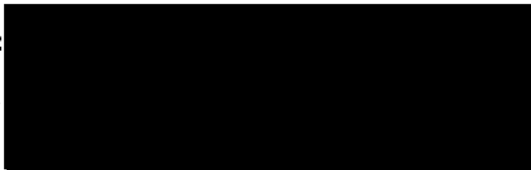


EXHIBIT A

LEGAL DESCRIPTION

Parcel 1:

A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, all of Lot Number Seventy-one (71), and a part of Lot Numbered Seventy (70), as said Lots are known and designated on the recorded Plat of County Club Terrace, in Elkhart County, Indiana, all being more particularly described as follows:

Commencing at the point where the South line of the Northeast Quarter of said Section 32 is intersected by the center line of Cassopolis Street; thence Northerly along the center line of said Cassopolis Street a distance of 217.66 feet to the PLACE OF BEGINNING of this description; thence East, parallel with the South line of said quarter section, a distance of 190 feet; thence Northerly 60 feet to the Southwest corner of Lot Number Seventy-one (71) in said Country Club Terrace; thence East along the South line of said Lot Numbered Seventy-one (71) a distance of 79.98 feet to the Southeast corner of said lot; thence Northerly along the East line of Lots Numbered Seventy-one (71) and Seventy (70) in said Country Club Terrace a distance of 230.05 feet; thence West parallel with the South line of said quarter section a distance of 273.32 feet to a point located on the center line of said Cassopolis Street; thence Southerly along the center line of said Cassopolis Street a distance of 290 feet to the PLACE OF BEGINNING;

and the vacated West one-half of Canton Street, adjoining said Lot 71 and Part of Lot 70 on the East;

EXCERPTING THEREFROM:

A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, and a part of Lot 1 in Country Club Terrace Addition to the City of Elkhart, the plat of which is recorded in Plat Book 4, page 11, in the Office of the Recorder of Elkhart County, Indiana, described as follows:

Commencing at the intersection of the center line of S.R. 19 (Cassopolis Street) and the South line of said quarter section; thence North 0 degrees 56 minutes 01 second West 217.66 feet along said center line to the Southwest corner of the owner's land; thence South 89 degrees 32 minutes 41 seconds East 25.01 feet to the East boundary of said S.R. 19 and the POINT OF BEGINNING of this description; thence North 0 degrees 56 minutes 01 second West 416.73 feet along the boundary of said S.R. 19 to the Northwest corner of said Lot 1; thence South 89 degrees 32 minutes 11 seconds East 25.01 feet along the North line of said lot; thence South 37 degrees 47 minutes 26 seconds West 14.39 feet; thence South 0 degrees 56 minutes 01 seconds East 405.33 feet; thence North 89 degrees 32 minutes 41 seconds West 16.00 feet to the POINT OF BEGINNING.

Parcel 2:

A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, all of Lot Number 1, and part of Lot Number 70, as said Lots are known and designated on the recorded Plat of Country Club Terrace, in Elkhart, Indiana all being more particularly described as follows:

Beginning at the Northwest Corner of Lot Number 1, in said Country Club Terrace; thence Southerly, along the West line of said Lot, a distance of 61.28 feet to the Southwest Corner of said Lot; thence Westerly, along a Westerly extension of the South line of said Lot, a distance of 25 feet to a point located on the center line of Cassopolis Street; thence Southerly, along the center line of said Cassopolis Street, a distance of 65.50 feet to a point that is located 507.66 feet North of the South line of the Northwest Quarter of said Section; thence East, parallel with the South line of said Quarter Section, a distance of 273.55 feet to a point located on the East line of Lot Number 70, in said Country Club Terrace; thence Northerly, along the East line of said Lot, a distance of 65.52 feet to the Northeast Corner of said Lot; thence Westerly, along the North line of said Lot, and an extension of said North line, a distance of 120 feet to the Southeast Corner of said Lot Number 1; thence Northerly, along the East line of said Lot, a distance of 61.14 feet to the Northeast Corner of said Lot Number 1; thence Westerly, along the North line of said Lot, a distance of 130.35 feet to the place of beginning.

(Continued on next page)

EXHIBIT A - CONTINUED

EXCEPTING THEREFROM:

A part of the Northeast Quarter of Section 32, Township 33 North, Range 5 East, and a part of Lot 1 in Country Club Terrace Addition to the City of Elkhart, the plat of which is recorded in Plat Book 4, page 11, in the Office of the Recorder of Elkhart County, Indiana, described as follows:

Commencing at the intersection of the center line of S.R. 19 (Cassopolis Street) and the South line of said quarter section; thence North 0 degrees 56 minutes 01 second West 217.66 feet along said center line to the Southwest corner of the owner's land; thence South 89 degrees 32 minutes 41 seconds East 25.01 feet to the East boundary of said S.R. 19 and the POINT OF BEGINNING of this description; thence North 0 degrees 56 minutes 01 second West 416.73 feet along the boundary of said S.R. 19 to the Northwest corner of said Lot 1; thence South 89 degrees 32 minutes 11 seconds East 25.01 feet along the North line of said lot; thence South 37 degrees 47 minutes 26 seconds West 14.39 feet; thence South 0 degrees 56 minutes 01 seconds East 405.33 feet; thence North 89 degrees 32 minutes 41 seconds West 16.00 feet to the POINT OF BEGINNING.

Parcel 3:

Lot Number 69 as the said Lot is known and designated on the recorded Plat of Country Club Terrace, an Addition in Oslo Township, Elkhart County, State of Indiana, said Plat being recorded in Plat Book 4, page 11 in the Office of the Recorder of Elkhart County, Indiana.

PARCEL NOS: 20-02-32-253-016.000-027 *
20-02-32-253-017.000-027
20-02-32-253-001.000-027
20-02-32-253-009.000-027

COMMON ADDRESS: 1522-1530 Cassopolis St., Elkhart, IN 46514

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

STEVEN DUKATT, President - Elkhart S.C., Inc.

I, _____, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 1522 Cassopolis Street Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 28th day of January, 2026.

[Signature], Pres.

Printed: Steven Dukatt, President
Elkhart S.C., Inc.

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

[Signature], Pres.

Printed: Steven Dukatt, President
Elkhart S.C., Inc.

Illinois
STATE OF ~~INDIANA~~)
Cook)
COUNTY OF ~~ELKHART~~)

) SS:

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Steven Dukatt, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 28th day of January, 2026.

[Signature]

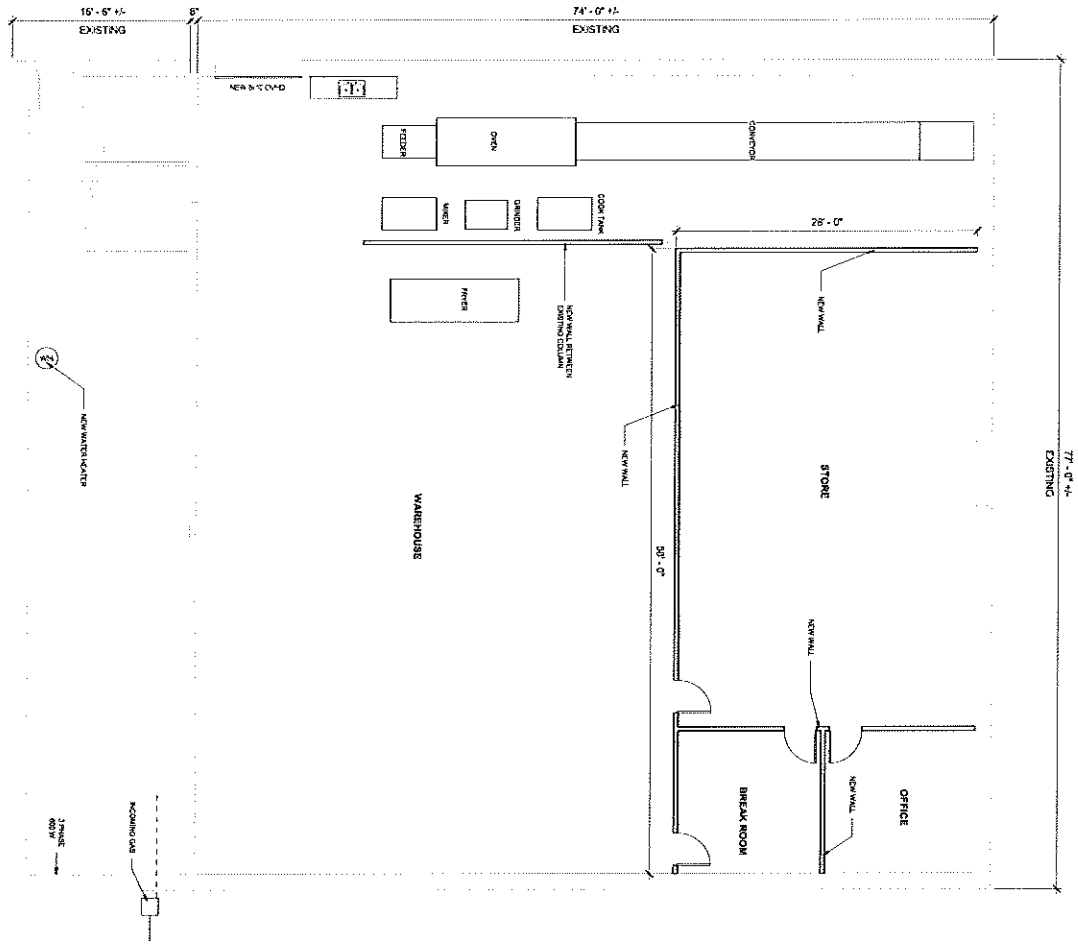
Printed: Stephennie Morales

My Commission Expires:
January 14th, 2030



Notary Public in and for the State of ~~Indiana~~ Illinois
Resident of COOK County, ~~Indiana~~ Illinois

1 FLOOR PLAN
3/16" = 1'-0"



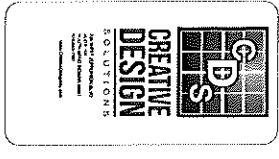
PROJECT NO.	A1-01
DATE	2/16/16
DRAWN BY	CHS
CHECKED BY	
DATE	
PROJECT LOCATION	

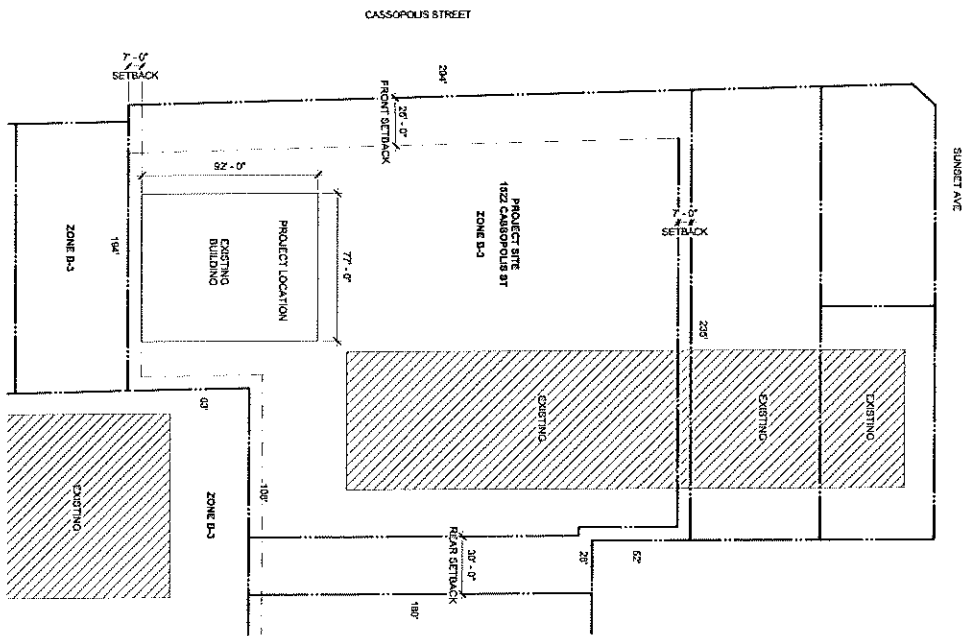
DATE	DESCRIPTION

FLOOR PLAN

PRELIMINARY
NOT FOR CONSTRUCTION

CONCEPTUAL DESIGN
TORTILLA SHOP
1522 CASSOPOLIS STREET





1 SITE PLAN
1" = 50'-0"



CONCEPTUAL DESIGN
TORTILLA SHOP
1522 CASSOPOLIS STREET

PRELIMINARY
NOT FOR CONSTRUCTION

NO.	DATE	REVISION/DESCRIPTION

SITE PLAN

APPROVED BY:	DATE:
DESIGNED BY:	DATE:
CHECKED BY:	DATE:
DRAWN BY:	DATE:

C1-01

NEW Service door
8'X10'

74"

600 sq ft?

WC
WC

Water heater

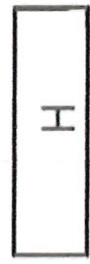
15ft

WAREHOUSE

- A MASA FEEDER
3' X 5'
- B COOKING OVEN 800 DOZEN
P/H 750000 BTU
4.5' X 13'
- C COOLING CONVEYOR
3.5' X 32'
- D COUNTERS 4000 DZ
3.5' X 5'
- E MIXER 200 LBS
3' X 5'
- F GRINDER STONE MILLING
1000 LBS P/H
32" X 4'
- G COOKING TANK 11000 BTL
3' X 5'
- H FRYER
4' X 12'



Wall from column to column



77"

NEW WALLS

STORE

58"

28"

Swing door

Break room

Office

3 PHASE
600W

Electric panel



City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-06
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	March 12, 2026
<u>Petitioner:</u>	Vocational Building Trades, Inc.
<u>Site Location:</u>	1425 West Indiana Avenue
<u>Request:</u>	<p>To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District, to allow for the construction of a single-family dwelling. Single-family dwellings are not a permitted use in the B-1 District.</p> <p>Also:</p> <p>For the same dwelling above, the proposed area of the dwelling is 864 square feet, the minimum area of any one family dwelling is 950 square feet found in Section 5.2.B in the R-2, One Family Dwelling District, a variance of 86 square feet.</p> <p>To vary from Section 11.4, Yard Requirements, for the front yard average established setback of twenty one and five tenths (21.5) feet, to allow for the construction of a one family detached dwelling at a front yard setback of seventeen and three tenths (17.3) feet, a variance of four and two tenths (4.2) feet.</p> <p>To vary from Section 11.4, Yard Requirements, for the corner side yard average established setback of seventeen (17) feet, to allow for the construction of a one family detached dwelling at a corner side yard setback of fifteen (15) feet, a variance of two (2) feet.</p> <p>To vary from Section 26.3.B. 9, Obstructions Permitted in the Front Yard to allow for an open porch to project eight (8) feet into the front yard when six (6) feet is permitted, a variance of two (2) feet.</p>
<u>Existing Zoning:</u>	B-1, Neighborhood Business District
<u>Size:</u>	+/- 0.15 Acres

Thoroughfares: West Indiana Avenue and Elliston Street

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by a mix of residential, commercial and manufacturing uses zoned R-3, Two Family Dwelling, B-1, Neighborhood Business District, M-1, Limited Manufacturing District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with a mix of medium density residential uses and manufacturing uses.



Staff Analysis

The petitioner is requesting a use variance to allow the property at 1425 West Indiana Avenue to construct a single-family dwelling. Section 11.2 Permitted Uses in the B-1, Neighborhood Business District does not permit single-family dwellings.

The need for the use variance comes from the fact that the B-1 zoning district does not permit single family dwellings as a permitted use. On the south side of this part of West Indiana Avenue, land is zoned either B-1 or B-2. This commercial zoning acts as a developmental buffer between the residentially zoned properties to the north and the industrially zoned along the south side of West Indiana Avenue which backs up to the railroad.

This request should not impact the surrounding uses or character of the neighborhood as this use is less intense than most commercial users or permitted uses in the B-1 district. Existing residential uses exist all along this segment of West Indiana Avenue.

The petitioner is proposing to build a new one-story single-family dwelling on an infill parcel in the 1400 block of West Indiana Avenue. Due to the size of the parcel, the proposed home does not meet the corner side and front yard setbacks or the minimum square footage for the ground floor requirements. Because of the configuration of the parcel, a front yard, and side yard variances are required. This type of variance is not uncommon for parcels in established neighborhoods where new infill homes are placed on parcels that do not meet the development standards.

The scale of home is not out of character for the neighborhood and may in fact be desirable in terms of property values. Given the constraints of the established setback, it will not allow a home of this scale to be built without some measure of relief.

Staff are supportive of this infill project. Proposals like this one are becoming more common in areas that have seen disinvestment over time and where the need for new housing is needed. Because of the compact construction and being developed where the necessary infrastructure exists - it is more cost effective to construct. This request adds to the inventory of housing in Elkhart.

The calculations for establishing the front yard setback are done by measuring the average established setback of the structures within the same block between two intersecting streets. The front yard setback is based on established setbacks; the next-door neighbor enclosed their porch without permits in 2023. This action would have required a developmental variance for the reducing of the front yard setback which was less than the established setback. As a result, this action has reduced the established setbacks for the block decreasing the distance from the property line where the new home may be placed.

Recommendation

The Staff recommends **approval** of the use variance based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the building will be built per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because this use is not uncommon along this portion of West Indiana Avenue and should not impact negatively surrounding uses or values;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action a one family dwelling on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **would** result in practical difficulties in the use of the property because establishing a permitted B use could be achieved on this site. However, accommodating all necessary storm water storage requirements, buffering and providing for required off-street parking would be challenging and would require developmental variances;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because no construction has started and the zoning for the property has existed for some time;
7. This property does not lie within a designated flood hazard area.

Conditions

If the Board chooses to approve the requested use variance, staff recommends that the following conditions be placed upon the approval:

1. None

Photos



Images taken from Google street view

PETITION #: 26UV-06

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Vocational Building Trades, Inc.

Mailing Address: 2424 California Rd

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Brandon Eakins

Mailing Address: 2424 California Rd

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 1425 W Indiana Ave.

Zoning: _____

Present Use: B1 Proposed Use: R3

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Brandon Eakins / Niki Groves

SIGNATURE(S): [Signature] Niki Groves DATE: 2/16/26

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.
- Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Raen Levendoski DATE: 2/19/26



ELKHART AREA CAREER CENTER
2424 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5650

ELKHART COMMUNITY SCHOOLS
J.C. RICE EDUCATIONAL SERVICES CENTER
2720 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5500

February 10, 2026

As the President of Vocational Building Trades, Inc., I give my permission for Brandon Eakins to sign on my behalf for any petition matters.

Thank you,

Niki Groves
President
Vocational Building Trades, Inc.

The proposed development project represents a unique opportunity to blend workforce development with community revitalization by enabling students to contribute to the construction of quality, affordable housing in Elkhart. Beyond advancing student learning, this project will help expand our local construction workforce and support Elkhart's long-term housing needs.

Sincerely,

Brandon Eakins

Brandon Eakins
CTE Director
Elkhart Area Career Center



4. The petitioner desires to construct a single family dwelling through Vocational Building Trades, Inc. is an entity of Elkhart Community Schools and is committed to preparing students for successful careers in the skilled trades through immersive, hands-on learning experiences. Our Building Trades program offers instruction in carpentry, plumbing, electrical, and masonry. The proposed development project represents a unique opportunity to blend workforce development with community revitalization by enabling students to contribute to the construction of quality, affordable housing in Elkhart.

5. The Zoning Ordinance R-3, sections 6.1, 6.2, 6.3, 6.4, 6.5 requires Two-Family dwellings, with a minimum width of 24 feet and a minimum of seven hundred fifty (750) square feet of dwelling unit space per dwelling unit. The primary façade of the structure shall face a public street. (as amended per Ordinance No. 4542 dated December 4, 2000 & as amended per Ordinance 4762 on August 1, 2003)

6. We do not believe the zoning requirements would create an unusual hardship and with BZA board action, building a single family dwelling will not be possible.

7.1 The approval of this use variance will not be injurious to the public health, safety, morals, or general welfare of the community, as the proposed single-family dwellings will be constructed in full compliance with all applicable local, state, and building codes. Construction will occur under the direct supervision of certified instructors and qualified industry professionals, ensuring safe practices and high-quality workmanship. The project will contribute positively to neighborhood stability by adding well-built, owner-occupied housing.

7.2 The approval of this use variance will not adversely affect the use or value of properties adjacent to the subject property, as the proposed homes will be consistent in scale, appearance, and function with surrounding residential development. The construction of new, well-maintained housing on currently underutilized lots is expected to enhance neighborhood aesthetics and support long-term property values.

7.3 The need for the requested use variance arises from conditions peculiar to the property involved, specifically its current underutilization and zoning constraints that limit reasonable residential development consistent with surrounding land uses. Granting the variance will allow the property to be used in a manner that aligns with the character of the neighborhood while addressing community housing and workforce development needs.

7.4 The strict application of the Zoning Ordinance would constitute an unnecessary hardship as applied to this property, as it would prevent the reasonable residential use of the lot despite its suitability for single-family housing. Without the requested variance, the property would remain vacant or underutilized, contrary to sound planning principles and the community's interest in neighborhood revitalization. This hardship is not financial in nature but relates to the practical limitations imposed by the current zoning classification.



7.5 The approval of this use variance will not interfere substantially with the City of Elkhart Comprehensive Plan, as the proposed development supports goals related to neighborhood revitalization, housing availability, and sustainable community growth. The project aligns with the city's long-term vision by promoting responsible infill development and strengthening the local workforce through educational opportunities tied directly to community needs.

Sincerely,

Brandon Eakins

Brandon Eakins
CTE Director
Elkhart Area Career Center



SITE PLAN

DESCRIPTION (DOCUMENT NUMBER 2024-08396): ALL OF LOT NUMBER 55, AND THE EAST 2.75 FEET OF LOT NUMBERED 54, IN ELLISTON'S SECOND ADDITION TO THE CITY OF ELKHART, AS PER PLAT THEREOF RECORDED IN DEED RECORD 111, PAGE 303 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

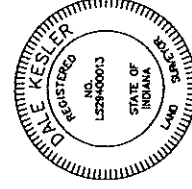
- LEGEND**
- = SET 5/8" IRON ROD W/CAP
 - = FOUND IRON
 - = FOUND CONCRETE MONUMENT
 - ▲ = FOUND MAG NAIL
 - (M) = MEASURED
 - (R) = RECORD
 - (P) = PLAT
 - R/W = RIGHT OF WAY
 - ⊥ = WIRE FENCE
 - ⊥ = POWER POLE
 - E/G = EDGE OF GRAVEL DRIVE



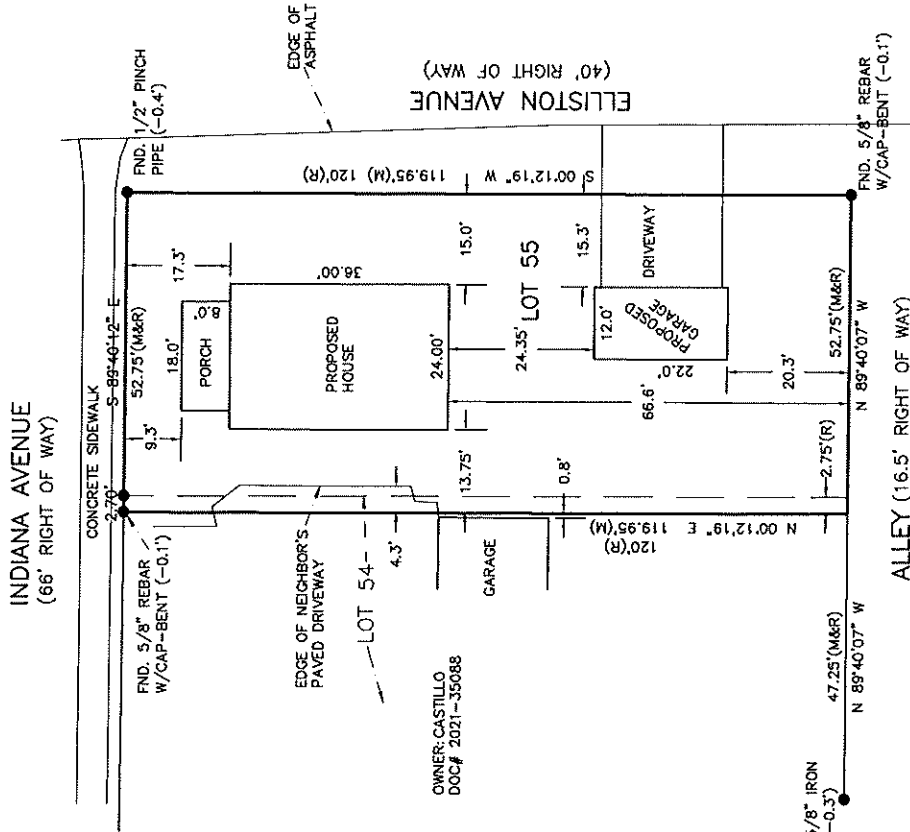
CERTIFICATE:
 I, DALE L. KESLER, AM A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA AND HEREBY CERTIFY THAT I HAVE SURVEYED THE LANDS HEREON DESCRIBED AND DELINEATED, AND THAT THIS SURVEY WAS PERFORMED BY ME.

Dale L. Kesler
 DALE L. KESLER PS #29400013

02/05/26



KESLER LAND SURVEYING, LLC
 67191 CONRAD ROAD
 EDWARDSBURG, IN 49112
 269-699-2119
 EMAIL dale.kesler@yahoo.com



UPDATED: 02-05-26 ADDED GARAGE
 FIELD DATE: 12-16-25
 DATE: 01-02-26
 JOB NO.: 25-061
 CLIENT: ELKHART AREA CAREER CENTER
 ADDRESS: 1425 W. INDIANA AVE., ELKHART, IN
 DRAWN BY: DALE KESLER
 SHEET 1 OF 1