

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, JANUARY 8, 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 **2300 952 5126** 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 NOVEMBER 13, 2025 AND DECEMBER 11, 2025**
5. **APPROVAL OF PROOFS OF PUBLICATION**
6. **OLD BUSINESS**

25-UV-12 PETITIONER IS JFS REAL ESTATE HOLDING, LLC, M.A. SPITE
PROPERTY IS LOCATED AT 1010 N MAIN ST

To vary from Section 19.2, Permitted Uses in the M-2, General Manufacturing District to allow for a Motor Vehicle Storage Yard.

7. **NEW BUSINESS**

26-UV-01 PETITIONER IS ESPAR & ESPAR HOLDINGS, LLC
PROPERTY IS LOCATED AT 700 SOUTH MAIN STREET SUITE 101

To vary from Section 15.2, Permitted Uses in the Central Business District to allow for a Tattoo Parlor.

26-BZA-02 PETITIONER IS GLENN HENDERSON
PROPERTY IS LOCATED AT 1105, 1107, 1111, 1113, 1117, 1119 EDWARDSBURG AVENUE

To vary from Section 6.4 Yard Requirements in the R-3 Two Family Dwelling District to allow a property line to be placed through the middle of an existing duplex to create a zero-foot side yard setback. The platted lot width for Lots 18, 19 and 20 is 56.95 feet.

26-UV-02 PETITIONER IS SURINDER SINGH
PROPERTY IS LOCATED AT VACANT LOT 2400 BLOCK SOUTH MAIN STREET, PARCEL NO. 06-16-208-008

To vary from Section 11.2, Permitted Uses to allow for a two family dwelling. Two family dwellings are not permitted by right in the B-1 district.

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
Doug Mulvaney	January 13, 2022 – January 6, 2025	Mayor
Ron Davis, Secretary	January 13, 2023 – January 6, 2025	Plan Commission
Position Vacant	NA	Mayor

BOARD OF ZONING APPEALS

-MINUTES-

**Thursday, November 13, 2025 - Commenced at 6:24 P.M. & adjourned at 7:37 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Diana Lawson

MEMBERS ABSENT

Phalene Leichtman

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Carla Lipsey

APPROVAL TO AMEND AGENDA

Amendment to the agenda to table case 25-UV-12 until December 11, 2025.
Mulvaney makes a motion to approve; Second by Lawson. Voice vote carries.

APPROVAL OF MINUTES FOR OCTOBER 9, 2025

Tabled until December 11, 2025.

APPROVAL OF PROOFS OF PUBLICATION

Mulvaney makes motion to approve; Second by Lawson. Voice vote carries.

OPENING STATEMENT

Welcome to the November 13, 2025 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, including proxy members. 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. Our proxies will allow us to take action on most items.

With respect to the public comment portion of the meeting, public comments will be taken only on the specific petition being heard before the board. Unlike the City Council meeting, where there is time for anyone to comment on any issue, we do not have that at the BZA, and comments will only be taken for or against the petition before the board.

OLD BUSINESS

25-BZA-20 PETITIONER IS FIRST PRESBYTERIAN CHURCH OF ELKHART PROPERTY IS LOCATED AT 200 EAST BEARDSLEY AVENUE

Eric Trotter, Assistant Director for Planning presents. This is a revised staff recommendation and negotiation of all parties, in order to find some middle ground in order to recommend in favor of a negotiated, revised petition this evening.

The original request is to vary from Section 26.10.F.5(b)(f), Temporary Signs, which permits two (2) yard signs per street frontage and one (1) additional sign for each 250 feet of frontage for all four (4) street frontages in 'B' zoning districts for a period of thirty (30) days per year and one (1) banner which is not permitted in residentially zoned districts to allow for twelve (12) roadside yard signs and six (6) interior wayfinding signs and one (1) banner for a total of seventy (70) days per year, a variance of six (6) additional yard signs and 40 days per year, where these signs are only permitted in 'B' districts.

STAFF ANALYSIS

The petitioner is requesting a developmental variance to vary from Section 26.10.F.5(b)(f), Temporary Signs, which permits two (2) yard signs per street frontage and one (1) additional sign for each 250 feet of frontage for all four (4) street frontages in 'B' zoning districts for a period of thirty (30) days per year and one (1) banner which is not permitted in residentially zoned districts to allow for twelve (12) roadside yard signs and six (6) interior wayfinding signs and one (1) banner for a total of seventy (70) days per year, a variance of six (6) additional yard signs and 40 days per year, where these signs are only permitted in 'B' districts.

The petitioner is requesting a variance from the temporary sign section of the ordinance to provide notice of activities occurring at the church. The church has several special events they wish to alert the public by using the small temporary signs. Additionally, they are requesting onsite wayfinding signage for the interior of the campus to direct people once they come onto the church property. To also place a banner on the south façade of the building for the same purpose.

The board heard the request in August. At that time staff had offered a compromise of 36 days versus the petitioner's request of 70 days per year related to the number of signs and the duration of time for the requested signs to be placed. During the discussion, the request was split into two motions. At that time, the BZA approved the wayfinding signs until December of 2026. The other part of the request for the additional temporary signs – the board's vote was tied, therefore that part of the request was held over until the next regular meeting because there was no majority vote for or against the request.

In September, the board heard the request again along with additional public comment. At that meeting only three members were in attendance. Because of the minimum quorum, all votes must be in the affirmative for the request to be approved. The final vote did not produce a majority either in favor or not in favor, so again the matter was continued until the next month.

During the month of October, staff, Assistant City Attorney, and the Administration worked diligently to come up with a compromise for temporary signage for places of worship that met the needs of messaging for individual congregations. And was in line with the Intent and Purpose found in the Zoning Ordinance for signs within the City of Elkhart.

The need for the variance arises from the fact that the temporary signs requested are permitted only in B districts and the number of signs exceeds what is permitted for temporary signs. The church is surrounded by public streets on all four sides of the building with onsite parking lots with at least one aisle of parking on all four sides of the building.

Staff have been working with the church over the past several months to assist them in finding solutions to their signage needs. In the past, the church placed numerous signs and feather flags in the public right of way along Beardsley to alert the passing public of the current church activity. The department had received complaints related to the number, type and duration of time the signs were placed in the right of way for various church activities.

The update to the zoning ordinance, with an anticipated adoption date late summer or early fall, will address some of the temporary signs the church has utilized in the past – feather flags which are not currently on the list of permitted temporary signs, but are being added to the list of temporary signs. Small signs and banners are proposed to be permitted in all districts in the updated ordinance. The ordinance update would permit these signs in any district, up to a total of four (4) signs, for up to 30 days.

The compromise offered was as follows: Places of Worship would be allowed twice the number of temporary signs, specifically yard signs – currently two (2) plus one (1) for the additional 250 feet of street frontage. The proposed would allow four (4) plus two (2) for every 250 feet of frontage. Currently the ordinance does not permit feather flags. The proposed language would allow two (2) feather flags per zoning lot. Currently the ordinance does not permit banners in residentially zoned districts. The proposed language would allow one (1) banner. This proposed compromise will be memorialized in the upcoming UDO. Additionally, there will be no time limit for the above-mentioned temporary signs. However, the temporary signs must be maintained in the manner to which they were originally designed. Temporary signs that are allowed to become tattered and/or dilapidated will be

considered a nuisance and will be treated as a violation of the sign code. In order to address any safety concerns, no signs will be allowed in the right-of-way at any time.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance for specific temporary signs. This recommendation comes to the BZA as a compromise between the petitioner and the city. Those signs are as follows - to allow a maximum of four (4) yard signs plus two (2) for every 250 feet of street frontage, to allow two (2) feather flags per zoning lot and to allow one (1) banner. The time allowance for these specific temporary signs will be unlimited 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 the requested signs are temporary and will be placed outside of the public right of way;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner as the requested signs are not that uncommon for places of worship;
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 the needs of this type of use are greater than most other uses permitted in residential districts;
5. The strict application of the terms of this Ordinance **may result** in practical difficulties in the use of the property because the limitations of time and placement temporary signs puts constraints on the ability to notice the public of activities within the building;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

1. The specific temporary signs as mentioned in the recommendation above are to be placed on the private property of the church. They are not to be placed within the public right of way.

Evanega Rieckhoff calls the petitioner forward.

Bruce Carter of 65406 Wade Rd, Cassopolis, Michigan, representative for First Presbyterian Church appears in person. Carter states that the church supports the staff recommendations. They thank the staff for their hard work. It has been a long process, and they have been before the Board three times. They think the City has done well by them, and additionally are very excited that this will be expanded to other churches in the community. The citizens of their community will benefit by having the additional information from the churches all over the City. Thank you.

Evanega Rieckhoff thanks them for participating in this process, and opens for public comments to speak in favor. Hearing none, she opens for opposition. Hearing none, she closes the public portion of the meeting and calls for a motion.

Mulvaney makes a motion to approve 25-BZA-20 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 Lawson.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

Sally Wicks, Pastor of First Presbyterian Church, takes a moment to thank the Board. Wicks speaks for the whole church to say they are so grateful to be able to reach out to the community, and to staff for this compromise.

NEW BUSINESS

25-BZA-24 PETITIONER IS LESLY SANTOS

PROPERTY IS LOCATED AT 1101 W GARFIELD AVE

Kyle Anthony-Petter, Planner II presents.

The request is to vary from Section 26.4.A.6 which states in part, 'No fences, other than split rail, wrought iron or open picket fences not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard' to allow for a six (6) foot privacy fence installed to remain in the corner side yard. A corner side yard height variance of two (2) feet and material standards (solid privacy) variance to remain for the same fence.

Evanega Rieckhoff calls the petitioner forward.

Lesly Santos and daughter, of 1101 W Garfield Avenue, appear in person. Santos states this is their brand new house. They moved from California, like living here, and are more comfortable with the people, community, school, and work. This is their first house, and are happy with the location. The purpose of the fence was for more privacy - the space is for their daughters (ages 12 and 7) who play there, as well as extended family, especially during the summer. It also provides a safe space for family gatherings. They have had issues with someone painting graffiti on their fence. They feel more comfortable with the fence, which they did a lot of work to install. Santos states they understand they made a mistake forgetting where the fence was supposed to go, and while they do feel safe in the neighborhood, the fenced yard provides additional security.

Santos' daughter states that they have a lot of cookouts with their big family who all live here, but they are no trouble and they keep everything inside the yard. They did ask for permission, but did not realize they went too far out. She reiterates their concerns and how the fence allows them to feel more safe on their property.

Evanega Rieckhoff asks staff if the petitioner has been made aware of the conditions. Anthony-Petter approaches the petitioner and informs them of the conditions. Evanega Rieckhoff assures the petitioner that they will not need to buy any more materials, just bring the fence to the back corner of the house instead of the front.

Mulvaney states that the rest of the fence can stay up, it's just the corner that will need to be moved to the back of the house.

Santos asks how long they have to complete the work. Anthony-Petter states six months, due to winter.

Evanega Rieckhoff reiterates that they have 6 months, because of winter. The petitioner asks if they have until summer. Evanega Rieckhoff states April.

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

STAFF ANALYSIS

Anthony-Petter presents.

The petitioner is requesting a developmental variance to allow for a 6-foot privacy fence in a corner yard, when 4 feet is the maximum height and to allow solid material, when non opaque material is allowed.

The petitioner submitted a fence permit on June 20, 2023, and was approved by staff on the same day. The approved permit application depicted the fence even with the home along 11th Street. When the fence was installed, the placement went past the wall of the home along 11th Street, which does not comply with the current fence placement standards.

Zoning staff cited the property for a zoning violation for the 6-foot solid wood fence installed in the corner side yard prohibited by zoning ordinance on August 11, 2025. The petitioner then submitted to the board for a developmental variance on September 26, 2025. The original design met the developmental requirement from the zoning ordinance for corner side lots. The petitioner is seeking this variance to allow for the now existing fence to remain in its current location.

This variance is required because the property owner, after being granted a fence permit, chose not to place the fence in the allowable location. After discovering the violation, staff chose not to fine the property owner for the incorrect placement of the fence. The City of Elkhart is in the process of updating its zoning ordinance, including the fence regulations. The location of the fence is not consistent with proposed regulations found in the anticipated UDO. The UDO would require the fence coming toward the street at the rear corner of the home not the front corner of the home, as the fence in this petition is requesting.

Staff and this board need to be consistent when making recommendations and granting developmental variances. There is nothing about the land or lot that prohibits the petitioner from locating the fence in an approved location that meets the proposed developmental standards forthcoming in the UDO. Staff are making an effort to make sure the recommendation they make for cases similar to this one is consistent with other corner-side-yard fence requests.

Staff is willing to support the request if the new fence is modified to have the projecting portion of the fence come from the rear corner of the home and not the front corner of the home.

STAFF RECOMMENDATION

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

1. The approval **should not** be injurious to the public health, safety, morals or general welfare of the community because the fence should have been built and installed in a workmanlike manner;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because a fence is a typical element found in residential districts. The fence's location should not affect the use and value of an adjacent 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 because it is anticipated that this location will soon be permitted in the new UDO;
4. Special conditions and circumstances **do exist** as the subject property is a corner lot;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because the fence could be placed so as to meet the requirements for fencing on a corner lot in the city;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant because the approved location of the fence was not followed and placed in an unapproved location;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

1. The projecting portion of the fence should be moved to the rear corner of the home. This will mirror the language in the forthcoming UDO for fences in residential districts on corner lots or parcels. The fence is currently placed at the front corner of the home.
2. The petitioner has 6 months (until May 2026) to complete the work.* [**Amended by staff during meeting.*]

Anthony-Petter says 33 letters were mailed with 0 responses.

Evanega Rieckhoff asks if there are questions from the Board for staff, hearing none she calls for a motion.

Mulvaney makes a motion to approve 25-BZA-24 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 staff conditions in the staff report; Second by Lawson.

Evanega Rieckhoff asks if the motion includes both conditions, including the added second condition. Mulvaney confirms.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

Evanega Rieckhoff summarizes again for Santos, reiterates that they will need to move the fence back by May 2026, and thanks the petitioner.

25-UV-11 PETITIONER IS DAVID A NUFER LLC
PROPERTY IS LOCATED AT 2101 S MAIN ST

Trotter presents.

The request is to vary from Section 13.2, Permitted Uses in the B-3, Service Business District to allow for the establishment of a new day care center at 2101 South Main Street.

Evanega Rieckhoff calls the petitioner forward.

John Piraccini of 633 Windy Cove Court, Mishawaka, from Coldwell Banker Commercial Office, representing David Nufer, Joseph Nufer, as well as the operator of the daycare ministry, appears in person. Piraccini states that the Nufer's have constructed the new Burton's Laundry on South Main, and they added on a couple thousand square feet of space to compliment the neighborhood and business. They marketed it and the daycare operator took interest, but they realized they did not have the correct zoning and stopped construction. Piraccini states that Staff was concerned about the outside area for the kids, and they met with Eric to resolve the issue prior to the meeting. The outside area for children will be moved to back side of the building, which staff will elaborate on. They felt this was a good compromise. They feel the daycare center is a good compliment to the neighborhood and would be a nice addition. Piraccini states he is available for any questions.

Evanega Rieckhoff clarifies that the Staff Report will include information about the new play space being proposed, and it is confirmed off-screen/off-mic.

Evanega Rieckhoff asks for questions from the Board. Hearing none, she opens for public comments to speak in favor. Hearing none, she opens for opposition. Hearing 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 the property at 2101 South Main Street to be used as a day care center. Section 13.2 Permitted Uses in the B-3, Service Business District does not permit Day Care Centers.

The need for the use variance comes from the fact that the B-3 zoning district does not permit day care centers as a permitted use. The property is currently Burton's Laundry and with a vacant retail space on the north end of the building. On the rear and west side of the building there is available parking. The building has already undergone some indoor remodeling for the build out of the area for classrooms as well as office space for staff. The building was built in 2025 and is approximately 6,766 square feet over one level. There is approximately 2,487 square feet available for the day care center and 4,279 square feet used for laundry services.

The petitioner is seeking local permission to operate a day care center at 2101 South Main Street. The City of Elkhart requires, in addition to state approvals, local approval in order to operate a day care center. The petitioner's tenant will be working to gain State approval as an Unlicensed Registered Child Care Ministry. The daycare center will necessitate a license from the Indiana Family and Social Service Administration (FSSA).



Based on information provided to staff via email, the hours of the center will be 6:00 am to 6:00 pm. The approximate number of children cared for at the site will be between 20 to 22 children with 5 to 6 employees. The operator has over 20 years' experience in childcare and operates 21 centers in South Bend. The petitioner is proposing to install outdoor play space using a planting peninsula in the parking lot.

Staff conducted a site visit at 2101 South Main Street on October 28 - specifically to observe the proposed area allocated for outdoor play. The peninsula area is small – approximately 200 square feet in area. There is no alternate area nor a community park within walking distance for the children to recreate outside.

Staff have reservations related to the size of the outdoor play area. Staff also understands the need for quality childcare and realizes the potential benefit of having a

location like this at the intersection of two thoroughfares which makes the pick-up and drop off easy for working parents. However, this complex wasn't constructed for this type of end use; it was designed for a more typical retail commercial user.

The concern staff is having with this request is the location at S Main Street and E Lusher Avenue has no outdoor play area and no park or alternative area for children to recreate outside.

Trotter states that subsequent to the writing of this staff report, staff met with the petitioner's agent and the petitioner's son, who agreed to relocate the play area from the parking peninsula to the south end of the building, which has a larger, rectangular, grass area that would better accommodate the children outside.

Evanega Rieckhoff asks if staff knows the square footage of the new recreation space.

Trotter states he does not, but from observing the area, it looked to be two to three times the size of the original play area.

Evanega Rieckhoff asks if the daycare operator feels comfortable, as a professional, with the size of the new play area.

Canisha Taylor, daycare operator, appears in person. She states that she does feel comfortable. Evanega Rieckhoff asks whether the 20-22 kids will be outside at the same time, and if they will split the recreation time up. Canisha responds no that they will not be all outside at the same time, and will split up the time to make it work. Evanega Rieckhoff asks if the city feels comfortable with that, and Trotter nods in the affirmative.

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 be updated 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 only be minor exterior changes to the existing building;
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 day care center 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 establishing a permitted B use could be achieved on this site 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. All children shall be restricted to the building or fenced-in play area (parking island shall be fenced – now updated to area south of the building*) except when arriving and leaving or on supervised walks or outings. [**Amended by staff during meeting.*]
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. A copy of the child care center license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
5. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Use Variance becomes null and void.
6. Any violation of the terms of this Use Variance as determined by the City Zoning Administrator shall render the Use Variance invalid.
7. The maximum number of children will be determined by the State's Child/Staff Ratio.

8. A renewal for the use variance will need to be submitted is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by November 9, 2027.

Trotter says 20 letters were mailed with 0 returned.

Evanega Rieckhoff asks if the petitioner and associated parties are familiar with the conditions, as laid out by staff. She states they're all standard conditions for all daycares, except for number one. Number one will be rewritten in the parenthetical area to say, "area south of the building shall be fenced." Piraccini confirms that they have read and understand the conditions.

Evanega Rieckhoff asks if there are questions from the Board for staff, hearing none she calls for a motion.

Mulvaney makes a motion to approve 25-UV-11 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 Lawson.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

**25-UV-13 PETITIONER IS SANDRA SCHREIBER, ELKHART CITY REDEVELOPMENT COMMISSION
PROPERTY IS LOCATED AT VL 100 BL. FREIGHT STREET**

Anthony-Petter presents in conjunction with following case.

Request is to vary from Section 15.2.Q, Permitted Uses in the CBD, Central Business District to allow for residential dwelling units on the first floor of the mixed use commercial buildings.

Evanega Rieckhoff calls the petitioner forward.

Mike Huber, Director of Developmental Services for the City of Elkhart and representing Sandra Schreiber and the Redevelopment Commission, appears in person. Huber states his comments apply for both 25-UV-13 and 25-UV-14. In 2023 and 2024, the City assembled multiple parcels along Freight Street and South Main Street, demolishing some buildings there, in the hopes of redeveloping those properties. They put them out for an RFP and the developer Garrison Frazier submitted an RFP for both projects. Their intent is to invest \$50 million to create new mixed-use development projects at both of the locations, two separate projects totaling about 210-215 new housing units. Huber states that this is the first significant investment in this corridor and this part of the city in some time, following on the heels of the Benham Neighborhood planning process that was led by the Chamber and the City. It incorporated many of the objectives and design guidelines that were identified in the plan. One of the issues, which will be addressed in the upcoming new UDO, is that currently the proposed development calls for residential development on the first floor. There isn't the capacity to have that much new commercial development on that entire stretch of Main Street and both those projects. Current zoning ordinance does not permit residential on the first floor, so that is the purpose of these variances. The developer does have a representative present to speak and answer any questions.

Jonah Butler, 520 E Washington St, Indianapolis, representative from Garrison Frazier and Milhaus, appears in person. They are the co-developers that received the RFP award to fulfill the City's vision for the South Main Street and Freight Street parcels. Butler states that Mike covered most of what he wanted to talk about, but did want to add that they are very excited about this project and he is able to answer any questions. When they were looking at how best to achieve the City's vision for revitalization of the South Main Street corridors and redevelopment of their city-owned parcels, they realized that having ground-floor residential units made the most sense in various places, as well as offering mixed-use and a public plaza as part of this development. They're excited, and Butler thanks the Board.

Evanega Rieckhoff asks for questions from the Board for both 25-UV-13 or 25-UV-14.

Mulvaney asks if Freight Street will be a walking arcade with no parking or driving.

Huber responds that they haven't gotten to the complete design for that, but it's likely there will be the ability for some vehicular traffic. The intent is to make it feel as pedestrian-friendly as they can. There will be some parking and access to the residential development from Freight Street, as well.

Mulvaney states that they're surrounding Bowly's on three sides, and asks where their parking will be. Huber states they're incorporating parking for all of the potential retail and businesses.

Evanega Rieckhoff clarifies there will be enough parking for the apartments and the businesses. Huber confirms. She asks if the first floor apartments, being so close to the sidewalk, will be safe.

Huber states that yes, and they'll be very similar to the new Ivy Road development in the River District which are also first floor on the sidewalk on Jackson Boulevard. He states that these will model that in some ways. Evanega Rieckhoff asks if there will be a buffer, and Huber confirms.

Evanega Rieckhoff opens for public comments to speak in favor.

Nekeisha Alayna Alexis of 1052 South Second Street appears in person. Alexis states that they have been following this project very closely and is also a resident of the Benham East Neighborhood. Alexis states that it is a welcome addition to that part of town, and is very excited that the city is committed to not only housing, but shared housing all across the city, citing the need for housing and apartments in that area. Being a New Yorker, they assure the Board that first floor apartments are safe and there are ways to make sure there is some comfort between residents and people passing by. Alexis is a strong advocate of affordable housing and has an understanding that Garrison supports affordability, and hopes they are factoring that into the planning. *[Interference from staff fixing mic issues.]* Alexis also appreciates that Kelby Love's mural will be honored as part of this project, as it was a big loss but this will be a big gain, and it is their understanding that Kelby's mother, Glenda Love, is also in favor. Alexis asks the Board to hold them to the affordability part.

Evanega Rieckhoff asks Mike Huber if the apartments will be for the middle area the City needs so badly. Huber confirms that is his understanding, and the development was presented as a marker aid development, much like was seen at the County Road 17 with the Holliday project out there, the Flats at Pine Creek, this is likely targeting more of a workforce-attainable housing rent rate.

Evanega Rieckhoff states that the Board will hold them to that.

Evanega Rieckhoff opens for opposition. Hearing none, she closes the public portion of the meeting and calls staff forward to present both 25-UV-13 and 25-UV-14.

STAFF ANALYSIS

Anthony-Petter and Trotter present.

The petitioner is requesting a use variance to allow the property at Freight Street and South Main Street to build residential dwelling units on the first floor of a multi-family residential dwelling unit. To vary from Section 15.2.Q, Permitted Uses in the CBD, Central Business District to allow for residential dwelling units on the first floor of the mixed-use commercial buildings.



In 2024, The Elkhart Restoration, Regeneration and Reconnection of the Benham Neighborhood Master Plan was finalized after a 12 month process to identify successful places within the city's fabric, note opportunities to continue current growth and activity, provide specific strategies to celebrate and expand upon the best parts of Benham. The master plan looks to activate the public realm at street level, making it easier and safer to walk in the neighborhood while defining public gathering places.

The figure to the left is a snapshot of the east end of the Benham Master Plan area that incorporates both use variance cases before the Board of Zoning Appeals this evening. Specifically, it depicts the massing of existing and proposed infill structures within the neighborhood with the goal of reactivating the streets and public areas.

The Development Services team has been working with Garrison Frazier as the Benham Neighborhood Master Plan was being developed in 2023 and 2024. In July 2024, Garrison Frazier responded to a Request for Proposal (RFP) put out by the Elkhart Redevelopment Commission with the goal and purpose to transform the southern gateway to downtown Elkhart. That area included the Freight Street neighborhood. The RFP submittal was to support and follow the elements found in the Benham Plan.

The project, referred to as the Freight Street District, will have two (2) buildings with 144 dwelling units and over 9,000 square feet of retail and amenity spaces. The first building facing South Main Street will be four (4) stories and have 3,300 square feet of leasable retail space. The second building facing Freight Street will also be four (4) floors with 104 residential units with 2,000 square feet of amenity space.

The Freight Street District will highlight existing community assets like the brick streets, the National New York Central Railroad Museum and the neighborhood Bowly's Crystal Bar. Historically the buildings that were constructed along South Main were cited close to or at the front property line – this redevelopment project is in keeping with the historic development pattern along South Main Street.



The request comes to us as the petitioner is looking to build one multi-family building with residential on the first floor and a second building with commercial space and residential on the first floor fronting South Main Street.

The City of Elkhart is in the process of updating its zoning ordinance, including new uses allowed in Central Business District. The requested use is consistent with proposed regulations found in the anticipated UDO.

Trotter states that as it relates to the other request, the differential with this project, 25-UV-14, referred to as the South Main Mixed-Use Development, will have one (1) mixed-use building with 81 dwelling units and over 15,150 square feet of retail and amenity spaces. The building facing South Main Street will be four (4) stories and have 3,300 square feet of leasable retail space.

[Separate Staff Report, Recommendations, case-specific questions, and the motion for 25-UV-14 follow this case.]

STAFF RECOMMENDATION

Anthony-Petter continues.

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 the proposed development activates vacant land and is in keeping with the Benham Neighborhood Plan;
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 building proposed with residential on the first floor 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 CBD use would not provide the activation of the street and not be in keeping with the Benham Plan;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant, as the project is being developed in keeping with the Benham Neighborhood Plan;
7. This property **does not** lie within a designated flood hazard area.

Anthony-Petter states 36 letters were sent with none returned.

Evanega Rieckhoff asks if there are questions from the Board for staff.

Lawson asks about the timing of the project. Staff directs the question to Mike Huber.

Huber states that they do have timing, the City has a number of approvals that need to be initiated and completed in order to provide the incentives being provided to the developer. One being the receipt of state incentive dollars through the Lilly Endowment initiative. The developer is negotiating with the IEDC, and they expect that contract to be signed in December. There is a meeting the following day to create and finalize their approvals calendar. The developer hopes to break ground in September of 2026.

Lawson asks if there is an official name for the neighborhood, and whether there will be a gateway or signage announcing the neighborhoods similar to the River District.

Huber is unsure, since it falls within the Benham Neighborhood, if they will rename the whole area, but does know the developer's intent along Freight Street is to rename it the Freight Street District. It is unsure if the South Main Street at the gateway of Prairie and Main Street area would also fall into or be branded as the Freight Street District or not. There is a significant public plaza green space being proposed as part of the South Main Street development, at the corner of Prairie and Main, that will be named Love Plaza in honor of Kelby Love. There will be a 3D replication of the original mural. There's a lot of great care being taken in providing elements of public art and making the entry and gateway into the community special. The buildings they have branded "South Main Street" and "Freight Street District" have not necessarily been renamed these things.

Evanega Rieckhoff asks if they've talked with anyone about branding. She states that Dave Weaver did a lot with an advertising agency on branding, and she is unsure if it's something they are doing.

Huber does not believe it's happening yet, maybe with Freight Street District, but is unsure how it applies to South Main Street yet, but said it might be a question for the developer's representative.

Lawson states that these neighborhoods bordering the central business district deserve to be special. Huber agrees.

Butler states that it's a little early in the process to flesh out the marketing schemes and exact names of the community, stating that Milhaus and Garrison have strict naming conventions for their developments, but it will be announced when the time comes.

Lawson states that it's an important thing for the City and neighborhoods, that people that live there want to be proud of where they live and be recognized when they're mentioned. Lawson states they are so excited, that it's a wonderful addition, and asks that the developer takes extra steps to think of working with the community and come up with a name and gateway enhancement there so it looks like you're going into a special place. Butler states they understand.

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 25-UV-13 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 Lawson.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

**25-UV-14 PETITIONER IS SANDRA SCHREIBER, ELKHART CITY REDEVELOPMENT COMMISSION
PROPERTY IS LOCATED AT VL 1000 BL. S MAIN ST**

Trotter presented with previous case.

The request is to vary from Section 15.2.Q, Permitted Uses in the CBD, Central Business District to allow for residential dwelling units on the first floor of the rear buildings.

STAFF ANALYSIS

The petitioner is requesting a use variance to allow the property at South Main Street to build residential dwelling units on the first floor of the rear residential buildings. To vary from Section 15.2.Q, Permitted Uses in the CBD, Central Business District to allow for residential dwelling units on the first floor of the rear buildings.

In 2024, The Elkhart Restoration, Regeneration and Reconnection of the Benham Neighborhood Master Plan was finalized after a 12-month process to identify successful places within the city's fabric, note opportunities to continue current growth and activity, provide specific strategies to celebrate and expand upon the best parts of Benham. The master plan looks to activate the public realm at street level, making it easier and safer to walk in the neighborhood while defining public gathering places.



The figure to the left is a snapshot of the east end of the Benham Master Plan area that incorporates both use variance cases before the Board of Zoning Appeals this evening. Specifically, it depicts the massing of existing and proposed infill structures within the neighborhood with the goal of reactivating the streets and public areas.

The Development Services team has been working with Garrison Frazier as the Benham Neighborhood Master Plan was being developed in 2023 and 2024. In May 2024, Garrison Frazier responded to a Request for Proposal (RFP) put out by the Elkhart Redevelopment Commission with the goal and purpose to transform the southern gateway to downtown Elkhart. That area included the South Main Street neighborhood. The RFP submittal was to support and follow the elements found in the Benham Plan.

The project, referred to as the South Main Mixed-Use Development, will have one (1) mixed-use building with 81 dwelling units and over 15,150 square feet of retail and amenity spaces. The

building facing South Main Street will be four (4) stories and have 3,300 square feet of leasable retail space.

The South Main Mixed-Use Development will highlight community assets like the re-imaged Kelby Love mural as the centerpiece of the Love Plaza to be located near the intersection of Prairie and South Main Street. This mural will serve as a focal point for the project as identified in the Benham Neighborhood Plan to act as a gateway from downtown Elkhart to the Benham neighborhood. Historically the buildings that were constructed along South Main were cited close to or at the front property line – this redevelopment project is in keeping with the historic development pattern along South Main Street.



The City of Elkhart is in the process of updating its zoning ordinance, including new uses allowed in Central Business District. The requested use is consistent with proposed regulations found in the anticipated UDO. As the allowed residential use will be expanded to include more types previous not listed.

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 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 proposed development activates vacant land and is in keeping with the Benham Neighborhood Plan;
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 main floor residential units 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 without the requested use variance, the project would not be in keeping with the Benham neighborhood plan; [**Amended by staff during meeting.*]
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant, because the construction has not started and the project is being developed in keeping with the Benham Neighborhood Plan;

7. This property **does not** lie within a designated flood hazard area.

Trotter states that 74 letters mailed with 1 returned, not in favor.

Evanega Rieckhoff asks about a discrepancy on Staff Recommendation number five – whether it is **will** or **will not**. Trotter states that it was a typo he will correct on record, and should be **will not** result.

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 25-UV-14 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 Lawson.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

STAFF ITEMS

Trotter states that scheduling for training will happen in the next week or so. The Board needs to watch their emails, so a time can be found that works for everyone.

Evanega Rieckhoff asks if it will be after Thanksgiving, Trotter confirms.

ADJOURNMENT

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

Janet Evanega Rieckhoff, President

Phalene Leichtman, Vice-President

BOARD OF ZONING APPEALS

-MINUTES-

**Thursday, December 11, 2025 - Commenced at 6:00 P.M. & adjourned at 7:14 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Phalene Leichtman

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Kevin Davis

RECORDING SECRETARY

Raen Levendoski

APPROVAL OF AGENDA

Mulvaney makes a motion to approve; Second by Leichtman. Voice vote carries.

APPROVAL OF MINUTES FOR OCTOBER 9, 2025

Evanega Rieckhoff states that there's a small change to the October 9th minutes – an addition of "via webex."
Mulvaney makes motion to approve; Second by Leichtman. Voice vote carries.

APPROVAL OF MINUTES FOR NOVEMBER 13, 2025

Tabled until January 8, 2026.

APPROVAL OF PROOFS OF PUBLICATION

Leichtman makes motion to approve; Second by Mulvaney. Voice vote carries.

APPROVAL OF 2026 BOARD OF ZONING APPEALS CALENDAR

Eric Trotter states that the calendar is the same, the rhythm of the meetings are the same – the file by date and meeting date are approximately 5 weeks apart.
Mulvaney makes motion to approve; Second by Leichtman. Voice vote carries.

OPENING STATEMENT

Welcome to the December 11, 2025 meeting of the Elkhart City Board of Zoning Appeals. 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. Alternatives: 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. Forms are provided for this purpose and are available tonight. 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, including proxy members. 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. We don't have any proxies tonight.

With respect to the public comment portion of the meeting, public comments will be taken only on the specific petition being heard before the board. Unlike the City Council meeting, where there is time for anyone to comment on any issue, we do not have that at the BZA and comments will only be taken for or against the petition before the board.

OLD BUSINESS

25-UV-12 PETITIONER IS JFS REAL ESTATE HOLDING, LLC, M.A. SPITE PROPERTY IS LOCATED AT 1010 N MAIN ST

Trotter states that this case will remain tabled.

NEW BUSINESS

25-BZA-25 PETITIONER IS GOGO REAL ESTATE/MOUNT NORTH CAPITAL PROPERTY IS LOCATED AT 112 S SECOND ST

Kyle Anthony-Petter presents. The request is to vary from Section 26.10 Sign Regulations, Table 1 Maximum Sign Area, to allow a new integrated message board that is limited to 50% of the area of the principal sign that is 9.875 square feet. The maximum area of the message center is limited to 4.93 square feet where the proposed LED message board is proposed to be 14.895 square feet, a variance of 9.9575 square feet.

Evanega Rieckhoff calls the petitioner forward.

Richard Smith, representative of Brad Norman of the 112 Club, appears in person. They would like to move forward with the digital sign, which occupies the same footprint as the previous sign. It gives a larger margin of safety – it can be changed from a laptop inside of a building, doesn't have loose letters and things blowing in the wind into the road. It enhances the look of the property and provides communication for the community that is going to use the space.

Evanega Rieckhoff asks for questions from the Board.

Mulvaney asks if they are aware of the conditions that staff has recommended, which are consistent with the new regulations for LED signs. Smith confirms.

Evanega Rieckhoff 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

The petitioner is requesting a Developmental Variance to vary from the requirements found in Section 26.10.D – Table 1: Maximum Sign Area in Square Feet (SF), to allow for the installation of an EMC sign and increase the allowable space for signage.

The subject property is occupied by the Elkhart 112 Club and is requesting a proposed EMC sign to showcase current programs and events at the building for the public.

The request comes to us based on a complaint and an investigation by zoning staff starting in 2025, that observed a new sign at the location after the previous changeable message board sign was altered with a new electronic sign. The sign contractor installed the sign without first obtaining a permit. Because no permit was sought prior to installation, this action prevented staff from reviewing the signage requirements for the project and alerting them of the need for the variance.

Staff recommends approval of the requested variances subject to the recommended conditions that have been placed on other Electronic Message Center signs (EMC) by the Board of Zoning Appeals approvals.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from the requirement found in Section 26.10.D – Table 1: Maximum Sign Area in Square Feet (SF), 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 conversion to a digital (LED) face will not be injurious so long as the recommended conditions are required and met;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the conversion to a digital (LED) face, if property dimmed, can result in less light trespass onto adjacent 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** which are particular to the land involved and which are not applicable to other lands or structures in the same district as the sign is preexisting and without board action the replacement would not be a legal sign;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because the current sign is non-conforming and without board action the replacement is not possible;
6. The special conditions and circumstances **does** result from an action or inaction by the applicant;
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. Movement, including video, flashing, and scrolling, is prohibited.
2. Message sequencing, where content on one message is related to content on the next message, is prohibited.
3. The minimum time duration of each message shall be 20 seconds.
4. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
5. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
6. Light trespass shall not exceed one-tenth (0.1) foot candles as measured at the property line.
7. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
8. No sign message may depict, or closely approximate, official traffic control signage.

Anthony-Petter states there were 28 letters mailed with none returned.

Evanega Rieckhoff asks if there are questions from the Board for staff.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 25-BZA-25 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 Mulvaney.

Mulvaney – Yes

Leichtman – Yes

Evanega Rieckhoff – Yes

Motion carries.

25-UV-15 PETITIONER IS WILLIAM LEE/LEE HOLDINGS LLC PROPERTY IS LOCATED AT 117 W JACKSON BLVD

Trotter presents. The request is to vary from Section 15.2.Q, Permitted Uses in the Central Business District, specifically to allow residential uses on the first floor of building where multifamily and residential located above a commercial use is required.

Evanega Rieckhoff calls the petitioner forward.

Tuma Underwood, 1719 Boardwalk in Elkhart, appears in person. Underwood states that they purchased to old Crimaldi's building, the downstairs was at one time a restaurant. They cleaned it up and renovated it, and want to turn it into two residential suites. It was put on the market for retail/rental with Endeavour and have received no interest. They're trying to move in a different direction and understand there's a housing crisis, so they would like to turn it into residential suites.

Evanega Rieckhoff states the only questions she has is regarding parking spaces - aware of parking on the side and knows there are also place up above. How many apartments are there total, and how many parking spaces do they have?

Underwood states that the two upstairs are both one bedroom apartments, but they could hold two. They have two girls in one of the apartments, and one gentleman in the other. Three spots are taken. Both downstairs could hold two but will be one-bedrooms, as well. There are eight spots, since they have the concrete pad behind the building and parking on the side. Evanega Rieckhoff asks if that's enough – a space-and-a-half for every [trails off]. Underwood nods, and states that the spots run 7-9', but the parking spaces in the back are 9' apart.

Evanega Rieckhoff asks for questions from the Board.

Leichtman asks if there are four total apartments in the building. Underwood confirms.

Evanega Rieckhoff 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

The petitioner is requesting a use variance to allow the property at West Jackson Boulevard and South 2nd Street to allow residential dwelling units on the first floor of an existing mixed-use building. To vary from Section 15.2.Q, Permitted Uses in the CBD, Central Business District to allow for residential dwelling units on the first floor of a mixed-use commercial building.

The request comes to us as the petitioner is looking to build residential units on the first floor of an existing commercial building which has residential space on the second floor currently. The new residential unit will be on the first floor to front West Jackson Boulevard.

Based on assessor records, the building was built around 1860 over two levels with about 2440 square feet on the first floor and 2440 square feet on the second floor. Over the last several decades the site had been known as Crimaldi's Restaurant and Lounge which closed in November 2023. The building was then renovated with the intent of renting out the lower half for retail or as commercial space. Over the last six months of having the space available for rent, little interest has occurred for potential retail or commercial space.

Staff conducted a site visit of 117 West Jackson Blvd with the property owner on October 21, 2025 to discuss the conversion of the first floor to residential. The building has been recently remodeled and the interior updated. It was during this meeting that staff made the property owner aware that a project to convert to residential would require a use variance.

The City of Elkhart is in the process of updating its zoning ordinance, including new uses allowed in Central Business District. The requested use is consistent with proposed regulations found in the anticipated UDO.

This request will allow the property to be redeveloped and continue to chip away at the shortage of housing in our community and downtown as outlined in the Zimmerman Volk Housing study. The city needs housing at every level, and this request helps the city in supporting redevelopment of downtown buildings.

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 be remodel 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 proposed development activates vacant buildings and is in keeping with the Downtown Neighborhood Plan;
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 building proposed with residential on the first floor 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 a viable downtown structure would remain vacant and not developing a permitted CBD use would not provide the activation of the street and not be in keeping with the Downtown Neighborhood Plan;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant, as the project is being developed in keeping with the Downtown Neighborhood Plan;
7. This property **does not** lie within a designated flood hazard area.

Trotter say 22 letters were mailed with none returned.

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

Mulvaney makes a motion to approve 25-UV-15 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 Leichtman.

Mulvaney – Yes

Leichtman – Yes

Evanega Rieckhoff – Yes

Motion carries.

**25-BZA-26 PETITIONER IS RB REALTY LLC
PROPERTY IS LOCATED AT 2432 BYPASS RD**

Anthony-Petter presents. The request is to vary from the list of Prohibited Signs found in Section 26.10.B.6, Roof Mounted Signs, to allow for a roof mounted sign that is 90 square feet in area.

Evanega Rieckhoff calls the petitioner forward.

Todd Lehman of Signtech Sign Services, 1508 Bashor Rd in Goshen, appears in person. States he was originally contacted by Dr. Roger Pecina originally about this project, who is working with Dr. Richard Boling, who owns the property. They both would really like to put a classic 50s style diner in this location. They found a closed 50s diner in New York, where they're acquiring all the interiors, and part of the package was this sign that had been mounted to the roof.

Mulvaney asks if it's the original sign.

Lehman confirms and states that what they'd like to do is relocate all this to Elkhart, re-open this diner, and name it the Eddie's Drive In that it was originally in New York.

Evanega Rieckhoff ask if it's going to be a drive-in or diner.

Lehman states that it all depends on whether they get to do this. If they can't get the sign on the roof, they will walk away from some of the aspects they've been leaning towards – it all revolves around whether a variance is granted for the sign to go on the roof.

Evanega Rieckhoff asks for questions from the Board.

Mulvaney wants to make sure the carhops are on roller skates.

Lehman states that it is a stainless steel neon sign, which isn't seen any more, so it would be really cool to see it saved. There will probably be a lot of stainless steel inside, as well, because that's what they did in the day.

Evanega Rieckhoff 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

The petitioner is requesting a Developmental Variance to vary from the list of Prohibited Signs found in Section 26.10.B.6, Roof Mounted Signs, to allow for a roof mounted sign that is 90 square feet in area.

The subject property is proposed to be used for a retro vintage Drive-in diner restaurant due to style of the building built in 1966. Over the last several decades the site has been known as Putnam's VW dealership before becoming Gurley Leep. Both businesses used the large windows along the front for signage. But no verification of a previous roof mounted signage can be confirmed.

The petitioner reached out to staff doing the necessary due diligence in order to determine the signage that would be allowed at the site on September 10, 2025. The petitioner was made aware at that time that Board action would be required to install a roof mounted sign.

The sign ordinance is written to permit wall signage to a max of 40% coverage. The placement requirement for a wall sign is that it does not extend above the wall to which it is attached, and such signs shall be set back from the ends of the building or party wall lines a minimum distance of one (1) foot.

Staff would typically not support this type of request as these types of signs are prohibited in all districts.

Due to the design of the building with the walls being made of glass makes installing wall signage difficult without hanging over or requiring further variances to place a sign.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from Section 26.10.B.6, Roof Mounted Signs, to allow for a roof mounted sign that is 90 square feet in area based on the following findings of fact:

1. The approval **should not** be injurious to the public health, safety, morals or general welfare of the community because the signage will be built and installed in a workmanlike manner;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the uses in the area are commercial and industrial uses;
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 due to the unique style of the building and without board action a roof mounted sign 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 due to the design of the building placement of signage along the front would be difficult to meet the requirements for signage in the city;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the building is existing;
7. This property **does not** lie within a designated flood hazard area.

Anthony-Petters states seven letters were mailed with none returned.

Evanega Rieckhoff asks if there are questions from the Board for staff.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 25-BZA-26 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 Mulvaney.

Mulvaney – Yes

Leichtman – Yes

Evanega Rieckhoff – Yes

Motion carries.

25-BZA-27 PETITIONER IS HEARTLAND RECREATIONAL VEHICLES, LCC PROPERTY IS LOCATED AT 2831 DEXTER DR

Trotter presents. The request is to vary from Section 13.2.T, which permits the 'Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2,000 gallons to allow for two (2) 11,000-gallon fuel tanks, a variance of 20,000 gallons.

To also vary from Section 26.7.C.7.b which requires 'All parking areas and drives from commercial, manufacturing, institutional and residential uses shall be paved with concrete, asphalt or decorative concrete, brick or asphalt pavers to allow for gravel around the maintenance facility.

To also vary from Section 13.2.F which permits 'Contractors' Offices and shop with no on-site fabrication or outside storage' to allow for outside storage of equipment.

To also vary from Section 26.4.B, Fences in Residential and Business Districts which states in part 'In a corner lot no fence, wall or vegetation exceeding four (4) feet in height or a fence, wall or vegetation that is opaque may be placed, built, or installed: 1. In the required side yard adjacent to the street; or 2. In any portion of the rear yard lying closer to said street than the point of the principal building nearest said street' to allow for a non-conforming six (6) foot chain link with barbed wire to be expanded along the Wade Drive frontage in the rear yard closer to street than principal building.

To also vary from Section 26.4.A.1, Fence Requirements, General Provisions which states that 'No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except in manufacturing districts where barbed wire may be used at the top portion of a permitted fence or wall if located more than seven (7) feet above the adjacent ground level. Such permitted barbed wire shall be considered part of a fence and subject to the fence height restrictions to allow for the above mentioned chain link fence with barbed wire to be expanded in the rear yard along Wade Drive.

Evanega Rieckhoff states that what the Board will do is have the petitioner come up and speak to all of the variances, have staff read the Staff Report for all of them, then vote individually on each variance.

Evanega Rieckhoff calls the petitioner forward.

Thad Bessinger, 53767 County Rd 9 in Elkhart, appears in person. First, around the shop they would like to construct, they want to put gravel. It would tie-in to both the asphalt parking lot around the office and the asphalt parking lot on the other side of the shop. The reason for that is, when they unload the tracked equipment, it destroys the concrete and asphalt, chews it up. It would give them a place to not constantly destroy, that they could keep maintained.

Bessinger states that the fence that is around the perimeter is existing and already at the height they want to maintain, they just would like to fix it up. There is one section out by Wade Drive that is on city property, they spoke with Eric about, that needs to be moved back to the proper property. They like the idea of putting barbed wire because they've had break-ins, and people vandalizing equipment or get hurt on equipment, so it's a protective measure to try to protect the equipment.

Bessinger states that the other one was the tanks. What they do is the equipment comes for storage, then it goes into the shop to be worked on, then it gets fueled up. They go through quite a bit of fuel a month. The advantage with that is that rather than having to load the equipment up and run it across city streets to another location to get it fueled up, then take it to a different location across the city, it saves on fuel, the environment, and damage to city roads. They can just take care of it all at one location, because it has to come back and be serviced and maintained at that one site.

Evanega Rieckhoff checks to make sure that covered all the variances, the outside storage is the only variance not covered.

Bessinger states that the equipment they bring in, they want to be able to park the equipment outside until it can be brought into the shop to be worked on, then it would go back out to be parked. It's typically the area where they park their trucks and trailers. What they're doing is moving their location into the city.

Evanega Rieckhoff asks for questions from the Board.

Mulvaney asks how many pieces of equipment they anticipate storing outside. Bessinger states that it will depend on what needs to be repaired or not. They have a lot of equipment, but winters are typically more than summer, since in the summer they're all out working. There could be 6-8 pieces of equipment in the back yard, then trailers. They'll keep at least as many (8-10) trailers, it just depends. A lot of them will leave and not come back.

Mulvaney asks if most of it goes out to the worksite. Bessinger confirms, and says it's really hard to measure since it varies.

Mulvaney asks if the large parking lot that was being used to store RVs is where they'll store – Bessinger confirms that that's where they'll store the trailers and trucks. He also states a lot of the bigger equipment would be in the gravel lot on the back side, which is where that and the storage tank, between where they want to keep a little buffer of trees and a new building. Bessinger states that eventually they'll talk to the city about putting a lean-to to keep some of the equipment, but that's not a part of this petition.

Mulvaney asks if they anticipate removing any more trees in the area. Bessinger says they would like not to, and that they want to leave the rectangular area of trees.

Leichtman asks if they are aware of the conditions about moving the fence. Bessinger confirms and states that that will probably come down when they take the trees down.

Evanega Rieckhoff opens for public comments to speak in favor.

Ryan White with Pinnacle Properties, 4189 Main St, a commercial real estate broker for the last 22 years, appears in person. States that this transaction is contingent on getting this variance. His company has been tasked with selling the Heartland Campus for Thor Industries. They've had good activity and been very successful with selling the manufacturing facilities, which all sold within a matter of months. This office building, which is the former Heartland Corporate Headquarters, is a beautiful office building and has had very little activity.

Evanega Rieckhoff states it was formerly Coachman.

White confirms, and says then it was Heartland, who redid it, and it's one of the best office buildings they've seen in the area. Nationally and regionally, the office market is really bad. They don't get a lot of users like C&E looking for that much office space. They're thrilled someone from Elkhart, that wants to stay in Elkhart is looking at the property, looking to keep the jobs here in the state let alone in Elkhart. Speaking to the technical things they're looking for, that whole park has barbed wire fence throughout, and there are tanks like that throughout. He understands the zoning is different here from the M-1 zoning, but it goes with the rest of what's in that area there. It'd be great to see C&E move in there, and it'd be a great win for Elkhart.

Evanega Rieckhoff opens for opposition.

Beth Van Galen, 1334 County Rd 6 West, appears via WebEx, but there were technical difficulties – WebEx users could not be heard in the Council Chambers, but could be heard on the recording.

Evanega Rieckhoff ask if Beth is looking to speak in opposition, and Val Galen confirms [unheard by council]. Evanega Rieckhoff asks if she is muted, and she states that she is unmuted. Evanega Rieckhoff states that they still cannot hear Van Galen, and asks if IT can unmute her. IT explains [unintelligible, off mic] that it is an issue with the wiring in the room that they are trying to fix but that will not be fixed immediately.

Evanega Rieckhoff asks if a phone number can be provided for Van Galen to call in, and asks for a thumbs up if that is okay. Van Galen gives a thumbs-up on video.

Ryan White provides his phone number for her to call in. Van Galen disconnects from WebEx in order to call in. There are a few moments of waiting before the call comes through. White puts Van Galen on speakerphone.

Beth Van Galen appears via phone. Van Galen states they just bought the house on the other side about a year ago, and asks if the tree frontage will stay in the back of the building. Evanega Rieckhoff states that yes, it is. Van Galen states that last year a lot of trees were taken out by the really horrendous storm, and it did take out a major part of the fence. When Heartland was confronted about the fence, they refused to take care of it. Van Galen states that that is a concern for the, because they do not want the trees taken down or the gas tanks sitting back there. They do not want that to be the way they take care of the property.

Evanega Rieckhoff asks Bessinger to come speak to Van Galen's concerns.

Bessinger states that a lot of the trees will come down per their plan. He states that in front of the asphalt lot there are nicer trees and a green space that will end up with a 20ft buffer they plan to put trees in. Bessinger states that the trees that are currently there do not look nice, with trees and limb down, and parts of the fence down. Their intent is to fix the fence and they talked about putting slatting in it to give more privacy. They do plan to clean it up and maintain it, and the tanks would be removed to make room for more storage area. The green section on drawing shows that everything along the office would stay as trees.

Van Galen asks if there will be trees that separate between the manufacturing and housing. Bessinger states that there will be some, then asks if she can see the asphalt lot and trees that are there where they stored the RVs. Van Galen says no, they can't, but they can see the lot where the RVs were, but not so much in the summer time. She states that they're in front of the corporate building and over a little more from that lot. Bessinger states that if they're straight in front of the corporate building, those trees will stay and the first 50-75ft of the tree line will stay, kind of where the tower is, then all the rest of the trees will come out to the fence, then they will fix the fence and clean that area up, then plant trees along the residential area to try and shield. They also talked about putting in the green slats in the fence.

Van Galen states concern about reselling the property with manufacturing right behind their house. Bessinger states that they're not a manufacturing company. He states it's like the rental that's approved but a little bigger, with bigger construction equipment.

Van Galen asks if the tanks will be sitting outside with fuel in them. Bessinger states that it would be diesel fuel, closer to the office and should be hidden by the trees – between the new building they're going to build, and the office and the trees. In that area, more on the North side of the site, in a secondary containment, so that if something happens it would hold it. He states it's diesel fuel, which is a little safer than [unintelligible].

Van Galen talks about an explosion that happened at a carpenter company that has her concerned.

Bessinger states she won't have to worry about an explosion. States that North of there is a brownfield where they run the city water in the area, so city water is available.

Van Galen asks when they will start this. Bessinger responds that they talked about doing tree clearing soon, but as far as the

building it would be later in the summer would be the earliest they could start anything on that. They would mostly just occupy the office, since they're out of office space, which is why this property fit for them.

Evanega Rieckhoff asks if Van Galen has any other questions. Van Galen says yes, but she knows she's a little fish and feels like they're going to lose here. Bessinger states they pride themselves not only on taking care of their customers, but also want to be good neighbors. States they are welcome to reach out to them if they have concerns or need help, or at some point – Bessinger asks if they are on city water. Van Galen states that was another concern because they have a well. Bessinger states that they know they had the Phase 1 and Phase 2 done, and some of that brownfield spilled into the corner of our property, so that was one of our concerns with this property we want to buy. It might be worth looking at city water while you're there, but it's something we're willing to help you out as a neighbor, too, if there's an issue.

Van Galen asks for clarification on the brownfield. Bessinger said yes, it just got into the corner of Dexter and Wade. We were supposed to close in October, but because of what we found, we've done more exploratory... it hasn't been bad, but you know.

Van Galen says okay and yeah, because they are on a well, that is a concern. Bessinger states that they keep track of that and get inspected every year by the county, and now it'll be the city. We'll take good care of that. It'll be a double containment wall. We've been doing this for a long time, and it's diesel fuel, so...

Van Galen asks if they can ask questions at any time. Bessinger confirms.

Evanega Rieckhoff thanks Van Galen for calling in and apologizes for the technical glitch. White tells Van Galen she can call him at any time at his number. Bessinger also says she can contact C&E.

Levendoski asks Van Galen to state her name and address for the record.

Van Galen states that she sent a letter. Trotter replies that the letter has not been received yet, so asks for her name and address.

Evanega Rieckhoff calls staff forward.

STAFF ANALYSIS

The request comes to us from a request from a local company looking to relocate from Elkhart County to the City to expand into a new space that better meets their needs. This move to the city will require several developmental variances. The office building was the former headquarters for Coachman Industries.



Staff have preliminarily reviewed the submitted site plan. The overall project will be required to meet City of Elkhart standards for appropriate buffering and setbacks. That process begins with review at Tech Review for final approval and development from all reviewing bodies. The variances found in this request were based on the enclosed site plan.

The need for many of the variances in this request comes from the fact that the land contained in this petition is zoned commercially. That commercial zoning was intended to be a buffer zone between the manufacturing district to the north and the residential to the south.

The first variance; the petitioner is requesting a developmental variance so they can install two (2) 11,000 gallon above ground fuel tanks. The ordinance standard limits the size of a storage tank to 2,000 gallons, therefore the need for the developmental variance. The two tanks will consist of one for off road and one for on road fuel stored in a two-layer storage container to prevent leakage. The size of the fuel tanks is to ensure adequate storage of fuel is available at all times due to the large amount of fuel consumed by the petitioner's equipment.

The second variance; the petitioner is seeking relief for the paving requirements for commercial and industrial development to allow gravel around the maintenance facility when all parking areas and drives for all uses are to be paved with concrete, asphalt or decorative concrete, brick or asphalt pavers. Due to the nature of the wheels and weight of the construction equipment the use of pavement would become damaged quickly and would result in frequent replacement and the installation of gravel would reduce this cost of replacement.

The third variance; the petitioner is requesting relief for the prohibition of outdoor storage in the B zoning district. The petitioner will construct a contractors' office building to run daily operations. This is a permitted use. The petitioner is requesting an

allowance for storing equipment outdoors. Outdoor storage is necessary for this type of business where equipment for daily business operations will be stored and made available for year-round use.

The fourth variance; the petitioner is seeking relief from the height requirements in the rear yard. Along Wade Drive, a six (6) foot chain link with barbed wire fence, is requested to be placed in the rear yard closer to the street than the existing building. This proposed fence will provide security and prevent people from accessing the site, out of harm's way and away from the equipment. The fence will expand the existing chain link with the barbed wire fence currently along Wade Drive.

The fifth and final request is related to the expansion of the above-mentioned fence to allow barbed wire at a height that is not more than seven (7) feet above the adjacent ground level. The petitioner is requesting that the fence have barbed wire that matches the existing fence when it is expanded around the site. The existing fence has barbed wire to secure the equipment and fuel, the petitioner would request that it be allowed to be included.

Additionally, the existing fence along Wade Drive is placed within the city right of way and was likely installed before 2013. No permits could be located for the fence. This fence within the public right of way and shall be required to be moved to just inside the property line. The body cannot approve and not endorse the expansion of an illegally installed fence – even if installation was unintentional. The existing fence and any new fencing will be required to be installed within the property line.

On January 13, 2022, the Board of Zoning Appeals approved a use variance for the western parcel included in this request for a recreational vehicle finished goods storage lot, case number 22-UV-01 - VL Wade Drive. This use variance will need to be revoked as the use requested is not consistent with the current development plan presented with this case. Staff will seek revocation should this request be granted.

STAFF RECOMMENDATION

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

To vary from Section 13.2.T, which permits the 'Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2,000 gallons to allow for two (2) 11,000-gallon fuel tanks, a variance of 20,000 gallons;

To also vary from Section 26.7.C.7.b which requires 'All parking areas and drives from commercial, manufacturing, institutional and residential uses shall be paved with concrete, asphalt or decorative concrete, brick or asphalt pavers to allow for gravel around the maintenance facility;

To also vary from Section 13.2.F which permits 'Contractors' Offices and shop with no on-site fabrication or outside storage' to allow for outside storage of equipment;

To also vary from Section 26.4.B, Fences in Residential and Business Districts which states in part 'In a corner lot no fence, wall or vegetation exceeding four (4) feet in height or a fence, wall or vegetation that is opaque may be placed, built, or installed: 1. In the required side yard adjacent to the street; or 2. In any portion of the rear yard lying closer to said street than the point of the principal building nearest said street' to allow for a non-conforming six (6) foot chain link with barbed wire to be expanded along the Wade Drive frontage in the rear yard closer to street than principal building;

To also vary from Section 26.4.A.1, Fence Requirements, General Provisions which states that 'No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except in manufacturing districts where barbed wire may be used at the top portion of a permitted fence or wall if located more than seven (7) feet above the adjacent ground level. Such permitted barbed wire shall be considered part of a fence and subject to the fence height restrictions to allow for the above-mentioned chain-link fence with barbed wire to be expanded in the rear yard along Wade Drive;

1. The approval **should not** be injurious to the public health, safety, morals or general welfare of the community because the project will be built to all appropriate building and zoning codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the storage area will be properly screened and will be reviewed at Tech Review to ensure proper screening of residential properties;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted as the Comprehensive Plan calls for this area to be developed industrially;
4. Special conditions and circumstances **do exist** that are peculiar to the land involved because without board action the development as proposed would not be able to be built;
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 security needs at the facility could not be met;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the work has not started.
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

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

1. The existing fence within the right of way along Wade Drive shall be relocated out of the right of way just inside the property line.
2. The use variance, 22-UV-01 for recreational vehicle storage will be revoked. Staff will facilitate the revocation petition to the BZA for this request.

Trotter states 15 letters were mailed with 1 returned not in favor with no comment, and another was a phone call not in favor from a residence at 1400 County Rd 6. Comments were: the residential houses of the area are on well water, not city, and she would appreciate a good faith effort from Heartland to provide yearly water testing to ensure that no fuel or contaminants are leeching into the ground water.

Leichtman asks who regulates the gas on the property – does the state, does the city? Who watches over that. Trotter states he believes that is a function of the state and the county health department. Leichtman asks how often it is inspected. Bessinger states that it's once a year, minimum.

[Bessinger speaks more off mic, unintelligible] Bessinger asks if one of the addresses was 1400. Trotter states the property was around the corner on Dexter, on Dexter adjacent. [off mic, unintelligible]

Evanega Rieckhoff asks if Condition one goes with 26.4.B or 26.4.A.1. Trotter replies that it goes with 26.4.B.

Evanega Rieckhoff asks for clarification on condition two, revoking. Trotter clarifies that staff will initiate that revocation. Evanega Rieckhoff states the Board will not do anything with that tonight and Trotter confirms. He did not want to put that on the same agenda and muddy the water.

Mulvaney asks if extending city water to the residents along County Rd 6 on the radar for the City at some point. Trotter states that right now it's his understanding that there is no water service along that section of County Rd 6. What would have to happen is the water would have to come from the industrial part south. There is an easement along the south side of the petitioners property, where there could be the potential for the installation of a service line that could potentially serve then the residents along County Rd 6 from their rear yard, coming south to the homes. The utility would have to work with the petitioner to loop that water, because you can't have a dead end line, so it would be looped around the perimeter of their property. I understand there is an easement along the South side of the property for general utilities.

Evanega Rieckhoff asks if each motion should be called by their sections. Trotter confirms.

Evanega Rieckhoff calls for a motion to vary section 13.2.T.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 13.2.T dealing with outside storage of liquids or gases; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 26.7.C.7.b with respect to parking areas and drives being gravel; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 13.2.F regarding outside storage; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 26.4.B regarding fences and also adopting the conditions in the staff report with respect to the existing fence in the right-of-way; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 26.4.A.1 with respects to the fence requirements; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries

Evanega Rieckhoff asks if there are any other staff items. Trotter reminds the Board of training on Thursday, December 18 at 2pm in the Council Chambers Conference Room.

ADJOURNMENT

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

Janet Evanega Rieckhoff, President

Phalene Leichtman, Vice-President

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LEGAL NOTICE #26-UV-02

Hearing on proposed Use Variance #26-UV-02.

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, JANUARY 8, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-02.

Petitioner: SURINDER SINGH

Request: To vary from Section 11.2, Permitted Uses to allow for a two-family dwelling. Two family dwellings are not permitted by right in the B-1 district.

Location: VL 2400 Block South Main Street, Parcel No. 06-16-208-008

Zoning: B-1, Neighborhood Business District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter **2300 952 5126** 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:
LOTS NUMBERED FIVE (5) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF LONG'S ADDITION TO DINEHART PLACE, AN ADDITION TO THE CITY OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 1, PAGE 39 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 24th day of December 2025, by the City of Elkhart, Board of Zoning Appeals.
Publication Date: December 30, 2025 HSPAXLP

**ELKHART COUNTY SHERIFF'S DEPARTMENT
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE
AND ALL INTERESTED PARTIES**

NOTICE OF SHERIFF'S SALE
Sheriff's File Number:
Date of Sale: January 28, 2026, at 10:30 a.m.
Judgment to be Satisfied:

By virtue of a certified copy of a decree to me directed from the Clerk of Elkhart Superior Court 2 of Elkhart County, Indiana, in Cause No. 20D02-2402-MF-000042

Plaintiff: JPMorgan Chase Bank, National Association

Defendant: Stanley C. Skinner, Linda L. Skinner, Justin Skinner, Ovation Sales Finance Trust and State of Indiana

required me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, at the hour of 10:30 AM of said day listed above, at www.zeusauction.com, the fee simple of the whole body of Real Estate in Elkhart County, Indiana.

Lot Number Eighty-seven (87) as the said Lot is known and designated on the recorded Plat of Country Acres Section V, a subdivision in Osolo Township; said Plat being recorded in Plat Book 13, page 12 in the Office of the Recorder of Elkhart County, Indiana. More commonly known as 27346 Lamplighter Ln, Elkhart, IN 46514-8874
Parcel No. 20-02-19-203-009.000-026

Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisal laws. This Notice shall also represent service of Notice of Sale of the above-described real estate upon the owners, pursuant to requirements of IC 32-29-7-3.

Barry T. Barnes
BARRY T. BARNES, Plaintiff Attorney
Attorney # 19657-49
FEIWELL & HANNOY, P.C.
8415 Allison Pointe Blvd., Suite 400
Indianapolis, IN 46250
(317) 237-2727

Jeff A. Siegel, Sheriff

Osolo Township

The Sheriff's Department does not warrant the accuracy of the street address published herein.

SERVICE DIRECTED TO:
Stanley C. Skinner
25014 N Shore Dr
Elkhart, IN 46514-9403
Service Type: Serve By Sheriff

Linda L. Skinner
25014 N Shore Dr
Elkhart, IN 46514-9403
Service Type: Serve By Sheriff

Justin Skinner
27346 Lamplighter Ln
Elkhart, IN 46514-8874
Service Type: Serve By Sheriff

NOTICE
FEIWELL & HANNOY, P.C., IS A DEBT COLLECTOR. HSPAXLP



**To place a public notice,
please send your requests to
legals@pmginmi.com.**

**Please allow 48 hours to process, larger legals
may need at least four business days.**

LEGAL NOTICE #26-UV-01

Hearing on proposed Use Variance #26-UV-01

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, JANUARY 8, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-01.

Petitioner: ESPAR & ESPAR HOLDINGS, LLC

Request: To vary from Section 15.2, Permitted Uses in the Central Business District to allow for a Tattoo Parlor.

Location: 700 SOUTH MAIN STREET SUITE 101

Zoning: CBD, Central Business District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter **2300 952 5126** 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:
A part of Out Lot 35 as the said Lot is known and designated on the recorded Corporation Plat of Town (now City) of Elkhart; said Plat being recorded in Deed Record 27, page 154 in the Office of the Recorder of Elkhart County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Out Lot 35, being the Southeast corner of Main and State Streets; thence Eastwardly along the South line of State Street, 100 feet; thence Southwardly parallel with the East line of said Out Lot 35, 42 feet; thence Westwardly parallel with the South line of State Street to the East line of Main Street; thence Northwardly along the East line of Main Street, to the place of beginning.

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 24th day of December 2025, by the City of Elkhart, Board of Zoning Appeals.
Publication Date: December 30, 2025 HSPAXLP

**ELKHART COUNTY SHERIFF'S DEPARTMENT
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE
AND ALL INTERESTED PARTIES**

NOTICE OF SHERIFF'S SALE
Sheriff's File Number:
Date of Sale: January 28, 2026, at 10:30 a.m.
Judgment to be Satisfied:

By virtue of a certified copy of a decree to me, directed from the Clerk of Elkhart Superior Court 5 of Elkhart County, Indiana, in Cause No. 20D05-2506-MF-000138

Plaintiff: Lakeview Loan Servicing, LLC

Defendant: Ginger S. Minnis, State of Indiana and United States of America, acting through the Secretary of Housing and Urban Development

required me to make the sum as provided for in said Decree, with interest and cost, I will expose at public sale to the highest bidder, at the hour of 10:30 AM of said day listed above, at www.zeusauction.com, the fee simple of the whole body of Real Estate in Elkhart County, Indiana.

LOT NUMBERED ONE HUNDRED FIFTY-SIX (156), AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF COLONIAL MANOR SECTION ELEVEN; SAID PLAT BEING RECORDED IN PLAT BOOK 30, PAGE 90, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA. More commonly known as 932 Eagle Dr, Goshen, IN 46526-2503
Parcel No. 20-11-06-456-012.000-015

Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisal laws. This Notice shall also represent service of Notice of Sale of the above-described real estate upon the owners, pursuant to requirements of IC 32-29-7-3.

/s/ BARRY T. BARNES
BARRY T. BARNES, Plaintiff Attorney
Attorney # 19657-49
FEIWELL & HANNOY, P.C.
8415 Allison Pointe Blvd., Suite 400
Indianapolis, IN 46250
(317) 237-2727

Jeff A. Siegel, Sheriff

Elkhart Township

The Sheriff's Department does not warrant the accuracy of the street address published herein.

SERVICE DIRECTED TO:
Ginger S. Minnis
932 Eagle Dr
Goshen, IN 46526-2503
Service Type: Serve By Sheriff

NOTICE
FEIWELL & HANNOY, P.C., IS A DEBT COLLECTOR. HSPAXLP

**RESERVE THIS SPACE
TODAY!**



Staff Report

Planning & Zoning

<u>Petition:</u>	25-UV-12
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	November 13, 2025
<u>Petitioner:</u>	JFS Real Estate Holding, LLC, M.A. Spite
<u>Site Location:</u>	1010 North Main Street
<u>Request:</u>	To vary from Section 19.2, Permitted Uses in the M-2, General Manufacturing District to allow for a Motor Vehicle Storage Yard.
<u>Existing Zoning:</u>	M-2, General Manufacturing District
<u>Size:</u>	+/- 0.78 Acres
<u>Thoroughfares:</u>	North Main Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

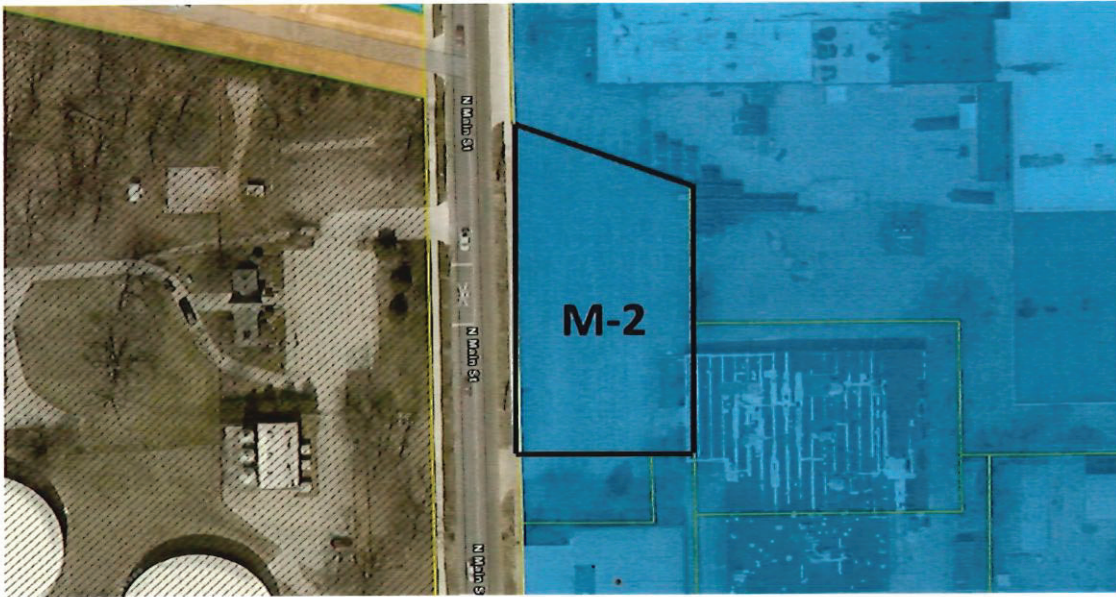
The property is surrounded by a mix of residential and manufacturing uses zoned R-2, Two Family Dwelling, PUD, Planned Unit Development and M-2, General Manufacturing District

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 low-density residential uses and manufacturing uses.



Staff Analysis

The petitioner is requesting a use variance to allow the property at 1010 North Main Street to be used as a Motor Vehicle Storage Yard. Section 19.2 Permitted Uses in the M-2, General Manufacturing District does not permit Motor Vehicle Storage Yard. Motor Vehicle Storage Yard is defined as any place where two (2) or more vehicles, regardless of operating condition, are kept outdoors for the purpose of storage.

Truck, tractor, trailer or bus storage, parking lot or yard, or garage is allowed as a permitted use in the M-2 District. The M-2 zoning district for this part of North Main Street is considered a legacy zoning district. This means the uses and development intensity no longer fit the surrounding neighborhood. This M-2 district is typically associated with the manufacturing and distribution of goods produced in larger planned Manufacturing Districts.

The petitioner is requesting a use variance to allow the property to be used as motor vehicle storage yard for the storage of overflow cars from a local car dealership. The request comes to us based on a complaint and an investigation by zoning staff that observed a new use at the location after seeing cars parked in the parking lot without license plates.

Zoning staff cited the property for a zoning violation for a Motor Vehicle Storage Yard on July 15, 2025. After staff explained to the petitioner that the use is not a permitted use in the district, the petitioner was given the option of filing for a use variance. The petitioner then submitted to the board for a use variance on October 3, 2025.

Located across the street from one of Elkhart's premier visitor attractions, the Wellfield Botanic Gardens draws tens of thousands of visitors every year. The surrounding neighborhoods aesthetic is important in order to maintain the adjacent streetscape that leads to the area. The property is located along the Main Street arterial that also leads into downtown. Staff wants to ensure the visual integrity of the area. The desire is to keep the parking lot neat and organized along the Main Street frontage.

The parking lot had previously been used by Advantage Truck Accessories for employee parking until 2013. From that date forward until recently, the lot had remained largely unused. The current level of activity, based on information provided by the petitioner, was established two years ago.

The permitted uses allowed in the M-2 district are more intense than the request which are allowed by right.

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 proposed use is less intense than the permitted M-2 uses;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the use as parking lot has existed for decades and the use as a motor vehicle storage lot is less intense than the other permitted 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 the motor vehicle storage yard on this parcel would not be permitted;
5. 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 because the current use as a motor vehicle storage yard is not a legal use without board action;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant;
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. All vehicles must be in running condition; no flat tires, broken windshields, or cars that require major auto body repair work.
2. All vehicles shall be parked on an approved surface.
3. No vehicle parts may be stored outside. Outside storage is prohibited.
4. The parking lot is to be kept in good repair, striped and weed free.

Photos







PETITION #: 25-UV-12

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): JFS Real Estate Holding, LLC, M.A. Spite

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: ANDY SPITE

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 1010 N. MAIN ST. ELKHART, IN

Zoning: M2

Present Use: PARKING LOT Proposed Use: PARKING LOT

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): ANDY SPITE

SIGNATURE(S): [Signature] DATE: 10/2/25

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: Rain DATE: 10/3/25

Date: September 5, 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, M.A. (Andy) Spite for JFS Real Estate Holding, LLC, am the owner of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana. 1010 N. Main St. Elkhart, IN.

2. The above described real state presently has a zoning classification of M-2 District under the Zoning Ordinance of the City of Elkhart.

3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner of a parking lot

4. Petitioner desires to use the lot as a parking lot as well but for cars from a car dealership not plated separately but under the dealer license. Only as an overflow and allow customers to meet there occasionally. The amount shall be limited to not more than 50 vehicles at any given time. Parking lot is designed to hold up to 200 vehicles.

5. The Zoning Ordinance of the City of Elkhart requires???? Not clear.

6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. By allowing this use it would create activity and help prevent theft and vandalism to the buildings and property while not disturbing anyone or anything.

7. We have used this property for the same use prior to this with NO ISSUE for over 2 years. The zoning allows for semi trailer parking in the same space which is an eyesore and much more obtrusive.

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

Signature of Property Owner:

Printed Name: ANDY SPITIE for JPS Real Estate Holdings LLC

Second Property Owner: _____

Printed Name: _____

Contact Person: ANDY SPITIE

Name: ANDY SPITIE



EXHIBIT A

Part of the South half (W 1/2) of Section Thirty-two (32), Township Thirty-eight (38) North, Range Five (5) East, situate in Osolo Township, City of Elkhart, County of Elkhart, State of Indiana, and being more particularly described as follows:

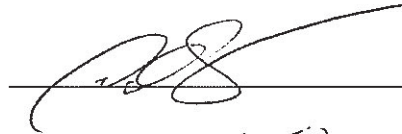
Assuming the East line of North Main Street to have a bearing of due North and South; beginning at a point where the East line of said North Main Street is intersected by the North right of way line of the Elkhart and Western Branch of the Penn Central Railroad (now Conrail), said point being Eighteen (18) feet (measured at right angles) from the centerline of the railroad track; thence North Zero (0) degrees Zero (0) minutes East along the East line of said North Main Street a distance of Five Hundred sixty-four and twenty-one hundredths (564.21) feet to the Southerly right of way line of the C. C. C. & St. Louis Railroad; thence South Sixty-eight (68) degrees Twenty-nine (29) minutes East along said right of way line a distance of One Hundred forty-two and three hundredths (142.03) feet to the Northeast corner of land described in a deed to Durakool, Inc. (Deed Record 364, page 303); thence South Zero (0) degrees Zero (0) minutes West parallel with the East line of said North Main Street a distance of One Hundred Twenty-one and six hundredths (121.06) feet to the Northwest corner of land described in a deed to Durakool, Inc. (Deed Record 316, page 621); thence South Eighty-nine (89) degrees Twenty-six (26) minutes East a distance of Two Hundred (200) feet; thence South Zero (0) degrees Zero (0) minutes West a distance of One Hundred Ten (110) feet; thence South Eighty-nine (89) degrees Twenty-six (26) minutes East a distance of Twenty-four (24) feet to the Northeast corner of land described in a deed to Durakool, Inc. (Deed Record 313, page 319); thence South Zero (0) degrees Twenty-eight (28) minutes West a distance of One Hundred seventy-two and sixty-five hundredths (172.65) feet to a point on the North right of way line of said Elkhart and Western Branch of the Penn Central Railroad (now Conrail), said point being Eighteen (18) feet (measured at right angles) from the centerline of the Railroad track; thence South seventy-three (73) degrees Seventeen (17) minutes West along said right of way line a distance of Three Hundred seventy and twenty-four hundredths (370.24) feet to the place of beginning of this description.

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, M. Andy Spite, 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:

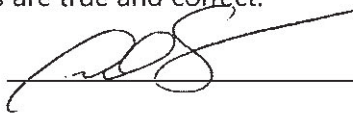
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 1010 N. MAIN ST Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 4 day of Sept, 2025.



Printed: M. A. SPITE

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: M. A. SPITE

STATE OF INDIANA)

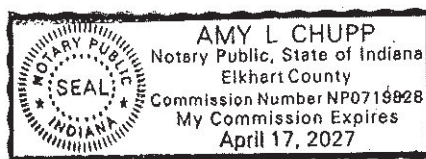
) SS:

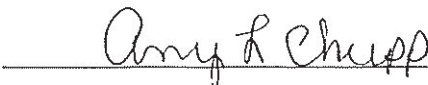
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared M. Andy Spite, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 4 day of September, 2025.

My Commission Expires:

4/17/2027





Printed: Amy L. Chupp

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

Elkhart County, IN

Summary

Parcel Number 20-02-32-379-001.000-027
Alt Parcel Number 02-32-379-001-027
Property Address 1010 N MAIN STREET
ELKHART IN 46514
Property Class Code 309
Property Class Industrial: Parcel Classified as Vacant but is Part of the Support Land for Another Parcel
Neighborhood 2737007-Industrial-Acre-City Public Utilities-Fair Rates (027)
Legal Description PT E MAIN ST S CCC & ST L SEC 32 (TIF 149)
Township OSOLO TOWNSHIP
Corporation ELKHART COMMUNITY
Taxing District 027 - EC OSOLO

[View Map](#)

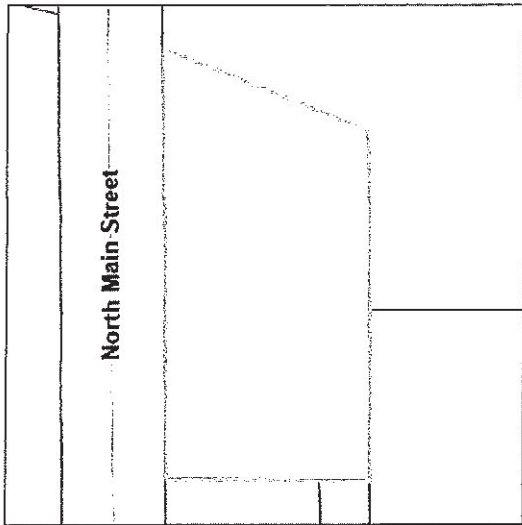
Owners

JFS REAL ESTATE HOLDING LLC
PO BOX 1397
GRANGER, IN 46530-1397

2025 Form 11

20-02-32-379-001.000-027 2025 F-11_9.pdf (PDF)

Map



No data available for the following modules: Exterior Features, Special Features, Improvements, Residential Dwellings, Commercial Buildings, Tax Deductions, Photos, Sketches.

All the data represented within this application is for public information services only. The data is updated as provided by the county. The data contained within this application should not be used for legal purposes.

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Last Data Upload: 9/4/2025, 7:43:50 AM

[Contact Us](#)

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 **SCHNEIDER**
GEOSPATIAL



Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-01
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	January 8, 2026
<u>Petitioner:</u>	Espar & Espar Holdings, LLC
<u>Site Location:</u>	700 South Main Street Suite 101
<u>Request:</u>	To vary from Section 15.2, Permitted Uses in the CBD, Central Business District, to allow for a tattoo parlor. Tattoo parlors are not a permitted use in the CBD.
<u>Existing Zoning:</u>	CBD, Central Business District
<u>Size:</u>	+/- 0.082 Acres
<u>Thoroughfares:</u>	South Main Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

The properties to the north, south, east and west are all zoned CBD, Central Business District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive calls for this area to be developed with mixed uses.



Staff Analysis

The petitioner owns a building on a .08-acre lot in the city's Central Business District with a vacant commercial space that the owner wishes to add a tattoo artist and two art studios to the property. Tattooing is not a permitted use in the Central Business District.

The commercial space is approximately 500 square feet. It is anticipated there will be four (4) stations for artists to work. As well as two (2) seating areas in the front of the space for customers to wait. The hours of operation are to be Monday – Thursday 10:00-7:00 and Friday – Sunday 10:00-8:00. The operator has provided certificates for bloodborne pathogen training and CPR.

Any renovations would require relevant permits and meet any applicable building codes. Similarly, the tattoo operation would be governed by the Indiana State Department of Health and be required to meet all state regulations, including those governing bloodborne pathogens as well as proper sharps disposal.

Street parking is available on South Main Street, Tyler Street and adjacent parking is also available on State Street. Business will be carried out entirely indoors, and it is unlikely that this will have a negative effect on adjacent properties.

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 tattoo operation will be required to follow all state and local regulations as well as all necessary health 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 operation will be conducted entirely indoors;
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 Tattoo parlors are not permitted by right in the Central Business District;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because it would restrict a limited use that is becoming more common in downtowns;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant, as the petitioner has not yet established the use and is awaiting a decision by this body;
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 condition be placed upon the approval:

1. The tattooing area shall be limited to one chair and one tattoo artist at a time in only the area shown on the provided floor plans.
2. The tattoo business and artist(s) shall at all times adhere to any applicable state and local health codes.

Photos



Image from Google Streetview

PETITION #: 26-UV-01

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Espar & Espar Holdings, LLC

Mailing Address: _____

Phone # _____

Email: _____

Contact Person: Nicholas Green

Mailing Address: _____

Phone #: _____

Email: _____

Subject Property Address: 700 South Main Street Suite 101 Elkhart, Indiana 46516

Zoning: CBD, Central Business District

Present Use: N/A (unoccupied)

Proposed Use: Tattoo Parlor

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): Nicholas Green

SIGNATURE(S): _____

DATE: December 3, 2025

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: _____

DATE: 12/3/25

Espar & Espar Holdings, LLC
[REDACTED]

November 21, 2025

To: City of Elkhart, Indiana
Board of Zoning Appeals
c/o Eric Trotter, Assistant Director of Planning

Delivered via Email: eric.trotter@coei.org

Re: Petition for Use Variance in Central Business District
Petitioner: Nicholas Green and Rebekah Green, d/b/a Heart City Social Club
Location: 700 S. Main Street, Suite 101, Elkhart, IN 46516
Parcel Identification No.: 20-06-05-483-001.000-012

Dear Mr. Trotter:

I am one of the two members of Espar & Espar Holdings LLC, owner of the real property located at 700 S. Main Street, Elkhart, Indiana 46516. I am authorized to make the representations contained in this correspondence.

Espar & Espar Holdings LLC, as owner of the above-reference property, consents to and supports the petition of Nicholas Green and Rebekah Green, d/b/a Heart City Social Club, for a use variance to permit the use of 700 S. Main Street, Suite 101, Elkhart, IN 46516, as a tattoo studio, and related business activities.

Please feel free to contact me if you have any questions.

Respectfully,

ESPAR & ESPAR HOLDINGS LLC

By:

/s/ Yolla Espar

Yolla Espar, One of Its Members

November 24, 2025

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Use Variance

The undersigned petitioners respectfully show the Board of Zoning Appeals:

1. We, Nicholas and Rebekah Green, with explicit permission of the owner (Espar & Espar Holdings, LLC) of the following described real estate located within the City of Elkhart, Elkhart County, State of Indiana to-wit:

'A part of Out Lot 35 as the said Lot is known and designated on the recorded Corporation Plat of Town (now City) of Elkhart; said Plat being recorded in Deed Record 27, page 154 in the Office of the Recorder of Elkhart County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Out Lot 35, being the Southeast corner of Main and State Streets; thence Eastwardly along the South line of State Street, 100 feet; thence Southwardly parallel with the East line of said Out Lot 35, 42 feet; thence Westwardly parallel with the South line of State Street to the East line of Main Street; thence Northwardly along the East line of Main Street, to the place of beginning.'

Property Address: 700 South Main Street Elkhart, Indiana 46516

2. The above described real estate presently has a zoning classification of CBD, Central Business District under the Zoning Ordinance of the City of Elkhart.
3. Petitioners presently occupy the above described property in the following manner: Suite 101 of 700 South Main Street Elkhart, Indiana in a binding lease agreement between the property owner and the petitioners.
4. Petitioners desire to use the leased premises of Suite 101 at 700 South Main St in Elkhart, Indiana as a luxury tattoo parlor, Heart City Social Club. Tattoo parlor is defined within Zoning Ordinance No. 4370 as "any room or space where tattooing is performed or the business or tattooing is conducted. Tattooing means the placement in human tissue of: 1.) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or 2.) any design, letter, scroll, figure or symbol done by scarring upon or under the skin." Petitioners present "The Vision" to the Board as a part of this appeal in support of the concept of this "luxury tattoo parlor". However, the Zoning Ordinance excludes tattoo parlors as a part of the Permitted Uses within the Central Business District. Modern, luxury tattoo parlors serve as inclusive hubs promoting community through art, enhance culture, and contribute to nearby businesses. With an exclusive team of professional tattoo artists, the primary goals of Heart City Social Club are to create a clean, safe, and welcoming environment where art and community converge. By delivering exceptional artistry and customer service, hosting community-oriented events, and engaging in charitable initiatives, Heart City Social Club seeks to integrate tattooing and art with social impact. Existing

events that highlight the creative culture of Downtown Elkhart , namely, Art Walk, Jazz Festival, and seasonal festivals are prime examples of how art fosters community.

5. The Zoning Ordinance of the City of Elkhart states that the Purpose of the Central Business District is to encourage a diversity of uses which together contribute to the vitality of the downtown core. Section 15.1 of Zoning Ordinance No. 4370 further specifies "The district recognizes the unique character of downtown and its function as a center of business, government, finance, residential, and social activity in the community." Under Section 15, CBD Central Business District of Zoning Ordinance No. 4370, subsection 15.2 Permitted Uses, line X specifies the permitted use of "retail sales and service, excluding adult entertainment, pawn shops, and tattoo parlors (as amended per Ordinance No. 5606 on August 11, 2017.)"
6. Strict adherence to the Zoning Ordinance would create an unusual hardship by prohibiting a tattoo parlor from opening within the Central Business District, directly contradicting the opening statement in Section 15.1, "The purpose of the Central Business District is to encourage a diversity of uses which together contribute to the vitality of the downtown core." A community-centered tattoo parlor could greatly contribute to the spirit of the city's downtown core and creative culture by bringing a new demographic of clientele to the region.
7. Standards to be considered for a Use Variance for Suite 101 at 700 South Main Street Elkhart, Indiana:
 - 7.1. The approval will not be injurious to the public health, safety, morals and general welfare of the community. Adhering to statewide regulations for tattooing, all artists at Heart City Social Club are required to follow these health and safety protocols detailed in 410 IAC 1-5 Sanitary Operations of Tattoo Parlors (provided in binder), including but not limited to: use of single-use, disposable tattooing supplies and needles, labeling and disposing of biomedical waste securely and safely, including the removal of sharps through certified waste disposal services; maintain relative health and safety trainings (BBP, first-aid, CPR) and renew them annually; Patron Rights and Universal Precautions posters displayed; appropriate sanitation and sterilization practices of working stations and instruments; and proper handwashing technique. Alongside these Sanitary Tattoo Operation procedures, Heart City Social Club strives to uphold a professional atmosphere with regular business hours of Monday through Thursday 10am-7pm, and Friday through Sunday 10am-8pm, these business hours ensure that adjacent residents will not be disturbed through the late-night or sleeping hours. The "Business Operations" letter included in the binder outlines the hours, best practices, and policies to make certain Heart City Social Club preserves this professional atmosphere. By contributing to the community through charitable events, Heart City Social Club will not only uphold the current morals and welfare of the community, but may even further enhance the wellbeing of the local region.
 - 7.2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. By observing regular business hours, contributing to the local area through events, and preserving a professional environment the adjacent residents and businesses will not be affected in a negative manner. Local businesses in Downtown Elkhart may even benefit from the addition of this sophisticated tattoo parlor as it attracts not just regional clientele, but traveling clients from throughout the Midwest and beyond as well. Noise will not be an issue, as

sound-absorbing decor will be installed to buffer any machine frequency, conversations, and music will be played at a reasonable volume at all times. Foot traffic may increase at times during special events or givebacks hosted at 700 South Main Street Elkhart, Indiana as clients wait for their service, contributing to the liveliness of the downtown territory.

7.3. The need for the variance arises from some condition peculiar to the property involved. The Use Variance for Heart City Social Club as a tattoo parlor within Suite 101 at 700 South Main Street Elkhart, Indiana is needed due to the location of property within the Central Business District, specifically due to the exception of tattoo parlors within the CBD under Zoning Ordinance No. 4370.

7.4. 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. Strict adherence to the Zoning Ordinance would create an unnecessary hardship by prohibiting a tattoo parlor, a locally-owned small business from opening within the Central Business District, directly contradicting the opening statement in Section 15.1, "The purpose of the Central Business District is to encourage a diversity of uses which together contribute to the vitality of the downtown core." A community-centered tattoo parlor could greatly contribute to the spirit of the city's downtown core by bringing a new demographic of clientele to the region. Preventing the opening of such a quality, community space would be a missed opportunity to expand the walkability, diversity, and culture of the Central Business District.

7.5. The approval does not substantially interfere with the Comprehensive Plan. After reviewing the entirety of the City of Elkhart Comprehensive Plan. The approval of the tattoo parlor within Suite 101 at 700 South Main Street in Elkhart, Indiana does not significantly interfere with the Comprehensive Plan. Actually, approval of this community-centric luxury tattoo parlor aligns greatly with the vision of this Plan, for example: with ample room on existing side walks and well marked pedestrian crossings near the proposed property combined with street parking as the most readily available option for clientele, approval would improve the walkability of the Main Street area, driving more foot traffic by surrounding businesses; Heart City Social Club as a tattoo parlor on Main Street would improve the diversity in the local economy and creative culture through art shows, pop-up events, charitable and community-driven initiatives; approval of the Use Variance respectfully requested by Heart City Social Club would support the 1st ranking Land Use Characteristic, 'downtown revitalization', as well as the 1st and 4th ranked Community Livability Indicators, 'walkable downtown' and 'vibrant downtown'; in Chapter 9: Implementation, Section 9.4 Rezoning "the Plan Commission and City Council should consider that a rezone is only justifiable under the following circumstances", bullet point 4 "when the requested rezoning benefits the community at large", Heart City Social Club's philanthropic nature absolutely benefits the community through hosting benefits for various charities and organizations, by hosting these charitable events people come together to raise awareness and money for the causes most important to them.

Heart City Social Club strives to support the development of Downtown Elkhart, the city's creative culture, and fortify the vibrant energy of the city by integrating art with social impact.

WHEREFORE, Petitioners respectfully request a hearing on this appeal and that after such hearing, the Board grant the requested use variance.

Signature of Petitioner/Representative: _____

Printed Name: _____

Nicholas Green

Second Petitioner/Representative: _____

Printed Name: _____

Rebekah Green

Contact Person: _____

Nicholas Green

Name: _____

Nicholas Green

Address: _____

3517 Wood St Elkhardt, TN

Phone Number: _____

574-343-0348

Email: _____

Nicholasg.tattooer@gmail.com

2020-16846

**ELKHART COUNTY RECORDER
JENNIFER L. DORIOT
FILED FOR RECORD ON
07/31/2020 11:06 AM
AS PRESENTED**

**Tax ID Number(s):
20-06-05-483-001.000-012**

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Gerald Roberts

CONVEY(S) AND WARRANT(S) TO

Espar & Espar Holdings, LLC, an Indiana limited liability company, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Elkhart County, in the State of Indiana, to wit:

A part of Out Lot 35 as the said Lot is known and designated on the recorded Corporation Plat of Town (now City) of Elkhart; said Plat being recorded in Deed Record 27, page 154 in the Office of the Recorder of Elkhart County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Out Lot 35, being the Southeast corner of Main and State Streets; thence Eastwardly along the South line of State Street, 100 feet; thence Southwardly parallel with the East line of said Out Lot 35, 42 feet; thence Westwardly parallel with the South line of State Street to the East line of Main Street; thence Northwardly along the East line of Main Street, to the place of beginning.

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

Signature on Separate Page

MTC File No.: 20-29010 (UD)

**DISCLOSURE FEE PAID
DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
Jul 31 2020
PATRICIA A. PICKENS, AUDITOR
03785
10.00**

Page 1 of 3

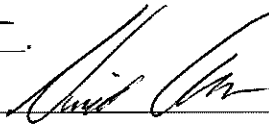
DA
AL

AFFIDAVIT IN SUPPORT OF REZONING PETITION

I, Nicholas Green, 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:

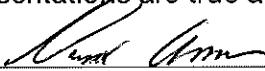
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my rezoning petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have a multi-year leasehold interest in the property, and the support and the consent of this petition of the owner of record of the property located at 700 S. Main St. Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 3rd day of December, 20 25.



Printed: Nicholas Green

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.



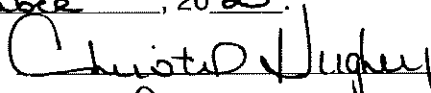
Printed: Nicholas Green

STATE OF INDIANA)

) SS:

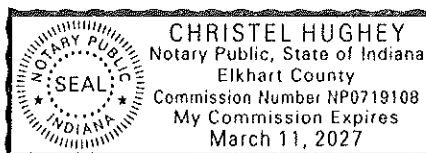
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Nicholas Green, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 3 day of December, 20 25.



Printed: Christel Hughey

My Commission Expires:



March 11, 2027

Notary Public in and for the State of Indiana

Resident of Elkhart County, Indiana

IN WITNESS WHEREOF, the Grantor has executed this deed this 31ST day of July, 2020.


Gerald Roberts

State of Indiana, County of Elkhart ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Gerald Roberts** who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 31ST day of July, 2020.

6-30-24
My Commission Expires:

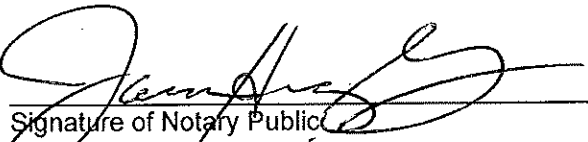
Commission No.

Notary Public County and State of Residence

This instrument was prepared by:

Andrew R. Drake, Attorney-at-Law
11711 N. Pennsylvania St., Suite 110, Carmel, IN 46032

Property Address:
700 South Main Street
Elkhart, IN 46516


Signature of Notary Public
JAMES HUGHEY
Printed Name of Notary



JAMES HUGHEY
RES. OF ELKHART CO.
MY COMM. EXP. 6-30-24

Grantee's Address & Mail Tax Statements To::
501 Pine Street
Michigan City, IN 46360-3330

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Andrew R. Drake

MTC File No.: 20-29010 (UD)

Page 2 of 3

CERTIFICATE OF PROOF

WITNESS to the signature(s) on the foregoing instrument to which this Proof is attached:

Dorothea Troyer
Witness Signature
Dorothea Troyer
Witness Name (must be typed / printed)

PROOF:

STATE OF INDIANA)
)
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, personally appeared Dorothea Troyer the above named WITNESS to the foregoing instrument, who, being known or proved to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Gerald Roberts, in the foregoing subscribing witness' presence.

Witness my hand and Notarial Seal this 31st day of July, 2020.

My Commission expires:

6-30-24

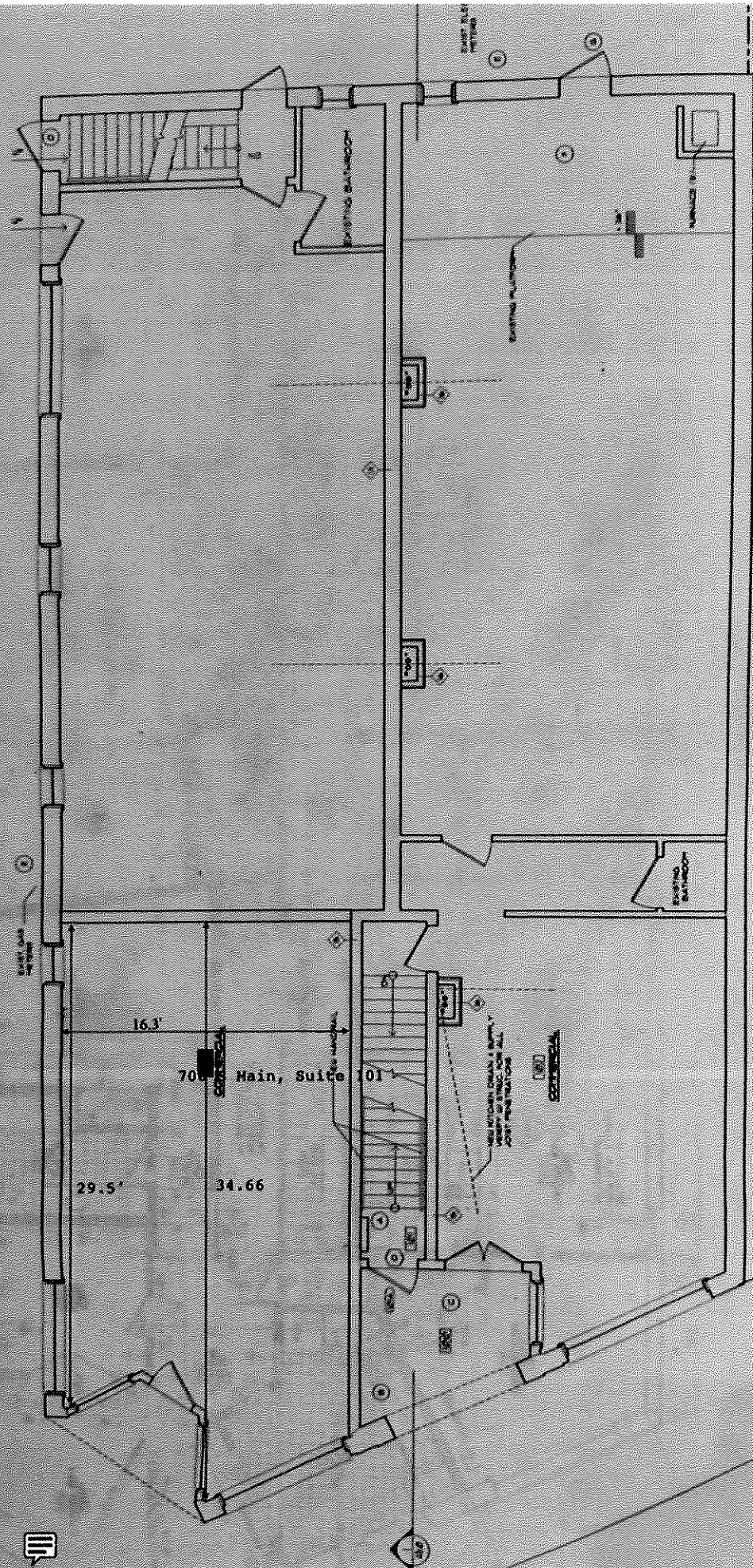
Signature: James Hughey

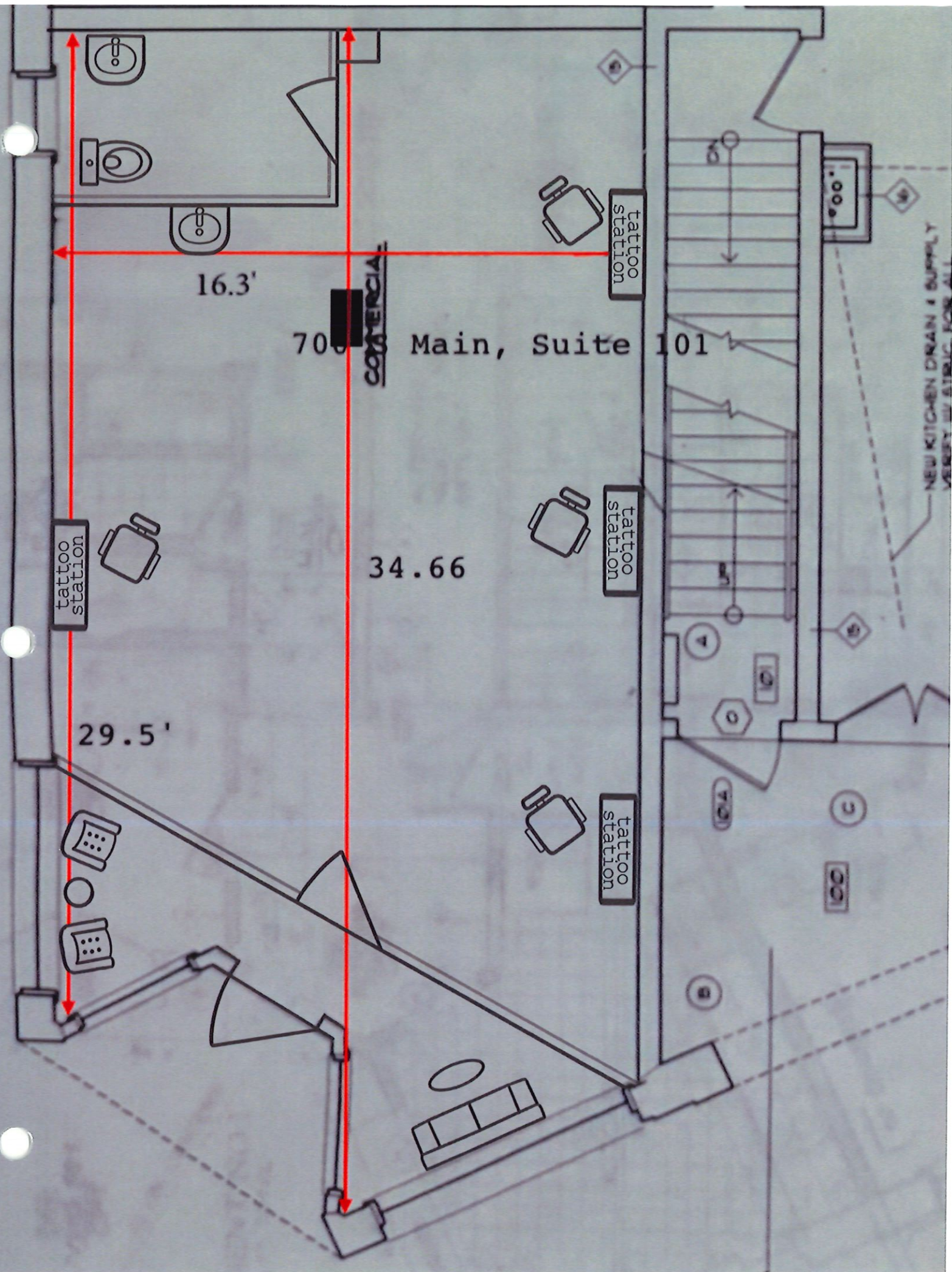
Printed: JAMES HUGHEY

Resident of Elkhart County, Indiana



JAMES HUGHEY
RES. OF ELKHART CO.
MY COMM. EXP. 6-30-24





16.3'

700

COMERCIAL

Main, Suite 101

34.66

29.5'

tattoo
station

tattoo
station

tattoo
station

tattoo
station

NEW KITCHEN DRAIN & SUPPLY
VERIFY W/ STRUC FOR ALL

Letter of Recommendation

City of Elkhart
for Nicholas Green
HEART CITY SOCIAL CLUB

To whom it may concern:

I am writing on behalf of a friend, and business partner Nicholas Green.

I've known Nicholas for well over a decade now and had the privilege of working alongside him in several states and Nicholas has been an integral part of my shop here in Ohio.

Nicholas has not only helped me open two tattoo studios in the past, but has also been a guiding force in my career and personal life. Nicholas has helped us with several fundraiser events in our communities and I know how much of an asset he truly is to any community he is a part of, whether it be tattooing or his home base of Elkhart, Indiana.

Nicholas for years has had a dream of opening up a beautiful and inclusive studio for every walk of life and I'm excited to see what the future will hold for Nicholas and Elkhart.

Best regards,

William White

William White owner of Red Rose Tattoo

📞 740-624-6616

✉ billywhitetattooer@gmail.com

📍 zanesville, oh 43701

To Whom It May Concern,

I am writing to wholeheartedly recommend Nick Green in his endeavor to open his new studio in downtown Elkhart. As the owner of a successful high-end tattoo shop in Springfield, Illinois, I've had the privilege of working closely with Nick for several years, specifically from around 2016 to 2019, while we both traveled and worked at some of the best tattoo shops across the country.

Nick's work is truly top-notch. He brings an exceptional level of artistry and professionalism to everything he does. His dedication to quality is evident in everything he creates, and he's always been committed to maintaining the highest standards in the industry. On top of that, his character is beyond reproach. Nick is a true professional and a trusted colleague who has become a fixture in the Elkhart community and the surrounding Midwest at large for the past decade plus. His reputation precedes him as someone who brings both skill and a strong sense of integrity and culture with his work.

Bringing Nick's upscale, highly professional tattoo studio into downtown Elkhart would not only add a unique and positive dimension to the area, but also attract more visitors culture and revenue to the downtown community. His vision for a top-tier studio aligns with the city's goals of revitalization and high-quality business presence.

In short, I can't think of anyone more suited to bring this vision to life. I fully support Nick Green's efforts and believe his shop will be a tremendous asset to downtown Elkhart.

Thank you for considering his application.

Sincerely,
Benjamin DeWitt
Good Heart Tattoos
Springfield, IL



BUSINESS OPERATIONS

Adherence to Business Operations ensure that Heart City Social Club, its staff provide excellent service to the clients, maintain a harmonious environment with the adjacent residents, and create an exceptional reputation in the Central Business District within the City of Elkhart.

Heart City Social Club will operate within the following standards:

1. Hours of Operation: Monday to Thursday 10am-7pm, Friday to Sunday 10am-8pm
2. All artists understand the Indiana State Sanitary Operations of Tattoo Parlors and are required to perform tattooing, waste removal, and cleaning within these regulations
3. As required by Indiana State law, all artists must have current BBP (BloodBorne Pathogen) training and certification, as well as First Aid and CPR certification
4. Noise Management: total noise will not exceed 90dB (OSHA's limit for workplaces) at any given time. For reference, most hair dryers, power tools, and kitchen appliances like blenders or food processors run around 90dB. Interior Design helps to reduce sound transfer, furniture and art help to fill the space to prevent sound waves from reverberating, additionally, decorative paneling with acoustic padding will be fixed within the tattoo parlor to reduce sound transfer to adjacent residents.
5. Excellent Customer Service: client safety and satisfaction is top priority, so is inclusion of various cultures and communities. Safe and professional tattooing, tattoo designs that parallel fine-art, and outstanding customer treatment and care are the minimum standard for Heart City Social Club. Intentional design, high quality craftsmanship, and unparalleled community engagement drive local and traveling clients to this upscale business. By diversifying the cultural offerings in the CBD, responsible clientele help to strengthen the vitality of downtown by patronizing nearby businesses.
6. Preservation of History: the Rowe building built in 1900 is in great condition for its age. Heart City Social Club respects this landmark and will preserve the qualities of the building that make it so special. To preserve the integrity of the brick wall we will engineer a smaller "false wall" to be visually "framed" by the brick, this technique allows fewer fastening points than hanging individual art pieces in the mortar. When the lease expires Heart City Social Club will carefully remove the "false wall" and intentionally patch the brick and mortar so it can live on. Small improvements to the building's facade, like touching up painted bricks to match limestone, ensure the building remains a cornerstone of the rich history in Elkhart.
7. Curated, well-kept interior: in conjunction with preserving the rich history of the building, it is important to curate the interior design to the same upscale nature. Rich, warm wood tones, the copper colored ornate tin ceiling, and towering windows are features that already exist in the space. To honor the character of the building, our plan is to paint the walls in a muted blue-green color, and use light, bright accents to invoke a sense of creativity. Original paintings, flash prints, banners, and other tattoo memorabilia displayed on the walls conjure that "wow" feeling upon entering the suite.

8. Community Engagement: participation in events and festivals in Downtown Elkhart support Elkhart's revitalization efforts further down Main Street, this participation is key to creating trust and confidence in Heart City Social Club beyond the actual act of tattooing. Hosting art-shows, pop-up events, and workshops are other ways the community can interact with Heart City Social Club and benefit the overall spirit of the Elkhart area
9. Philanthropy: Heart City Social Club to host giveback events or benefits for local charities and communities at a minimum of once a year, with the goal of quarterly fundraising events

Through these standards and practices, Heart City Social Club will create a strong presence in the community and serve as a hub for integrating art with social impact.



ProBloodborne
By ProTrainings

ProTrainings hereby certifies that

Nicholas Green

has successfully completed the education in

Bloodborne Pathogens for Body and Tattoo Artists

This course includes the following objectives and is consistent with OSHA Bloodborne Pathogens Standard 29 CFR 1910.1030 and body art safety

- Infection Control for Body Artists
- How Bloodborne Pathogens are spread
- HIV and AIDS
- Hepatitis B Virus and Vaccine
- Hepatitis C Virus
- Skin Diseases
- Medical Issues With Body Art
- Engineering and Work Practice Controls

- Regulated Waste
- Body Fluid Cleanup Procedures
- Glove Removal
- Handwashing
- Sterilization Procedures for Body Art Shops
- Exposure Incident and Reporting
- Reducing Risk
- Cross Contamination
- Course is 3 contact hours

INSTRUCTOR
ROY W. SHAW #100

CERTIFICATE NUMBER
17645568577788

DATE ISSUED RENEW BY
30 Nov 2025 30 Nov 2026





ProCPR®
By ProTrainings

ProTrainings hereby certifies that

Nicholas Green

has successfully completed the education in

Adult, Child and Infant, Pediatric CPR/AED & First Aid

This Certification includes the following objectives and is consistent with national consensus 2020
ECC/ILCOR and American Heart Association® Guidelines.

- Adult & Pediatric CPR
- AED
- Bleeding Control
- Musculoskeletal Injuries
- Poisoning
- Shock Management
- Breathing Emergencies
- Heart Attack
- Choking, Conscious and Unconscious
- Adult and Pediatric First Aid
- Universal Precautions
- Diabetic Emergencies
- Stroke
- Burns
- Bites and Stings
- Allergic Reactions
- Seizures
- Heat and Cold Emergencies

INSTRUCTOR
ROY W. SHAW #100

CERTIFICATE NUMBER
17645591937787

DATE ISSUED RENEW BY
30 Nov 2025 30 Nov 2027





ProBloodborne
By ProTrainings

ProTrainings hereby certifies that

Rebekah Green

has successfully completed the education in

Bloodborne Pathogens for Body and Tattoo Artists

This course includes the following objectives and is consistent with OSHA Bloodborne Pathogens Standard 29 CFR 1910.1030 and body art safety

- Infection Control for Body Artists
- How Bloodborne Pathogens are spread
- HIV and AIDS
- Hepatitis B Virus and Vaccine
- Hepatitis C Virus
- Skin Diseases
- Medical Issues With Body Art
- Engineering and Work Practice Controls
- Regulated Waste
- Body Fluid Cleanup Procedures
- Glove Removal
- Handwashing
- Sterilization Procedures for Body Art Shops
- Exposure Incident and Reporting
- Reducing Risk
- Cross Contamination
- Course is 3 contact hours

INSTRUCTOR
ROY W. SHAW #100

CERTIFICATE NUMBER
176455693825280

DATE ISSUED RENEW BY
30 Nov 2025 30 Nov 2026





ProCPR®
By ProTrainings

ProTrainings hereby certifies that

Rebekah Green

has successfully completed the education in

Adult, Child and Infant, Pediatric CPR/AED & First Aid

This Certification includes the following objectives and is consistent with national consensus 2020 ECC/ILCOR and American Heart Association® Guidelines.

- Adult & Pediatric CPR
- AED
- Bleeding Control
- Musculoskeletal Injuries
- Poisoning
- Shock Management
- Breathing Emergencies
- Heart Attack
- Choking, Conscious and Unconscious
- Adult and Pediatric First Aid
- Universal Precautions
- Diabetic Emergencies
- Stroke
- Burns
- Bites and Stings
- Allergic Reactions
- Seizures
- Heat and Cold Emergencies

INSTRUCTOR
ROY W. SHAW #100

CERTIFICATE NUMBER
176456025225280

DATE ISSUED RENEW BY
30 Nov 2025 30 Nov 2027



Tattoo and Body Piercings - Section B

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH ARTICLE 1. COMMUNICABLE DISEASE CONTROL

Rule 5. Sanitary Operation of Tattoo Parlors (includes requirements for the sanitary operation of body piercing facilities)

Filed with the Secretary of State on June 30, 2000

Authority: Indiana Code 16-19-3

410 IAC 1-5-1 Applicability

Sec. 1. The definitions in this rule apply throughout this rule.

410 IAC 1-5-2 "Blood" defined

Sec. 2. "Blood" means human blood.

410 IAC 1-5-3 "Bloodborne pathogens" defined

Sec. 3. "Bloodborne pathogens" means pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:

- (1) HBV.
- (2) HCV.
- (3) HIV.

410 IAC 1-5-3.5 "Body piercer" defined

Sec. 3.5. "Body piercer" means any person who performs body piercing on an individual.

410 IAC 1-5-3.6 "Body piercing" defined

Sec. 3.6. "Body piercing" means the perforation of any human body part other than ear lobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

410 IAC 1-5-4 "Cleaned" defined

Sec. 4. "Cleaned" means removal of all visible dust, soil, or any other foreign material.

410 IAC 1-5-5 "Contaminated" defined

Sec. 5. "Contaminated" means the presence or reasonably anticipated presence of blood or OPIM on an item or surface.

410 IAC 1-5-6 "Decontaminated" defined

Sec. 6. "Decontaminated" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

410 IAC 1-5-7 "Department" defined

Sec. 7. "Department" means the Indiana state department of health.

410 IAC 1-5-7.5 "Facility" defined

Sec. 7.5. "Facility" means a tattoo parlor or a body piercing facility, or both, which is any room or space where tattooing or body piercing, or both, is provided or where the business of tattooing or body piercing, or both, is conducted.

410 IAC 1-5-8 "HBV" defined

Sec. 8. "HBV" means the hepatitis B virus.

410 IAC 1-5-9 "HCV" defined

Sec. 9. "HCV" means the hepatitis C virus.

410 IAC 1-5-9.5 "High level disinfection" defined

Sec. 9.5. "High level disinfection" means a process that destroys all micro-organisms, with the exception of high numbers of bacterial spores.

410 IAC 1-5-10 "HIV" defined

Sec. 10. "HIV" means the human immunodeficiency virus.

410 IAC 1-5-11 "Infectious waste" defined

Sec. 11. "Infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

- (1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
- (2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
- (3) Pathological waste.
- (4) Blood and blood products in liquid and semiliquid form.
- (5) Carcasses, body parts, blood and body fluids in liquid and semiliquid form, and bedding of laboratory animals.
- (6) Other waste that has been intermingled with infectious waste.

410 IAC 1-5-11.2 "Intermediate level disinfection" defined

Sec. 11.2. "Intermediate level disinfection" means a process that inactivates:

- (1) *Mycobacterium tuberculosis*;
 - (2) vegetative bacteria;
 - (3) most viruses; and
 - (4) most fungi;
- but does not necessarily kill bacterial spores.

410 IAC 1-5-11.5 "Operator" defined

Sec. 11.5. "Operator" means any person who controls, operates, manages, or owns any facility.

410 IAC 1-5-12 "Other potentially infectious materials" or "OPIM" defined

Sec. 12. "Other potentially infectious materials" or "OPIM" means the following:

- (1) Human body fluids as follows:
 - (A) Semen.
 - (B) Vaginal secretions.
 - (C) Cerebrospinal fluid.
 - (D) Synovial fluid.
 - (E) Pleural fluid.
 - (F) Pericardial fluid.
 - (G) Peritoneal fluid.
 - (H) Amniotic fluid.
 - (I) Saliva in dental procedures.
 - (J) Any body fluid that is visibly contaminated with blood.
 - (K) All body fluids where it is difficult or impossible to differentiate between body fluids.
- (2) Any unfixed tissue or organ, other than intact skin, from a human, living or dead.
- (3) HIV-containing cell or tissue cultures, and HIV or HBV-containing culture medium or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

410 IAC 1-5-13 "Parenteral" defined

Sec. 13. "Parenteral" means piercing the mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, or abrasions.

410 IAC 1-5-14 "Personal protective equipment" defined

Sec. 14. "Personal protective equipment" means specialized clothing or equipment worn for protection against contact with blood or OPIM.

410 IAC 1-5-15 "Secure area" defined

Sec. 15. "Secure area" means an area that is designated and maintained to prevent the entry of unauthorized persons.

410 IAC 1-5-16 "Semiliquid blood, blood products" defined

Sec. 16. "Semiliquid blood, blood products" means blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

410 IAC 1-5-17 "Sterilize" defined

Sec. 17. "Sterilize" means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

410 IAC 1-5-18 "Store" defined

Sec. 18. "Store" means the containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

410 IAC 1-5-19 "Tattoo" defined

Sec. 19. "Tattoo" means:

- (1) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or
- (2) any design, letter, scroll, figure, or symbol done by scarring;
upon or under the skin.

410 IAC 1-5-20 "Tattoo artist" defined

Sec. 20. "Tattoo artist" means any person who provides a tattoo to an individual.

410 IAC 1-5-21 "Tattoo operator" defined (Repealed)

Sec. 21. (Repealed by Indiana State Department of Health; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2714)

410 IAC 1-5-22 "Tattoo parlor" defined (Repealed)

Sec. 22. (Repealed by Indiana State Department of Health; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2714)

410 IAC 1-5-23 "Universal precautions" defined

Sec. 23. "Universal precautions" means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens.

410 IAC 1-5-24 Operator training responsibilities

Sec. 24. An individual or entity that is an operator shall comply with the following training responsibilities:

- (1) Ensure that the training described in the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030) is provided to all tattoo artists and body piercers, anyone employed by the facility or anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- (2) Ensure that training on the handling of infectious waste is provided to all tattoo artists and body piercers, or anyone employed by the facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
- (3) Ensure that a record of training described in subdivision (1) is maintained, as required under the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.
- (4) Ensure that a record of training described in subdivision (2) is maintained.

410 IAC 1-5-25 Operator responsibilities

Sec. 25. (a) The operator shall ensure that tattoo artists, body piercers, or anyone employed by the facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood have and use personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030).

- (b) The operator shall require tattoo artists and body piercers, anyone employed by the facility, or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in section 27 of this rule.
- (c) The operator shall display a description of compliance with the requirements contained in subsection (d).
- (d) The operator shall display written materials prepared or approved by the department explaining universal precautions and patrons' rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information

regarding the department's duties to investigate.

410 IAC 1-5-26 Operator policies

Sec. 26. The operator shall develop a written policy in compliance with this rule and the requirements of the Indiana occupational safety and health administration's bloodborne pathogen standard (as found in 29 CFR 1910.1030) that:

- (1) requires the use of universal precautions when performing tattooing or body piercing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;
- (2) requires disinfection or sterilization of contaminated reusable items;
- (3) includes the safe handling of infectious waste; and
- (4) provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions or handle infectious waste safely, or both.

410 IAC 1-5-27 Tattoo artist and body piercer minimum training and certification requirements

Sec. 27. (a) All tattoo artists, body piercers, anyone employed by the facility, and anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana occupational safety and health administration's bloodborne pathogen standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

- (1) A bloodborne pathogen training session provided by the operator meeting the requirements under the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030).
 - (2) Any bloodborne pathogen continuing education program provided by a health care agency.
- (b) All tattoo artists, body piercers, anyone employed by the facility, and anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the facility's policies on the handling of infectious waste.

410 IAC 1-5-28 Patron records

Sec. 28. Records of each patron shall be maintained by the operator for two (2) years. The record shall include the following, but not be limited to:

- (1) Patron's name.
- (2) Address.
- (3) Age.
- (4) Date tattooed or body pierced.
- (5) Design of the tattoo.
- (6) Location of the tattoo or body piercing on the patron's body.
- (7) The name of the tattoo artist or body piercer who performed the work.
- (8) Jewelry or other decoration used.

410 IAC 1-5-29 Illness

Sec. 29. Tattoo artists or body piercers who are experiencing symptoms of acute disease that include, but are not limited to:

- (1) diarrhea;
 - (2) vomiting;
 - (3) fever;
 - (4) rash;
 - (5) productive cough;
 - (6) jaundice; or
 - (7) draining (or open) skin infections, boils, impetigo, or scabies;
- shall refrain from providing tattoos or body piercing.

410 IAC 1-5-30 Handwashing

Sec. 30. (a) Handwashing facilities shall be readily accessible where tattooing or body piercing, or both, is provided.

(b) Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.

(c) Only single-use towels shall be used.

410 IAC 1-5-31 Personal protective equipment

Sec. 31. Appropriate personal protective equipment shall be worn as follows:

- (1) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.
- (2) Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably

anticipated.

(3) Disposable gloves, such as surgical or examination type, shall be worn during the tattooing or body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or body piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(4) Gloves shall be worn when decontaminating environmental surfaces and equipment.

410 IAC 1-5-32 Tattooing equipment

Sec. 32. (a) Only single-use razors shall be used to shave the area to be tattooed.

(b) All stencils shall be properly disposed of after a single use.

(c) If the design is drawn directly onto the skin, it shall be applied with a single-use article only.

410 IAC 1-5-33 Needles

Sec. 33. (a) Needles shall be individually packaged and sterilized prior to use.

(b) Needles shall be single-use only.

(c) Needles shall be discarded in sharps containers immediately after use.

(d) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

410 IAC 1-5-34 Reusable equipment

Sec. 34. (a) Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.

(b) Equipment that is to be sterilized shall be put in single-use packaging.

(c) Records must be maintained to document the following:

(1) Duration of sterilization technique.

(2) Determination of effective sterility, such as use of a biological indicator, is performed monthly.

(3) Equipment is maintained as recommended by the owner's manual, and proof is available that the owner's manual recommendations are reviewed monthly.

(d) Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.

(e) Reusable contaminated equipment shall be:

(1) placed in puncture-resistant containers;

(2) labeled with the biohazard symbol;

(3) leakproof on both sides and bottom; and

(4) stored in a manner that does not require reaching by hand into the container where the contaminated equipment is stored until cleaning prior to sterilization.

(f) Reusable contaminated equipment shall be effectively cleaned prior to sterilization or disinfection.

(g) Any reusable contaminated equipment that comes into direct contact, or is likely to come into direct contact, with an instrument that penetrates the skin other than a piercing gun shall be effectively cleaned and sterilized prior to use.

(h) All sterilized equipment shall not be removed from wrappers or sterilizer packaging until immediately prior to use.

(i) Any reusable equipment that comes into contact with mucus [sic., mucous] membranes shall be effectively cleaned and sterilized prior to use.

(j) Piercing guns shall be cleaned and undergo, at a minimum, high level disinfection after each use and whenever visibly contaminated.

(k) All reusable equipment that has contact with intact skin shall undergo, at a minimum, intermediate level disinfection.

(l) All other equipment used during the tattooing or body piercing procedure shall be single use, including corks.

(m) All body piercers and tattoo artists shall comply with all other equipment manufacturer's recommendations.

410 IAC 1-5-35 Dyes or pigments or other objects placed under the skin

Sec. 35. (a) All dyes or pigments used in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

(b) In preparing dyes or pigments to be used by tattoo artists, only nontoxic, sterile materials shall be used. Single-use or individual portions of dyes or pigments in clean, single-use containers shall be used for each patron.

(c) After tattooing, the remaining unused dye or pigment in single-use or individual containers shall be discarded along with the container.

(d) Any object placed under the skin shall be sterile.

410 IAC 1-5-36 Work environment

Sec. 36. (a) No tattooing or body piercing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(b) Live animals shall be excluded from areas where tattooing or body piercing is being conducted. This exclusion does not apply to the following:

(1) Patrol dogs accompanying security or police officers.

(2) Guide dogs accompanying the following:

- (A) Blind persons.
- (B) Partially blind persons.
- (C) Physically disabled persons.
- (D) Guide dog trainers.
- (E) Persons with impaired hearing.
- (c) Eating, drinking, smoking, applying cosmetics, or handling contact lenses shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.
- (d) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.
- (e) All equipment and environmental surfaces shall be cleaned and disinfected after contact with blood or OPIM.
- (f) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood shall be cleaned and disinfected.
- (g) All work surfaces shall be:
 - (1) nonabsorbent;
 - (2) easily cleanable;
 - (3) smooth; and
 - (4) free of:
 - (A) breaks;
 - (B) open seams;
 - (C) cracks;
 - (D) chips;
 - (E) pits; and
 - (F) similar imperfections.
- (h) Disinfectant solutions shall be:
 - (1) a hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or
 - (2) sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach in ten percent (10%) concentration in water); the solution shall be dated and shall not be used if it is more than twenty-four (24) hours old.

410 IAC 1-5-37 Infectious waste containment

- Sec. 37. (a) Contaminated disposable needles or instruments shall be:
- (1) stored in:
 - (A) leak-resistant; and
 - (B) puncture-resistant; containers;
 - (2) tightly sealed to prevent expulsion;
 - (3) labeled with the biohazard symbol; and
 - (4) effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.
- (b) Infectious wastes that are not contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements:
- (1) Impervious to moisture.
 - (2) Sufficient strength and thickness to prevent expulsion.
 - (3) Secured to prevent leakage expulsion.
 - (4) Labeled with the biohazard symbol.
 - (5) Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.
- (c) If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that:
- (1) is locked or otherwise secured to eliminate access by or exposure to the general public;
 - (2) affords protection from adverse environmental conditions and vermin; and
 - (3) has a prominently displayed biohazard symbol.
- (d) Infectious waste shall be stored in a manner that preserves the integrity of the container and is not conducive to rapid microbial growth and putrefaction.
- (e) Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

410 IAC 1-5-38 Treatment and transport of infectious waste

- Sec. 38. (a) All operators shall ensure that infectious waste is either treated on-site in accordance with this rule or transported off-site for treatment in accordance with this rule.
- (b) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this rule. Effective treatment may include:
- (1) incineration in an incinerator designed to accommodate infectious waste;
 - (2) steam sterilization;

- (3) chemical disinfection under circumstances where safe handling of the waste is assured;
- (4) thermal inactivation;
- (5) irradiation; or
- (6) discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.
- (c) All persons subject to this rule shall:
 - (1) transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
 - (2) effectively treat infectious waste in accordance with this rule before it is compacted.
- (d) The operator shall ensure that infectious waste, effectively treated or not is transported off-site in compliance with 410 IAC 1-3.

Page last updated: June 27, 2018

Page last reviewed: June 27, 2018

Tattoos and Body Piercings



April 2024

Before getting a tattoo or body piercing, know you have the right:

- To have clean, disposable gloves worn at all times while tattooing or body piercing
- To have practitioners' hands washed with soap and running water immediately before and after glove use and hands dried with single use towels
- To have single-use disposable razors used for shaving the area to be tattooed
- To have single-use razors properly disposed of immediately after use
- To have single-use, sterile needles used for tattooing or body piercing
- To have the piercing gun cleaned and properly disinfected after each use
- To have single-use containers used for each dye
- To have tattooing or body piercing provided in a space that is not a living area or in a room next to a living area
- To have no animals present in the same area as tattooing or body piercing work except in the case of service animals or patrol dogs
- To have no eating, drinking, smoking or using makeup in the same work area as the tattoo artist or body piercer
- To have the working area cleaned with an approved cleanser after each customer's work is completed
- To have a tattoo artist or body piercer who is in good health
 - Tattoo artists or body piercers with diarrhea, vomiting, fever over 100 degrees, rash, coughing, jaundice (yellow skin), or drainage from an open wound may **NOT** provide tattooing or body piercing services

If you would like to register a complaint, call your local county health department.





Abril 2024

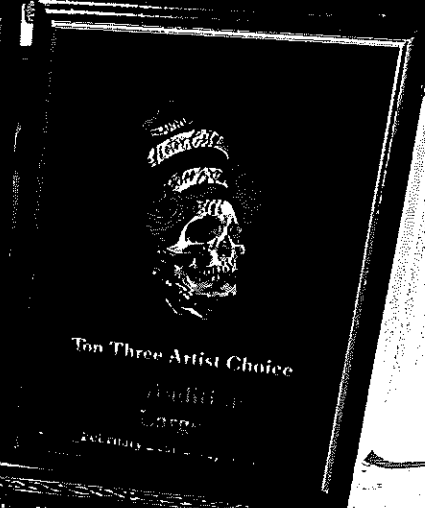
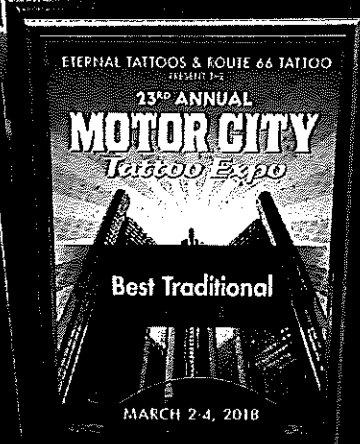
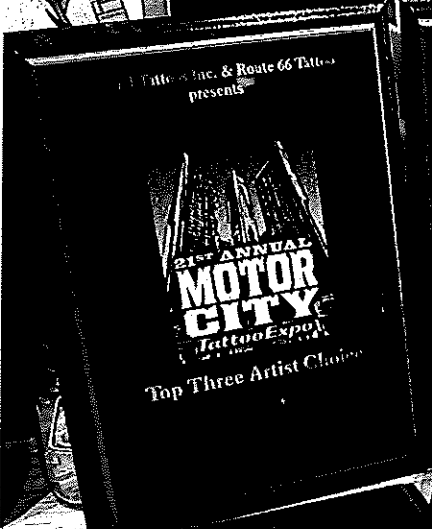
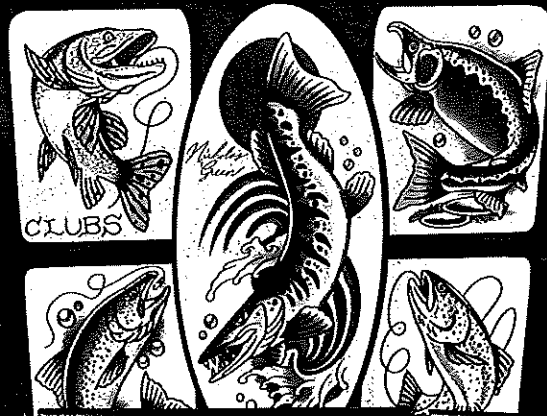
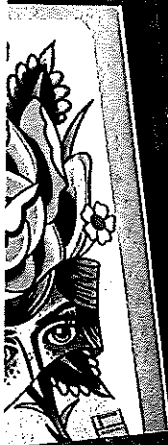
Antes de hacerse un tatuaje o una perforación en el cuerpo, debe saber que usted tiene derecho a que el personal cumpla con lo siguiente:

- Utilizar guantes limpios y desechables en todo momento.
- Lavarse las manos con agua y jabón inmediatamente antes y después de utilizar los guantes, además, debe secarse las manos con toallas desechables.
- Utilizar navajas de afeitar desechables para afeitar la zona que se va a tatuar.
- Desechar adecuadamente las navajas de afeitar de un solo uso inmediatamente después de utilizarlas.
- Utilizar agujas estériles desechables para tatuar o perforar el cuerpo.
- Limpiar y desinfectar adecuadamente la pistola de perforación después de cada uso.
- Utilizar recipientes de un solo uso para cada tinte.
- Realizar el tatuaje o la perforación corporal en un espacio que no sea o esté cerca de una zona habitada.
- No debe haber animales en la misma zona en la que se realizan los tatuajes ni las perforaciones corporales, excepto en el caso de animales de servicio o perros de patrulla.
- No comer, beber, fumar ni maquillarse en la misma zona de trabajo donde el personal realiza el tatuaje o perforación.
- Limpiar la zona de trabajo con un producto de limpieza autorizado una vez finalizado el trabajo de cada cliente.
- Contar con un tatuador o perforador que goce de buena salud.
 - Los artistas tatuadores o perforadores corporales que presenten diarrea, vómitos, fiebre superior a 100 grados, erupción cutánea, tos, ictericia (piel amarilla) o supuración de una herida abierta NO pueden prestar servicios de tatuaje o perforación corporal.

Si desea registrar una queja, llame al departamento de salud de su condado local.



Departamento
de Salud
de
Indiana







Staff Report

Planning & Zoning

Petition: 26-BZA-02

Petition Type: Developmental Variance

Date: January 8, 2026

Petitioner: Glenn Henderson

Site Location: 1105-1119 Edwardsburg Avenue

Request: To vary from Section 6.4 Yard Requirements in the R-3 Two Family Dwelling District to allow a property line to be placed through the middle of an existing duplex to create a zero-foot side yard setback. The platted lot width for Lots 18, 19 and 20 is 56.95 feet.

Existing Zoning: R-3, Two Family Dwelling District

Size: +/- 0.33 Acres

Thoroughfares: Edwardsburg Avenue

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

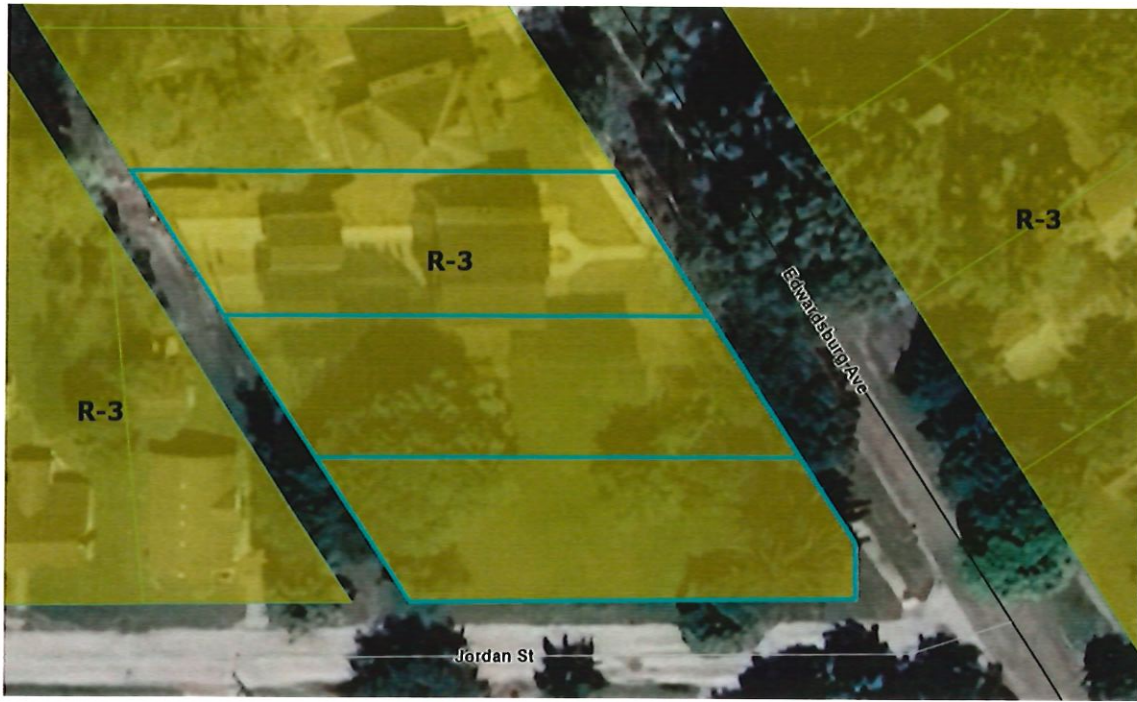
The property is surrounded by residential uses zoned R-3, Two Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a developmental variance to allow the lots on which the duplexes are constructed, to be subdivided to provide relief from the side yard setback for each of the structures. The specific request is to vary from Section 6.4 Yard Requirements in the R-3 Two Family Dwelling District to allow a property line to be placed through the middle of an existing duplex to create a zero-foot side yard setback. The platted lot width for Lots 18, 19 and 20 is 56.95 feet.

In 2025, the petitioner built three (3) duplexes on Edwardsburg Avenue. The vacant land formerly where two homes stood – one demolished in 2013 and the next in 2015. The petitioner has tried unsuccessfully to sell the duplexes for several months and has only had interest in each unit being purchased individually.

What is being proposed is to split the lot along the party wall to establish individual lots for each half of the duplex. The variance requested provides relief for the side yard setback. Staff is supportive of the request as this is another housing product for the Elkhart market. The petitioner will need to provide an updated plat as the final step in this process.

This project is another type of infill housing the city needs in order to continue to address our housing shortage. As has been mentioned in previous staff reports, the Zimmerman Volk Housing Analysis highlighted the need for additional housing units at all price points.

Recommendation

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

1. The approval **should not** be injurious to the public health, safety, morals or general welfare of the community because the fence should have been built and installed in a workmanlike manner;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because a fence is a typical element found in residential districts. The fence's location should not affect the use and value of an adjacent 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 because it is anticipated that this location will soon be permitted in the new UDO;
4. Special conditions and circumstances **do exist** as the subject property is a corner lot;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because the fence could be placed so as to meet the requirements for fencing on a corner lot in the city;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant because the approved location of the fence was not followed and placed in an unapproved location;
7. This property **does not** lie within a designated flood hazard area.

Conditions

1. The petitioner will provide an updated plat for each lot in the form of a minor subdivision for Lots 18, 19 and 20 of the Adams Subdivision.

Photos

PETITION #: 26-BZA-02

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Glenn Henderson

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: Glenn Henderson

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 1105, 1107, 1111, 1113, 1117, 1119 Edwardsburg Ave

Zoning: R-2

Present Use: R-2 Proposed Use: R-2

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): X *Glenn Henderson*

SIGNATURE(S): X *Glenn Henderson* DATE: 12/5/2005

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 Leuendowski DATE: 12/8/25

12/04/2025

RE: Developmental Variance

To: Board of Zoning Appeals

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I Glenn Henderson, am the owner of the following described real estates located within the city of Osolo, Concord Township, Elkhart County, state of Indiana, to-wit: 1105, 1107, 1111, 1113, 1117, & 1119 Edwardsburg Avenue Elkhart Indiana 46514
2. The above-described real estate presently has a zoning classification of R2 district under the zoning ordinance of the city of Elkhart.
3. Petitioner proposes to occupy the above-described property in the following manner: R2 single family residents
4. Petitioner desires to separate the duplexes into two single family residents to be sold separately.
5. The zoning ordinance of the city of Elkhart requires
6. The strict adherence to the zoning ordinance requirements would create unusual hardship with the zoning ordinance requirements because the duplexes would have to be sold as a whole and we are requesting to separate the duplexes for single family affordable properties.
7. Standards that must be considered for a use variance:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because it will provide single family residence in the city of Elkhart.
 - b. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because there are single family residents on either side of the properties.
 - c. The need for variance arises from some conditions peculiar to the property involved as it will supply six single family residences.

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Glenn Henderson, 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.

1165/11073. I am now and at all times relevant herein have been, the owner of record of the property located at 1111/1113 Edwardsburg Ave. Elkhart, Indiana.

1117/1119 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 8th day of Dec, 2025.

Glenn Henderson

Printed: Glenn Henderson

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.

Glenn Henderson

Printed: Glenn Henderson

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)



Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Glenn Henderson, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 8th day of December, 2025.

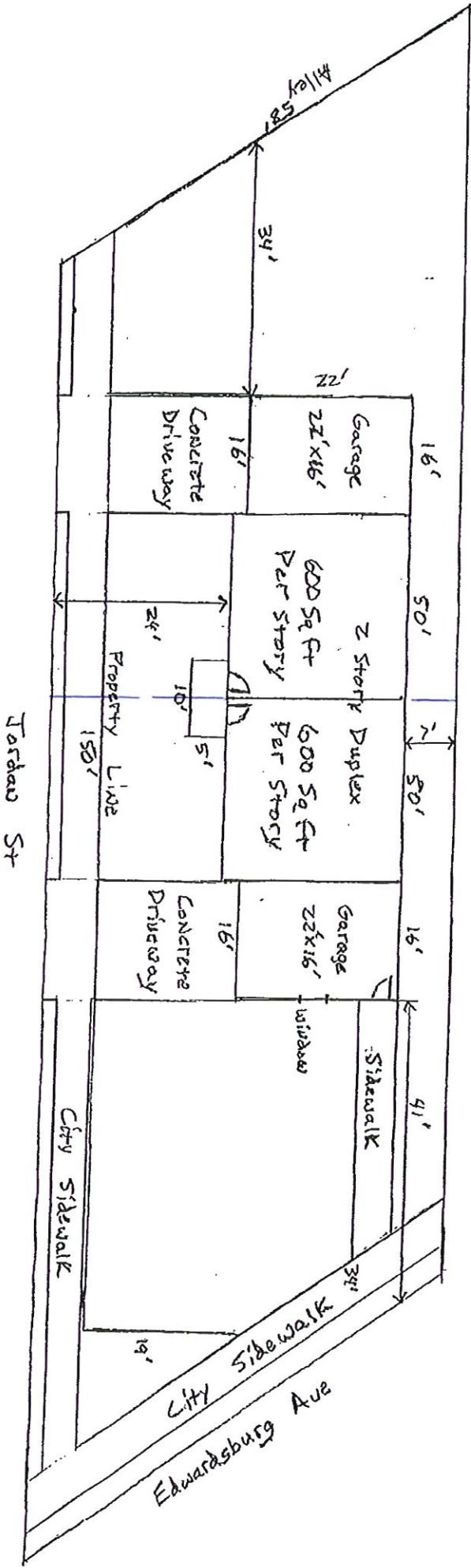
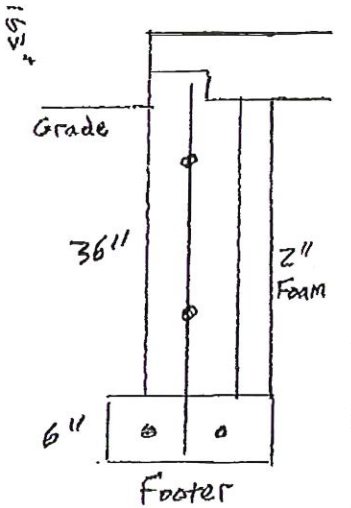
Jennifer Drlich

Printed: Jennifer Drlich

My Commission Expires:

9/27/2028

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



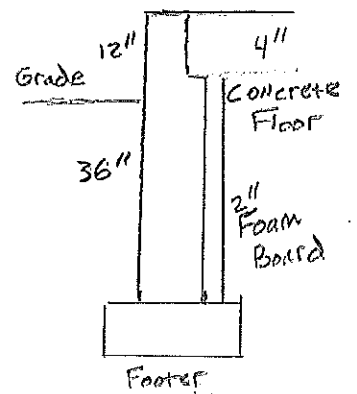
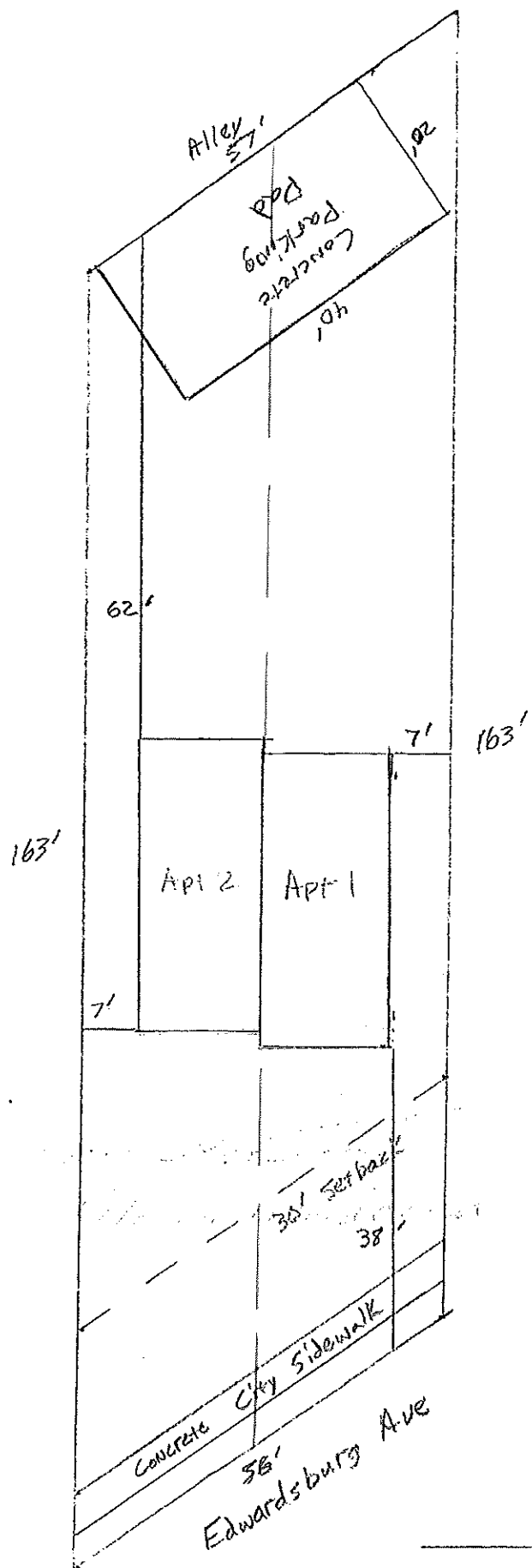
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6 mil Vapor Barrier
R-19 Walls

Site Plan
Lot 18
20th Scale
1" = 20'
1107 Edwardsburg Ave



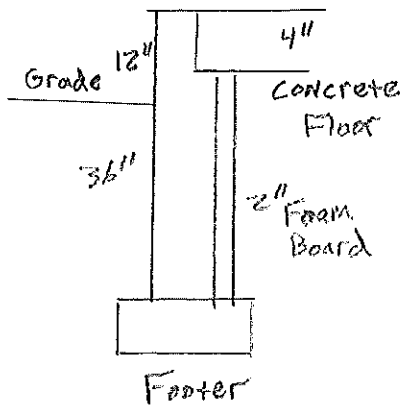
6 MIL VAPOR
BARRIER

2x4 EXT WALL.



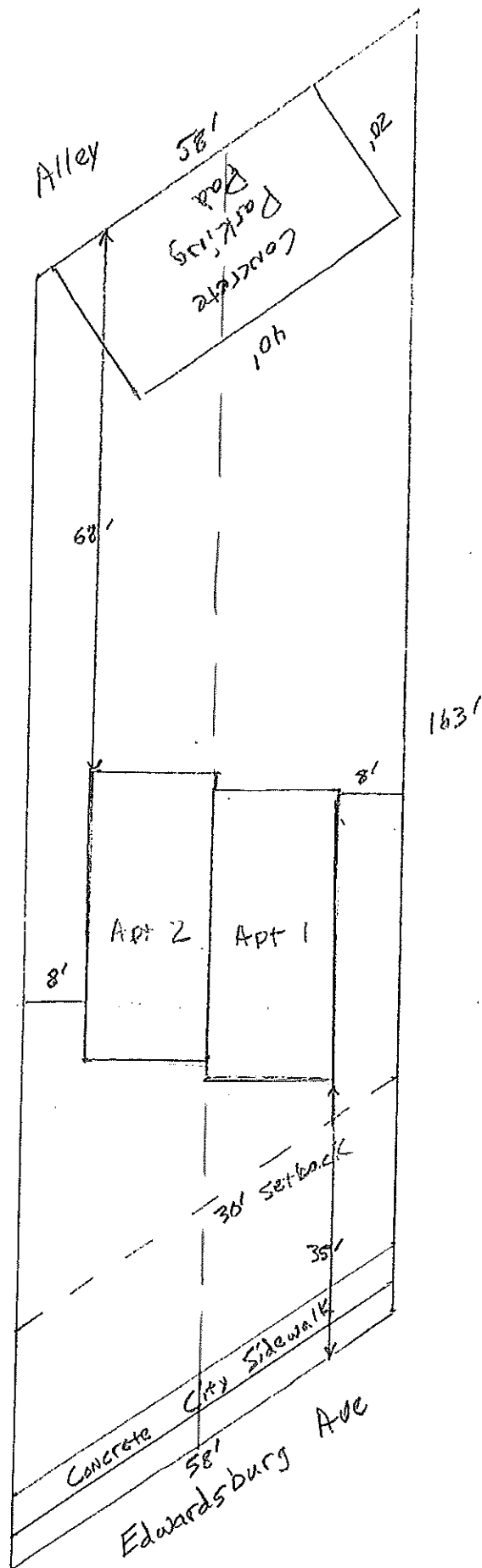
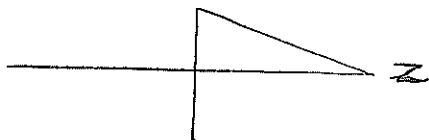
Lot 19
20th Scale
1" = 20'





6 MIL VAPOR BARRIER
UNDER FLOOR
2X6 EXT WALLS

Lot 20
20th Scale
1" = 20'





Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-02
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	January 8, 2026
<u>Petitioner:</u>	Surinder Singh
<u>Site Location:</u>	VL 2400 BL South Main Street
<u>Request:</u>	To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for the construction of a two family dwelling. Two family dwellings are not a permitted use in the B-1 District.
<u>Existing Zoning:</u>	B-1, Neighborhood Business District
<u>Size:</u>	+/- 0.16 Acres
<u>Thoroughfares:</u>	South Main Street and East Carlton Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

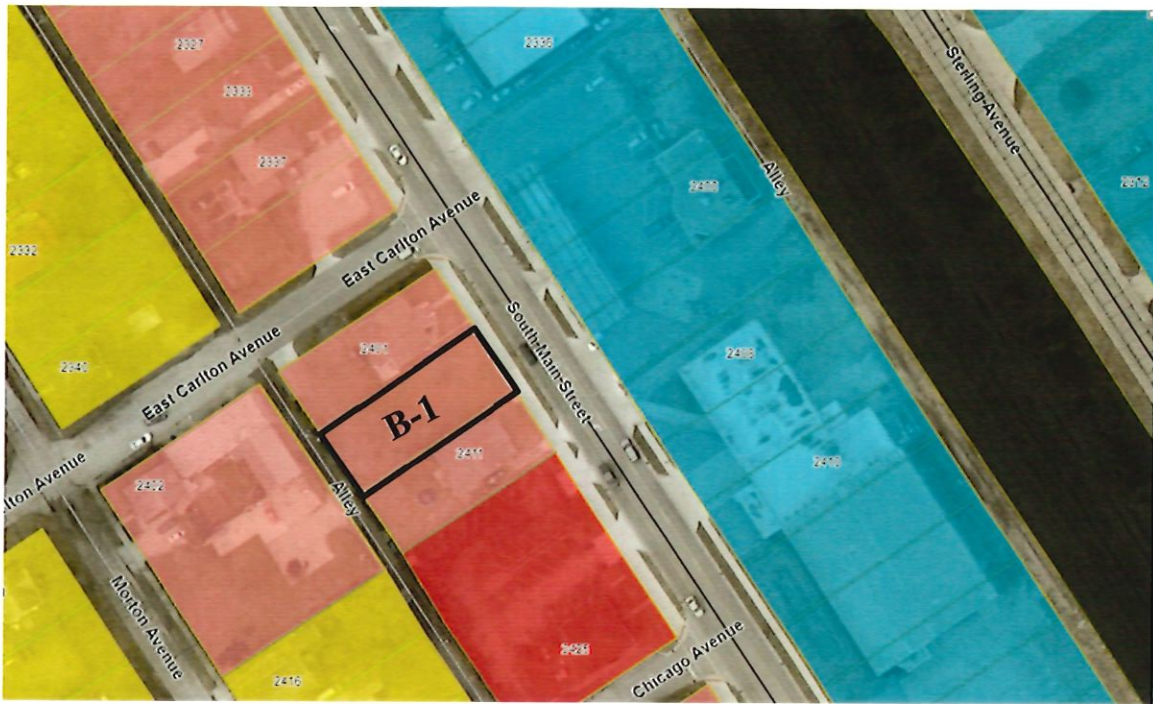
The property is surrounded by a mix of residential, commercial and manufacturing uses zoned R-2, Two Family Dwelling, B-1, Neighborhood Business District, B-2, Community Business District, M-1, Limited Manufacturing District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with mixed land uses.



Staff Analysis

The petitioner is requesting a use variance to allow the property at 2400 VL BL South Main Street to construct a two family dwelling. Section 11.2 Permitted Uses in the B-1, Neighborhood Business District does not permit two family dwellings.

The need for the use variance comes from the fact that the B-1 zoning district does not permit two family dwellings as a permitted use. This section of South Main Street, on the west side, is all zoned either B-1, B-2 or B-3. This commercial zoning acts as a developmental buffer between the residentially zoned properties to the west and the industrially zoned along the east side of Main Street, backed up to the railroad.

This request should not impact the surrounding uses or character of the neighborhood to the west 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 South Main Street.

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 and diverse housing options are needed. This proposal reflects a development pattern seen in other parts of the city that integrates varying levels of density within a neighborhood. This type of housing is considered the 'Missing Middle' – which the city is lacking. Because of the compact construction and it being developed where the necessary infrastructure is existing - it is more cost effective to construct. Therefore those costs do not have to be passed along to the tenant in the form of higher rent. This request adds to the inventory of alternative housing types needed in Elkhart.

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 South Main Street 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 two 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 requirements, buffering and providing for required off-street parking would be challenging and may 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. The project shall be built to the R-3, Two Family development standards.

Photos



Street view from Google Earth

PETITION #: 26-VV-02

FILING FEE: \$200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Singh Surinder

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: Glenn Henderson

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 2401 South Main St Elkhart IN 46516

Zoning: B-2

Present Use: B-2 Vacant Lot Proposed Use: B-2 Duplex

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): Glenn Henderson

SIGNATURE(S): Glenn Henderson DATE: 12/4/25

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: Raon Levendoski DATE: 12/8/25

Goodwin, Paul

From: Paul Goodwin [REDACTED]
Sent: Friday, December 5, 2025 1:16 PM
To: Goodwin, Paul
Subject: EXTERNAL: Fwd: Letter

Caution: This email originated from outside of the organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

----- Forwarded message -----

From: Glenn Henderson [REDACTED]
Date: Fri, Dec 5, 2025, 12:40 PM
Subject: Fwd: Letter
To: [REDACTED]

----- Forwarded message -----

From: SBS Petro Inc. [REDACTED]
Date: Fri, Dec 5, 2025, 12:34 PM
Subject: Letter
To: [REDACTED]

To Whom It May Concern,

I, Surinder Singh, am the owner of the property located at 2401 S. Main St, Elkhart, IN 46517. I authorize Greg Henderson to represent me regarding the zoning change request for this property.

Please allow him to communicate and submit the necessary information on my behalf for this process.

Sincerely,
Surinder Singh

12/04/2025

RE: Use Variance

To: Board of Zoning Appeals

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I Singh Surinder, am the owner of the following described real estate located within the city of Elkhart, Harrison Township, Elkhart County, state of Indiana, to-wit:
2401 South Main Street Elkhart Indiana 46516
2. The above described real estate presently has a zoning classification of B2 district under the zoning ordinance of the city of Elkhart.
3. Petitioner proposes to occupy the above described property in the following manner: to build a multi-family dwelling
4. Petitioner desires to build the multi family dwelling, but the property is zoned for business.
5. The zoning ordinance of the city of Elkhart requires
6. The strict adherence to the zoning ordinance requirements would create an unusual hardship because it will only allow the property be used for business instead of affordable housing.
7. Standards that must be considered for a use variance:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community if the use of the property is changed to R2, a 2-unit affordable home will be built on the property.
 - b. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because there are residential properties on either side of this property.
 - c. The need for the variance arises from some condition peculiar to the property involved as it is zoned for business and we wish to use the property to build affordable housing.

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

Glenn Henderson
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 3401 S MAIN ST Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 5 day of DEC, 2025.

Glenn Henderson

Printed: Glenn Henderson

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.

Glenn Henderson

Printed: Glenn Henderson

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)



Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Glenn Henderson, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 5th day of December, 2025.

Jennifer Drlich

Printed: Jennifer Drlich

My Commission Expires:

9/27/2028

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

2018-17157

ELKHART COUNTY RECORDER
JENNIFER L. DORIOT
FILED FOR RECORD ON
AS PRESENTED
08/21/2018 02:21 PM

Fidelity National
Title Company LLC

QUITCLAIM DEED

File No.: 791700147-ASH

THIS INDENTURE WITNESSETH, That Domenico Siciliano and Emilia Siciliano and Giuseppe Siciliano and Rosa Siciliano (Grantor) QUITCLAIMS to Surinder Singh (Grantee) for no consideration, the following described real estate in Elkhart County, State of Indiana:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Property: 2401 S. Main St., Elkhart, IN 46514. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

Tax ID No.: 20-06-16-208-007.000-012 and 20-06-16-208-008.000-012

This deed is being executed in fulfillment of the Land Contract between Domenico Siciliano and Emilia Siciliano and Giuseppe Siciliano and Rosa Siciliano and Surinder Singh recorded September 20, 2017 as Instrument Number 2017-20198 of the Elkhart County Records.

Subject to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.

IN WITNESS WHEREOF, Grantor has executed this deed this 13 day of August, 2018.

GRANTOR:

Domenico Siciliano
Domenico Siciliano

Emilia Siciliano
Emilia Siciliano

Giuseppe Siciliano
Giuseppe Siciliano

Rosa Siciliano
Rosa Siciliano

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

Aug 21 2018

PAULINE GRAFF, AUDITOR
04655

10.00

no sales disclosure required - km

MH

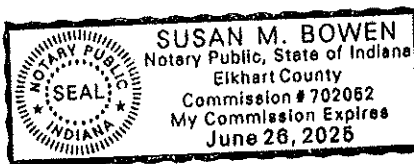
MC

STATE OF Indiana
COUNTY OF Elkhart

Before me, a Notary Public in and for said County and State, personally appeared Domenico Siciliano and Emilia Siciliano who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 13 day of August, 2018

Signature: SMBowen
Printed: _____
Resident of: _____ County
State of: _____
My Commission expires: _____



STATE OF _____
COUNTY OF _____

Before me, a Notary Public in and for said County and State, personally appeared Giuseppe Siciliano and Rosa Siciliano who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 13 day of August, 2018

Signature: SMBowen
Printed: _____
Resident of: _____ County
State of: _____
My Commission expires: _____



Prepared By: Edward W. Hardig, Jr., Attorney at Law
401 W. High Street, Elkhart, IN 46516

Grantee's Address and Tax Billing Address: 2401 S. Main St.
Elkhart, IN 46514

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law Alicia Head.

Return To: Fidelity National Title Company, LLC
401 W. High Street, Elkhart, IN 46516

This conveyance is for no economic consideration and Sales Disclosure form 46021 is not required.

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 20-06-16-208-007.000-012 and 20-06-16-208-008.000-012

LOTS NUMBERED FIVE (5) AND SIX (6) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF LONG' S ADDITION TO DINEHART PLACE, AN ADDITION TO THE CITY OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 1, PAGE 39 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Site Plan
2407 S Main
2 story Duplex

