

**BOARD OF ZONING APPEALS**

**-MINUTES-**

**Thursday, June 11, 2026 - Commenced at 6:07 P.M. & adjourned at 7:14 P.M.  
City Council Chambers – Municipal Building**

**Please note that due to technical issues, no recording of this meeting was created.**

**MEMBERS PRESENT**

Janet Evanega Rieckhoff  
Phalene Leichtman  
Ann Linley

**MEMBERS ABSENT**

Rochali Newbill

**REPRESENTING THE PLANNING DEPARTMENT**

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

**LEGAL DEPARTMENT**

Rose Rivera

**RECORDING SECRETARY**

Raen Levendoski

**ELECTION OF OFFICERS**

Postponed.

**APPROVAL TO AMEND AGENDA**

Trotter proposes an amendment to the agenda, to table case 26-UV-11 until July.  
Leichtman makes a motion to approve; Second by Linley. Voice vote carries.

**APPROVAL OF MINUTES FOR MAY 14, 2026**

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

**APPROVAL OF PROOFS OF PUBLICATION**

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

**OPENING STATEMENT**

Welcome to the June 11, 2026 meeting of the Elkhart City Board of Zoning Appeals.

If you are joining by video, your microphone will be automatically muted and your video will not be on when you enter the meeting. Please make sure you use both your first and last name. If you would like to speak, you must click on the “raise hand” action and wait to be called on in order to alert our IT attendant to unmute your speaker and turn on your video, which is necessary if you want to take part in the meeting. When you begin to speak, speak up and identify yourself before proceeding. When speaking: Petitioner, Public and Board members, make sure your mic is on and speak into it.

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 no later than 30 days after the decision is made in an appropriate court. 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. 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, which may include temporary appointed 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.

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**

**26-UV-09 PETITIONER IS LYNDON MARTIN  
PROPERTY IS LOCATED AT 2111 S SEVENTEENTH ST**

The request is to vary from 18.2 Permitted Uses in the M-1, Limited Manufacturing District, to allow for auto sales.

Evanega Rieckhoff calls the petitioner forward.

Lyndon Martin, 2111 17<sup>th</sup> St, appears in person. Martin states that they do not anticipate needing to use large trucks to load and offload vehicles, and because there are two entrances to the property, there would be flow of traffic to prevent issues.

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

**STAFF ANALYSIS**

Trotter presents. Since the petition was previously read into record during the May 14, 2026 meeting, Staff will not be reading the full report again.

Trotter states there were 12 letters mailed with one returned in favor with no comment.

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

The Board asks about what happens when the property is sold. Trotter clarifies that if the property is sold, the new buyers would need to request their own variance.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 26-UV-09 and adopt the petitioner's documents and presentation as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report, including the additional board condition for a review in two years; Second by Linley.

Leichtman – Yes

Linley – Yes

Evanega Rieckhoff – Yes

Motion carries.

**NEW BUSINESS**

**26-UV-12 PETITIONER IS HARRY BURNSTINE AMENDED AND RESTATED REVOCABLE TRUST  
PROPERTY IS LOCATED AT VACANT LOTS 1500 BLOCK MAPLE ROW**

Kyle Anthony-Petter, Planner II, presents. The request is to vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for a parking lot as the primary use.

Evanega Rieckhoff calls the petitioner forward.

Christy Burnstine, 1505 W Beardsley, appears in person. Burnstine states that they purchased the lot with the impression that it was a parking lot. However, upon further investigation they discovered that a variance was not received for the lot. They are requesting this variance so that they can sell the property and market it as a parking lot for the adjacent business property which is also being sold.

Evanega Rieckhoff asks for questions from the Board. Seeing none, she opens for public comments to speak in favor.

Howard Turner, 610 Beech St, appears in person. Turner states that he is not in favor or opposition but has some questions. Turner asks for clarification on the location of the petition lot.

Evanega Rieckhoff opens for public 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 1500 VL Block Maple Row to be used as a parking lot. Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District, does not allow a parking lot as the primary use.

The property on Maple Row contains a parking area for the building at 1505 W. Beardsley Avenue. This use has been in place for several decades with no previous board approvals found on file. Currently the only other parking for the business is within the right of way along Beech Street to the east and some shared parking with the business at 1515 W. Beardsley Avenue to the west. The property along with the building on Beardsley was placed on the market for sale and it was during the due diligence period, when the properties were being listed, it was discovered there was no board action for the Maple Row parcels for use as a parking lot.

Based on research by staff, this property has had no prior board approval for use as a parking lot. This is supported by the lack of an approved paving material or elements typically found and required for the establishment of a parking area. There is no storm water containment area or dry wells to capture storm water on site, no lot striping to depict the parking layout, no curbing or landscape buffer and/or fence to screen the use from adjacent residential uses.

The Maple Row parking area appears to be surfaced with roto mil (recycled asphalt). Access is from the alley on the north of the lots – no access exists from Maple Row. There is no stormwater provided on site and the screening contains in part a fence in need of repair. The current state of the parking area is non-conforming; meaning the parking lot does not meet the current development standards.

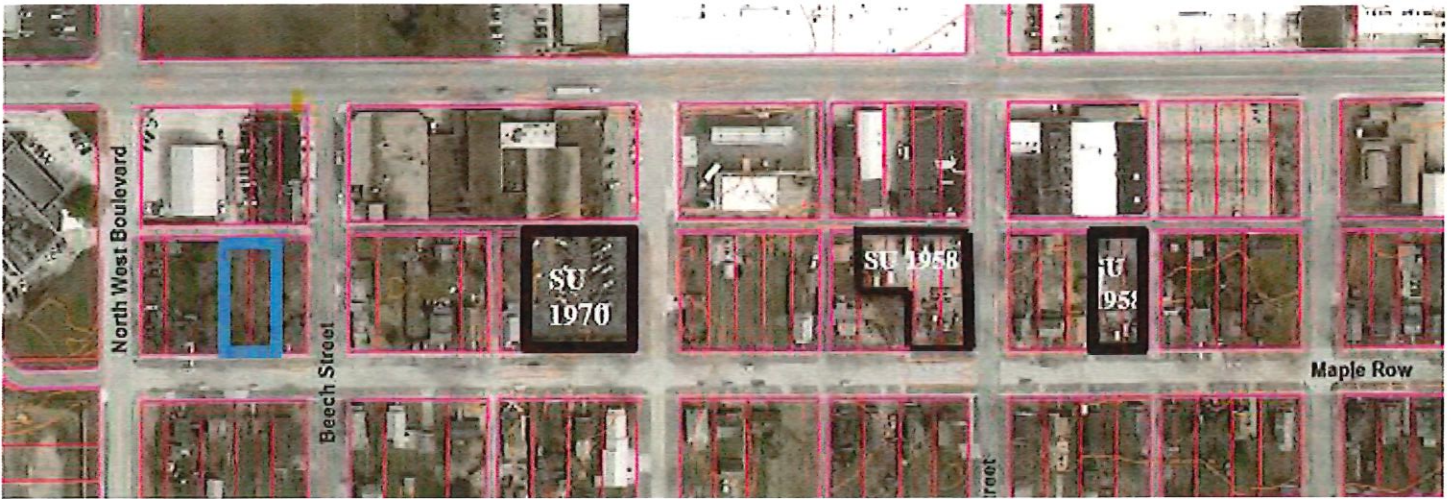
The legacy manufacturing uses along West Beardsley Avenue commonly did not have large areas for employee parking as most of the buildings were built to maximize the lot area with no room left for parking. These buildings were also constructed during a time when the city had a more robust public transportation network and where many employees did not own cars. Over time, the need for parking grew and lots were established in the residential neighborhood to the south along Maple Row for employee parking; staff have found meeting minutes dating back to 1958 for several of the parking areas east of the land in this request.

Near this property are three parking lots along Maple Row which are used by businesses on West Beardsley Avenue. At the corner of (1400-1416) Maple Row and Walnut Street, a parking lot was approved by Special Use in 1970 to be used as an off-street parking area. 1320-1326 Maple Row was approved by Special Use in 1958 to be used as an off-street parking area. 1222 Maple Row was approved for Special Use in 1958 to be used as an off-street parking area.

This section of Maple Row historically had a mix of accessory parking uses intermixed with residential uses for at least 80 years. Since the 1950's, this board has approved parking lots on Maple Row for the businesses that fronted on Beardsley Avenue. Because of its current R-2 zoning, the need for any development not allowed by right, the parking lot development on Maple Row must meet the current standards in order to protect the adjacent residential uses.

It is important this project must be submitted for Technical Review to ensure compliance with developmental standards for the Public Works Department, Fire Department and the Planning Department. This request is for the use only. It is expected the petitioner will submit for review and approval civil engineering drawings to be formally reviewed by city staff. It cannot be guaranteed the layout as depicted on the plan for this case will not remain unchanged.

Staff supports the request for use only.



Blue box is current petition

**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 parking lot has existed in some form for many years with no apparent harm to surrounding properties;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the parking lot has existed in some form for many years with no apparent harm to surrounding 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 because without board action this project on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because if in the future the parking lot could be removed and a permitted use could be built;
6. The special conditions and circumstances do result from an action or inaction by the applicant as the use was established without the benefit of board action. It is likely that construction of a compliant parking lot would not be detrimental to the surrounding uses as the use 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. A complete set of civil engineering plans shall be submitted for review and approval at Technical Review – to ensure compliance with developmental standards for the Public Works and Planning Departments when a site plan is proposed.
2. The parking area is to be used for employee parking only. Outdoor storage shall not be permitted.

Trotter states there were 22 letters mailed with one returned in favor with the comment: the lot is not vacant, we use it for BBQ, family reunions, football, etc. The neighborhood uses it for yard sales.

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

Linley asks for clarification on what Tech Review entails. Anthony-Petter responds.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 26-UV-12 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Linley.

Leichtman – Yes  
Linley – Yes  
Evanega Rieckhoff – Yes

Motion carries.

**26-UV-13 PETITIONER IS TFI ELKHART IN LLC  
PROPERTY IS LOCATED AT 1341 WADE DRIVE**

Trotter presents. The request is a Use Variance of Section 13.2 Permitted Uses in the B-3 Business Service District to allow for the creation of a finished goods storage lot.

Evanega Rieckhoff calls the petitioner forward.

Crystal Welsh, 303 River Race Dr, representative of Abonmarche, appears in person along with Ryan Martin, a representative from Gillette Generators. Gillette Generators owns an adjacent property and wishes to use this petition property for finished product storage.

Evanega Rieckhoff asks for questions from the Board.

Leichtman asks if any fuel or chemicals will remain in the stored generators. Martin denies.

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

Daraleigh Stephenson, 1400 County Rd 6 W, appears in person. Stephenson is concerned about stormwater retention, as their property floods every time it rains. She is also concerned about buffers for lighting and noise. She also mentions frustration at a previous hearing regarding another property in the area, and the reading of mailed responses.

Evanega Rieckhoff closes the public portion of the meeting and calls staff forward.

**STAFF ANALYSIS**

The petitioner owns a vacant parcel of property in the Elk-Air Industrial Park. The parcel of property is on the south side of Wade Drive. The intended use of the property is outdoor storage of finished goods.

Gillette Generators has an industrial facility north of the property in the same industrial park that manufactures generators that are proposed to be stored on the lot that is a part of the variance request. To the south, across Wade Drive, the petitioner would like to place finished goods (generators) on the parcel.

Per the submitted site plan the outdoor storage area would be screened to ordinance standards. The petitioner is providing a 50-foot buffer along the rear property line. Within the 50-foot buffer is an existing 15-foot utility easement. The development standard requirement is a 10-foot buffer. With the proposed plan, the petitioner exceeds the requirement area for buffering by five (5) times what is required.

A six (6) foot-tall chain link fence is proposed to be placed around the parcel for security. This will be in addition to the screening adjacent to the residentially used and zoned property to the south. The buffer is proposed to be evergreen screening.

Based on information provided by the petitioner, the storage area is not proposed to have new light fixtures installed; this is intended to reduce any impact to adjacent properties. The new storage area will meet all requirements for stormwater collection. The units will be stored with no fuel.

This project has been submitted for Technical Review to ensure compliance with developmental standards for the Public Works Department, Fire Department and the Planning Department. By the writing of this report, the project review has not been completed. All comments raised by staff must be addressed before any permits are granted.

**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 storage lot will be reviewed through the Technical Review Process for compliance with all developmental requirements;
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 buffered and screened from the adjacent residentially used and zoned 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 which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action this project on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because a B-3 could be developed. However, because of the location at a dead end street and being between industrially zoned and residentially zoned land – most commercial uses would not be viable;
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 variance, staff recommends that the following condition be placed upon the approval:

1. The units store in this area will not be stored with any fuel in them.
2. The storage area will not be lit.
3. Any and all comments from the Technical Review process will have to be addressed prior to any permit being issued.

Trotter states there were 10 letters mailed with none returned and one phone call received not in favor with comments: caller is again the variance, does not wish to have storage behind their property, concerned about water table, their property flooding due to stormwater runoff, lighting, and noise buffers.

Stephenson states that more letters and phone calls were received. Trotter responds that they are reading all items they received.

Levendoski states that one additional phone call was received, but the caller only asked a few questions and stated that they were not in favor or opposition of the petition.

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

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 26-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 and adopt all conditions listed in the staff report; Second by Linley.

Leichtman – Yes

Linley – Yes

Evanega Rieckhoff – Yes

Motion carries.

**26-UV-16 PETITIONER IS SNYDER REAL ESTATE HOLDINGS COMPANY  
PROPERTY IS LOCATED AT 1801 WOOD ST**

Anthony-Petter presents. The request is to vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for a Photography Studio.

Evanega Rieckhoff calls the petitioner forward.

Lorrie Willits, 21948 Shirley Dr, Goshen, appears in person. Willits is a prospective buyer of the property, contingent on whether the Board approves the petition. Willits has operated a photography studio for 12 years, but needs a larger space and feels this location is ideal.

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

### **STAFF ANALYSIS**

The petitioner is requesting to vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow the property at 1801 Wood Street to be used for a photography studio.

The perspective buyer is requesting board action to use the building as a photography studio. Photography studio is a permitted use in the B-2, Community Business District – where the use is located on a major corridor and sized to serve the needs of customers beyond the immediate neighborhood.

This type of building is not that unusual in residential neighborhoods. Often there was a small commercial, building that served the immediate neighborhood - most often a food service – which this building was. This building was also a former deli and resale shop and most recently approved for a woodworking shop in 2021.

The building is 5,500 square feet, built in 1920. The building's location is somewhat unusual as it's a single commercial building in the middle of a low-density residential neighborhood.

The proposed use as a photography studio will be by appointment only. The property is not located on a major thoroughfare and surrounded by low density residential uses; a photography studio will have little to no impact on the adjacent residential properties. The proposed photography business will be all digital and not utilize chemicals in any process. A photography studio would be deemed permissible in the more intensive B-2 district, but considering the size of the structure, location within the neighborhood and the use will be by appointment only, the use is ideal for the location.

### **STAFF RECOMMENDATION**

The Staff recommends approval of the use variance for a photography studio 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 as a photography studio is a low intensity use and will not have an impact to the surrounding neighborhood;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the use is low impact that will not create any noise or odor and will have no substantive exterior changes to the building;
3. The strict application of the terms of this Ordinance will not constitute an unnecessary hardship if applied to the property for which the variance is sought because this use is low intensity and will not be a nuisance for surrounding properties in the form of noise, smoke or odor;
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 use as a photography studio on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance would not result in practical difficulties in the use of the property because establishing a permitted B-1 use could be established on this site;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because the B-2 zoning classification where the use is permitted, is envisioned for a larger scale business on a major road thoroughfare;
7. This property does not lie within a designated flood hazard area.

### **CONDITIONS**

None.

Trotter states there were 49 letters mailed with one returned in favor with no comment.

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

Leichtman makes a motion to approve 26-UV-16 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Linley.

Leichtman – Yes

Linley – Yes

Evanega Rieckhoff – Yes

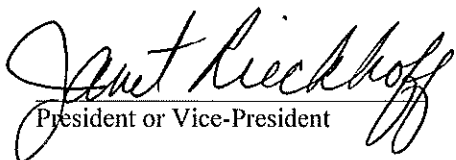
Motion carries.

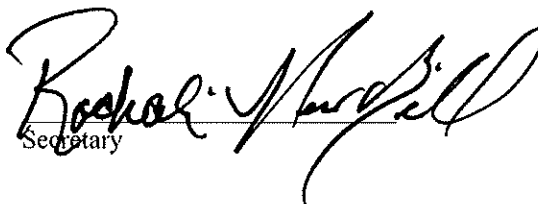
**STAFF ITEMS**

Trotter states that, to address concerns brought up by Stephenson during this meeting, moving forward the Board Recording Secretary should document all calls received concerning a petition, even if they do not have comments or are not for or against a petition. Levendoski confirms.

**ADJOURNMENT**

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

  
President or Vice-President

  
Secretary