

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, NOVEMBER 13, 2025 AT 6:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

THIS MEETING WILL ALSO BE HELD ELECTRONICALLY VIA WEBEX.

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2302 596 8237** as the meeting number and “**BZA2025**” 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.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES OCTOBER 9, 2025**
4. **APPROVAL OF PROOFS OF PUBLICATION**
5. **OLD BUSINESS**

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

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.

6. **NEW BUSINESS**

25-BZA-24 PETITIONER IS LESLY SANTOS
PROPERTY IS LOCATED AT 1101 W GARFIELD AVE

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.

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

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.

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.

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

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.

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

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.

7. **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-Rieckhoff, 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, October 9, 2025 - Commenced at 6:00 P.M. & adjourned at 6:40 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Phalene Leichtman
Rick Newbill

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Raen Levendoski

APPROVAL OF AGENDA

Evanega Rieckhoff moves to approve the agenda.
Mulvaney makes a motion to approve; Second by Leichtman. Voice vote carries.

APPROVAL OF MINUTES FOR AUGUST 28, 2025

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

APPROVAL OF MINUTES FOR SEPTEMBER 11, 2025

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

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the October 9, 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. 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. As I'm talking, if you have not signed in, if you would come up and sign in now that would be helpful and a time saver. 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. When speaking, petitioner, public, and board members, be sure to speak into the microphone when you speak. I believe we've got four members present, so we are good. With respect to the public comment portion of the meeting, public comments will be taken only on the specific petitions being heard before the board. Unlike City Council meetings where there is time for anyone to comment on any issues, 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

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.

Eric Trotter, Assistant Director for Planning, states that the City of Elkhart requests that 25-BZA-20 remain tabled.

NEW BUSINESS

25-X-07 PETITIONER IS ELISSA GARCIA PROPERTY IS LOCATED AT 721 MAPLE ROW

Kyle Anthony-Petter, Planner II, presents. Per Section 5.3, Special Exception Uses, (4.3.G) Day Care Center Home, to allow for the establishment of a new day center at 721 Maple Row.

Evanega Rieckhoff calls the petitioner forward.

Evanega Rieckhoff asks if they signed in and Petitioner responds yes.

Elissa Garcia appears in person. She states that they would like to open a child care in her home. There would not be any renovation or construction, it would just be inside the home. They have a 1 level, 2-bedroom home with a fenced yard. There is adequate space inside and out, considering the safety of young children. There is ample space in front of the home for parking, for the parents to drop off and pick-up, as not to disrupt traffic and to keep everyone safe.

Evanega Rieckhoff asks if the pick-up would be in the alley or out in front. Garcia responds that it would be on Maple Row, at the front of the house. There is Beardsley parallel to Maple Row, and Michigan is parallel to Myrtle. The front of the home is on Maple Row, and it's a corner lot so there is quite a bit of space in front of the home on Maple Row to park.

Evanega Rieckhoff states [to staff] you guys had said it was going to be in the alley. Trotter apologizes and states that the alley is the standard, but with this situation, pick-up and drop-off would be in front of the home, not the alley, because the property is on a very low-traffic street, on a corner, with plenty of frontage and a gate in front to drop-off.

Evanega Rieckhoff asks for questions from the Board.

Evanega Rieckhoff asks whether she will continue live in the home once the daycare is opened, Garcia responds yes.

Leichtman asks is any renovations are needed, Garcia responds no renovations or construction.

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

Anthony-Petter states that this case comes from the Planning Commission with a Due Pass.

The petitioner is submitting an application for a home daycare at 721 Maple Row. The home is located in a neighborhood with ample sidewalks with the ability for some of the children within the care to be walked to the location.

According to Elkhart County Assessor records, the house at is 904 square feet and built in 1960, the lot is .15 acres. At the writing of this report, staff had not yet visited the site, but have since visited the site.

It is anticipated the petitioner will apply for a Class I license with the state's Family and Social Services Administration (FSSA), which allows for up to 12 children. Pick up and drop off for the facility will be handled in front of the house along Maple Row on the north of the building.

In terms of space, the house is adequate. The state requires for a Class I license, a minimum of 35 square feet per child for indoor space for a total of 420 square feet if the maximum number is reached. Based upon the square footage, it's likely that number will not be reached.

STAFF RECOMMENDATION

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because there will be no exterior changes to the existing building;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

CONDITIONS

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

1. The petitioner shall submit plans for the building renovations to the building department within 14 days of approval, and obtain permits for any work done there within 45 days of approval.
2. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
3. The facility and grounds shall be kept clean at all times.
4. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
5. There shall be no exterior display, signs, or other forms of advertising on the premises.
6. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
7. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
8. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
9. There shall be a maximum of twelve (12) children.
10. Pickup and drop off shall be from the street at the front of the property.
11. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by September 7, 2027.

Anthony-Petter says 30 letters were mailed with no responses.

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

Leichtman makes a motion to approve 25-X-07 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
Newbill – Yes
Evanega Rieckhoff – Yes

Motion carries.

25-BZA-23 PETITIONER IS GAYDUO KORLEWALA PROPERTY IS LOCATED AT 1034 PRINCETON BLVD

Trotter introduces the petitioner as Gayduo Korlewala, site location 1034 Princeton Street.

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.

Gayduo Korlewala appears in person. She states that when she first moved, the property already had an existing fence. She has a daughter with disabilities that's friendly and pets dogs, so the fence was for her protection – so she doesn't go outside of the fence.

It's the reason they made it higher – they were okay with what was there, but she was still reaching over. It's for safety, and they also have an alarm in the house to let them know when she goes outside, for added protection. That's all.

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

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 for a fence permit on May 5, 2025, and was approved by staff on the same day. The approved permit application depicted the fence even with the home along Williams. A four (4) foot chain link fence was removed and replaced by a six (6) foot privacy fence.

When the fence was installed, the placement went past the wall of the home along Williams 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 July 2, 2025.

The petitioner then submitted to the board for a developmental variance on September 5, 2025.



Williams Street view from 2023 – shows former chain link fence

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.

Staff has no recommendation on the proposed variance. Trotter apologizes, as they do have a recommendation for Approval. The City of Elkhart is in the process of updating its zoning ordinance, including the fence regulations. The requested condition is consistent with proposed regulations found in the anticipated UDO.

The updated language will allow a six (6) foot privacy one (1) foot from the property line. It is difficult for staff to determine the exact location of the property line – especially with no sidewalks along Williams Street. If the petitioner can find the property corner markers with or without the assistance of a surveyor that confirms the new fence is compliant with the forthcoming ordinance language – staff could support the petitioner's request.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental 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 fence 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 a fence is a typical element found in residential districts. The fences 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 allowed 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 designed 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;
7. This property **does not** lie within a designated flood hazard area.

Trotter says 14 letters were mailed with none returned.

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-23 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

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

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

Trotter introduces the petitioner as Nichole Hogendobler, site location 1746 E Beardsley Ave.

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

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

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

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

Evanega Rieckhoff calls the petitioner forward.

Nichole Hogendobler appears in person. She's like to build a new home in her backyard to help take care of her mom as she ages, it would be like a mother-in-law suite.

Evanega Rieckhoff asks for questions from the Board.

Mulvaney states that a couple of options were shown – Option 1 and 2 as far as siting of the new structure and asks if Hogendobler has decided on which they want to go with.

Hogendobler responds that they want to go with Option 2, if at all possible. She states she hasn't been able to get ahold of the utility companies to find out where all her stuff is, but she wants to go with Option 2, which would put the building in her backyard.

Evanega Rieckhoff asks if option two was in front of or behind the fence. Hogendobler states it was inside the fence. Evanega Rieckhoff states she liked that option as well, because the entrances were on the side and it would be cleaner.

Evanega Rieckhoff asks if they'll be keeping the fence, Hogendobler responds yes that it will stay and be modified slightly, because they have animals.

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

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

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

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

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

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

The City of Elkhart is in the process of updating its zoning ordinance, including the accessory dwelling unit regulations. In the anticipated UDO, accessory dwelling unit are listed as a Special Exception with conditions.

The requested conditions are consistent with proposed regulations found in the anticipated UDO. Staff anticipate seeing more requests similar to this one following the anticipated UDO being implemented.

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

CONDITIONS

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

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

Trotter says 23 letters were mailed, one returned in favor with no comments and one returned not in favor with the following comments: "This lot is not big enough for another home. This area is for one-family dwellings. If this is allowed, then who else will build homes on their lots? Before long, trailer trash will move, will be all over this area. If she wants to add an addition to her home, okay. Otherwise, go out in the country where she can build whatever she wants."

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

Evanega Rieckhoff asks for clarifications on if the conditions listed in the staff report are reflected in the list of conditions, Trotter confirms.

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 25-UV-10 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Newbill.

Mulvaney – Yes
Leichtman – Yes
Newbill – Yes
Evanega Rieckhoff – Yes

Motion carries.

STAFF ITEMS

19-X-14U

Anthony-Petter introduces the item - location 947 East Indiana Ave. This is the renewal of the daycare center, the one that happens every two years.

STAFF ANALYSIS

As it was approved on November 10, 2021, a special exception was granted to New Heights Daycare at 947 East Indiana Avenue. The approval came with the following ten conditions:

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
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 administration during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises beyond what is allowed for in its district unless allowed by variance.
5. A copy of the child care license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum of twelve (12) children.
9. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by November 9, 2023.

10. A plan for preventing health and safety violations in three areas: record keeping, staff training, and housekeeping shall be submitted to staff within 30 days of the Special Exception being granted.

STAFF RECOMMENDATION

Staff recommends that the approval for this property remain in effect for an additional two (2) years, and that it shall be reviewed as a staff item by the Board of Zoning Appeals by October 7, 2027.

Evanega Rieckhoff asks if there are any questions.

Evanega Rieckhoff wants clarification if the same staff analysis and conditions are always used, or if they are updated.

Trotter states that P&Z typically uses a generic template, but some are crafted for the specific daycare being reviewed. They are trying to go through and get caught back up on the daycare home review, so the BZA will be seeing more of these. Ryan had set up a spreadsheet that P&Z is trying to go back through and get caught up, a number had come through and left messages, but when Ryan passed there was a circumstance where a number were in the pipeline but P&Z did not realize they had them. They are currently going through the backlog, auditing themselves, to get caught back up, but trying not to dump all of them at once.

Evanega Rieckhoff asks if they feel this list of conditions is appropriate to them and new, Trotter responds that yes, this list was specific to the particular daycare on Indiana.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 19-X-14U 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, for two years and return by October 7, 2027; Second by Mulvaney.

Mulvaney – Yes
Leichtman – Yes
Newbill – Yes
Evanega Rieckhoff – Yes

Motion carries.

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



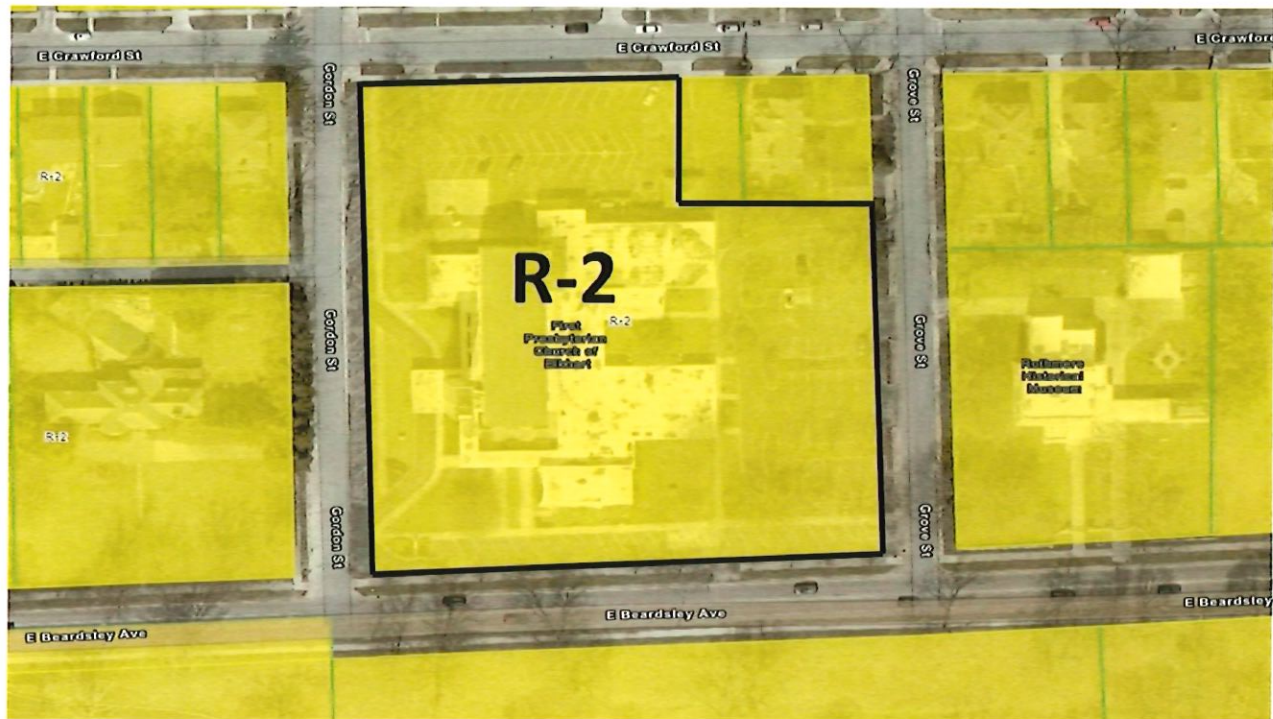
Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-20
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	August 14, 2025
<u>Petitioner:</u>	First Presbyterian Church
<u>Site Location:</u>	200 E Beardsley Avenue
<u>Request:</u>	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.
<u>Existing Zoning:</u>	R-2, One Family Dwelling District
<u>Size:</u>	+/- 0.29 Acres
<u>Thoroughfares:</u>	East Beardsley Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	The property is surrounded by a mix of residential uses zoned R-1, One Family Dwelling and R-2, One Family Dwelling District.
<u>Applicable Sections of the Zoning Ordinance:</u>	Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a 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 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 along with onsite parking lots with at least one aisle of parking on all four sides of the building. The proposal calls for the placement of three (3) temporary signs on each of the street frontages and place six (6) wayfinding signs on the interior of the campus.

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.

At the same time, utility staff asked the church to file for a revokable permit from the Board of Works for the signs placed in the right of way (tree lawn). Utility staff's recommendation to the Board of Works was the placement of signs in the right of way should reflect the type and time allowances in the zoning ordinance. In other words, not bypassing the requirements of one body by asking for something from another. The idea is to create a level playing field for all those who use temporary signs in the city to relay a message. The church was granted a revokable permit for some of their temporary signs by the Board of Works.

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.

Staff would like the church to look at some more permanent solution to their signage needs – specifically around wayfinding on the campus. If the idea is to assist a visitor with guidance to a specific door or a message to assist a visitor in navigating the campus, this could be accomplished with a permanent sign program. Signs placed around the campus in permanent locations as either directional or messaging signage would eliminate the need for temporary signs and those sign requests. The church has a newer monument sign with an LED reader board to also advertise activities. These options could address a portion of the messaging and wayfinding for the church.

Staff is willing to recommend in favor of the three (3) temporary yard signs on each of the surrounding street frontages, a total of 12, for a duration of 36 days per year to alert public of the various events at the church. The request for additional wayfinding would only be permitted for this year – 2025 and 2026 only. This will allow the church time to develop a permanent wayfinding sign program for the campus.

Recommendation

The Staff recommends **approval** of the developmental variance for the 12 total temporary yard signs for 36 days, approval of the banner for 36 days, approval of the six (6) wayfinding signs until the end of 2026 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 are not intended to be permanent additions to the property;
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 as the parking and drive configuration limits to, a certain degree, where they can be placed;
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 small yard temporary sign are to be placed on the property of the church. They are not to be placed within the public right of way.
2. The approval of the six (6) wayfinding signs is valid through December 31, 2026. This will allow time for the church to develop a wayfinding sign program for the campus.

Photos







PETITION #: 25-BZA-20 FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): First Presbyterian Church of Elkhart

Mailing Address: 200 East Beardsley Ave. Elkhart, IN 46514

Phone #: 574-264-3109 Email: office@presby.net

Contact Person: Bruce Carter

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 200 East Beardsley Ave. Elkhart IN 46514

Zoning: R-2

Present Use: church Proposed Use: church

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): Rev. Dr. Sally Wicks

SIGNATURE(S): Rev. Dr. Sally Wicks DATE: 7/3/2025

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: _____



200 East Beardsley
Elkhart, Indiana 46514
574.264.3109

July 3, 2025

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

RE: Development Variance Request for First Presbyterian Church of Elkhart

Members of the Board,

Our Church is submitting a Development Variance to you for consideration. As Pastor, I would like to offer a personal letter to you to be added to the formal petition submitted.

The First Presbyterian Church is submitting our request for additional communication through yard signs and a banner to facilitate better communication with our neighbors. We find that local residents pay more attention to this type of communication than more traditional means such as letters, post cards and online postings. This affords us an opportunity to reach out with God's message of love and hope to our local community.

Several of our programs and events touch young people in particular. Our weekly music program for children and our weekly youth groups provides quality extracurricular opportunities for families, free of charge. Likewise, our summer vacation Bible School provides a nice opportunity for summer fun and a break for families. Other programs like Ashes to Go or Trunk or Treat are pop up programs enjoyed and appreciated by the children and adults who attend. As a church we try to provide many avenues for people to make friends, find community and connect with the love of God. Although we certainly continue to use classic communication tools, we have learned that our most effective method for getting the word out about our offerings is our temporary signs on our property.

We have made great strides in in our community through these efforts and ask for your blessing on our continued efforts to bring our neighbors closer to God. We hope to expand that effort with your support.

Rev. Dr. Sally Wicks

Rev Dr. Sally Wicks

Rev. Dr. Sally Wicks
Pastor's email: sally@presby.net

office email: office@presby.net
Website: www.presby.net

July 3, 2025

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

Re: Developmental Variance request

The undersigned petitioners respectfully shows the Board of Zoning Appeals:

1. I, Rev. Dr. Sally Wicks, representing the owner of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, to-wit:

Parcel 1: Lot numbered 203, except the north 100 feet thereof, in the Plat of Beardsley's Fourth Addition, an addition to the City of Elkhart, Elkhart County, Indiana, as per plat thereof recorded in Deed Record 72, page 468 in the Office of the Recorder of Elkhart County, Indiana.

Parcel 2: A part of Lot numbered 204, in the Plat of Beardsley's Fourth Addition, an addition to the City of Elkhart, Elkhart County, Indiana, as per plat thereof recorded in Deed Record 72, page 468 in the office of the Recorder of Elkhart County, Indiana, more particularly described as follows: Commencing at the Northwest corner of Lot Numbered 204; thence South on the West line of said Lot 100 feet; thence East at right angles to the West line of said Lot, 42 and one-half feet; thence North parallel with the West line of said Lot, 100 feet to the North line of said Lot; thence West on the North line of said Lot to the place of beginning.

Parcel 3: Lot numbered 205 and part of Lot number 204, except a tract of land, 82 and one-half feet wide East and West and 100 feet in length North and South off of the North end of said Lot Numbered 204, in the Plat of Beardsley's Fourth Addition, an addition to the City of Elkhart, Elkhart County, Indiana, as per plat thereof recorded in Deed Record 72, page 468 in the office of the Recorder of Elkhart County, Indiana.

Property Address: 200 East Beardsley Avenue, Elkhart, Indiana 46514

Parcel ID: 06-05-206-006-012/20-06-05-206-006.000-012

2. The above described real estate presently has a zoning classification of R-2 district under the Zoning Ordinance of the City of Elkhart.

3. Two properties were donated by "Mrs. Drake" and Walter Beardsley to First Presbyterian Church in the late 1950s for the location of a new church building. The construction of the current Church building was completed and dedicated in 1960. The church has been using the

beautiful sanctuary, chapel, classrooms, offices and fellowship hall for 65 years for worship, Christian learning and community outreach. During that time, First Presbyterian has been a supportive partner in the community. In addition to nurturing trusted and ethical leaders in the community, First Presbyterian has supported Habitat for Humanity, Church Community Service and Saving Grace. The Samaritan Counseling Ministry was also born in First Presbyterian and was housed within the church building and later in a house at the edge of the property until it moved to its own facility in the mid 2020s.

4. First Presbyterian Church requests a variance from the sign ordinance (26.10) that:

1. Allows yard signs as defined in Section 26.10 F.5 (b) and banners as defined in Section 26.10 F.5 (f) to be placed on our property.
2. Allows time for the placement of temporary signs defined in Section 26.10 F.5(b) up to 70 days per year

5. First Presbyterian is currently located in an R-2 Zone. The requirements are delineated in Section 5 of the City of Elkhart Zoning Ordinance. According to the ordinance, "The R-2 District is designed to provide for low density single family residential development on narrower lots in urbanized or urbanizing areas." (5.1) Section 5.3 stipulates that exceptions for R-2 districts are the same as R-1 districts. Those exceptions are listed in 4.3 and include places of worship, golf course and country clubs with their associated buildings, public libraries, day care centers, nursing homes and assisted living centers, community centers, schools, playgrounds, parks, bed and breakfasts, police and fire stations among other venues that provide for good quality of living within the neighborhoods.

The sign ordinance (26.1) allows the use of temporary signs in "B" zoning districts. We are requesting that First Presbyterian Church be allowed to place temporary yard signs (three each on the each of the adjacent streets as specified in Section 26.1 F.5.b plus 6 wayfinding signs on the property closer to the building- see attached map) and banners as specified in Section 26.1 F.5.f on our property which is zoned R-2 in order to reach out to the local community about events at our church that may be of interest.

In addition, we are requesting that we be allowed to use Yard Signs for up to 70 days per years- (see attached schedule). We have 7 events that may be of interest to the local community and would like to have placement so that the local community is aware of events that are happening at our church and can plan accordingly.

6. Use of the existing ordinance would prevent our Church from using visible temporary signs to communicate with our neighbors and local community. We have conducted surveys when we were allowed to use these signs and banners and found that this form of communication worked well, especially for our local youth and toddlers.

7. We are happy to address the standards specified by the board for granting a variance.

1. *The Approval will not be injurious to the public health, safety, morals and general welfare of the community.*

First Presbyterian Church is committed to reaching out to our neighbors and community with God's message of Love and Hope. Our efforts have resulted in several local families joining our service. Another metric is that half of our Vacation Bible School attendees are non-members from the local community. Clearly, the impact we are making on our local community is positive. All aspects of this approval will be positive- public health, safety (properly located signs not interfering with motoring public or pedestrians), morals and general welfare (we are a Church spreading the word of God to the community).

2. *The use and value of area adjacent to the property will not be affected in a substantially adverse manner.*

All of these signs are temporary and will not be used if there are complaints of adverse impact. We are a member of the local community and want to be considered a good neighbor. We can't accomplish that with adverse impact. All of our signs are professionally designed, celebratory in nature and are pleasing to the eye.

3. *Granting of a Variance would be consistent with intent and purpose of the zoning Ordinance.*

The Zoning Ordinance's purpose is to provide a system to identify uses, advertise business and provide general orientation. The ordinance recognizes that property owners have a recognized need and right to do this in appropriately zoned districts. Our variance request is consistent and compatible with these goals. The signs are appropriate for residential neighborhoods and they inform the public of opportunities at our Church.

4. *Special Conditions exist and circumstances exist which are peculiar to the land involved and which are not applicable to other land or structures in the same district.*

No such conditions exist. We are not basing this variance request on special land conditions or circumstances.

5. *The Strict Application of the terms of the Ordinance would deprive the applicant of the rights and commonly enjoyed by other property owners in the same district under the provisions of this ordinance.*

Our concern applies to all churches that are located in residential districts that are not "B" zoned districts. We are all prohibited from community outreach with signs and banners. We all celebrate our religious holidays and offer wonderful opportunities to the communities. Our neighborhoods would benefit from better communication with our churches.

6. *The special conditions and circumstances by applicant do not result from any action or inaction by the applicant.*

The Variance request is not the result of any action or inaction by the applicant.

7. *In designated flood areas---*

No structure modifications are involved, therefore no impact on flood zone. Our structure is not in a flood zone

Signing on behalf of the First Presbyterian Church:

Signature of the Pastor: _____

Rev. Dr. Sally Wicks

Rev. Dr. Sally Wicks

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Rev. Dr. Sally Wicks, 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 special exception 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 200 East Beardsley Ave. Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 6th day of June, 2025.

Rev. Dr. Sally Wicks

Printed: Rev. Dr. Sally Wicks

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.

Rev. Dr. Sally Wicks

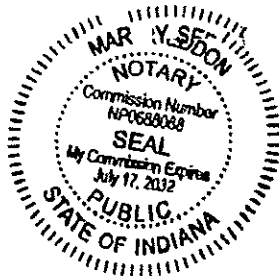
Printed: Rev. Dr. Sally Wicks

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Rev. Dr. Sally Wicks and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 6 day of June, 2025



My Commission Expires:




July 17, 2032

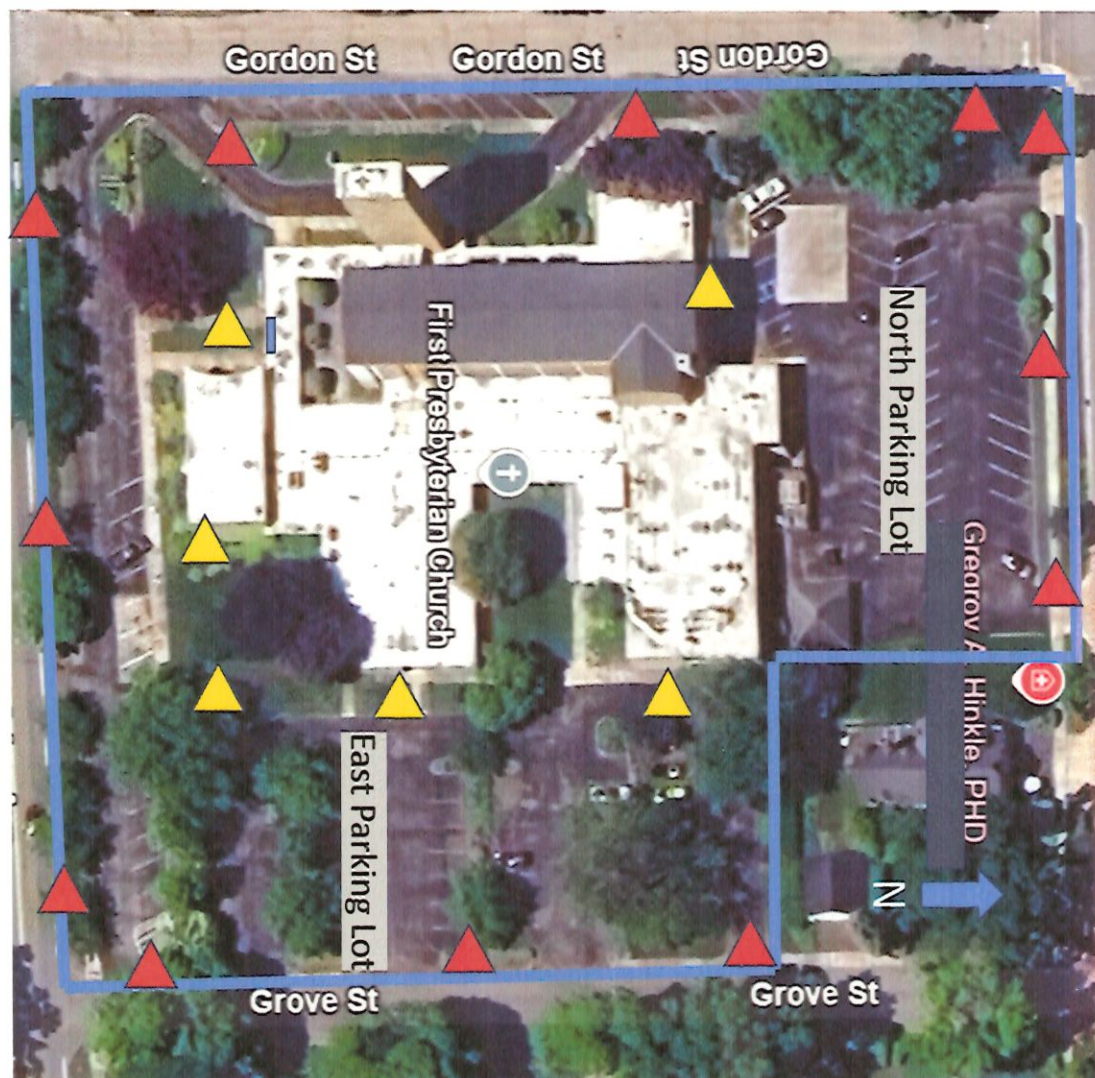
Mary Seddon

Printed: Mary Seddon

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

First Presbyterian Church Elkhart Campus Yard Sign Placement

-  Frontage Signs
-  Wayfinding Signs
-  Banner



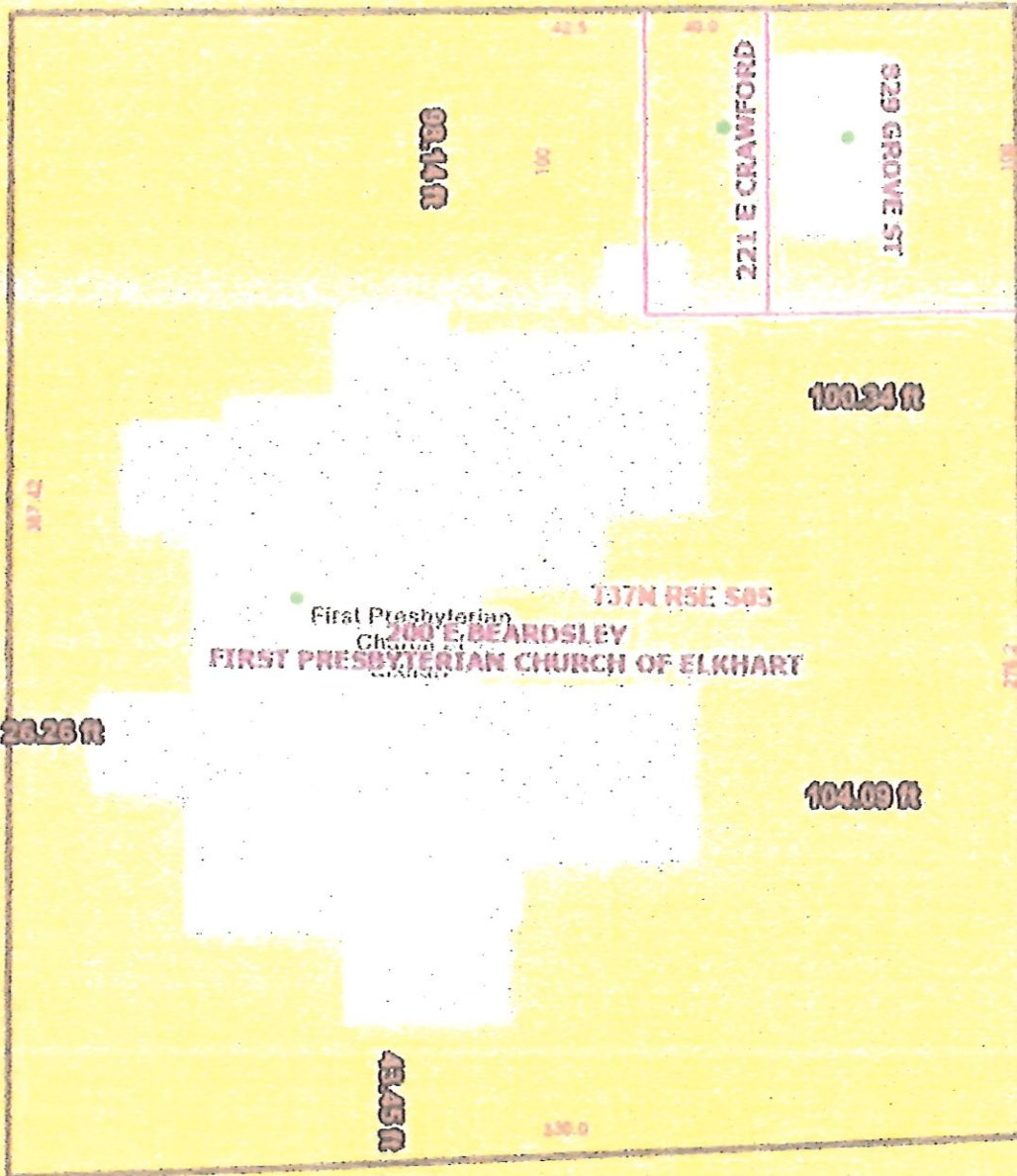
Gordon Street

Gordon St

Grove St

Grove Street

Grove St



East Beardsley Avenue

First Presbyterian Church View -1



© All EagleView Technology Corporation

Yard Signs	
Event	days
Ashes to Go	1
Music and More	14
Youth Group	
VBS- Time Travel	21
Trunk or Treat	6
Easter	14
Christmas	14
Total	70



Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-24
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	November 13, 2025
<u>Petitioner:</u>	Lesly Santos
<u>Site Location:</u>	1101 West Garfield Ave
<u>Request:</u>	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.
<u>Existing Zoning:</u>	R-2, One Family Dwelling District
<u>Size:</u>	+/- 0.33 Acres
<u>Thoroughfares:</u>	West Garfield Avenue and South 11th Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	

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

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

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.

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.

Photos



Front Elevation



Side Yard, facing Williams Street



Rear Elevation, facing the alley



Front Elevation, Side Yard

PETITION #: 25-BZA-24

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Lesly Santos
Mailing Address: 1101 W. Garfield ave Elkhart IN 46516
Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Jesus R. Angulo
Mailing Address: 1101 W. Garfield ave Elkhart IN 46516
Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: _____

Zoning: _____

Present Use: _____ Proposed Use: _____

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Lesly Santos

SIGNATURE(S): [Signature] DATE: 9-5-25

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: Ram [Signature] DATE: 9/26/25

I. Lesly Santos am the owner of
The at 1101 W Garfield ave Elkhart IN 46316

1- the purpose of this letter is to respectfully request your understanding and permission to allow me to keep the fence I have installed on my property.

2. The area where my family and I live is unfortunately not the safest. and we have experienced incident of vandalism, including gang-related activity. Because of this the fence provides us with a much-needed sense of security. It allows my daughters to safely enjoy their time outdoors. whether playing on the trampoline we recently purchased or enjoying the new whater slide.

3- I sincerely apologize for not following the proper procedures regarding the installation of the fence. It was never my intention to disregard the regulation. Building this fence required great sacrifice- it has taken me over two years, and I often struggled financially to make it possible. Despite these challenges, I am deeply grateful for the safety

and peace of mind it now provides
my family:

4 - with all my heart, I kindly ask for your
consideration and understanding in
allowing us to keep the fence.
your support would mean so much to
my family and me.

5 - Thank you very much for your time
and attention.

Respectfully.

Lesly Santos

~~Lesly Santos~~

2021-32486

ELKHART COUNTY RECORDER
JENNIFER L. DORIOT
FILED FOR RECORD ON
12/03/2021 10:10 AM
AS PRESENTED

WARRANTY DEED

This Indenture Witnesseth, that Donald C. Calhoun and Damita J. Calhoun, husband and wife ("Grantor") CONVEY(S) AND WARRANT(S) to Jesus Roberto Angulo Loaiza and Lesly Santos Santos, as tenants by the entirety ("Grantee") of the State of Indiana, for the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following real estate in Elkhart County, State of Indiana, commonly known as 1101 W. Garfield Ave, Elkhart, IN 46516, and more particularly described as:

Lot Number One (1) as the said Lot is known and designated on the recorded Plat of Willis Minor to the City of Elkhart, Indiana; said Plat being recorded in Plat Book 40, page 66, as Instrument No. 2021-06909, in the Office of the Recorder of Elkhart County, Indiana.


Parcel No.: 20-06-08-304-005.000-012

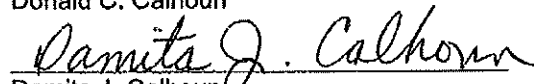
Subject to the lien of taxes, not yet due and payable.

Subject to covenants, agreements, easements, restrictions and all rights of way of record.

In Witness Whereof, Grantor has caused this deed to be executed this 1 day of

December, 2021.


Donald C. Calhoun


Damita J. Calhoun

DISCLOSURE FEE PAID
DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

Dec 03 2021

PATRICIA A. PICKENS, AUDITOR

07298

10.00

AL

JM

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Lesly Santos, 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 1101 W Garfield Ave Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 5 day of Sep., 2025.

[Signature]

Printed: Lesly Santos

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

[Signature]

Printed: _____

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)



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

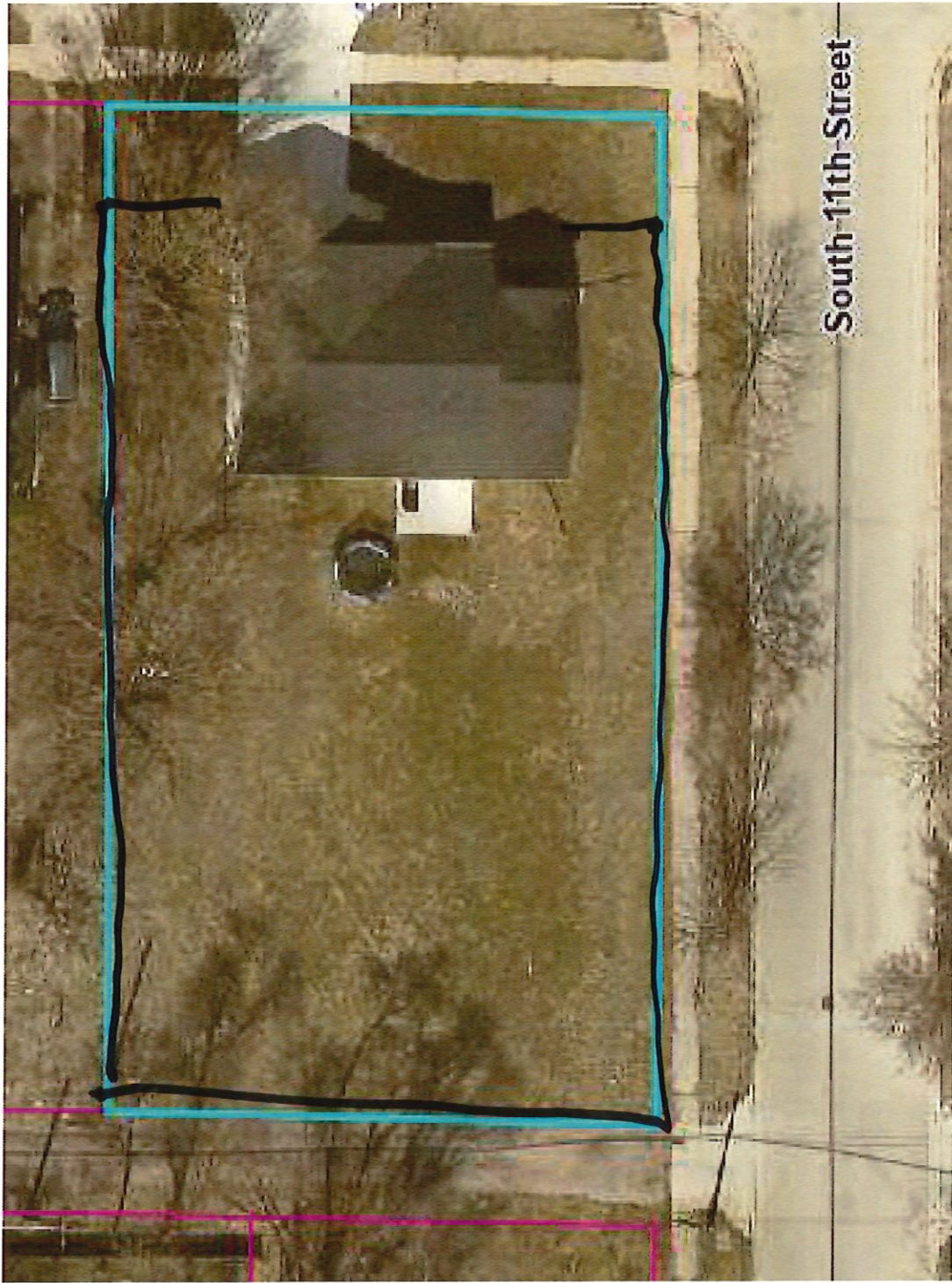
[Signature]

Printed: Jennifer Drlich

My Commission Expires:

9/27/2028

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

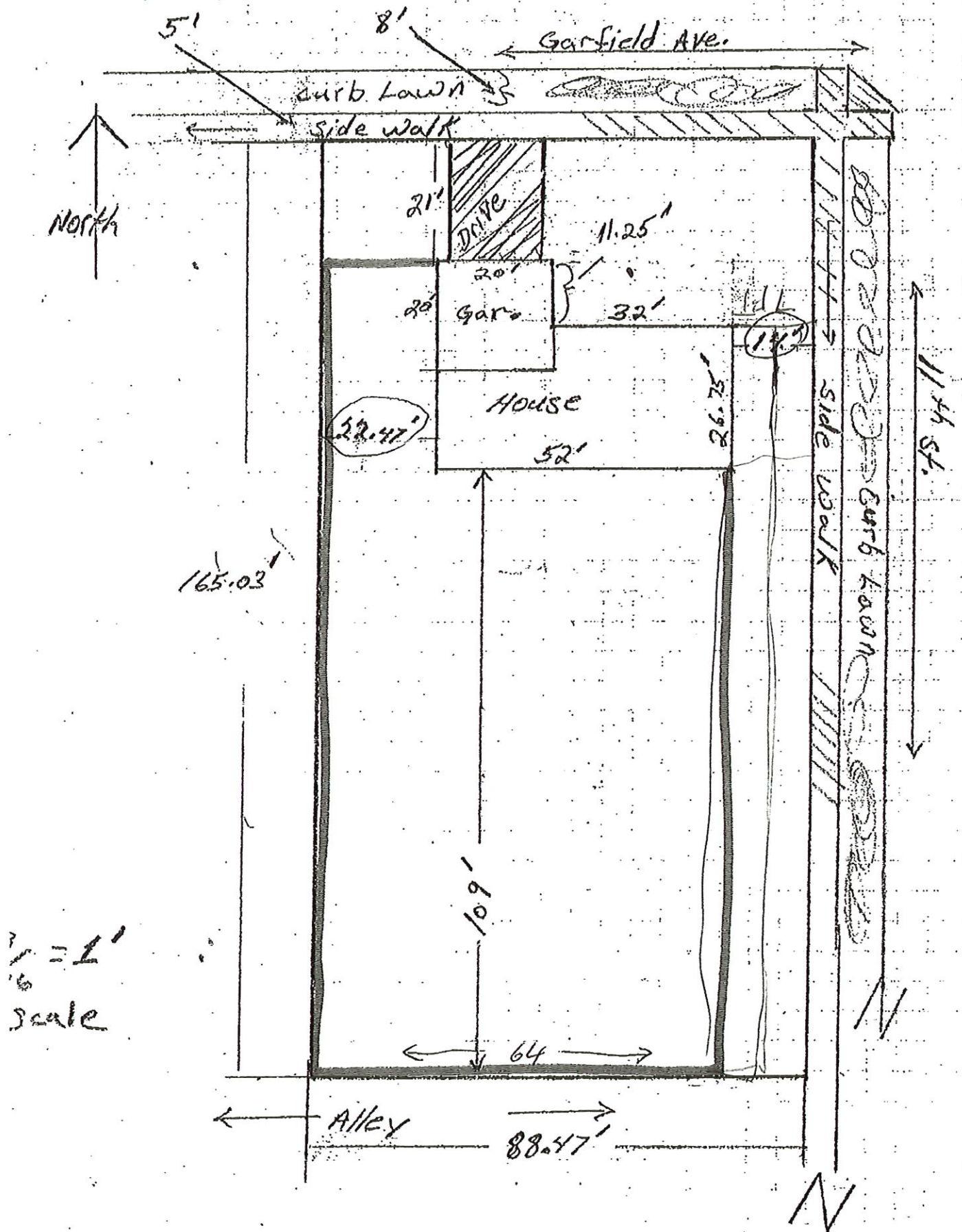


South 11th Street

This is proof of the vandalism That was done
to our fence.



DIAGRAM from POINT STAVING FORCE IN A
PERMITTED LOCATION.





Staff Report

Planning & Zoning

<u>Petition:</u>	25-UV-11
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	November 11, 2025
<u>Petitioner:</u>	David A Nufer, LLC
<u>Site Location:</u>	2101 South Main Street
<u>Request:</u>	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.
<u>Existing Zoning:</u>	B-3, Service Business District
<u>Size:</u>	+/- 0.76 Acres
<u>Thoroughfares:</u>	South Main Street and East Lusher Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

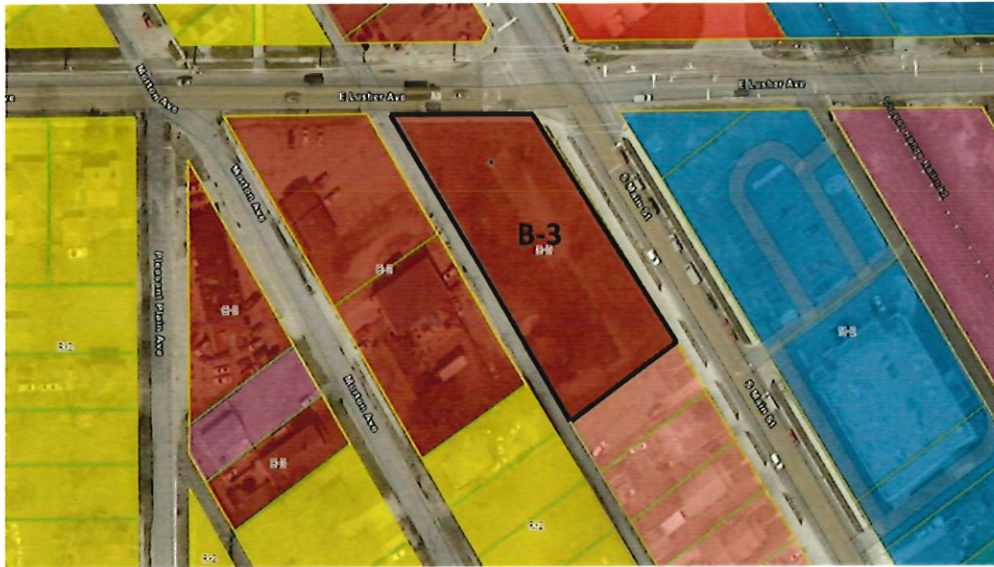
The property is surrounded by a mix of residential and commercial and manufacturing uses zoned R-2, Two Family Dwelling, B-3, Service Business District, B-1, Neighborhood Business District, M-2, General Manufacturing District, B-2, Community Business District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a use variance to allow the property at 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.



Future play area

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) except when arriving and leaving or on supervised walks or outings.
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.

Photos



South façade of building – front entrance

PETITION #: 25-UV-11

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): DAVID A NUFER, LLC

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: DAVID A NUFER

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2101 S. Main St., Elkhart, IN

Zoning: B-3

Present Use: Vacant Proposed Use: Ministry

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): DAVID A NUFER

SIGNATURE(S): [Signature] DATE: 10/3/25

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: Raen DATE: 10/3/25

David A Nufer, LLC



October 01, 2025

Board of Zoning Appeals
City of Elkhart, Indiana

RE: Use Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, David A Nufer, LLC, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart, IN State of Indiana, to wit:
 - i. Legal Description Add to Dinehart Place, Lots 26, 27, 28 (TIF 136)
 - ii. Common Address: 2101 S Main Street, Elkhart, IN 46517
2. The above described real estate presently has a zoning classification of B-3. District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently proposes to occupy the above described property in the following manner: Canisha's Childcare Ministry. The curriculum at Canisha's childcare ministry is designed to meet the physical, emotional, social, and cognitive needs of each child. We offer a play-based approach that encourages exploration, problem-solving, and critical thinking. The ministries operate 5 in the South Bend area.
4. Petitioner's desired business proposed is not listed in the current B-3 zoning.

5. The Zoning Ordinance of the City of Elkhart requires: (Explain ordinance requirements and note the Section Number of the Ordinance.) Section 13-3 Special Exception uses. Paragraph A all Special Exceptions uses as allowed in the B-2 Community Business District.
6. Explain why strict adherence to the Zoning Ordinance would create an unusual hardship. (Please note that the Board cannot consider financial hardship. *The Light Co., Inc v. Houghton et. Al.* 226 NE 2nd 341 Ind. Ct. App. 1967). We believe our proposal would be a very low impact on the Main Street Corridor and the overall surrounding neighbors. We also believe the Ministry would be a great fit for a needed professional service
7. Answer to “*Standards that must be considered for a Use Variance.*”
 1. *The approval will not be injurious to the health, safety, morals and general welfare of the community.*
No, the special use Variance will not cause immediate or long term effect on the neighbor or property values.
 2. *The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.* The Ministry will be an asset to neighbors, giving families the opportunity for additional Ministries.
 3. *The need for the variance arises from some condition peculiar to the property involved.* Ministries are not specifically listed in either B-1 or B-3.
 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.* We believe the Ministries will have a very low impact on traffic entering and exiting the property. Basic drop off and pick up of children.
 5. *The approval does not interfere with the Comprehensive Plan.* Not knowing what the “*Comprehensive Plan*” is. The Ministries fits most of the considerations of all of the permitted uses listed in B-1 and B-3.

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

Signature of Property Owner: _____

Printed Name: _____

Second Property: _____

Printed Name: _____

Contact Person: _____

Name: _____

Address: _____

Phone Number where you can reached: _____

Email: _____

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, David A. Nufez, 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 2101 South Main St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 1 day of Oct, 2025.

David A. Nufez
Printed: DAVID A. NUFEZ

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.

David A. Nufez
Printed: DAVID A. NUFEZ

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared David A. Nufez and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 1st day of Oct, 2025

My Commission Expires:

01-14-29

Chris Young
Printed: Chris Young
Notary Public in and for the State of Indiana
Resident of St Joseph County, Indiana

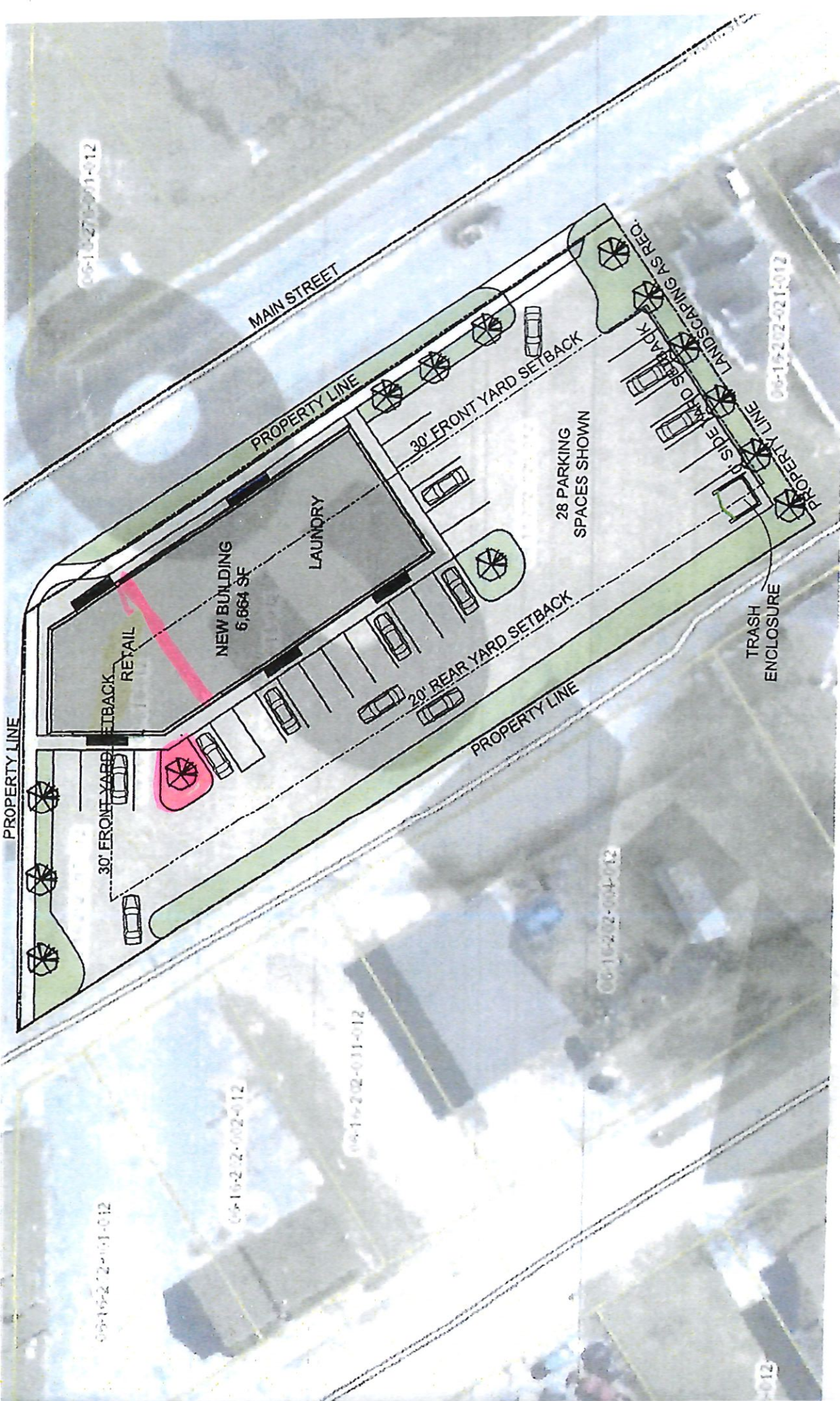
EXHIBIT A

Real Estate in the City and County of Elkhart, State of Indiana, to wit:

LOTS NUMBERED 26, 27, 28, 29 AND 30 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

Property address: 2101 S. Main St., Elkhart, IN 46516
2111 S. Main St., Elkhart, IN 46516

Tax ID No.: 20-06-16-202-017.000-012
20-06-16-202-018.000-012
20-06-16-202-019.000-012
20-06-16-202-020.000-012







**ANCON
CONSTRUCTION**

BEFORE WE DESIGN,
BEFORE WE BUILD...
WE LISTEN

100% EMPLOYEE OWNED

ANCONCONSTRUCTION.COM

2141 ELKHART RD.

GOOSE LAKE, INDIANA 46517

PHONE: (317) 453-4441

FAX: (317) 453-4444

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**NOT FOR
CONSTRUCTION
DRAWINGS**

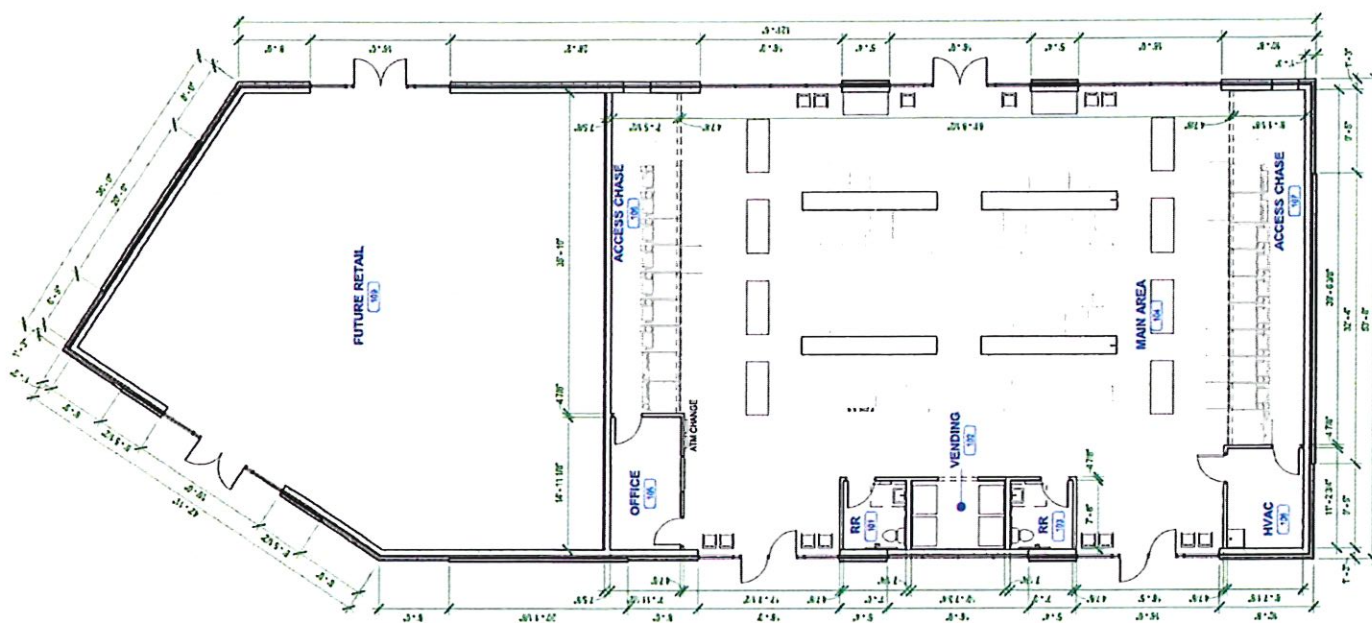
ISSUE DATE

2. DRAWING TO OWNER 05/23/2024

BURTON LAUNDRY
NEW BUILDING
2101 S. MAIN STREET - ELKHART, INDIANA 46517
FLOOR PLAN + RENDERINGS

JOB NUMBER 24-2028
SHEET NUMBER

A2



1 PRESENTATION FLOOR PLAN

SCALE: 1/8" = 1'-0"



NORTH



PERSPECTIVE



PERSPECTIVE



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:

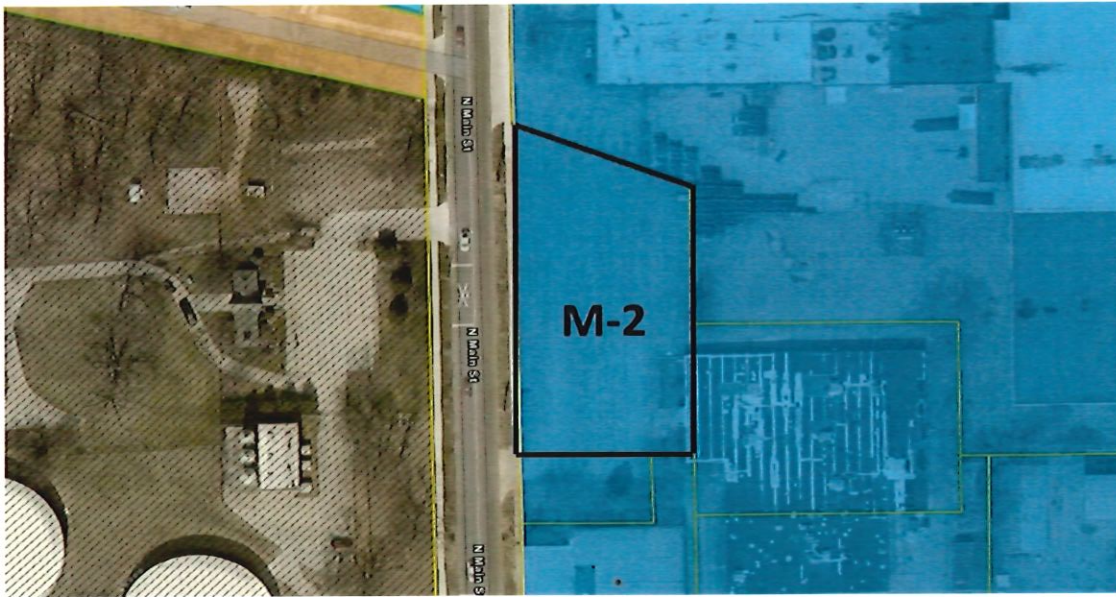
The property is surrounded by a mix of residential and manufacturing uses zoned R-2, Two Family Dwelling, PUD, Planned Unit Development and M-2, General Manufacturing District

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: [Signature] 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 Holding LLC

Second Property Owner: _____

Printed Name: _____

Contact Person:

ANDY SPITIE

Name:

ANDY SPITIE

Address:

Phone number where you can be reached:

Email:

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:

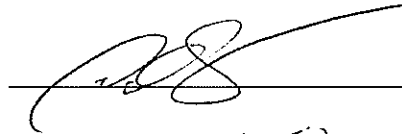
Assuming the East line of North Main Street to have a bearing of due North and South; beginning at a point where the East line of said North Main Street is intersected by the North right of way line of the Elkhart and Western Branch of the Penn Central Railroad (now Conrail), said point being Eighteen (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:

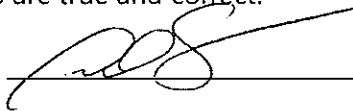
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 1010 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.



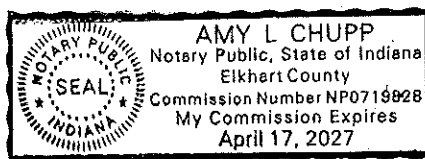
Printed: M. A. SPITE

STATE OF INDIANA)

) SS:

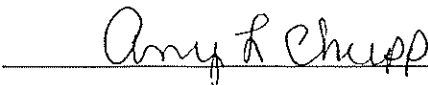
COUNTY OF ELKHART)

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](#)

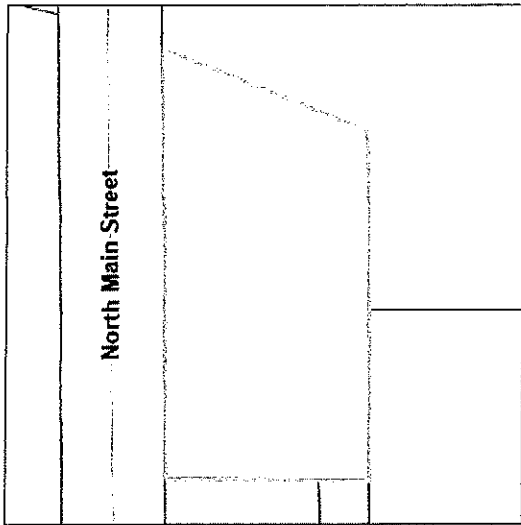
Owners

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

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Staff Report

Planning & Zoning

<u>Petition:</u>	25-UV-13
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	November 11, 2025
<u>Petitioner:</u>	Sandra Schreiber, President of Elkhart City Redevelopment Commission
<u>Site Location:</u>	VL 100 BI Freight Street
<u>Request:</u>	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.
<u>Existing Zoning:</u>	CBD, Central Business District
<u>Size:</u>	+/- 1.6 Acres
<u>Thoroughfares:</u>	Freight Street and Saint Joseph 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, east and west are zoned CBD, Central Business District and properties to the south are zoned R-2, Two Family Dwelling.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

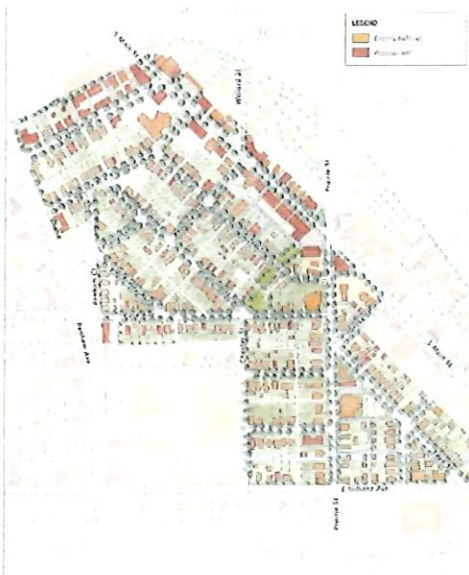
Comprehensive Plan:

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



Staff Analysis

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.



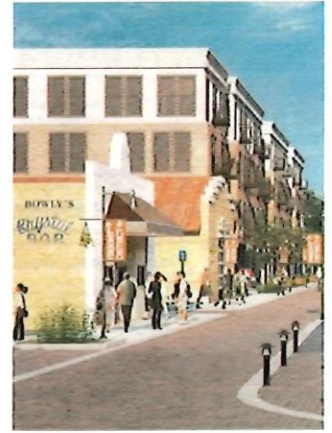
In 2024, The Elkhart Restoration, Regeneration and Reconnection of the Benham Neighborhood Master Plan was finalized after a 12 month process to identify successful places within the city's fabric, note opportunities to continue current growth and activity, provide specific strategies to celebrate and 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.

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 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.

Photos





PETITION #: 25-UV-13

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Sandra Schreiber, As President, Elkhart City Redevelopment Commission
Mailing Address: 201 S 2nd St, Elkhart, IN 46516
Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Jonah Butler
Mailing Address: [REDACTED]
Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: Freight St

Zoning: CBD

Present Use: Vacant Proposed Use: Mixed-Use

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Jonah Butler

SIGNATURE(S): Jonah Mackenzie Butler (Digitally signed by Jonah Mackenzie Butler
DN: cn=Jonah Mackenzie Butler, o=City of Elkhart, ou=City of Elkhart, email=jonah.mackenzie@cityofelkhart.org, c=US) DATE: 10/7/25

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: Ram DATE: 10/15/25

Date: October 3rd, 2025

To: Board of Zoning Appeals

City of Elkhart, IN

Re: Land Use Variance – Appeal Letter – Freight St Redevelopment

I, Jonah Butler, am the Certified Representative of the following real estate (see attachments) located with the City of Elkhart, IN per RESOLUTION No. 25-R-062 (attached).

The foretated real estate presently has a zoning classification of Central Business District (CBD) under the Zoning Ordinance of the City of Elkhart.

Presently, the property is vacant.

Per the forementioned public RESOLUTION, Garrison Frazier & Milhaus seek to redevelop the property into a mixed-use (multifamily/commercial) project, which use is permitted within the City of Elkhart Zoning Ordinance.

Per Sec.15.2.Q. of said Ordinance, multifamily apartment residences are permitted when “located above commercial uses”.

The proposed redevelopment, as approved by the City of Elkhart Redevelopment Commission, will include the construction of ground-floor (“first floor”) multifamily apartment residences at both the Freight St and Main St redevelopment sites.

A separate Land Use Variance petition has been filed for the Main St redevelopment site.

We pray that the Land Use Variance(s) will be granted upon consideration of the following criteria:

- ***The approval will not be injurious to the public health, safety, morals and general welfare of the community.***

The proposed mixed-use community will provide much-needed attainable housing and kick-start redevelopment of various blighted and underutilized parcels within the downtown core of Elkhart.

- ***The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.***

The construction of our proposed development is highly likely to increase the value of adjacent property through blight abatement and high-value investment.

- ***The need for variance arises from some condition peculiar to the property involved.***

These variances are necessary to achieve Redevelopment Commission's desire for blight abatement and increased investment in the subject areas.

- ***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 application of the terms of this Ordinance will constitute an unnecessary hardship as the existing blight will not be abated and the properties will continue to exhibit blighting effects on adjacent properties and neighborhoods.

- ***The approval does not interfere substantially with the Comprehensive Plan.***

The approval will achieve the Comprehensive Plan's desire for blight abatement in the South Main St corridor and Freight St corridor, as well as provide additional housing opportunities and commercial investment in these areas.

A scale drawing of the subject site is attached.

A copy of the Development Agreement executed by the Redevelopment Commission is attached.

Thank you.

CONTACT:

Jonah Butler

Jonah Mackenzie Butler

Digitally signed by Jonah Mackenzie Butler
DN: cn=US, e=jonah.butler@milhaus.com,
ou=Milhaus, cn=Jonah Mackenzie Butler
Location: Indianapolis, IN
Reason: I agree to the terms defined by the
placement of my signature on this document
Contact Info: Jonah Butler, 609 412 2997
Date: 2025.10.07 13:40:15-04'00'

10/07/2026

MILHAUS // Development Associate

PROPERTY OWNER:

Sandra Schreiber



10/7/2026

City of Elkhart Redevelopment Commission

EXHIBIT A

Lots Numbered 9, 10, 11, 12, 13 and 14 as the said Lots are known and designated on the recorded Plat of South Elkhart, an Addition to the City of Elkhart; said Plat being recorded in Deed Record 23, page 236 in the Office of the Recorder of Elkhart County, Indiana. ALSO: The vacated alley lying between Lots 10 and 11 in said Addition.

EXCEPTING THEREFROM: A part of Lots Numbered 9 and 10 as the said Lots are known and designated on the recorded Plat of South Elkhart, an Addition to the City of Elkhart, Indiana; said Plat being recorded in Deed Record 23, page 236 in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 9; thence Southwardly along the Easterly line of said Lot 9 a distance of 64 feet; thence Southwestwardly parallel with the Northerly lines of said Lot 9 and Lot 10 a distance of 88 feet; thence Northwardly parallel with the said Easterly line, a distance of 64 feet to the Northerly line of said Lot 10; thence Eastwardly along the Northerly line of said Lot 10 and Lot 9 a distance of 88 feet to the place of beginning of this description. Containing 0.13 Acres, more or less.

Tax Parcel ID's:

20-06-08-205-006.000-012
20-06-08-205-007.000-012
20-06-08-205-008.000-012
20-06-08-205-009.000-012
20-06-08-205-010.000-012 (Split)
20-06-08-205-012.000-012 (Split)
20-06-08-205-013.000-012 (Split)
20-06-08-205-014.000-012 (Split)

SCHEDULE A-1

FREIGHT STREET PARCELS

PARCEL 1

Parcel No.: 20-06-08-205-020.000-012

Lot Numbered 2 as the said Lot is known and designated on the recorded Plat of Clara A. Barnes Subdivision of Lot No. 2, South Elkhart Addition, said Plat being recorded in Plat Book 1, page 79, in the Office of the Recorder of Elkhart County, Indiana.

AND the East ½ of the vacated alley lying West of and adjacent to the above described Lot.

739 S MAIN ST, ELKHART INDIANA

PARCEL 2

Parcel No.: 20-06-08-205-018.000-012

A part of Lot Numbered 1 as the said Lot is known and designated on the recorded Plat of Original Plat of South Elkhart, an Addition to the City of Elkhart, Elkhart County, Indiana; said Plat being recorded in Deed Record 23, page 236, in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at a point on the Southerly line of said Lot which said point is 42 feet Easterly from the Southwesterly corner of said Lot; thence in a Northerly direction, parallel with the Westerly line of said Lot, 33 feet; thence Easterly, parallel with the Southerly line of said Lot to the Westerly line of South Main Street; thence in a Southeasterly direction along the Westerly line of South Main Street, to the Southeasterly corner of said Lot; thence in a Westerly direction, along the Southerly line of said Lot, 112.79 feet to the place of beginning.

733 S MAIN ST, ELKHART, INDIANA

PARCEL 3

Parcel No.: 20-06-08-205-017.000-012

A part of Lot Numbered 1 as the said Lot is known and designated on the recorded Plat of Original Plat of South Elkhart, an Addition to the City of Elkhart, Elkhart County, Indiana; said Plat being recorded in Deed Record 23, page 236, in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at a point on the Northerly line of said Lot which said point is 42 feet Easterly from the

Northwesterly corner of said Lot; thence in a Southerly direction, parallel with the Westerly line of said Lot, 33 feet; thence Easterly, parallel with the Southerly line of said Lot to the Westerly line of South Main Street; thence in a Northwesterly direction along the Westerly line of South Main Street, to the Northeasterly corner of said Lot; thence Westerly along the Northerly line of said Lot, 90.13 feet to the place of beginning.

729 S MAIN ST, ELKHART, INDIANA

PARCEL 4

Parcel No.: 20-06-08-205-016.000-012

Lot Numbered 4 as the said Lot is known and designated on the recorded Plat of Clara A. Barnes Subdivision of Lot No. 2, South Elkhart Addition, said Plat being recorded in Plat Book 1, page 79, in the Office of the Recorder of Elkhart County, Indiana.

AND the vacated alley lying North of and adjacent to the said Lot Numbered 4.
AND the West ½ of the vacated alley lying East of and adjacent to the above described Lot.

ADJ W 739 S MAIN ST, ELKHART INDIANA

PARCEL 5 - 12

Parcel No.: 20-06-08-205-006.000-012
20-06-08-205-007.000-012
20-06-08-205-008.000-012
20-06-08-205-009.000-012
20-06-08-205-010.000-012
20-06-08-205-012.000-012
20-06-08-205-013.000-012
20-06-08-205-014.000-012

Lots Numbered 9, 10, 11, 12, 13 and 14 as the said Lots are known and designated on the recorded Plat of South Elkhart, an Addition to the City of Elkhart; said Plat being recorded in Deed Record 23, page 236 in the Office of the Recorder of Elkhart County, Indiana. ALSO: The vacated alley lying between Lots 10 and 11 in said Addition.

EXCEPTING THEREFROM: A part of Lots Numbered 9 and 10 as the said Lots are known and designated on the recorded Plat of South Elkhart, an Addition to the City of Elkhart, Indiana; said Plat being recorded in Deed Record 23, page 236 in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 9; thence Southwardly along the Easterly line of said Lot 9 a distance of 64 feet; thence Southwestwardly parallel with the Northerly lines of said Lot 9

and Lot 10 a distance of 88 feet; thence Northwardly parallel with the said Easterly line, a distance of 64 feet to the Northerly line of said Lot 10; thence Eastwardly along the Northerly line of said Lot 10 and Lot 9 a distance of 88 feet to the place of beginning of this description. Containing 0.13 Acres, more or less.

PARCEL 13

Parcel No.: 20-06-08-205-003.000-012

Lot Number Sixteen (16) as the same is known and designated on the recorded plat of SOUTH ELKHART ADDITION to the Town, now City, of Elkhart.



AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

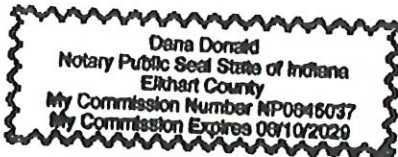
I, Sandra Schreiber, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

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 Freight St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 14 day of October, 2025.

Sandra Schreiber
Sandra Schreiber, President
Printed: Sandra Schreiber
Elkhart City Redevelopment
Commission

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.



Sandra Schreiber
President, Elkhart City Redevelopment
Printed: Sandra Schreiber
Commission

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Sandra Schreiber, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 14 day of October, 2025.

Dana Donald
Printed: Dana Donald

My Commission Expires:

06/10/2029

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

Site Plan

Overview

The Freight Street District is composed of two buildings offering 144 units and over 9,000 SF of retail and amenity options. The four-story Building A faces South Main and offers 3,300 of leaseable retail to reinforce the street's historic commercial character. It also holds potential for a rooftop amenity deck for the building's 40 residential units. Building B rests along Freight and encloses the street with four floors of residential units and amenities, including 104 units and nearly 2,000 SF of amenities. The L-shaped building hugs a surface parking lot that holds 68 stalls and creates space for 15 on-street spaces.

To the north, Freight Street is transformed into a shared arcade between Building B and the National New York Central Railroad Museum, hoping to leverage Elkhart's rich railroad history and creating a new destination space for summer festivals, farmers markets, and community events. The museum campus will be an integral part of this development and parcels along the southern boundary of the tracks are eyed for potential parking.

Streetscape

Main St. improvements incorporate sidewalk frontage along active storefronts, treed planters, and parallel parking for public use. The primary building form is designed to break an otherwise long facade through use of recesses, height changes, and canopies resulting in pockets for planting or covered seating. The proposed improvements to Freight Street can accommodate alternative event functions and be closed to traffic - i.e. pedestrian market, food trucks, placemaking, programming, and community pop-up events.



- 1 Building A: Mixed-Use
- 2 Retail
- 3 Freight Street Arcade
- 4 Building B: Residential
- 5 Potential Parking Acquisition
- 6 Museum Campus

Elevations - Building A

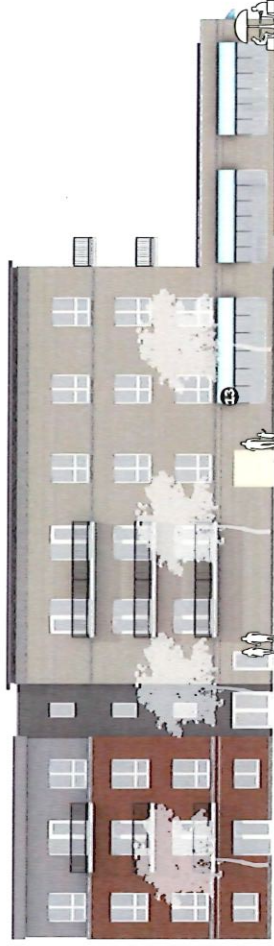
- 01 - Brick Vaneer Color 1
- 02 - Brick Vaneer Color 2
- 03 - Brick Vaneer Color 3
- 04 - Metal Cladding Color 1
- 05 - Metal Cladding Color 2
- 06 - Metal Flashing Cap Color 1
- 07 - Metal Flashing Cap Color 2
- 08 - Metal Coping
- 09 - Wood Accent
- 10 - Storefront
- 11 - Metal Bar Balcony Railing
- 12 - Steel Canopy
- 13 - Fabric Awning
- 14 - Dimensional Letter Signage



NORTHEAST ELEVATION - MAIN ST.



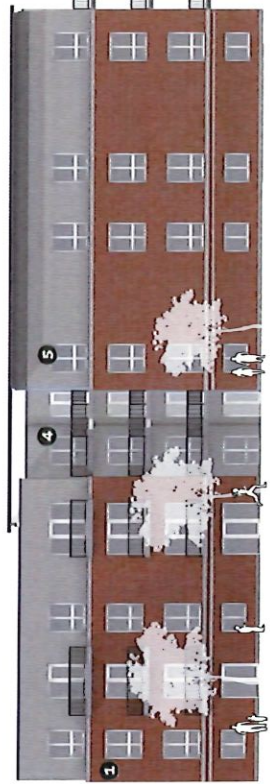
NORTHWEST ELEVATION



SOUTHEAST ELEVATION

Elevations

- 01 - Brick Vaneer Color 1
- 02 - Brick Vaneer Color 2
- 03 - Brick Vaneer Color 3
- 04 - Metal Cladding Color 1
- 05 - Metal Cladding Color 2
- 06 - Metal Flashing Cop Color 1
- 07 - Metal Flashing Cop Color 2
- 08 - Metal Coping
- 09 - Wood Accent
- 10 - Storefront
- 11 - Metal Bar Balcony Railing
- 12 - Steel Canopy
- 13 - Fabric Awning
- 14 - Dimensional Letter Signage



NORTHEAST ELEVATION - MAIN ST.



SOUTHWEST ELEVATION - MAIN ST.



NORTHWEST ELEVATION - FREIGHT ST.



Staff Report

Planning & Zoning

<u>Petition:</u>	25-UV-14
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	November 11, 2025
<u>Petitioner:</u>	Sandra Schreiber, President of Elkhart City Redevelopment Commission
<u>Site Location:</u>	VL 1000 BL South Main Street
<u>Request:</u>	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.
<u>Existing Zoning:</u>	CBD, Central Business District
<u>Size:</u>	+/- 1.25 Acres
<u>Thoroughfares:</u>	South Main Street and Redding Avenue and South 2 nd Street and Prairie Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by a mix of residential and commercial uses zoned R-2, Two Family Dwelling, R-5, Urban Residential District and B-3, Service Business District and CBD, Central Business District

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



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.

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** 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;
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.

Photos



PETITION #: 25-UV-14

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Sandra Schreiber, as President, Elkhart City Redevelopment Commission

Mailing Address: 201 S 2nd St, Elkhart, IN 46516

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Jonah Butler

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 1029 S Main St

Zoning: CBD

Present Use: Vacant Proposed Use: Mixed Use

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Jonah Butler

SIGNATURE(S): Jonah Mackenzie Butler I, Jonah Mackenzie Butler, certify that I am the legal owner of record of the property described above and I am the petitioner of this appeal. I agree to the terms defined by the petition on the document. DATE: 10/07/2026

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Ram DATE: 10/15/25

Date: October 3rd, 2025

To: Board of Zoning Appeals

City of Elkhart, IN

Re: Land Use Variance – Appeal Letter – Main St Redevelopment

I, Jonah Butler, am the Certified Representative of the following real estate (see attachments) located with the City of Elkhart, IN per RESOLUTION No. 25-R-062 (attached).

The foretated real estate presently has a zoning classification of Central Business District (CBD) under the Zoning Ordinance of the City of Elkhart.

Presently, the property is vacant.

Per the forementioned public RESOLUTION, Garrison Frazier & Milhaus seek to redevelop the property into a mixed-use (multifamily/commercial) project, which use is permitted within the City of Elkhart Zoning Ordinance.

Per Sec.15.2.Q. of said Ordinance, multifamily apartment residences are permitted when “located above commercial uses”.

The proposed redevelopment, as approved by the City of Elkhart Redevelopment Commission, will include the construction of ground-floor (“first floor”) multifamily apartment residences at both the Freight St and Main St redevelopment sites.

A separate Land Use Variance petition has been filed for the Freight St redevelopment site.

We pray that the Land Use Variance(s) will be granted upon consideration of the following criteria:

- ***The approval will not be injurious to the public health, safety, morals and general welfare of the community.***

The proposed mixed-use community will provide much-needed attainable housing and kick-start redevelopment of various blighted and underutilized parcels within the downtown core of Elkhart.

- ***The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.***

The construction of our proposed development is highly likely to increase the value of adjacent property through blight abatement and high-value investment.

- ***The need for variance arises from some condition peculiar to the property involved.***

These variances are necessary to achieve Redevelopment Commission's desire for blight abatement and increased investment in the subject areas.

- ***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 application of the terms of this Ordinance will constitute an unnecessary hardship as the existing blight will not be abated and the properties will continue to exhibit blighting effects on adjacent properties and neighborhoods.

- ***The approval does not interfere substantially with the Comprehensive Plan.***

The approval will achieve the Comprehensive Plan's desire for blight abatement in the South Main St corridor and Freight St corridor, as well as provide additional housing opportunities and commercial investment in these areas.

A scale drawing of the subject site is attached.

A copy of the Development Agreement executed by the Redevelopment Commission is attached.

Thank you.

CONTACT:

Jonah Butler

Jonah Mackenzie Butler

Digitally signed by Jonah Mackenzie Butler
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ou=Milhaus, cn=Jonah Mackenzie Butler
Location Indianapolis, IN
Reason: I agree to the terms defined by the
placement of my signature on this document
Contact Info: Jonah Butler, 609 412 2957
Date: 2025.10.07 13:41:51-0400

10/07/2026

MILHAUS // Development Associate

[REDACTED]

PROPERTY OWNER:

Sandra Schreiber



10/7/2026

City of Elkhart Redevelopment Commission

[REDACTED]

EXHIBIT A

The Land

S. Main Street			
Map Number	Owner Name	Property Address	Parcel State ID
1	CITY OF ELKHART DEPARTMENT OF REDEVELOPMENT	1045 S MAIN ST	20-06-08-234-041.000-012
2	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	1043 S MAIN ST	20-06-08-234-037.000-012
3	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	1039 S MAIN ST	20-06-08-234-028.000-012
4	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	1037 S MAIN ST	20-06-08-234-027.000-012
5	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	1035 S MAIN ST	20-06-08-234-026.000-012
6	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	1029 S MAIN ST	20-06-08-234-025.000-012
7	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	1027 S MAIN ST	20-06-08-234-024.000-012
8	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	1025 S MAIN ST	20-06-08-234-023.000-012
9	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S MAIN ST	20-06-08-234-022.000-012
10	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	1017 S MAIN ST	20-06-08-234-021.000-012
11	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S MAIN ST	20-06-08-234-020.000-012
12	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S MAIN ST	20-06-08-234-019.000-012
13	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S SECOND ST	20-06-08-234-001.000-012
17	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S SECOND ST	20-06-08-234-010.000-012
18	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S SECOND ST	20-06-08-234-011.000-012
19	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S SECOND ST	20-06-08-234-012.000-012
20	CITY OF ELKHART DEPARTMENT OF REDEVELOPMENT	PRAIRIE	20-06-08-234-033.000-012
21	CITY OF ELKHART INDIANA	1001 S MAIN ST	20-06-08-234-004.000-012
23	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S MAIN ST	20-06-08-231-014.000-012
24	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	S MAIN ST	20-06-08-231-015.000-012

Freight Street			
Map Number	Owner Name	Property Address	Parcel State ID
1	CITY OF ELKHART DEPT OF REDEVELOPMENT	739 S MAIN ST	20-06-08-205-020.000-012
2	CITY OF ELKHART DEPARTMENT OF REDEVELOPMENT	733 S MAIN ST	20-06-08-205-018.000-012
3	CITY OF ELKHART DEPARTMENT OF REDEVELOPMENT	729 S MAIN ST	20-06-08-205-017.000-012
4	CITY OF ELKHART DEPARTMENT OF REDEVELOPMENT	S MAIN ST	20-06-08-205-016.000-012
5	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	JOSEPH	20-06-08-205-014.000-012
6	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	JOSEPH	20-06-08-205-013.000-012
7	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	124 JOSEPH	20-06-08-205-012.000-012
8	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	FREIGHT ST	20-06-08-205-010.000-012
9	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	ST JOSEPH ST	20-06-08-205-009.000-012
10	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	ST JOSEPH ST	20-06-08-205-008.000-012
11	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	214 ST JOSEPH ST	20-06-08-205-007.000-012
12	CITY OF ELKHART INDIANA DEPARTMENT OF REDEVELOPMENT	214 ST JOSEPH ST	20-06-08-205-006.000-012

SCHEDULE A

DESCRIPTION OF PROPERTY

All that certain parcel or parcels of land located in the City of Elkhart, County of Elkhart, State of Indiana, more particularly described as follows:

1000 BLOCK SOUTH MAIN STREET PARCELS

PARCEL 1

Parcel No.: 20-06-08-234-041.000-012

Out Lot Numbered Sixty-five (65) and a part of Out Lot Numbered Sixty-four (64) as the said lots are known and designated on the Corporation Plat of the Town, now City of Elkhart, Indiana; said Plat being recorded in Deed Record 27, page 154 in the Office of the Recorder of Elkhart County, Indiana, and being more particularly described as follows:

Beginning at an iron stake on the South line of said Out Lot 65 where said line is intersected by the West line of Prairie Street in the said City of Elkhart; thence due North along the West line of said Prairie Street a distance of 52.46 feet to the Southwesterly line of South Main Street; thence North 45°3' West along the Southwesterly line of said South Main Street, a distance of 94.35 feet; thence South 44°42' West a distance of 49.43 feet; thence South 49°33' West a distance of 37.00 feet; thence South 52°31' West a distance of 39.22 feet; thence Southeasterly 42.97 feet to a point in the South line of Out Lot 65; thence South 89°51' East along the South line of said Out Lot 65 a distance of 136.96 feet to the place of beginning of this description.

EXCEPTING therefrom that part deeded to the City of Elkhart being described as follows:

A part of Out Lot 65 in the Corporation Plat of the Town, now City of Elkhart, Indiana the plat of which is recorded in Deed Record 27, page 154 in the Office of the Recorder of Elkhart County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the Right of Way Parcel Plat, described as follows:

Beginning at the Northeast corner of said Lot, said Northeast corner being the intersection of the West boundary of Prairie Street with the Southwestern boundary of Main Street (also known as Goshen Road); thence South 0 degrees 38 minutes 27 seconds East 42.08 feet along said boundary of Prairie Street to point "200" designated on said parcel plat; thence North 16 degrees 24 minutes 39 seconds West 60.95 feet to a point on the Southwestern boundary of said Main Street, which point is designated as point "201" on said parcel plat; thence South 45 degrees 37 minutes 35 seconds East 23.43 feet along the boundary of said Main Street to the point of beginning.

PARCEL 2

Parcel No.: 20-06-08-234-037.000-012

A part of Outlots Numbered 64 and 65 in the Original Plat of the Town (now City) of Elkhart, as per plat thereof recorded in Deed Record 27, page 154 in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Assuming the West line of Prairie Street, as the same is known and used in said City, to have bearing due North and South, beginning at a point on the Southwesterly line of South Main Street, as the same is known and used in said City, North 45°03' West, a distance of 40.07 feet from the intersection of said West line and said Southwesterly line; thence North 45°03' East along said Southwesterly line, a distance of 32.13 feet; thence South 49°33' West, a distance of 155 feet to an iron stake; thence South 85°00' East, a distance of 32.48 feet to an iron stake; thence North 53°20' East, a distance of 135.09 feet to the place of beginning.

ALSO, commencing at an iron stake at the Southeast Corner of the Ludwig Land; running thence Southwardly along the Westerly line of South Main Street, in the City of Elkhart, Elkhart County, Indiana, a distance of 48 feet and 2 inches; thence in a Southwesterly direction, a distance of 155 feet to an alley; thence Northerly along said alley, a distance of 34 feet; thence Northwesterly following the course of said alley, a distance of 18 feet and 9 inches; thence East parallel with the South line of the tract hereby conveyed, a distance of 125 feet to the place of beginning, said real estate being a part of Outlots Numbered 64 and 65 in said City of Elkhart and being all of the part of said Outlots formerly owned by William A. Kinney and Pearl M. Kinney.

ALSO, a part of Outlot Numbered 65 in the Original Plat of the Town (now City) of Elkhart, as per plat thereof recorded in Deed Record 27, page 154, in the Office of the Recorder of Elkhart County, Indiana, described as follows:

Beginning at an iron stake at a point on the South line of said Outlot 65 that is 136.96 feet West of the West line of Prairie Street; thence East along the South line of Said Outlot 65, a distance of 136.96 feet to the West line of Prairie Street; thence North along the West line of Prairie Street, a distance of 52.46 feet to the intersection of the West line of Prairie Street with the Southwestwardly line of South Main Street; thence Northwestwardly along the Southwestwardly line of South Main Street, a distance of 40.47 feet; thence Southwestwardly in a direction in a direct line, to the place of beginning.

EXCEPTING THEREFROM the following-described real-estate:

Outlot Numbered 65 and part of Outlot Numbered 64 in the Original Plat of the Town (now City) of Elkhart, as per plat thereof recorded in Deed Record 27, page 154, in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at an iron stake on the South Line of said Outlot 65, where said line is intersected by the West line of Prairie Street in said City of Elkhart; thence due North along West Line, a distance of 52.46 feet to the Southwesterly line of South Main Street; thence North 45°03' West along the

Southwesterly line, a distance of 94.35 feet; thence South 44°42' West, a distance of 49.43 feet; thence South 49°33' West, a distance of 37.00 feet; thence South 52°31' West, a distance of 39.22 feet; thence South 14°30' West, a distance of 34.00 feet; thence South 85°00' East, a distance of 32.48 feet to a point on the South line of said Outlot 65; thence South 89°51' East along said South line, a distance of 136.96 feet to the place of beginning of this description, said exception containing 0.295 of an acre of land, more or less.

PARCELS 3-6

Parcel No.: 20-06-08-234-025.000-012
20-06-08-234-026.000-012
20-06-08-234-027.000-012
20-06-08-234-028.000-012

TRACT I: A part of Out Lot Numbered 63 as the said Lot is known and designated on the recorded Corporation Plat of the Town, now City of Elkhart, Indiana, and being described as follows:

A part of the Northeast Quarter of Section 8, Township 37 North, Range 5 East, more particularly described as follows:

Beginning on the Southwest line of the road leading from Elkhart to Goshen, at a point 1 rod North, 45 degrees West from the post at the line dividing the lands formerly owned by William Hendricks and Andrew Hay; thence South, 45 degrees West, 8 rods; thence South 45 degrees East, 52 feet and 3 inches; thence North, 45 degrees East, 8 rods to the aforesaid Road; thence North 45 degrees West, along said road to the place of beginning; the same being part of Out Lot Numbered 63 in said City of Elkhart, Indiana.

(Being: 1029 & (1031) S. Main St., Elkhart, IN)

TRACT II: A part of Out Lot Number 63 as the same is designated on the recorded Corporation Plat of the 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, and a strip of land 32 links wide running Northeast and Southwest and being a part of the Northwest Quarter of Section 8, Township 37 North, Range 5 East, all being more particularly described as follows:

Beginning on the Southwest line of the road leading from Elkhart to Goshen, at a point 35 feet and 9 inches, South 45 degrees East from a post at the line dividing the lands formerly owned by Andrew Hay and William Hendricks; thence South 45 degrees West, 8 rods; thence South 45 degrees East, 22 feet; thence North 45 degrees East, 8 rods, to the Southwest line of said road; thence North 45 degrees West, with said line of said road, 22 feet to the place of beginning.

(Being: 1035 S. Main St., Elkhart, IN)

TRACT III: A part of Out Lot Sixty-four (64) as the said lot is known and designated on the corporation Plat of the Town (now City) of Elkhart, Indiana; said plat being recorded in Deed Record 27, page 154 of the records in the Office of the Recorder of Elkhart County, State of

Indiana, and a part of the Northeast Quarter of Section Eight (8), Township Thirty seven (37) North, Range Five (5) East, all more particularly described as follows, to-wit:

Commencing at the intersection of the West line of Prairie Street with the Southwest. line of South Main Street as said streets are known and used in said City; thence Northwestwardly along the Southwest line of said South Main Street one hundred fifty-three and fifty-seven hundredths (153.57) feet to the place of beginning of this description; thence continuing Northwestwardly along the Southwest line of said South Main Street, thirty-four (34) feet to the Northwest line of said Out Lot; thence Southwestwardly at right angles with said South Main Street and along the Northwest line of said Out Lot extended Southwestwardly one hundred twenty-five (125) feet; thence Southeastwardly parallel with said South Main Street thirty-four (34) feet; thence Northeastwardly at right angles with said South Main Street one hundred twenty-five (125) feet to the place of beginning.

(Being: 1037 S. Main St., Elkhart, IN)

TRACT IV: A part of Out Lot 64 as the said lot is known and designated on the Corporation Plat of the Town, now City, of Elkhart, Indiana, and a part of strip of land deeded to August Ludwig by Henty P. Chapman, recorded in Deed Record 49, page 241 of Elkhart County Records, all more particularly described as follows:

Commencing at the intersection of the west line of Prairie Street with the southwest line of South Main. Street as said streets are known and used in said City; thence northwestwardly along the southwest line of said South Main Street, 122.57 feet to the place of beginning of this description; thence continuing northwestwardly along the southwest line of said South Main Street, 31 feet; thence southwestwardly at right angles with said South Main Street 125 feet; thence southeastwardly parallel with South Main Street 31 feet; thence northeastwardly at right angles with South Main Street

125 feet to the place of beginning.

(Being: 1039 S. Main St., Elkhart, IN)

PARCELS 7 AND 8

Parcel No.: 20-06-08-234-024.000-012
20-06-08-234-023.000-012

PARCEL 1:

A PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 5 EAST, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF THE ROAD LEADING FROM GOSHEN TO ELKHART, NOW KNOWN AS SOUTH MAIN STREET IN THE CITY OF ELKHART, 3 RODS, NORTH 45 DEGREES WEST, FROM A POST AT THE LINE DIVIDING THE LAND FORMERLY OWNED BY ANDREW HAY AND WILLIAM C. HENDRICKS; THENCE SOUTH 45 DEGREES WEST, 8 RODS; THENCE SOUTH 45 DEGREES EAST, 33 FEET;

THENCE NORTH 45 DEGREES EAST, 8 RODS; THENCE NORTH 45 DEGREES WEST WITH THE LINE OF SAID ROAD TO THE PLACE OF BEGINNING.

PARCEL 2:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 5 EAST, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHWEST SIDE OF THE ROAD FROM ELKHART TO GOSHEN, 5 RODS NORTH 45 DEGREES WEST FROM A POST AT A LINE DIVIDING THE LAND FORMERLY OWNED BY ANDREW HAY AND WILLIAM C. HENDRICKS; THENCE SOUTH 45 DEGREES WEST, 8 RODS; THENCE SOUTH 45 DEGREES EAST, 2 RODS; THENCE NORTH 45 DEGREES EAST, 8 RODS; THENCE NORTH 45 DEGREES WEST, 2 RODS TO THE POINT OF BEGINNING.

PARCELS 9-12

Parcel No.: 20-06-08-234-022.000-012
20-06-08-234-021.000-012
20-06-08-234-020.000-012
20-06-08-234-019.000-012

TRACT I:

A part of the Northeast Quarter (NE ¼) of Section Eight (8), Township Thirty-seven (37) North, Range Five (5) East, being more particularly described as follows:

Beginning at a point on the Southwesterly line of South Main Street in the City of Elkhart, where the line of said street is intersected by the Northerly line of the first alley South of Redding Avenue; thence Northwesterly along the Westerly line of South Main Street, Thirty-one (31) feet for a beginning point of this description; thence Southwesterly parallel with the North line of said alley, One Hundred Twenty-two (122) feet; thence Northwesterly parallel with the Southwesterly line of South Main Street, Thirty-one (31) feet; thence Northeasterly One Hundred Twenty-two (122) feet to the Southwesterly line of South Main Street; thence Southeasterly Thirty-one (31) feet to the place of beginning.

TRACT II:

A part of the Northeast Quarter (NE ¼) of Section Eight (8), Township Thirty-seven (37) North, Range Five (5) East, in the City of Elkhart, Indiana, more particularly described as follows:

Beginning at a point on the Southwesterly line of South Main Street in the City of Elkhart, where the line of said street is intersected by the Northerly line of the first alley South of Redding Avenue in said City; thence Northwesterly along the Westerly line of South Main Street, Thirty-one (31) feet; thence Southwesterly parallel with the North line of said alley, One Hundred Twenty-two (122) feet; thence Southeasterly parallel with South Main Street, Thirty-one (31) feet; thence Northeasterly along the North line of said alley, One Hundred Twenty-two (122) feet to the place

of beginning.

TRACT III:

A part of the Northeast Quarter (NE ¼) of Section Eight (8), Township Thirty-seven (37) North, Range Five (5) East, more particularly described as follows:

Beginning at the Northwest Corner (on the Goshen Road) of a piece of land conveyed by William C. Hendricks to Peter Cook in the Northeast Quarter (NE ¼) of Section Eight (8), thence Northwesterly along the Southerly line of the Goshen Road, Four (4) rods; thence Southwesterly at right angles with said Goshen Road, Eight (8) rods; thence Southeasterly parallel with said Road, Four (4) rods; thence Northeasterly along the line of land heretofore conveyed by William C. Hendricks to Peter Cook, Eight (8) rods to the place of beginning, EXCEPTING that part used for alley purposes.

Also Rights and Benefits of an easement as contained in Deed from Richard G. Lavery to Del, Incorporated, dated December 12, 1992 and recorded February 5, 1993 as Document Number 93002966, in the Office of the Recorder of Elkhart County, Indiana.

PARCEL 13

Parcel No.: 20-06-08-234-001.000-012

A part of Lot Numbered 39 in L.J. and H.P. Chapman's Addition to the Village of South Elkhart, now a part of the City of Elkhart, as per plat thereof recorded in Deed Record 31, page 101 in the Office of the Recorder of Elkhart County, Indiana, that part of said lot is more particularly described as follows, to-wit: Beginning at the Northwest corner of said lot 39 thence Northeastwardly along the Northwest line of said lot, 70 feet; thence Southeastwardly at right angles to said line, 60 feet; thence Southwestwardly parallel with the Northwest line of said lot, 70 feet to the Southwest Corner of said lot; thence Northwestwardly along the Southwest line of said lot, 60 feet to the place of beginning.

PARCEL 17

Parcel No.: 20-06-08-234-010.000-012

The North Half of Lot Numbered 103 in South Elkhart Third Addition to the City of Elkhart, as per plat thereof recorded in Deed Record 44, page 217 in the Office of the Recorder of Elkhart County, Indiana.

PARCEL 18

Parcel No.: 20-06-08-234-011.000-012

The South ½ of Lot Number 103 as the said Lot is known and designated on the recorded Plat of South Elkhart Third Addition, an Addition to the Town, now City, of Elkhart, Indiana; said Plat Being recorded in Deed Record 44, page 217 of the records in the Office of the Recorder of Elkhart County, Indiana.

More Commonly Known As: South Second Street, Elkhart, IN 46516
Parcel Number: 20-06-08-234-011.000-012

PARCEL 19

Parcel No.: 20-06-08-234-012.000-012

The North 1/2 of Lot Numbered 104 as the said Lot is known and designated on the recorded Plat of South Elkhart Third Addition to the town (now City) of Elkhart, EXCEPTING that part of said Lot now occupied by the Alley on the East end thereof; said Plat being recorded in Deed Record 44, page 217 in the Office of the Recorder of Elkhart County, Indiana.
(Being vac land on S. Second St., Elkhart, IN)

PARCEL 20

Parcel No.: 20-06-08-234-033.000-012

A part of Out-Lot Numbered 66 of the corporation Plat of the Town of Elkhart, more particularly described as follows: Beginning at the Northeast corner of said Out-Lot, being on the West line of Prairie Street in the City of Elkhart, Indiana, at its intersection with the South line of an alley lying immediately South of South Main Street; thence West along the South line of said alley, 165 feet; thence South 44 feet; thence East parallel with alley line, 3 rods; thence South 22 feet; thence East to Prairie Street; thence North along the West line of Prairie Street to beginning.

PARCEL 21

Parcel No.: 20-06-08-234-004.000-012

A PART OF SECTION EIGHT (8); TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING ON THE WESTERLY LINE OF SOUTH MAIN STREET, IN THE CITY OF ELKHART, INDIANA, WHERE SAID LINE IS INTERSECTED BY THE SOUTHERLY LINE OF REDDING AVENUE FORMERLY KNOWN AS SUMMIT STREET; THENCE

SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID SOUTH MAIN STREET SIXTY (60) FEET; THENCE SOUTHWESTERLY PARALLEL WITH SAID SOUTHERLY LINE OF SAID REDDING AVENUE, NINETY-TWO (92) FEET; THENCE NORTHWESTERLY PARALLEL WITH THE WESTERLY LINE OF SAID SOUTH MAIN STREET, SIXTY (60) FEET TO THE SOUTHERLY LINE OF SAID REDDING AVENUE; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID REDDING AVENUE, NINETY-TWO (92) FEET TO THE PLACE OF BEGINNING.



AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Sandra Schreiber, 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 1029 S Main St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 14 day of October, 2025.

Sandra Schreiber
President, Elkhart City Redevelopment
Printed: Sandra Schreiber
Commission

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.



Sandra Schreiber Redevelopment
President, Elkhart City Commission
Printed: Sandra Schreiber

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Sandra Schreiber and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 14 day of October, 2025

Dana Donald
Printed: Dana Donald

My Commission Expires:

06/10/2029

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

Site Plan

The proposed site plan considers the entire block bounded by Main, Prairie, and 2nd Streets and Redding Avenue in addition to the surrounding context and adjacent neighborhoods. Primary building functions (retail, residential) front onto the roads, while existing alleys and easements within the block form a network for vehicular access, parking and back of house circulation. The plaza has been sized and located for optimal access, use, and views to the re-envisioned Love mural as a prominent form of public art at the busy intersection. Additional townhomes are proposed on adjacent parcels (not included in RFP) to fill out the block; those along the south side of the plaza help create an intimate, protected public space.

Streetscape

Main St. improvements incorporate sidewalk frontage along active storefronts, treed planters, and parallel parking for public use. The primary building form is designed to break an otherwise long facade through use of recesses, height changes, and canopies resulting in pockets for planting or covered seating. The existing curb cut onto Prairie may be retained, though re-envisioned as a raised alley feature to accommodate alternative event functions and closed to traffic - i.e. pedestrian market, food trucks, placemaking, programming, and community pop-up events.



LEGEND

- 01. TROOP VEHICLE COLOR 1
- 02. TROOP VEHICLE COLOR 2
- 03. TROOP VEHICLE COLOR 3
- 04. METAL PLASING COLOR 1
- 05. METAL PLASING COLOR 2
- 06. METAL PLASING COLOR 3
- 07. METAL COATING
- 08. VEHICLE ACCENT
- 09. STEREO/RENT
- 10. STEREO/RENT
- 11. METAL PLASING COLOR 1
- 12. METAL PLASING COLOR 2
- 13. METAL PLASING COLOR 3
- 14. METAL PLASING COLOR 4

