

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, OCTOBER 9, 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 2304 666 8926 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@cityofelkhartin.gov prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES AUGUST 28, 2025, SEPTEMBER 11, 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-X-07 PETITIONER IS ELISSA GARCIA
PROPERTY IS LOCATED AT 721 MAPLE ROW

Per Section 5.3, Special Exception Uses, (4.3.F) Day Care Home, to allow for the establishment of a new day care home at 721 Maple Row.

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

To vary from Section 26.4.A.6, Fence Requirements, which states in part that, ‘No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard’ to allow for a solid privacy fence to remain in the corner side yard.

To also vary from Section 26.4.B.2, Fence Requirements, which states in part, ‘A fence or wall not more than six (6) feet in height may be placed, built or installed on the side and/or rear yards of any lot in a residential or business district, excepting in that portion of any required yard that lies within the corner lot visibility area and exception further that, in a corner lot, no fence, wall or vegetation exceeding four (4) feet in height or a fence, wall or vegetation that is opaque may be placed, built or installed: In any portion of the rear yard lying closer to said street than the point of the principal building nearest said street, to allow for a solid six (6) foot privacy fence to remain in the corner side yard.

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

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

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

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

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

7. **STAFF ITEMS**

19-X-14U

Staff and BZA review of Special Exception 19-X-14, which allowed for a Day Care Center.

8. **ADJOURNMENT**

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

BOARD OF ZONING APPEALS MEMBERS

Name	Term	Appointed By
Janet Evanega-Rieckoff, President	February 2, 2024 – January 6, 2028	Mayor
Phalene Leichtman, Vice President	January 1, 2024 – December 31, 2027	Mayor
Ron Davis, Secretary	January 13, 2023 – January 6, 2025	Plan Commission
Doug Mulvaney	January 13, 2022 – January 6, 2025	Mayor
Position Vacant	NA	Mayor

BOARD OF ZONING APPEALS

-MINUTES-

Thursday, August 28, 2025 - Commenced at 1:40 P.M. & adjourned at 2:17 P.M.

City Council Chambers – Municipal Building

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Phalene Leichtman

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Raen Levendoski

APPROVAL OF AGENDA

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

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the August 28 meeting of the Elkhart City Board of Zoning Appeals. Just a reminder, video comments will only be taken on WebEx. You cannot comment on Facebook, you can watch only. Please speak up and identify yourself before you begin to speak. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision no later than 30 days after the decision is made in an appropriate court. If you think you may potentially want to appeal the 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 comments section. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

Minimum quorum announcement: tonight we have our minimum quorum of 3 members present (inaudible). While we can conduct business with 3 members, any vote must be unanimous. Anything less than a unanimous vote will be considered No Action, and the case will be reset for next month. Our proxies will allow us to take action on all items. With respect to the public comment portion of this meeting, public comments will only be taken on the specific petition being heard by the board. Unlike City Council meetings, where there is time for anyone to comment on any issues, we do not have that at BZA and comments will only be taken for or against petition for the board.

NEW BUSINESS

19-UV-10U PETITIONER IS ELKHART COMMUNITY SCHOOLS

PROPERTY IS LOCATED AT 2424 CALIFORNIA ROAD

Request to amend 19-UV-10, which was granted September 19, 2019, to allow the Elkhart Community Schools Teenage Parent Program as a permitted use, under Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District, to update the number of children from 18 to 66.

Evanega Rieckhoff calls the petitioner forward.

Tony Gianesi speaks off camera. Petitioner states they are expanding their Career Center program and would like to offer more spaces for student and staff parents.

Evanega Rieckhoff asks for questions from the Board. Hearing none, she notes that no one from the public has joined the meeting either in person or online, closes the public portion of the meeting, and calls staff forward.

STAFF ANALYSIS

Due in part to the new state-level requirement that child care providers obtain a letter from their local municipality regarding child care licensure, this request is before you again today. This case comes to you as a use variance rather than a special exception due to the underlying zoning classification of M-1.

The petitioner here has operated the Teenage Parent Program on the California Road campus since 1977 and in the 2424 California Road location since 2004.

This amended request comes before the Board of Zoning Appeals in order to update the number of children cared for at the California Road facility. Based on correspondence from the program coordinator, when the PACE program moved from the Career Center to Hawthorne, it freed up room in the California Road site to expand into the vacated space in order to care for more children. The approval in 2019 allowed 18 children.

According to the State of Indiana's Family and Social Services Administration and administrative agency Brighter Futures, the property has a child care center license now for up to 66 children. They undergo an annual inspection and no local complaints have been received regarding the daycare's operation.

STAFF RECOMMENDATION

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

1. The amended approval will not be injurious to the public health, safety, morals, and general welfare of the community because the property currently houses the program and to date staff has not had any complaints regarding the use from participants or other governmental bodies;
2. Use and value of the area adjacent will not be affected in a substantially adverse manner because the expanded use currently exists and is part of the overall curriculum for the Elkhart Community Schools. This program has existed in some form on this campus since 1977;
3. The need for the variance does arise from some condition peculiar to the property because the use would not be permitted without board action and the State of Indiana requirements for child care facilities have been updated and now require approval at the local level. The amended request will ensure the state license and the local approval are consistent. This process is the only option at the local level to achieve the State's requirements;
4. The strict application of the terms of this Ordinance may constitute an unnecessary hardship if applied to the property for which the variance is sought because the property was developed as an educational facility where a majority of the uses in the underlying zoning district could not be accommodated at this location;
5. The approval of the variance will be consistent with the comprehensive plan which calls for this area to be developed for institutional uses. The use is consistent with the land use plan.

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 the Amended Use Variance 19-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 Leichtman.

Mulvaney – Yes

Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

PRESENTATION OF THE CITY OF ELKHART UNIFIED DEVELOPMENT ORDINANCE (UDO)

Trotter appears in person and presents as follows:

This is an update for the City of Elkhart Unified Development Ordinance.

UDO and the Comprehensive Plan

The comprehensive plan serves as policy foundation for the Unified Development Ordinance. It has policies regarding how the city should develop, what and where infrastructure improvements are needed to support development, suggest changes in the UDO, and provides guidance on the creation of Capital Improvements Plans based on the infrastructure improvements. The EDO's purpose and intent statements are consistent with the Comprehensive Plan and are supported by the goals and policies in the Comprehensive Plan.

UDO and Other Plans

The way this works is that the Comprehensive Plan is the overarching document for the entire city. It documents the vision for the city, its values, development aspirations, and what and where development should be located. After the broad policy is set and the land use and transportation maps are created, the Comprehensive Plan should last about 20 years with periodic updates. In between, sub area plans are created to give certain areas to the community more specific development and guaranteed direction. These are implemented through sub area or special area plans like a downtown plan, a neighborhood plan, or streetscape plan, to name a few.

To implement the policies in all of these documents, the Unified Development Ordinance is updated from time to time, modifying regulations, standards, requirements, and intent statements so the UDO stays in line with the city's values and delivers a desirable and predictable built environment.

Goals of Update

When the city started this process, it was certainly to merge the zoning and subdivision codes. At that time, it was not intended to make such drastic changes. However, several sub area plans were created that influenced and changed the trajectory of the UDO.

However, the goals of the project did not change – these have always been the goals to ensure that Elkhart remains economically competitive while they were efficient and effective land use regulations of the goals on the screen:

1. Create a more user-friendly and understandable ordinance,
2. Simplify regulations by removing inconsistencies and redundancies,
3. Reorganize the ordinance to increase ease of locating information needed,
4. Adding more graphics, tables, and charts to convey regulation,
5. Increase the flexibility for staff and applicants to determine the best outcome for a site,
6. Update districts and standards to allow new development types,
7. Ensure consistency with the state and federal law, and
8. To reflect the vision and policies of the comprehensive plan and other subarea plans.

Goals of Update: Missing Middle Housing

One of the topics that emerged during the creation of the sub area plans was more housing choices and opportunities within the city. Use planners call it the missing middle house. Under most zoning codes from the 1960s through the mid-2000s, the only choice was for single family homes and apartments. Many other types were forgotten about in most cities. With the rising prices and costs for housing, other housing types are more economical and can fit within the character of most neighborhoods. These can include duplexes, fourplexes, cottage courts, townhouses, smaller apartment complexes, and live-work units.

Unified Development Ordinance (UDO)

What is a UDO? A UDO combines a series of different codes into one code, so there is more consistency between regulations such as definitions and other terms. Administration enforcement are consistent between the codes and more flexibility is allowed because they come up with a codes are combined under one ordinance. Usually these codes include zoning, subdivision, historic preservation, and flood plane regulations.

Benefits of UDO

Some of the greatest benefits of the UDO are simplifying the development process. There is one place for residents and developers to go to find out what's needed in order to build something in Elkhart. All the regulations are in one place, the regulations are unified and consistent so the petitioner knows what to expect in the process, and what the city expects in terms of development. This is critical for a developer to make their development work, and bring to market faster. In this ordinance, there will be enhanced visual clarity, a lot of tables and graphics used to illustrate the regulations and the character of the city's desires. This UDO will allow more orderly growth through more flexible or flexibility of provisions, and the creation of alternative methods to accomplish the goals and intent of the ordinance. The UDO is not black and white – there

is gray area there to help get development to market faster, reduce the cost of development, without sacrificing the character of areas within the community.

Methodology

During the beginning process, we needed to understand what physical development existed throughout the city. One of the goals in any code update is to minimize the number of non-conformities or reduce them, if possible. By using our GIS system, our consultant completed a whiskers and box plot analysis. Minimum, medium, and maximum values, and those in between, were determined so that we could figure out what standard we would need to have to create the least number of non-conformities and still have a buildable lot. As they completed this analysis on the lot width area, we determined the number of non-conformities in each district and then determined how to reduce the non-conformities by changing that standard. In the example shown, the R1 district's current standard is 75ft, and with that current standard of 75ft, we have 21% of the existing vacant lots as non-conforming. By changing the dimensional standard to 16ft, reduced back to a 10% non-conforming lots. We picked up 11% by just reducing the dimensional size of 75ft down to 16ft.

Re-Envisioned UDO Districts

Initially, we were not going to change the zoning districts. But as the two sub area plans were completed, it became clear that there was a need to change a number of districts to reduce some that weren't being used. These are the new districts above. We tried to give them names that more accurately represented the type of development in each district, versus the R1, R2, R3, R5 which didn't tell the reader what that district meant. With the new, instead of R1, it's Suburban Residential, R2 is Compact Residential, Urban Residential, and so on and so forth. Then the non-residential districts provide more explanation rather than Commercial Business or Neighborhood Business, which we still kept. We have Professional Services, Neighborhood Business, Community, Central Business District, Central Business Core, which is one of the overlay districts, Institutional, Research and Development, Manufacturing, and Planned Unit Development.

These were consolidated and provide a name to give the reader a better understanding of what to expect in that district by use.

District Elements to Guide Intent

There are four overarching sections within the ordinance that guide development. They include uses, building types and standards, overlay districts, and development standards.

Uses

Uses were pulled into own chapter, and more use regulations were created. This was done for multiple purposes, to allow the city to manage the impacts of uses and to allow more uses to be permitted instead of having so many uses reviewed by the Board of Zoning Appeals. Secondly, we wanted to allow for the meaningful integration of both horizontal and vertical mixing of uses on a site. This would promote that. Lastly, we wanted to focus on the character of the development, what it looks like, how it functions within the streetscape and the neighborhood, and to ensure that development was pedestrian-focused.

Building Types & Standards

We added a new chapter for building types and standards. Instead of mixing building types with uses, we wanted this individually on uses, individually on building types. Many different uses can be in many different building types. However, not all building types are compatible within every zone district. We created a list of building type, then noted which districts give those building types [inaudible]. We show examples of each building type, give a description of it, and there are standards for each building type. Overlay districts, especially in the Benham and the Downtown overlay districts, building type takes priority over the land use because these two districts are focused on character of the buildings and development rather than the uses permitted.

Overlay Districts

Overlay Districts are needed to either provide more specific regulations that further restrict developments such as wetland and special flood hazard areas, or the airport, or they provide more flexibility of development and focus on character like the riverfront, downtown, and neighborhood overlay districts. In that case, they strip away some of the underlying provisions of that base district.

Development Standards

Development standards are the last major category of standards that regulate development. These include parking, landscape, signage, and fences. These changes focused on the clarification of standards, compliance with state or federal law, reduction or change in standards, and the addition of graphics to show the intent of what is desired.

Key Changes to the UDO

When we created the UDO, there were three areas of change. What has stayed the same, new content added, and what was changed or modified from the existing ordinance into the new.

What Has Stayed the Same (Carried Over)

Most of the major elements of the zoning and subdivision ordinance have been carried over, including the development standards, uses, general regulations, and overlay and special districts.

The uses have been taken out of the districts and organized into an easy-to-read chart as shown. It gives the uses and what base districts the uses are permitted.

The general regulations were carried over, and to better explain the concepts by providing additional graphics, but no changes were made to the overlay and special districts listed.

New Content Added to Ordinance

The overall Layout of the Document has changed from what the zoning was before. This is because we've added the subdivision and preservation ordinance, and created one place for definition, and one place for administration. We consolidated the number of zoning districts from 15 to nine.

We added the Hearing Officer process that would allow the plan commission to delegate certain processes and to allow the hearing officer to make decisions on variances or conditional uses more often than the BZA. We added new examples of design concepts and uses such as clustered development, cottage court development, and allowed new uses more modern technologically.

Trotter states that the hearing officer is a member of the staff who will hear minor variances and minor derivations from the regulations that will be able to meet and address those more frequently than we would for the Board of Zoning Appeals. That would ideally be either the director or AD assigned to be the hearing officer. Procedurally, it would work the same, but we could meet more often and roll more stuff through the process.

Building Typologies talks about the building type rather than necessarily uses within the district. In each section, there is its own set of development standards.

Rules of Measurement – everyone that uses the document knows how planning staff will calculate the average setbacks, build two zones, etcetera. It takes the mystery out of how staff is determining the average setback and Build To Zones. That way, it's laid out and there is an entire section within the document that has the graphics. Everyone knows how the staff is determining the calculations.

Evanega Rieckhoff asks if the board can override.

Trotter replies that yes, a variance can still be filed. Parking standards have been updated and modernized by exempting some areas from parking minimums, creating flexible parking credits, and adding electric vehicle parking standards.

Evanega Rieckhoff asks if, like wheelchair accessible parking, electric parking will be in every parking lot.

Trotter answers that there will be credits given so that in some circumstances, when there are X number of electric vehicle plugin stations, there will be a credit for X number of regular parking. He continues presentation as follows:

We've changed the Landscape and Buffering section by consolidating everything into one chapter, and then changing some of the standards. Some of the standards that we've modified are for our perimeter tree planting going from 40ft down to 30ft, and requiring some irrigation systems for commercial projects greater than 1 acre, and changing of the fence requirements on corner side yard locations.

What Has Changed or Modified

Updated development standards to allow more flexibility, consolidated and simplified uses and added in more specific development standards in order to regulate the impacts of the standard, adding graphics, expanding definitions and ensuring each use has a definition. Reduced some parking requirements and added in graphics for buffer yards to provide clarity of the regulation.

Condensed the administrative procedures by putting everything into one chapter and the roles of every body and staff. The preservation commission will be moving from a designated local historic district to a conservation district, and updated the enforcement penalty by adding a right of entry for inspection.

For subdivisions, updating the regulations to reflect modern subdivision and development practices, ADA requirements, and street developments and designs by the Department of Public Works.

Examples shown are Cottage Court, Conventional Sprawl, and Conservation Development.

Evanega Rieckhoff asks the difference between Cottage Court and Conservation Development.

Trotter answers that Cottage Court is a series of smaller villa-type homes on a central drive, and the Conservation Development is more of a traditional layout with standard-sized homes clustered together on smaller lots. He continues presentation as follows:

For sign regulations, we updated calculations for signable area, expanded the list of signs not requiring a permit, added new allowable zones, feather flags allowed as a temporary sign, tried to standardize the time allowance through all temporary signs so there will be no need to go from one to the next depending on the type of sign.

Using the UDO

With this document, there is a digital version that is hyperlinked for ease of navigation. There is a more robust table of contents that explains the purpose and what can be found in each section. With the 17 chapters, it is clear exactly what's occurring in each chapter. This is at the front end of the document.

In the District Section, there is a several page spread that gives an overview of the least intensive development to the most intensive development within the description providing a description of the district, its intent, and typical characteristics of development, and available building types.

There is a How To guide with sections and subsections that are hyperlinked that are some general understanding of the UDO and how it relates to zoning. This is also at the front of the document.

In the process section, there's a chart that explicitly explains how an applicant would move through the process, through the project development, where to look for things in the UDO, and find the steps to go through that process. Essentially, it's a four step process. First, locate the property on the zoning map, review the zoning districts and any use conditions for that district, look at the development standards (building types, general regulations, parking, landscaping, design, and design criteria), then the sign standards and any environmental or any kind of overlay district or wetland area, then development types – if a subdivision or rezoning is needed, how it's done, or any kind of conditional or special exception. Once finished, a zoning clearance would be issued. This flowchart has been used to go through the tech review.

Project Draft can be found on CityofElkhartUDO.com.

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

BOARD OF ZONING APPEALS

-MINUTES-

Thursday, September 11, 2025 - Commenced at 6:00 P.M. & adjourned at 7:57 P.M.

City Council Chambers – Municipal Building

MEMBERS PRESENT

Doug Mulvaney
Phalene Leichtman
Dave Osborne

MEMBERS ABSENT

Janet Evanega Rieckhoff

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Raen Levendoski

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES FOR AUGUST 14, 2025

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

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the September 11, 2025 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the Board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. Alternatives: A sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. Forms are provided for this purpose and are available tonight. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

Mulvaney calls for a moment of silence in honor of Ron Davis.

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 25-BZA-20 was heard last month, where the wayfinding signage was approved, while the temporary signage was tabled. Petitioner was asked to meet with staff to try and compromise between their request and the staff recommendation. Staff met with petitioner's agent, but came to no compromise at this juncture. It will be up to the Board decide between the Staff Recommendation and petitioner's request.

Leichtman calls the petitioner forward.

Bruce Carter appears in person. He is a representative of the church and thanks the commission for their time. He states that there are several people there to make comments on behalf of the church, but he is going to focus on giving history of the petition. The yard signs are designed to communicate information to their neighbors that is not necessarily available through their website, letters, or other types of correspondence. They request 12 signs, three on each side of the building, which give the neighbors an idea of their events. They have 7 events – Ashes to Go, Music and More – here Carter notes how busy the first night of Music and More was this year – Youth Programs, Vacation Bible School featuring biblical "time travel", Trunk-or-Treat, Christmas, and Easter. They are asking for ten days per each of the seven events, and feel it is a reasonable and justified request. Carter also states that their Jazz Sunday event will require two weeks of sign time, but will be combined with the Jazz Committee and included with the permit for the Jazz Festival. All signs are professionally designed, and placed and removed in compliance. There is also a banner placed on the building that is displayed, that comes down within the allotted time. They have permission and a revocable permit from the Board of Works for placing the south side (Beardsley) signs for sidewalk travel. They do plan to move forward for a permanent permit after the current petition. Carter states that they were initially out of compliance with too many signs, but while Building and Zoning may have received complaints, the church has not. He notes they are on the neighborhood association, and the association seem very favorable of the signs. The signs are a way to communicate with their neighbors, and are a benefit to the neighborhood and their children. Carter asks, "What's wrong with more communication between churches and their neighborhoods," and states that this would be a great policy not only for First Presbyterian but for the City of Elkhart, allowing other churches to better communicate with their neighborhoods, as well. A way to reach outside of their walls and get away from their own sanctuary, to benefit the neighborhood.

Rev. Dr. Sally Wicks appears in person. The Mission of First Presbyterian Church is to take Jesus' command to make and teach disciples. From the founding in the 1860s, friends and neighbors were invited to worship and to education classes, with the church even going to hotels to invite traveling salesmen for Sunday worship. The new mission statement, established in 2004, is to invite all to know Christ, grow in Christ, and share Christ's love. They continue to understand themselves to be an inviting and welcoming church, wanting people to come and be a part of their community. They believe their mission is beneficial to the community and the City of Elkhart. Wicks states that Christian people, disciples of Jesus, tend to be good people that follow an ancient set of ethical guidelines. They work hard, pray for and contribute to their community, and seek to love their neighbors. She states First Presbyterian is full of community leaders and community volunteers – their people love and support the city. They are developing community leaders and volunteers for tomorrow. Their Children and Youth programs reach young people who need extra support – Wicks states that she honestly thinks most young families need all the help and support they can get to help raise thoughtful, respectful, and purposeful young people. The church offers an environment that helps members, friends, and families get involved and to center on things that are important – God, family, and community service. However, she states that the ministry is deeply impacted by their ability to invite others into their community. They feel the yard signs are the most effective way to invite the community – they have asked people how they heard about an event or program, and most say the yard signs. They are concerned that the city is trying to limit their outreach, their mission, and their expression of faith. The question before the Board is whether First Presbyterian should be limited to 36 days per year, roughly 5 days per event or if the Board will allow the 70 days petitioned, which would equal 10 days per event. Wicks states she isn't sure why this is so hard, since the signs are so small, and make little difference to the City but a huge difference to their church.

Andrew McCaskey appears in person. He lives in Elkhart at 1610 East Lake Drive West. He states he is the Elder involved in supervision of Outreach and Technology for the church, and has been doing this on a rotating basis for about 10 years. Ten years ago, they sat down and enumerated the channels they utilize to communicate with the community and within their congregation. He reviewed the list and found that some of the channels had become cluttered or had reduced effectiveness. He points out that the

electronic sign on Beardsley is for brief, drive-by awareness. Their YouTube channel is used to communicate and bring people in for services. Their website is necessary, but not sufficient to communicate with people. Their emails and mailed postcards are identified as cluttered channels of communication, pointing out the irrelevance and ineffectiveness of these channels. He notes the abundance of junk mail everyone receives. He also notes the labor- and cost-intensive nature of postcards. Monthly newsletters, newspaper, radio, television, and social media have been the most dramatic change over the last ten years, due to the reduction of subscriptions to these channels. He notes that on Facebook specifically, when something is published, there is only a 3-5% chance any given follower will see it. The most effective way they have found to communicate and cause action with their community has been the yard signs. This is tied to the QR codes included on each sign which takes them to an immediate action, bringing them directly to the enrollment page for the event. He states that it is not only important for their church, but for the organizations they are involved with – Christiana Creek Neighborhood Association, Ruthmere, and Wellfield Gardens. What distinguishes them from the other organizations is that they are a central location of the community with parking, facilities, and the only non-profit venue available to the Association for minimal charge. Restricting roadside signage affects their most effective advertising channel as well as these other organizations and the community at large. He encourages the Board to favorably consider the 70-day expansion requested for the signs.

Bill Burton appears in person. He lives on Crabtree Lane in Elkhart, and is a member of First Presbyterian. He states that all they are trying to do is reach out to their neighborhood, especially the children. He is perplexed on why the Board is resistant, and wants to escalate this to the extent he is able to, if necessary. He appreciates the Board's consideration.

David Parkinson appears in person. He is a member of First Presbyterian Church who lives at 3509 Briarwood Drive. He thanks the Board for hearing the petition and asks that they vote favorably to allow 70 days of yard signage, stating it is more than reasonable for the number of activities at the church.

John Seddon appears in person. He lives at 22398 Pepperwood Lane in Goshen, Indiana and has been a member of First Presbyterian Church for 35 years. He asks the Board to look at the request for 70 days of signage for 7 events, and states that this has been the best way he's seen for them to reach out to their neighborhoods and individuals, and they just need a few more days.

Cheryl Ann Miller appears in person. She lives at 53629 Tara Lane and is a member of First Presbyterian Church. She did not prepare anything. As a parent, she knows it is hard to find a safe, fun place to take your children, but seeing the signs help. She notes that the VBS (Vacation Bible School), Music and More, and Trunk-or-Treat, specifically Trunk-or-Treat, drew in hundreds of kids. Some years they've had to go back out to buy more candy. She talks about how busy scheduling can be with kids, and if the signs are there more than just a couple of days, it gives more time to coordinate schedules with family.

Leichtman asks for questions from the Board.

Mulvaney asks why the church's LED sign isn't effective in getting their message out, since it's year-round with no time limit and prominent on Beardsley. He wants them to explain why it isn't adequate along with the additional 30-days of yard signs.

Carter thanks the Board for permitting it, but states it is not enough. They have a revolving message that rotates through a series of messages, and isn't as effective in reaching out to families and children as the street-level visibility of the yard signs. It's very apparent when driven by, but it takes too long looking at the revolving messages. It's great for advertising their standard worship times and a spiritual message, but not for identifying key events coming up at the church. He states nothing tops the streetside visibility of the yard signs.

Leichtman asks what the procedure has been in the past – asks for clarification on when 70 days became an issue. Carter responds that they've been using the yard signs for about three years. Leichtman asks if it was in the past few months that they were notified by the city.

Carter states that the issue had been bubbling up for the last three years, since they were displaying the signs without a permit including in the parkway. An inspector showed up and told them they couldn't do that. They then began to work with the Board of Works to get signs put up on the parkway. They were moving along with a series of signs through the latter part of last year. Something happened this spring to put a hard line on it. They had been waiting on the new sign ordinance, and were going to deal with their issue with the sign ordinance. They were putting signs out without permission for some time. He does say it was nice to gain experience and know the effectiveness of the signs. They've been able to understand their neighborhood and the most effective way to communicate with the neighborhood.

Leichtman asks if the QR codes are on the actual signs, so that drivers would need to [she motions taking a picture with a smartphone] QR code them. Carter states that they are not intended for drivers, but for walkers. Leichtman asks if the flyers in the past had QR codes on them. Carter says yes, they're event-driven.

Mulvaney wants to know if they're aware that the new ordinance would limit the number of signs to four for up to 30 days.

Carter states that they feel if they get the permission they need now, they can carry it through to the new ordinance. He states they're not going to let up.

Mulvaney wants to know if there is a compromise they'd be willing to agree to.

Carter states that he met with Eric a few weeks ago, and felt they had an agreement when they left the meeting, but the official meeting did not reflect this. He states they've been trying to work with the Planning Department and others all along.

Osborne speaks inaudibly off mic. [Mic is turned on] He states that the purpose of the ordinance requirements is more for visual clutter and safety concerns, and those are the reasons why the rules exist. He asks for clarification on if they're planning to move the yard signs off the treelawn and city property and onto the church property.

Carter states no, they intend to continue to use the parkway with permission from the Board of Works.

Osborne asks if the Board of Works granted them permission for unlimited time. Carter states that no, it's event-by-event for a revocable permit. Osborne asks for how many days. Carter states they ask for whatever number of days they need.

Mulvaney states that his understanding is that the Board of Works allows it subject to the Board of Zoning time limitations.

Carter agrees, stating the Board of Works allows it as long as the signs are in accordance with the sign ordinance. They're trying to set up a program that establishes a reasonable limit that still communicates effectively with the signs. They will go to the Board of Works once the issue with the sign ordinance and the Board of Zoning Appeals is settled, they will request a 5-year permit based on the number of days they're allowed here.

Osborne states that they're lucky the Board of Works is willing to work with them. In his opinion, signs on a public right-of-way on city property opens the city up for liability factors. He gives the example of political signs needing to be placed on private rather than public property.

Carter states they have a unique problem since their parking lot comes right up to the right-of-way. They have to find a way to put them out there, and states it is an issue for the Board of Works to deal with.

Osborne asks for clarification on the banner sign location and whether it will be on the church's property, close to the building. Carter states that yes, it will be on the church's property, strung between the portico columns.

Osborne asks if they're going to work on the wayfinding signs on the property.

Carter states they have two types of wayfinding signs – sandwich board indicating which entrance to go to, and the yard signs used for events letting people know which events are where, and where to go.

Osborne states it looks like the staff have been working with them and have made a compromise, but are 35 days off the mark, as far as the church's request. He asks if they would agree to a split difference, of around 45 to 48 days.

Carter states he'd have to confer with his staff, and there would be some room to move but probably not more than 10 days.

Osborne clarifies if they're willing to go down to 60 days.

Carter states he'd have to check with the boss.

Osborne states the big obstacle is the number of days. He mentions the treelawn and Public Works again, and states his concern on setting a precedent citywide. He suggests going along with staff recommendation and splitting the difference to 45-50 days instead of 70. Carter starts to speak but is interrupted by Osborne stating that while the church keeps stressing that they want to inform the neighborhood, it is not a very big neighborhood. Bigger, but still able to be communicated with via mailers and handouts.

Carter states that they've tried those, but the yard signs are the most effective. He states that there is a lot of neighborhood traffic in the community they're trying to reach. He makes an additional statement that he previously sat on the Board of Zoning Appeals,

and feels this is an opportunity for the Board to take a stand and make a policy decision across the city for churches to expand their communication systems to their neighborhoods, in an attractive, non-clutter way.

Leichtman opens for public comments to speak in favor.

Brendan Leiter appears in person. He lives at 134 Goshen Ave, and is not a member of the church but has attended the church's Trunk-or-Treat. He noticed the signs are now gone, but thinks that the yard signs make a difference over the one LED sign because they change and catch the eye, and reach out to the community. He states other concerns for the City's safety and homeless. That [LED] sign isn't enough, and the Board should consider 70 days really isn't much, especially with a busy schedule, that would give ten days additional time and avoid any schedule conflicts.

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

STAFF ANALYSIS

Trotter says that the staff recommendation remains the same from the previous month, and adds that this needs to be a hardship of the land, and could potentially be precedent-setting for the Board seeing a lot more of these cases coming before us.

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.

Mulvaney states that the staff has indicated there have been complaints, yet the Board hasn't seen any letters of opposition.

Trotter states that no, but those letters only go out to people within 300 feet boundaries of the church. Mulvaney asks if that means people just called in. Trotter confirms.

Mulvaney asks for clarification through the zoning perspective on the rationale behind the 30-day limit on signs.

Trotter states that these are temporary signs, and the 30 days is meant to have an even playing field across all situations – commercial, industrial, everyone has the same amount of time. They have the opportunities like everyone else for freestanding signage, temporary signage allowances in the ordinance.

Mulvaney states that businesses don't typically have events, versus a church which may have multiple events, and asks if there has been any consideration, especially with the new ordinance, in differentiating between organizations that have multiple events versus a business or commercial property where it's just a business being advertised.

Trotter answers that all were looked at the same. Additional types of temporary signs are being allowed with the new ordinance, which have been utilized by the church in the past, that are not currently allowed. Staff did come to the table with the ordinance updates to allow different types of signage for the 30 days.

Leichtman asks for clarification and poses a hypothetical where if everyone along the main thoroughfare gets to put out signs for their business, event or no, it could potentially mean at any given time there could be hundreds of signs going down a road. What the Board is doing tonight is evening the playing field. The Board cannot say that a religious organization is different than a business, even though the church is doing good work in the community.

Trotter responds that is correct, and Leichtman reiterates that the Board is making sure there is an even playing field for everybody, because the Board will have to hear all cases.

STAFF 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

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.

Leichtman calls for a motion.

Osborne makes a motion to approve 25-BZA-20 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt the following conditions except allowing for 60 days instead of 70 days; Second by Mulvaney.

Mulvaney – Yes

Osborne – Yes

Leichtman – No

Motion carries and petition is held over for one month.

NEW BUSINESS

25-BZA-21 PETITIONER IS THOMAS M. NICKEL INVESTMENTS LLC **PROPERTY IS LOCATED AT 2709 WHIPPLE AVENUE**

To vary from Section 18.6, Yard Requirements in the M-1 District which requires a twenty five (25) foot front yard setback to allow for the proposed building at eight and three tenths (8.3) foot setback, a variance of sixteen and seven tenths (16.7) feet. To also vary from Section 18.6, Yard Requirements in the M-1 District which requires a fifteen (15) foot side yard setback to allow for the proposed building at ten (10) foot setback, a variance of five (5) feet.

Also, Section 18.2.H. Permitted Uses in the M-1, Limited Manufacturing District to allow for the construction of indoor storage facilities in the front yard.

Leichtman calls the petitioner forward.

Debra Hughes, Surveying and Mapping, representing petitioner Tom Nickel. Tom has a positive history in the City of purchasing older properties and improving them for new uses. The petition property was purchased in December of last year – two buildings built around 1960. He has painted, installed landscaping, added new signage, and cleaned up the properties of the two existing buildings. They are rented to local business people for their operations. Tom wants to build one new building with individual units and overhead doors, rental for individual storage of cars and boats. The proposed building would be 8.3 feet from the north property line, as Eric said, where 25 feet are required. The two existing buildings are 2.6 feet and 17.2 feet from the front property line, so neither of those meet the requirements and are considered non-conforming. The proposed building would be used for storage, and storage is not allowed in the front yard (the front 25 feet) by the zoning ordinance. Whipple is a dead-end street that ends at this property, and the front yard storage use would not create a nuisance to any adjacent properties. The building is built in 10 foot units, so currently at 120 feet. She says the Board should have the site plan that shows the site and the building. In order to meet the front setback, they'd lose 2 units to create a 100 foot building. The petitioner plans to petition for vacating the alley on the east property line, and that would add 12.5 feet to the east side, which would then meet the east setback at that time, but not today. They request the Board's approval for the storage in the front yard and the variance from the front and side setbacks, as outlined in the petition.

Mulvaney asks for clarification on one of the conditions - an apron of concrete at a depth of 20 feet.

Hughes responds that those are one of the conditions that Staff requested. Right now, there would be a 5 foot strip of concrete outside of each door, and Staff asked for 20 feet. Mulvaney asks for the depth to be defined – he wants clarification on if it's 20 feet deep in the ground or horizontally. Hughes answers that it is horizontally and states that the petitioner has no problem with the conditions. The other condition was that the property be paved, because current zoning requirements are for pavement in any commercial or industrial property, and Staff offered an opportunity for the petitioner to come forward with a schedule where he would be able to pave the entire lot. Staff provided a deadline to provide that schedule, which is also acceptable.

Osborne asks for clarification on the drainage area on a provided drawing of the drainage area. Hughes responds that yes, they are providing drainage for the new building. Osborne asks if the water runoff and everything has been figured out and is adequate. Hughes say that is correct. The project has been submitted for city technical review, which includes drainage review, and it has met all of those requirements. Osborne asks if on the side of the building will there be multiple doorways. Hughes responds that yes, on the west side of the building there will be multiple overheard garage doors for individual units. Osborne asks if the big gravel area is where they will add blacktop. Hughes states that is what's been requested, so the petitioner would be asked to come forward with the schedule when he'd be willing to do that, and how long he would need to accomplish that. Osborne asks if that area will be drained somewhere. Hughes answers that is correct, and states that currently the site has no surface stormwater retention, so if it's paved some of the water would run off that now can soak into the ground, increasing the amount of runoff into this area. On the north side of the fence, there is a gravel strip south of the road on both sides, and that is where the rainwater would go. That rain area would remain gravel outside the fence.

Osborne asks what the likelihood is of the alley being vacated. Hughes states that it is already fenced off, unimproved, and unused, so it's highly likely. Osborne asks if rainwater will be discharged into the alley. Hughes states that the proposed building would have its own ditch along the backside to collect its water and that the other parts of the site would drain how they currently drain. Some of them drain out towards Whipple, some drain west toward Hall Avenue, and some drain east towards this building. There would be a drainage ditch on the south side and the east side to collect water around the building. The drainage from future pavement would follow the pattern it already follows, so there was no request for any additional retention storage as part of the conditions. It was just to pave the lot.

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

STAFF ANALYSIS

The petitioner is requesting a developmental variance in order to construct a new indoor storage building at the end of Whipple Avenue. The property is located in the industrial area west of Middleton Run Road, between Middlebury Street and Toledo Road.

The request is to vary from Section 18.6, Yard Requirements in the M-1 District which requires a twenty five (25) foot front yard setback to allow for the proposed building at eight and three tenths (8.3) foot setback, a variance of sixteen and seven tenths (16.7) feet. To also vary from Section 18.6, Yard Requirements in the M-1 District which requires a fifteen (15) foot side yard setback to allow for the proposed building at ten (10) foot setback, a variance of five (5) feet.

Also, Section 18.2.H. Permitted Uses in the M-1, Limited Manufacturing District to allow for the construction of indoor storage facilities in the front yard.

Based on information provided by the applicant, the other two buildings were constructed in 1958 and 1965. The area was annexed into the city in 1966. The other two buildings on-site are currently non-conforming with regard to building setbacks.

The proposed storage building would add a third structure on the property. It is not uncommon for multiple buildings be built over time in manufacturing areas. The new use as a storage building is permitted. Due to the configuration of the property, the north south building layout requires some relief from the developmental standards. The project has been submitted through Technical review and this variance action is the last item to be addressed for complete project approval.

Staff recommends approval of this variance.

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 storage building will be constructed and inspected to ensure it is built to all applicable code requirements;

2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the area is located within an M district and storage buildings are a common use;
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 due to the location of the existing buildings – the area left for development is somewhat limited thus requiring a variance for development;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because the owner would not be able to place the structure in the most practical location;
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. The petitioner shall provide an apron of concrete or asphalt adjacent to the new building at a depth of twenty (20) feet.
2. The petitioner shall provide staff a paving plan and schedule, for the remainder of the property, within ninety (90) days. The timeline for completion to be negotiated and determined by staff.

Trotter says 12 letters were mailed with 0 returned.

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

Osborne makes a motion to approve 25-BZA-21 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

Osborne – Yes

Leichtman – Yes

Motion carries.

25-UV-08 PETITIONER IS OLIVIA RUSH AND DIANE SWEET RUSH **PROPERTY IS LOCATED AT 641 W. LEXINGTON AVENUE**

Kyle Anthony-Petter, Planner II for the City of Elkhart, introduces the petitioner as Brandon Leiter, for property 641 W. Lexington Avenue, and states that the request is to vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District, to allow for a lodging home.

Leichtman calls the petitioner forward.

Brendan Leiter appears in person. He lives at 134 Ocean Avenue and is appearing as a representative for Diane and Olivia Rush. He is seeking a Use Variance for a lodging house for 641 W. Lexington Avenue. The definition of lodging house, more or less, is one or more people living at the house with the owner not currently residing there. He states he had a house for seven years with eleven different roommates. Hit some hardships at a certain point and rented out rooms to people he didn't know, and it worked out really good. It tended to be men, mostly divorced, with bad credit, or were currently going through a divorce -- there were a few different oddball guys, but for the most part that was the typical story. They didn't have good credit, so they couldn't get an apartment or a good place to live, so it was a hotel or his house. He found he didn't have a lot of issues, as might be found with other tenants, destroying and disrespecting property. It worked out really well, even with none of them knowing each other. They stayed to themselves, in their rooms, and used the common kitchen and bathrooms. This house has two bathrooms, four usable bedrooms, and a big enough kitchen to add two to three refrigerators, which was the biggest issue with his former house. He plans to put locks on individual doors so everyone would have a house key. He likes the proximity of this house to public transportation

and to his own house. He states the big concern was that he will not be living at the new house, since he was living at his former house, but he was not there a lot due to work. He will have to be at this new place a lot to do yard work, collect rent, and so forth. Leiter came up with some of the policies, but knows that some of them will change, as necessary. He thinks this is a whole new era of housing shortage in the community, and that this could help that. He states that the city has had a bad taste in their mouth with this happening across the city. The difference between Leiter and other lodging houses is that they didn't ask for approval, and he is trying to do it the right way. He didn't have a lot of issues with his house and things this will go pretty smoothly and wants to take on this project.

Osborne asks if the back deck has a stairway. Leiter answers that there is a deck but no stairway and does say steps could be added, as it was a concern with the building inspector specifically with egress. He states he might need to add a stairway or some things upstairs.

Osborne asks if the garage will be used by the lodgers, or what its purpose will be. Leiter answers that bicycles, mopeds, or, since he's furnishing the house, spare furniture might be stored there. Osborne states that he might have to renovate the garage as well.

Leichtman asks if Olivia and Diane will be living at the property. Leiter states that they are the current owners, but he is considering buying the property and won't move forward with the purchase before the petition is approved.

Mulvaney asks if the petitioner has no issue with bringing the building up to code. Leiter states that the plan is to move forward, he isn't sure of costs, but plans to have the builder or licensed contractor come out before purchase so he fully understands what needs to be done.

Leichtman confirms the petitioner is okay with the Staff conditions, then asks for questions from the Board.

Osborne asks staff about adding a sixth condition to meet all building department code issues. Trotter responds that that is well within the Board's purview. Staff toured the property with a building inspector who pointed out several items that would need brought up to code, so Staff has no issue with adding this condition.

Leichtman opens for public comments to speak in favor.

Tim Filbert appears in person. He is an associate of Brendan. Quite a few years ago he went through a difficult divorce, losing his home and job. He could not even afford to rent a room by the week at a hotel. He also comments that weekly rate hotels should be inspected and brought up to code. Brendan offered him a place to live at a fair price, and was more concerned about the people than he was about their money. Filbert states that Elkhart doesn't offer anything like that, and thinks that especially with the housing crunch, this could make a huge difference. He says a landlord has an obligation to make sure lodgers will take care of the property, and Brendan was good at that. Tenants did what they were supposed to do, or he didn't have a problem removing them, so the Board doesn't need to worry about him being a slumlord or not taking care of the property. Filbert states that the home will add a lot to the community. He thanks the Board for their consideration.

Leichtman opens for opposition. Seeing none, she closes the public portion of the meeting and calls staff forward.

STAFF ANALYSIS

The petitioner is requesting a use variance to allow for the property to be used as a lodging home. Section 5.2, Permitted Uses in the R-2, One Family Dwelling District does not permit lodging homes. The definition of a lodging house is a structure, other than a hotel, motel or boarding house, where lodging without meals is provided for compensation primarily on a long-term basis.

The request comes to us as the petitioner looking to purchase the home and establish a lodging home R-2, One Family Dwelling District. The R-2 zoning district does not permit lodging homes as a permitted use. Boarding and lodging homes are allowed as a conditional use through the Board of Zoning Appeals in the R-5 Urban Residential District.

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. During meetings with the petitioner, staff indicated that having some rules of conduct would be appropriate as there would be no one on site that was an owner or manager of the building. The petitioner has supplied such with the other petition material.

Based on assessor records, the two story building was built around 1902 and is approximately 1800 square feet with about 900 square feet on the first floor and 900 square feet on the second. The building has been used as a single-family house since it was constructed. The property is located in the 100 year Special Flood Hazard Area.

Staff conducted a site visit of 641 West Lexington Avenue with the Building Department along with the petitioner on August 27, 2025. In staff's opinion, the house is in fair condition. The house has had minimal updates and will need to be brought up to current building code.

During the inspection, Building Department staff noticed code deficiencies that will need to be addressed starting with the spindle spacing on the rear deck not meeting code. In the basement, electrical wiring in multiple locations is not terminated properly and will need a licensed contractor to repair these issues. There is only one furnace in the home if this is approved for a multifamily property our city ordinance requires separate heat and electric sources for individual units. There were baseboard heaters in the upstairs rooms that look to be from a single power source feeding the system. The applicant will be required to work with the Building Department in order to ensure all necessary code requirements for the increased intensity of use are made.

The house currently has two full bathrooms with one on each floor. On the first floor there is one bedroom with a kitchen, living and dining room. On the upper floor there are three bedrooms and one additional room without a closet (with the potential for a closet to be established from the outside hall area).

In reviewing permits on the property over the last few decades, work has been completed to keep the property in a habitable condition. In 2020 the water heater was replaced and in 2017 a new roof was installed on the house with repairs to the porch, also included was duct work to the 2nd floor. In 2015 the furnace was replaced, and light remodeling occurred with drywall repair, bathroom updates, paint and carpet. Then in 2010 the roof on porch was replaced. In 1987 the rear porch was replaced with the existing porch for the 1st and 2nd story.

The lodging house is being designed/set up to house four people with one individual per bedroom, with a shared kitchen, living and dining room.

From the street, this detached dwelling will have the appearance of a single-family home. This request will allow the property to be redeveloped 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 adding more units throughout the city.

The main concern staff has with the request is the parking and the long-term upkeep of the house. In this neighborhood, there are a mix of residential uses both rental and home owner occupied that surround this property. The range of density are from single family to three family dwellings. Parking demands could grow as the rooms fill up or when guests visit, leading to the need for more available parking in close proximity to the proposed use.

Currently, the existing parking meets the minimum requirement for a single-family home, one off-street parking space and one garage parking space. The only guest parking for the house is across the street along West Lexington Avenue. The close proximity to the downtown area and available bus line could reduce the parking demand.

Based on the Elkhart Zoning Code, Boarding and lodging houses are required to have 1 space per bed which would total 4 parking spaces if the one room upstairs becomes a bedroom.

Staff recommends approval of this variance.

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 house will be brought up to code and inspected to ensure it meets all applicable code requirements;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the use is of a similar residential intensity found in the neighborhood;
3. The need for the variance **does** arise from some condition peculiar to the property because the use is not listed as a permitted use;
4. 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 be able to use the structure as a single family home;
5. The request **does comply** in part with the Comprehensive Plan which calls for the area to be developed with medium density residential;
6. This property **does** lie within a designated flood hazard area. Should the property be damaged by flood water the property will be expected to be brought up to code as per the Special Flood.

CONDITIONS

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

1. There shall be a maximum of one (1) individual tenant per bedroom.
2. A developmental variance will be required if the petitioner cannot meet the minimum off street parking requirements.
3. Parking in the rear of the property will be paved.
4. If the lodging homes ceases to operate for more than one (1) year, or the property is sold, the Use Variance becomes null and void.
5. Any violation of the terms of this Use Variance as determined by the City Zoning Administrator shall render the Use Variance invalid.

Anthony-Petter says 25 letters were mailed with 0 returned.

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

Osborne asks if there are any occupants in the house. Anthony-Petter responds that yes, the house is currently listed for sale and there are tenants living there.

Leichtman calls for a motion.

Osborne makes a motion to approve 25-UV-08 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 and adopt the following condition: the petitioner will contact the Building Inspector and Fire Department for an inspection and to make a plan to meet code ordinance requirements; Second by Mulvaney.

Mulvaney – Yes

Osborne – Yes

Leichtman – Yes

Motion carries.

**25-BZA-22 PETITIONER IS AARON YODER AND CHRISTINA YODER
PROPERTY IS LOCATED AT 1305 CEDAR STREET**

Anthony-Petter introduces the petitioner as Aaron and Christina Yoder for 1305 Cedar 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 a material standards (solid privacy) variance to remain for the same fence.

Leichtman calls the petitioner forward.

Aaron Yoder appears via WebEx. He lives at 1305 Cedar Street. Petitioner was unable to put name and address into chat, as the chat was turned off for the meeting. He submitted the variance to keep the 6 foot privacy fence installed in the spring, without a permit, as he was unaware of the need for a permit to upgrade an existing fence. He would not have installed the privacy fence if he had been aware of the ordinance for corner lots preventing the 6 foot privacy fence. When he reviewed the ordinance, it focused on making sure the roadway maintained visibility so nothing obstructs the view when the intersection is approached. A number of pictures were submitted, showing where the fence is located on the property, and showing that the view is not obstructed whatsoever. The property is actually two city lots, and the house is built in the middle of the two, so the fence does not extend towards the road significantly at all. When measurements were took, the fence was 25 feet from the edge of the road and 37 feet from the center of the road in question, and does not obstruct the view from the alley or the four-way stop near the front of the house.

Leichtman asks for questions from the Board.

Mulvaney states that with the new ordinance, this fence would be allowed and asks where the property line is along Oak Street.

Yoder states that he used the GIS System to look at the property line and using that tool, the property line was 15 feet from the edge of the home with the privacy fence extending 8 feet from the home. He believes the fence to be well within the property line. Mulvaney states that if it is more than a foot from the property line it would be allowed so he wants to know if, based on the GIS, he believes it is more than a foot from the property line. Yoder responds that it should be seven to ten feet from the property line. Osborne states that, looking at the photographs, the fence doesn't look obtrusive at all and he is in favor of the petition.

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

STAFF ANALYSIS

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.

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 1, 2025. A four (4) foot chain link fence was removed and replaced by the privacy fence. Upon investigation no permit for the fence was found.



Oak Street view from 2023 – shows former chain link fence

The petitioner submitted a fence permit on July 8, 2025, and was denied by staff on July 31 for not meeting the requirements for fencing in the front yard or corner side yard. The petitioner then submitted to the board for a developmental variance on August 8, 2025.

The petitioner is seeking this variance to allow for the now existing fence to remain in its current location.

Staff will modify recommendation to recommend in favor with added conditions. 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 the 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 Oak 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. Based on the petitioner's testimony this evening, Staff is willing to amend their recommendation to an in favor recommendation with a condition added.

STAFF RECOMMENDATION

The Staff recommends **approval** of the developmental variance* to vary from Section 26.4.B.2, Fences Permitted in Residential and Business Districts, which requires in part that 'in a corner lot, no fence, wall or vegetation exceeding four (4) feet in height or a fence, wall or vegetation that is opaque may be placed, built or installed: 1. In the required side yard adjacent to the street; or 2. In any portion of the rear yard lying closer to said street than the point of the principal building nearest said street.' To allow a six (6) foot opaque fence installed in the corner side yard (Oak Street frontage) to remain based on the following findings of fact:
(*amended by staff during staff report reading).

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 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 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.

CONDITIONS

Trotter states that Staff will add one condition with the modified approval. If the Board chooses to approve the requested developmental variance, staff recommends that the following conditions be placed upon the approval:

1. Petitioner to verify that the fence is 1 foot from the property line along the Oak Street frontage, with or without the assistance from a surveyor.

Leichtman asks if the petitioner is okay with the condition.

Yoder says yes, but also asks how he would provide the evidence. Trotter states that there are corner lot markers along the Oak Street frontage, so if he could rent a metal detector or have a surveyor come out and mark the corners to verify, Staff would have no issue. Yoder asks for clarification on how to provide that evidence, and Trotter responds that they would submit that to the Staff.

Trotter says 30 letters were mailed with 0 returned.

Leichtman calls for a motion.

Mulvaney makes a motion to approve 25-BZA-22 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 the condition by staff that evidence of the property line be submitted; Second by Osborne.

Mulvaney – Yes
Osborne – Yes
Leichtman – Yes

Motion carries.

25-UV-09 PETITIONER IS STEVE HILL PROPERTY & BLDG. SERVICES INC.

PROPERTY IS LOCATED AT 1717 CASSOPOLIS STREET

Anthony-Petter introduces the petitioner as Steve Hill for 1717 Cassopolis St. The request is to vary from Section 13.2, Permitted Uses in the B-3, Service Business District to allow for the establishment of a new day care center at 1717 Cassopolis Street.

Leichtman calls the petitioner forward.

Steve Hill appears in person. Hill states he is an investor that owns 63 properties in Elkhart, and bought the property for the young lady that appeared with him, Shar (Sharmonique McDaniel), who has an established daycare center in one of his buildings on the corner of Mishawaka Road and Prairie Street. It has been there a few years and she does a really nice job. The building on Cassopolis is a comparable size, traffic flow, and location, with a courtyard to use for a play area.

Leichtman asks if the petitioner is aware of the conditions proposed by the Staff, and Hill responds that he is not. Hill and McDaniel are given copies of the Staff Report to review.

Sharmonique McDaniel appears in person. She lives at 3522 County Road Six and is the Owner and Founder of Small Miracles, with three locations in Elkhart and two in South Bend. She states the conditions are very fair, and that she is excited about this new location. Small Miracles does low-ratio rooms, and services low income families, which are two things needed in the area. The building would be excellent for the people they are trying to serve.

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

STAFF ANALYSIS

The petitioner is requesting a use variance to allow the property at 1717 Cassopolis Street to be used as a day care center. Section 12.2 Permitted Uses in the B-3, Service Business District does not permit Day Care Center.

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 was formerly West View Florist and is now vacant. On the rear and side of the building is available parking. The building will require remodeling of the area for the kitchen as well as each of the bathrooms.

The petitioner is seeking local permission to operate a day care center at 1717 Cassopolis Street. The City of Elkhart requires, in addition to state approvals, local approval in order to operate a day care center. The City of Elkhart is in the process of updating its zoning ordinance, including new uses allowed in business districts. The requested use is consistent with proposed regulations found in the anticipated UDO.

Based on assessor records, the building was built around 1965 and is approximately 8,293 square feet over two levels. There is approximately 4,149 square feet on the first floor and 3,024 square feet on the second floor.

Staff conducted a site visit of the 1717 Cassopolis Street building with the petitioner on September 3, 2025. Off the south side entrance for the building - there will be the sign in/check in area for children. Plus a kitchen and a covered (heated) garage for the center van to load and offload children out of the weather. The first floor is proposed to have three classrooms, each with attached bathrooms, for children ages newborn though four (4) years old. The second floor will have rooms for older children and an area for children coming for after school care. The second floor will also house staff offices and a staff break area.

The outside of the building will have parent and staff parking on the south of the building – closest to the front door. The rear of the property will be used for outdoor activities with the existing green space made usable for children's play equipment as well as additional parking during drop off and pick up times of the day.

The petitioner is also proposing to install a gate in the parking lot on the east of the building - which will be open from 4 am – 9 am during operation. It will be closed at other times to allow the enclosed area to be used as secure outdoor play space.

The peak hours of children's drop off will be 7 am – 9 am. The day care center will be serving children 6 weeks to 12 years old with a potential total of 50 to 70 children along with 10 to 12 staff. Transportation for school will be provided. The hours of operation will be 4 am to 6 pm, Monday through Friday.

The petitioner will be working to gain State approval as an Unlicensed Registered Ministry. The daycare will necessitate a license from the Indiana Family and Social Service Administration (FSSA)

The building has a spacious lot for parking and the placement of a playground along with a two driveways to Cassopolis Street to drop off and pick up children.

STAFF RECOMMENDATION

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the building will be updated per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because there will be no 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 developing a permitted B use could be achieved with both adjacent structures used commercial and providing for required off-street parking would be possible;

6. The special conditions and circumstances **do not** result from an action or inaction by the applicant as the zoning for the property has existed for some time;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

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

1. 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 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 September 13, 2027.

Anthony-Petter says 7 letters were mailed with 0 returned.

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

Mulvaney makes a motion to approve 25-UV-09 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 Osborne.

Mulvaney – Yes
Osborne – Yes
Leichtman – Yes

Motion carries.

STAFF ITEMS

19-X-14U

Staff item postponed until next month's meeting.

ADJOURNMENT

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

Janet Leichtman , President

Phalene Leichtman, Vice-President



City of Elkhart

Staff Report

Planning & Zoning

Petition: 25-BZA-20

Petition Type: Developmental Variance

Date: August 14, 2025

Petitioner: First Presbyterian Church

Site Location: 200 E Beardsley Avenue

Request: 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.

Existing Zoning: R-2, One Family Dwelling District

Size: +/- 0.29 Acres

Thoroughfares: East Beardsley Avenue

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

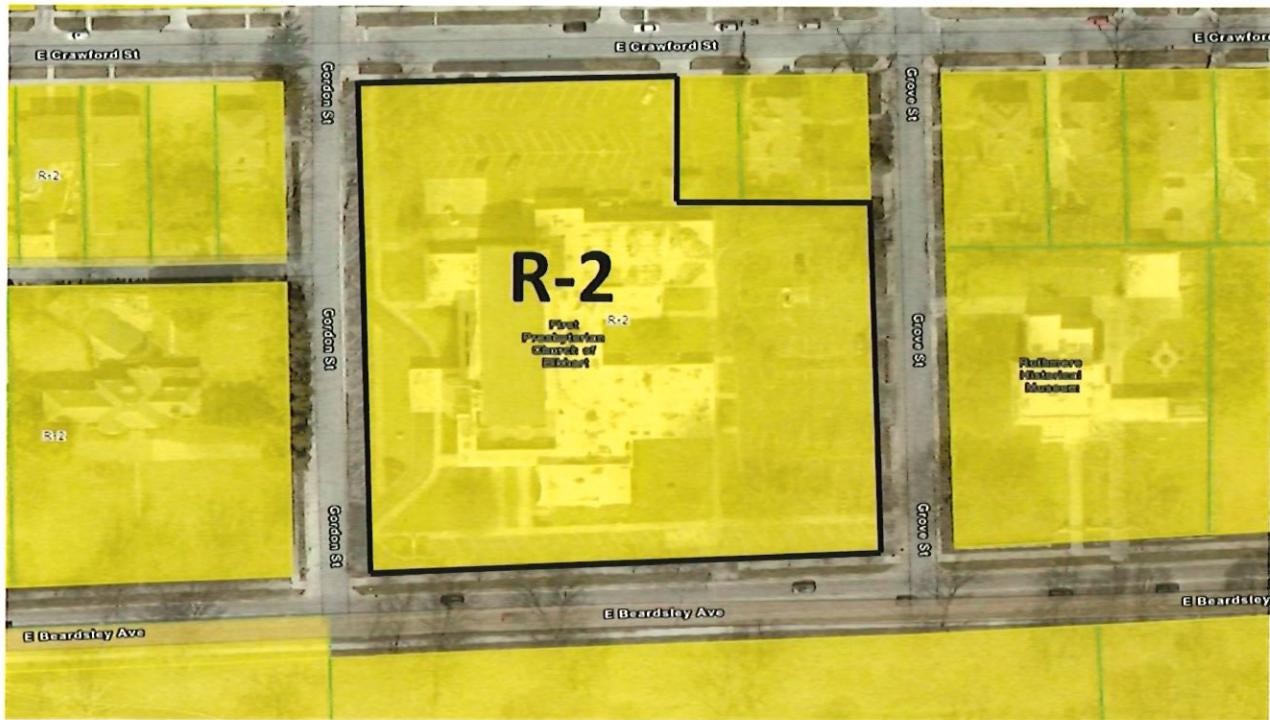
The property is surrounded by a mix of residential uses zoned R-1, One Family Dwelling and R-2, One Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a 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







06/17/2025 12:00

PETITION #: 25-B2A-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 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.

A handwritten signature in black ink that reads "Rev. Dr. Sally Wicks". The signature is fluid and cursive, with "Rev." and "Dr." written in a smaller, more formal script, and "Sally Wicks" in a larger, flowing cursive script.

Rev Dr. Sally Wicks

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

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

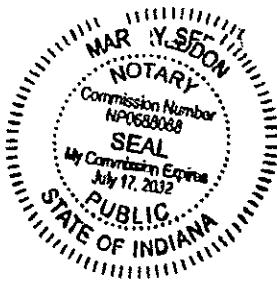
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

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



Mary Seddon

Printed: Mary Seddon

My Commission Expires:

July 17, 2023

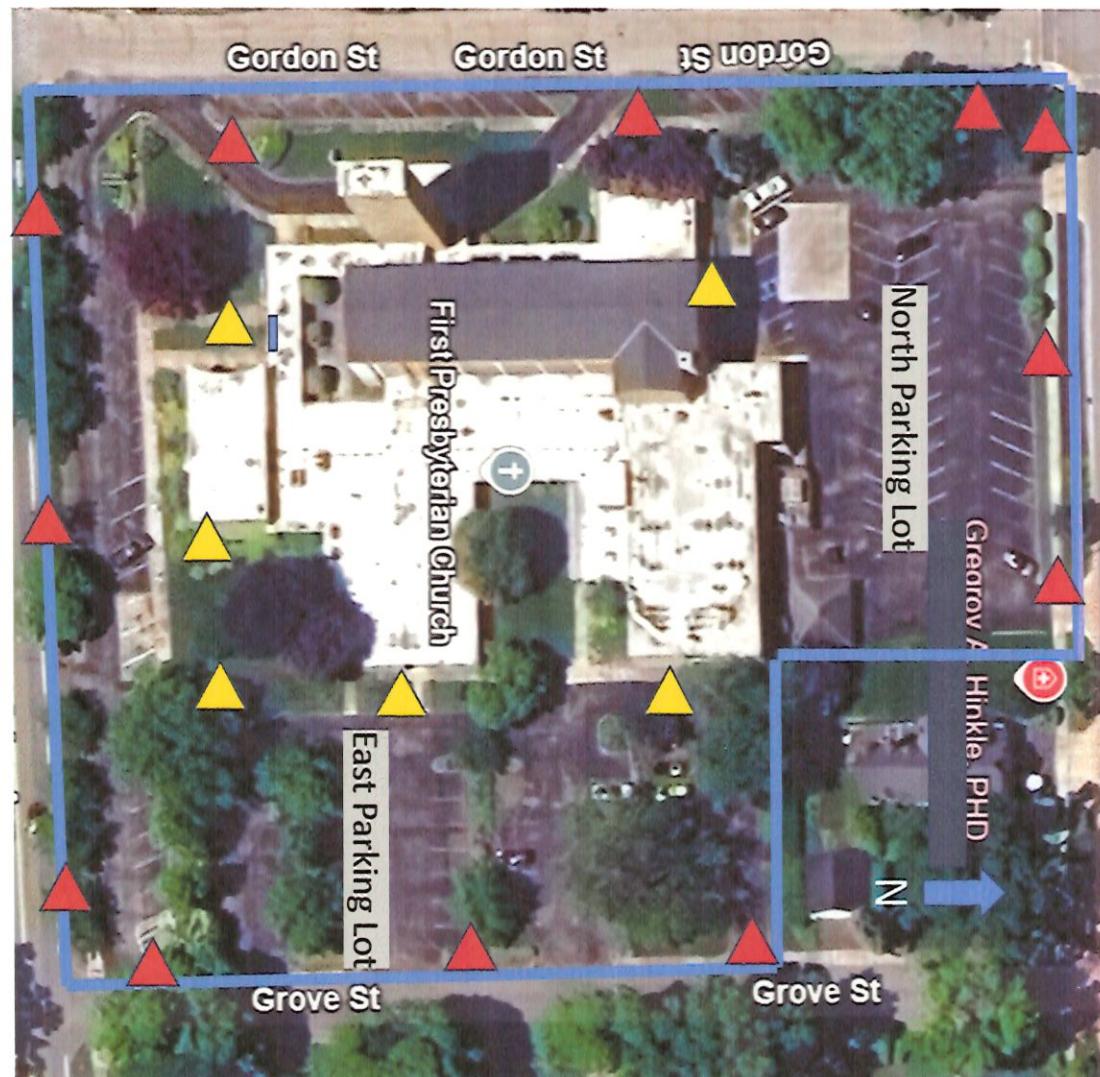
Notary Public in and for the State of Indiana
Resident of Elkhart County, Indiana

First Presbyterian Church
Elkhart Campus
Yard Sign Placement

▲ Frontage Signs

▲ Wayfinding Signs

■ Banner



Gordon Street.

Gordon St

2261

卷之三

130

104.03 ft

First Presbyterian
Church
JOHN BEARDSLEY
FIRST PRESBYTERIAN CHURCH OF ELKHART
CLERGY

JOE BEARDSLEY

Methodist and Episcopalian C.

卷之三

三

Grove Street

829 GROVE ST

221 DRAWINGS

100.24 元

137N R5E 505

East Beardsley Avenue

© OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc. METI/NASA

First Presbyterian Church View -1



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



City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	25-X-07
<u>Petition Type:</u>	Special Exception
<u>Date:</u>	Plan Commission: October 6, 2025; Board of Zoning Appeals October 9, 2025:
<u>Petitioner:</u>	Elissa Garcia
<u>Site Location:</u>	721 Maple Row
<u>Request:</u>	Per Section 5.3, Special Exception Uses, (4.3.G) Day Care Centers to allow for the establishment of a new day care center at 721 Maple Row.
<u>Existing Zoning:</u>	R-2 One Family Dwelling District
<u>Size:</u>	+/- 0.15 Acres
<u>Thoroughfares:</u>	Maple Row and Myrtle Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

The properties to the north, south, east, and west are all zoned 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.



Staff Analysis

The petitioner is submitting an application for a daycare at 721 Maple Row. The home is located in a neighborhood with ample sidewalks with the ability for some of the children care for 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. Staff will make an appointment to visit the property before the public hearing date.

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 from 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.

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 alley at the rear 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 October 7, 2027.

Photos





09/18/2025 08:54

PETITION #: 25-X-07

FILING FEE: \$ 200

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE: SPECIAL EXCEPTION

Property Owner(s): Elissa Garcia
Mailing Address: 721 Maple Row Elkhart IN 46514
Phone #: [REDACTED] Email: [REDACTED]

Contact Person: _____
Mailing Address: _____
Phone #: _____ Email: _____

Subject Property Address: 721 Maple Row Elkhart IN 46514
Zoning: R-2
Present Use: Home Proposed Use: Childcare

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): Elissa Garcia
SIGNATURE(S): Elissa Garcia DATE: 08/08/2025

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: zsl DATE: 8/8/25

July 25/25

To: Plan Commissions & Board of Zoning Appeals of the
City of Elkhart, Indiana

RE: Special
Exemption
Request

The undersigned petitioner respectfully shows
the Plan Commissions & Board of Zoning Appeals
that

I, Elissa Garcia, am the owner of the
following described real estate located
within the city of Elkhart, Concord
Township, Elkhart County, State of Indiana

Lot numbered forty-three (43) as shown
on the plat of North-East Addition
recorded in the office of the recorder of
Elkhart County, Indiana in Plat Book One
(1) page twenty-four (24) except the
South sixty-five feet (65) thereof.

121 Maple Row, Elkhart, IN 46514 is the
above described real estate and has a
zoning classification of Residential
(1) one family dwelling district zoning
ordinance of the city of Elkhart.

I, Elissa Garcia, presently occupy the

above described property as my family residence along with my husband and children.

I wish to have a home childcare.

In a residential area, it will be easy and convenient for nearby families to access childcare for the early stages of their child's learning.

In relation to value of properties, health and safety of the public and conforming to regulations, the residence of 721 Maple Row will not undergo construction and remain the same. There is ample space for children inside and outside the residence. There is also sufficient space for parking. As well as a fenced yard.

Therefore, I Elissa Garcia pray and respectfully request a hearing on this appeal and that after such a hearing, the Board grant the special exception.

Elissa Garcia
Elissa Garcia

AFFIDAVIT IN SUPPORT OF SPECIAL EXCEPTION PETITION

I, Elissa Garcia, 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 721 Maple Row, Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 08 day of 08, 2025.

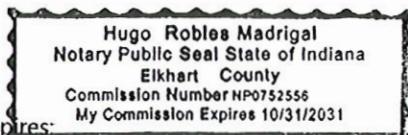
Elissa Garcia
Printed: Elissa Garcia

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.

Elissa Garcia
Printed: Elissa Garcia

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

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

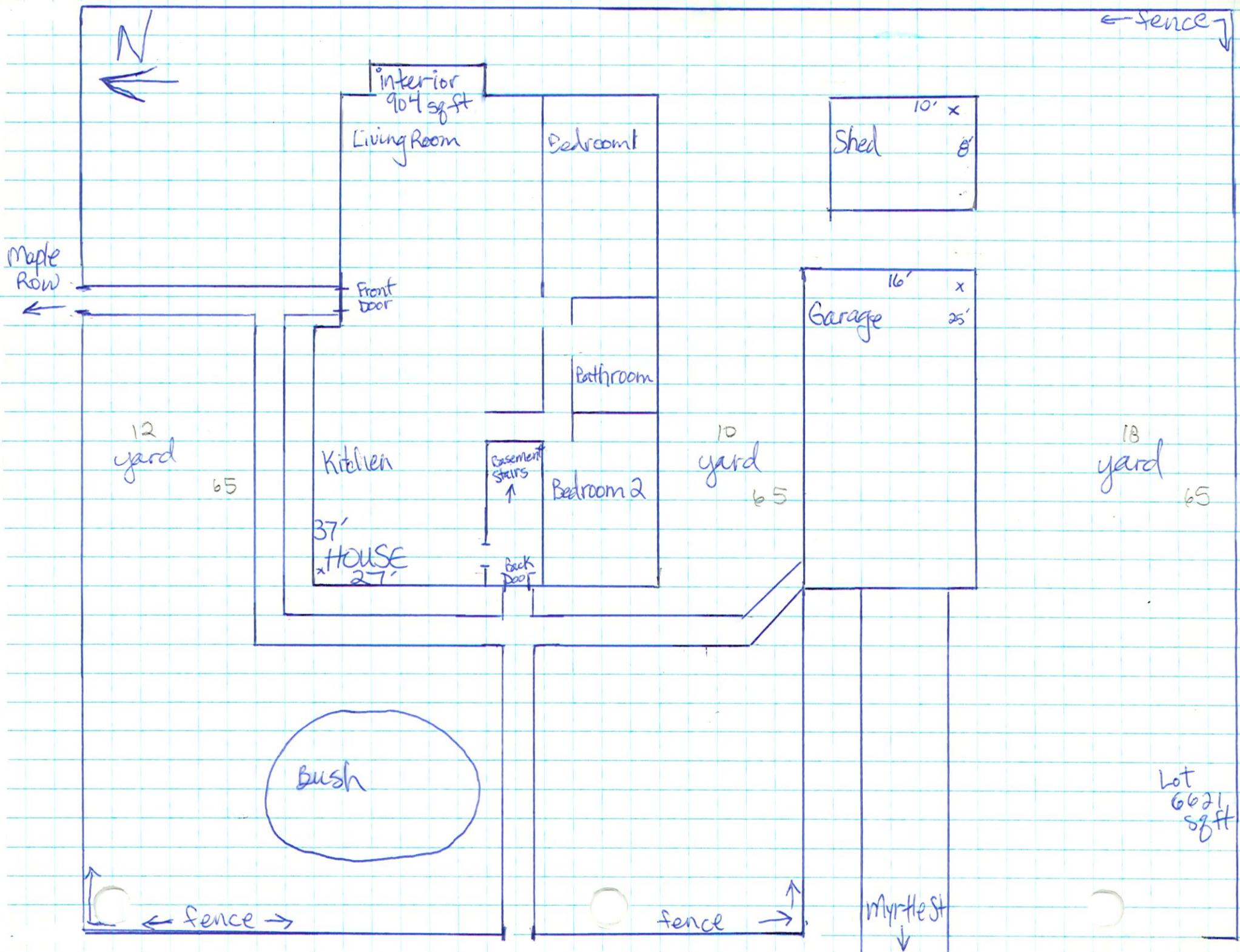


My Commission Expires:

10/31/31

Hugo Robles Madrigal
Printed: Hugo Robles Madrigal

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





Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-23
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	October 9, 2025
<u>Petitioner:</u>	Gayduo Korlewala
<u>Site Location:</u>	1034 Princeton Street
<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-3, Two Family Dwelling District
<u>Size:</u>	+- 0.13 Acres
<u>Thoroughfares:</u>	Princeton Street and Williams 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 residential uses zoned R-2, One Family Dwelling District and R-3, Two Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a developmental variance to allow 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. 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 the 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.

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.

Photos

Front Elevation





Front Elevation, Side Yard



Side Yard, facing Williams Street



Rear Elevation, facing the alley



PETITION #: 25-BZA-23

FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Gayduo, Korkwakig

Mailing Address: 1034 Princeton Street Elkland

Phone # [REDACTED] Email: [REDACTED]

Contact Person: 1034

Mailing Address: 1034 Princeton bldd Elkland

Phone # [REDACTED] Email: [REDACTED]

Subject Property Address: [REDACTED]

Zoning: Residential R-3

Present Use: Resident Proposed Use: [REDACTED]

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): Gayduo Korkwakig

SIGNATURE(S): C **DATE:** 9/4/25

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): [REDACTED]

Map #: [REDACTED] Area: [REDACTED]

RECEIVED BY: JD DATE: [REDACTED]

Appeal Letter to the Board of Zoning Appeals

DATE: 9/4/25

TO:

Board of Zoning Appeals
City of Elkhart, Indiana

RE: Developmental Variance—Fence Installation at 1034 Princeton Blvd.

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Gayduo Korlewala, am the owner of the following described real estate located within the City of Elkhart, Elkhart County, State of Indiana, to-wit:

1034 Princeton Blvd., Elkhart, IN 46516

(In Residential zoning)

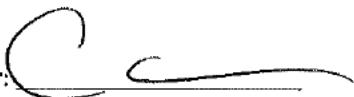
2. The above-described real estate presently has a zoning classification of District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above-described property as a single-family residence.
4. Petitioner desires to maintain and complete the construction of a WOODEN fence around the rear and side yard for safety purposes, specifically to securely contain and protect her developmentally delayed daughter.
5. The Zoning Ordinance of the City of Elkhart requires that:
 - No fence—other than split rail, wrought iron, or open picket with at least 40% open spacing—exceeding 4 feet in height may be placed in a front yard.
 - In all districts (except manufacturing), fences in side and/or rear yards may be up to 6 feet in height, plus an additional 6 inches for posts.
 - The finished side of the fence must face outward toward the property line, and the fence may be located up to—but not on—the property line.
6. Strict adherence to these requirements would create an unusual hardship because:
 - Petitioner's daughter, Hope Gibson, is developmentally delayed and requires a safe, enclosed outdoor space to prevent wandering into dangerous areas, such as the street.
 - Without a secure wooden fence, Hope's safety and well-being would be at significant risk, especially given her inability to reliably remain within open boundaries.
7. Using the standards from page 3 of the sample guidelines:
 - Public health, safety, morals, and general welfare—The proposed wooden fence enhances safety and protects a vulnerable child without harming community welfare.
 - Adjacent area use and value—Installing and maintaining a compliant 6-foot wooden fence in the side/rear yard is consistent with typical residential improvements and should not

negatively affect neighboring property values.

- Practical difficulties due to special circumstances—The developmental condition of the petitioner's daughter constitutes a tangible and exceptional hardship, making the strict ordinance unfeasible. The variance request is limited and reasonable in scope.

WHEREFORE, petitioner prays and respectfully requests a hearing on this appeal and that, after such hearing, the Board grant the requested developmental variance to allow the existing and proposed 6-foot wooden fence in the side and rear yard at 1034 Princeton Blvd., Elkhart, IN, for safety purposes.

Signature of Property Owner:



Printed Name: Gayduo Korlewala

Contact Person:

Name: Gayduo Korlewala

Address: 1034 Princeton Blvd., Elkhart, IN 46516

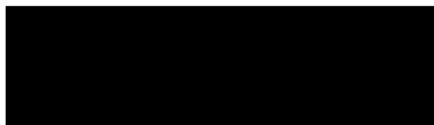




EXHIBIT A

Lot Numbered Fifty-seven (57) and Two (2) feet off the South side of Lot Numbered Fifty-eight (58), as the said Lot is known and designated on the recorded Plat of STUDEBAKER PARK, an Addition to the City of Elkhart, Indiana; said Plat being recorded in Deed Record 116, page 44, in the Office of the Recorder of Elkhart County, Indiana.

BEING the same property conveyed by Connie R. Thornton a/k/a Connie Thornton to Dario U. Martinez, by Warranty Deed dated March 30, 2007, recorded April 3, 2007, in Deed Instrument No. 2007 08731, in the Office of the Recorder of Elkhart County, Indiana.

Property address: 1034 Princeton Street, Elkhart, IN 46516

Tax parcel number: 20-06-09-133-011.000-012

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2021 American Land Title Association. All rights reserved.
The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited.
Reprinted under license from the American Land Title Association.

Form 50115218 (8-11-22)



AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

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 1034 Princeton St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 9 day of 5, 2025.

C

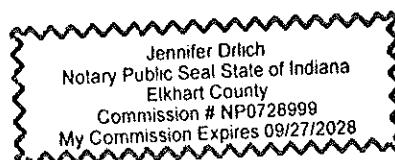
Printed: Gayle Korkow,

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.

STATE OF INDIANA

155:

COUNTY OF ELKHART)



Printed:

Gayduo (Kortevali)

11

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared

Gayduo Kastewala, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 5 day of August September, 2025

My Commission Expires:

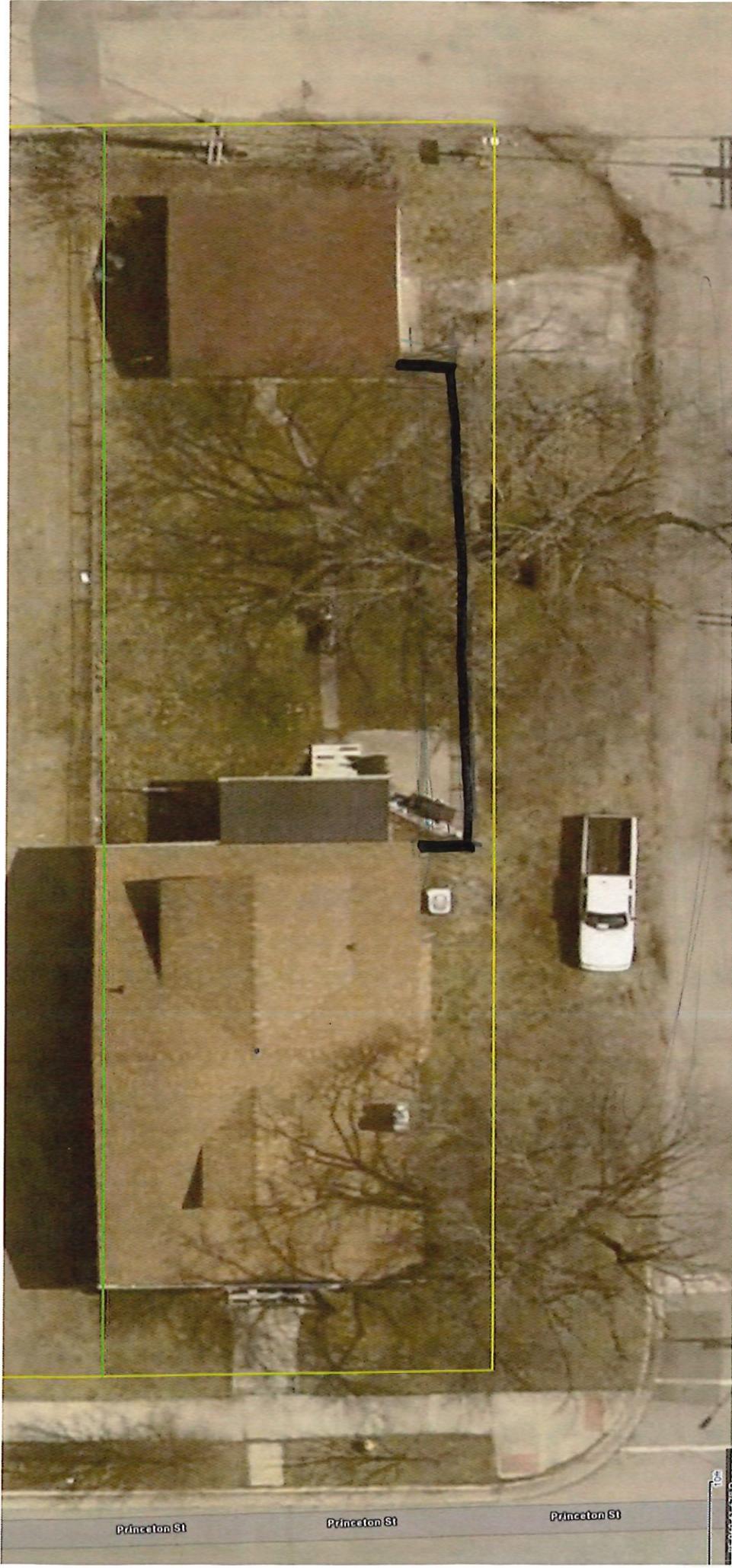
9/27/2028

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

6



07/23/2025



Princeton St

Princeton St

Princeton St

100ft



City of Elkhart

Staff Report

Planning & Zoning

Petition: 25-UV-10

Petition Type: Use Variance

Date: October 9, 2025

Petitioner: Nichole Hogendobler

Site Location: 1746 East Beardsley Avenue

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

Also:

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

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

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

Existing Zoning: R-2, One Family Dwelling District

Size: +/- 0.455 Acres

Thoroughfares: East Beardsley Avenue

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

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

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

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

The 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 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 zoning district does not permit accessory dwelling units as a permitted use. The petitioner reached out to staff doing the necessary due diligence in order to establish the use. The petitioner was made aware at that time that Board action would be required.

The 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 zoning district does not permit accessory dwelling units as a permitted use. The petitioner reached out to staff doing the necessary due diligence in order to establish the use. The petitioner was made aware at that time that Board action would be required.

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

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 primary residence as a single-family home.

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

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

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

Recommendation

The Staff recommends **approval** of the 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 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.
7. Utility connection must connect with the primary dwelling.
8. The removal of one shed from the property to allow for a three (3) total structure.

Photos





PETITION #: 25-UV-10

FILING FEE: \$ 200.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): NICHOLE HOGENDOBLER

Mailing Address: 1746 E BEARDSLEY AVE, ELKHART IN 46514

Phone #: _____ Email: _____

Contact Person: SAME

Mailing Address:

Phone #: _____ Email: _____

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

Zoning: R-2, ONE-FAMILY DWELLING DISTRICT

Present Use: RESIDENTIAL OWNER OCCUPANCY Proposed Use: SAME

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

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

SIGNATURE(S):  DATE: 9/9/2025

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: Dawn DATE: 11/9/02

DATE: September 4, 2025

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Use Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

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

- **Section 26, 26.1(11):** No accessory structures shall be used for permanent or temporary habitation.
- **Section 26, 26.1(E):** A vehicle or recreational vehicle may be stored in the side yard or in the rear yard on a paved surface. All vehicles stored outside on residentially zoned properties shall be operable and properly plated.
- **Section 26, 26.7(B1a):** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by the regulations herein.

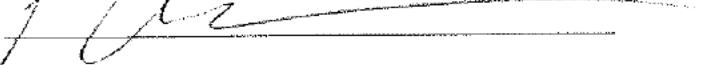
6. Strict adherence to the Zoning Ordinance requirements would create an unusual hardship to both the owner of the property and the person, referred to as "occupant", that is planned to inhabit the proposed structure. The occupant has a chronic health condition that will worsen over time and require her to have more assistance as she ages. The occupant already requires assistance at times in keeping up with housework and yard work. Having the occupant live in the proposed dwelling allows for her to receive timely help, to be "taken care of" as she ages and allows the owner of said property to be able to make sure occupant is safe, healthy, and happy as she ages. If this is not granted the occupant will have to find suitable living further away and cause help to be untimely, unsafe, and leave the occupant in a situation of solitude.

7. **Standards considered for a Use Variance**

- *The approval will not be injurious to the public health, safety, morals and general welfare of the community.*
 - ✓ True. Adding this structure to the property will not cause any harm or concern to anyone and will not block any sight lines for drivers using the roadway. Adding this structure is good morally, because it is a daughter's attempt to care for her mother.
- *The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.*
 - ✓ True. Adding this structure will not adversely affect any of my neighbors' physical properties because it will sit only on my property back far enough not to block any sight lines. It will not affect any property values adversely because it will be maintained and kept maintained at all times just as the primary residence is.
- *The need for the variance arises from some condition peculiar to the property involved.*

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

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

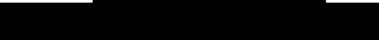
Signature of Property Owner: 

Printed Name: Nichole Hogendobler

Contact Person: **Nichole Hogendobler**

Address: **1746 E Beardsley Ave, Elkhart IN 46514**

Phone Number: 

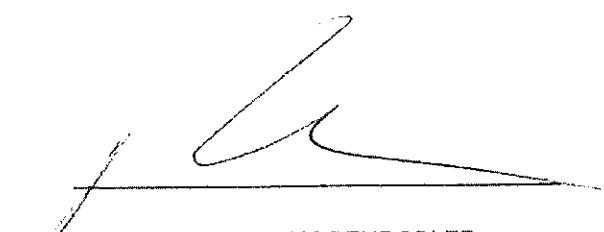
Email: 

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

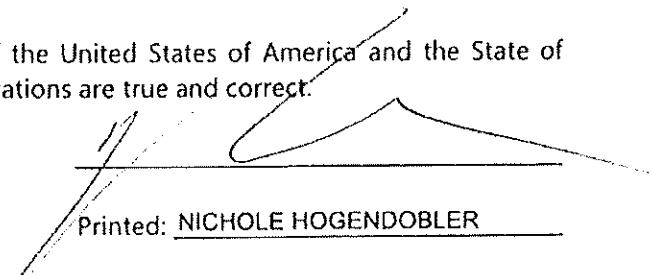
I, Nichole Hogendobler, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

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

EXECUTED on the 3rd day of SEPTEMBER, 2025.

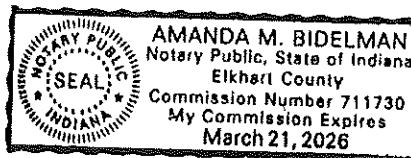

Printed: NICHOLE HOGENDOBLER

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


Printed: NICHOLE HOGENDOBLER

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

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




Printed: Amanda Bidelman

My Commission Expires:

March 21, 2026

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

EXHIBIT "A"

Property Description

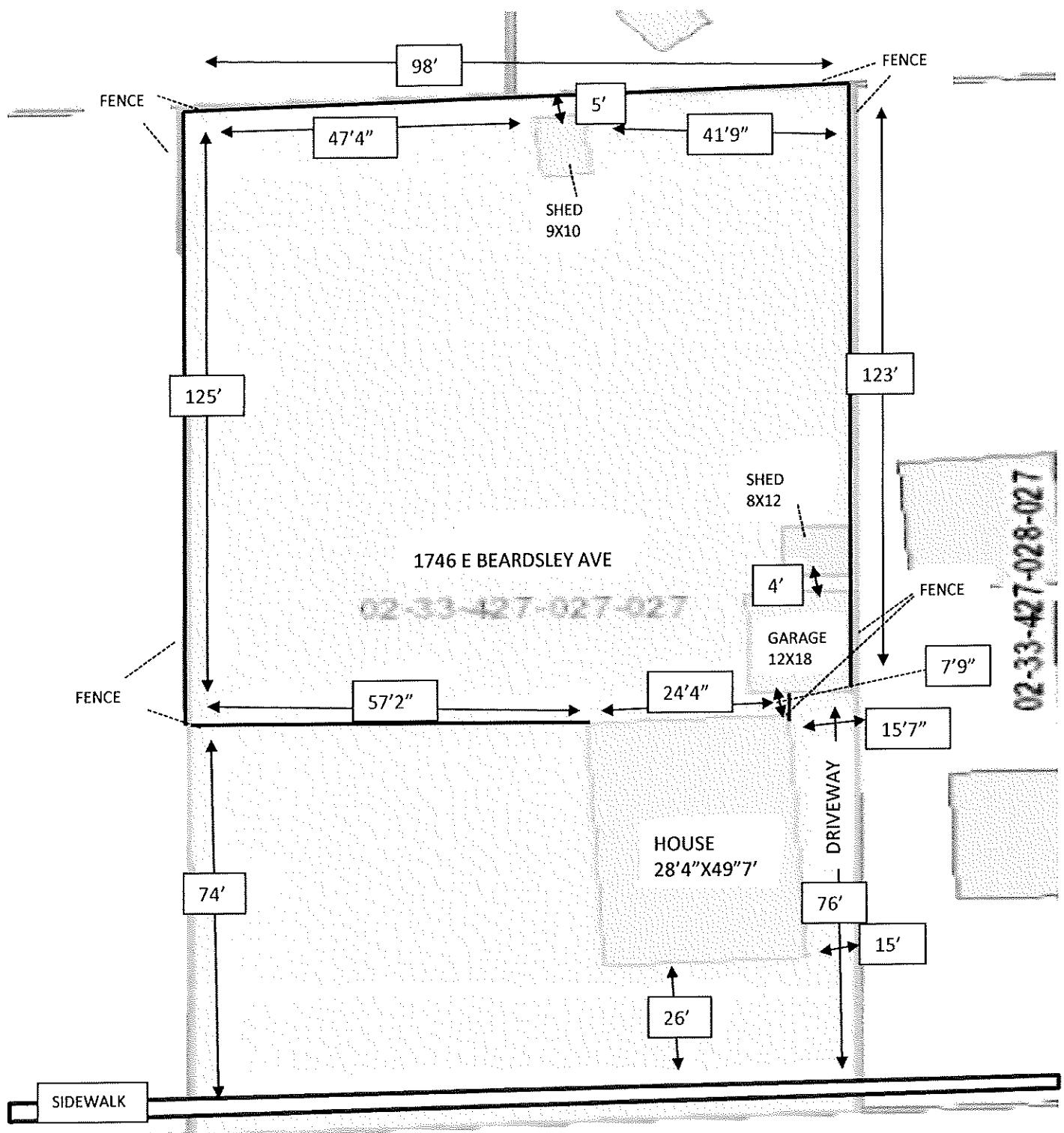
Property Address: 1746 East Beardsley Avenue, Elkhart, Indiana 46514

PROPERTY DESCRIPTION:

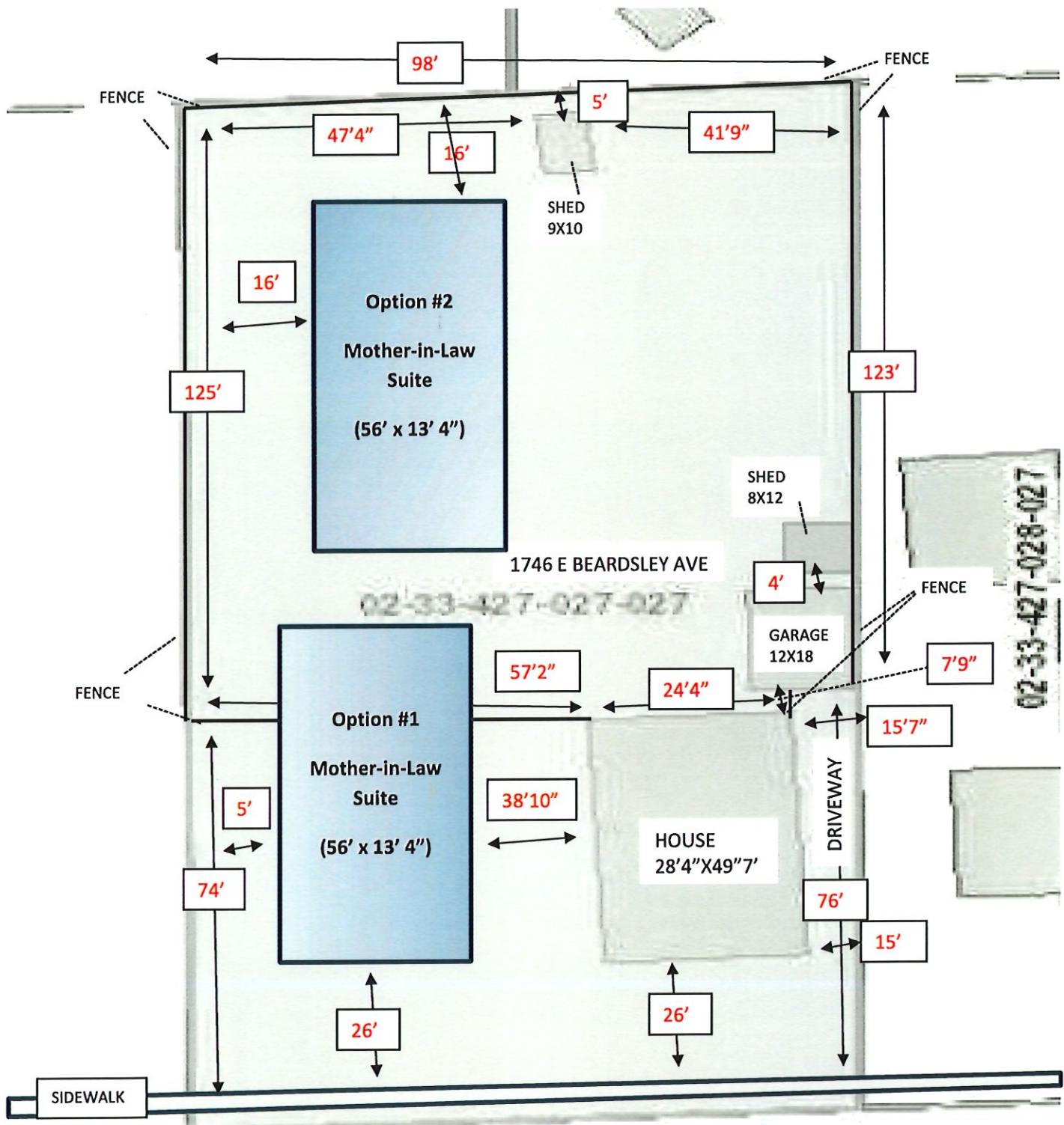
TRACT I: The East Fifty (50) feet of the South Two Hundred (200) feet of lot numbers Twenty (20), as said Lot is known and designated on the recorded Plat of LAWNDALE PLACE, an Addition to the City of Elkhart, Indiana; said Plat being recorded October 10, 1924 in Plat Book 2, page 124 in the Office of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

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

Beginning at the Southwest corner Lot: thence North along the West line of said Lot, Two hundred (200) feet); thence East parallel with the South line along the center line of said lot, Two Hundred (200) feet to the South line of said lot; thence West along the South line of said lot, Forty-eight and One-half (48 $\frac{1}{2}$) feet to place of beginning and being the South Two Hundred (200) feet of the West Half (W $\frac{1}{2}$) of Lot Numbered Twenty-one (21).



BEARDSLEY AVE



BEARDSLEY AVE

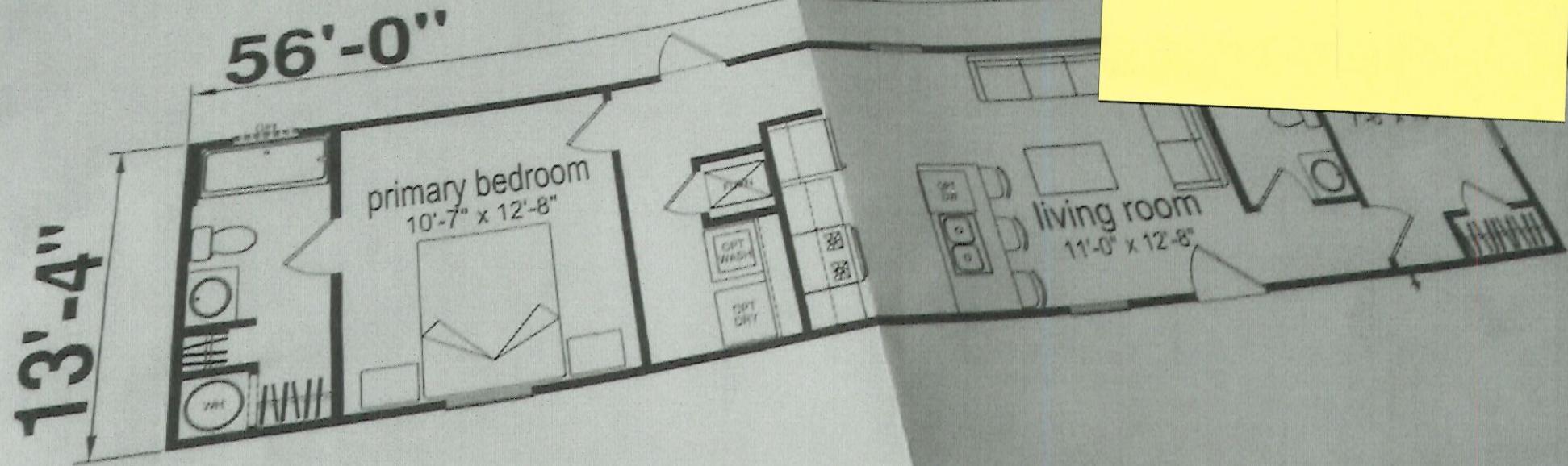
Bowmansville

Prime Series

746 SO. FT. (Approximate) 2 Bedroom, 2 Bath

NOT FINAL

PROPOSED FLOOR
PLAN



CHAMPION HOMES CENTER
6865 West 700 South
Topeka, KS 66671

1-800-581-5380

features of this event of
the project

MANUFACTURED

CHAMPION
HOMES

I authorize Champion Homes Center to build my
Customer Service

20-02-33-427-027.000-027

HOGENDOBLER NICHOLE J

1746 E BEARDSLEY AVENUE

510, 1 Family Dwell - Platted Lot

2751050-Beardsley Avenue

1/2

General Information

Ownership

Transfer of Ownership

Notes

Parcel Number

20-02-33-427-027.000-027

Local Parcel Number

02-33-427-027-027

Tax ID:

0233H

Routing Number

Property Class 510

1 Family Dwell - Platted Lot

Year: 2025

Location Information

County

Elkhart

Township

OSOLO TOWNSHIP

District 027 (Local 027)

EC OSOLO

School Corp 2305

ELKHART COMMUNITY

Neighborhood 2751050-027

2751050-Beardsley Avenue, Conn's

Section/Plat

Location Address (1)

1746 E BEARDSLEY AVENUE

ELKHART, IN 46514

Zoning

ZO01 Residential

Subdivision

Lot

Market Model

N/A

Characteristics

Topography Flood Hazard

Level

Public Utilities

ERA

All

Streets or Roads

TIF

Paved

Neighborhood Life Cycle Stage

Static

Printed Tuesday, April 1, 2025

Review Group 2022



Date Owner Doc ID Code Book/Page Adj Sale Price V/I

03/25/2024 HOGENDOBLER NIC 01226 WD 2024/04631

12/15/2023 RDK PROPERTY GR 06516 LW / \$95,000 V

08/29/2023 37 MILESTONE LLC 03707 WD / \$73,000 I

01/01/1900 MILLER GARY M CO / I

Legal

LAWNDALE PL W1/2 OF S 200FT LOT 21 E 50FT OF S 200FT LOT 20

Res

Valuation Records

Assessment Year

2025

2024

2023

2022

2021

Reason For Change

AA

AA

AA

AA

AA

As Of Date

01/01/2025

01/01/2024

01/01/2023

01/01/2022

01/01/2021

Valuation Method

Indiana Cost Mod

Equalization Factor

1.0000

1.0000

1.0000

1.0000

1.0000

Notice Required

Land

\$25,500

\$25,500

\$25,500

\$25,500

\$25,500

Land Res (1)

\$25,500

\$25,500

\$25,500

\$25,500

\$25,500

Land Non Res (2)

\$0

\$0

\$0

\$0

\$0

Land Non Res (3)

\$0

\$0

\$0

\$0

\$0

Improvement

\$205,600

\$86,700

\$122,600

\$114,700

\$105,200

Imp Res (1)

\$205,600

\$86,700

\$121,900

\$113,900

\$104,500

Imp Non Res (2)

\$0

\$0

\$0

\$0

\$0

Imp Non Res (3)

\$0

\$0

\$700

\$800

\$700

Total

\$231,100

\$112,200

\$148,100

\$140,200

\$130,700

Total Res (1)

\$231,100

\$112,200

\$147,400

\$139,400

\$130,000

Total Non Res (2)

\$0

\$0

\$0

\$0

\$0

Total Non Res (3)

\$0

\$0

\$700

\$800

\$700

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

Land Data (Standard Depth: Res 150', CI 200')

Base Lot: Res 50' X 150', CI 50' X 200'

20-02-33-427-027.000-027

HOGENDOBLER NICHOLE J

1746 E BEARDSLEY AVENUE

510, 1 Family Dwell - Platted Lot

2751050-Beardsley Avenue

2/2

General Information

Plumbing

Occupancy Single-Family

Description Residential Dwelling

Story Height 1

Style N/A

Finished Area 2674 sqft

Make

TF

Full Bath 1 3

Half Bath 1 2

Kitchen Sinks 1 1

Water Heaters 1 1

Add Fixtures 0 0

Total 4 7

Floor Finish

 Earth Tile Slab Carpet Sub & Joist Unfinished Wood Other Parquet

Accommodations

Bedrooms 3

Living Rooms 1

Dining Rooms 1

Family Rooms 0

Total Rooms 8

Wall Finish

 Plaster/Drywall Unfinished Paneling Other Fiberboard

Heat Type

Central Warm Air

Roofing

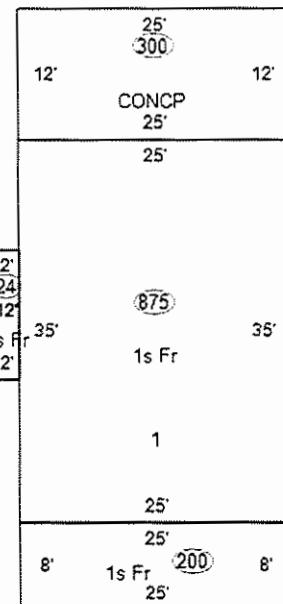
 Built-Up Metal Asphalt Slate Wood Shingle Other Other

Exterior Features

Description Area Value

Patio, Concrete

300 \$2,200



Specialty Plumbing

Description Count Value

Cost Ladder				
Floor	Constr	Base	Finish	Value
1	1Fr	1099	1099	\$111,500
2				
3				
4				
1/4				
1/2				
3/4				
Attic		875	875	\$20,700
Bsmt		875	700	\$61,200
Crawl		200	0	\$3,800
Slab				
				Total Base \$197,200
Adjustments				\$197,200
Unfin Int (-)				\$0
Ex Liv Units (+)				\$0
Rec Room (+)				\$0
Loft (+)				\$0
Fireplace (+)				MS:1 MO:1 \$4,500
No Heating (-)				\$0
A/C (+)				1:1099 A:875 \$4,800
No Elec (-)				\$0
Plumbing (+/-)				7 - 5 = 2 x \$800 \$1,600
Spec Plumb (+)				\$0
Elevator (+)				\$0
				Sub-Total, One Unit \$208,100
				Sub-Total, 1 Units
Exterior Features (+)				\$2,200 \$210,300
Garages (+) 0 sqft				\$0 \$210,300
Quality and Design Factor (Grade)				0.95
Location Multiplier				0.90
				Replacement Cost \$179,807

Summary of Improvements

Description	Story Height	Constr Type	Grade	Year Built	Eff Year	Eff Co Age nd	Base Rate	LCM	Adj Rate	Size	RCN	Norm Dep	Remain. Value	Abn Obs	PC	Nbhd	Mrkt	Cap 1	Cap 2	Cap 3	Improv Value
1: Residential Dwelling	1	Wood Fr	C-1	1928	1976	49 G	0.90			2,849 sqft	\$179,807	30%	\$125,860	0%	100%	1.570	1.000	100.00	0.00	0.00	\$197,600
2: Detached Garage/Boat H	1	Wood Fr	D	1930	1930	95 A	\$67.14	0.90	\$48.34	12'x16'	\$9,281	50%	\$4,640	0%	100%	1.570	1.000	100.00	0.00	0.00	\$7,300
3: Utility Shed	1		D	1992	1992	33 A	\$26.02	0.90	\$18.73	8'x8'	\$1,199	65%	\$420	0%	100%	1.570	1.000	100.00	0.00	0.00	\$700

Total all pages

\$205,600

Total this page

\$205,600