

**Elkhart Historic & Cultural Preservation Commission**

**Special Meeting Monday, October 13, 2025**

**Call to Order:**

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Special Meeting for Monday, October 13, 2025 at 6:00 pm.

**Roll Call:**

Present: Bill Zimmerman, JA Whitmer, Ann Linley and Doug Mulvaney. Eric Trotter with the City of Elkhart and Deb Parcell with Indiana Landmarks.

Absent: Bobby Glassburn

**Approval of Agenda:**

Linley asked the commission if there were any amendments to the agenda.

Linley asked for a motion to approve the agenda as presented. Motion made by JA Whitmer, seconded by Doug Mulvaney; motion approved 4-0.

**New Business:**

Linley thanked the public for attending the meeting and explained the items in the agenda and the process: the staff would read the items, then the commission would ask questions, and then the public would have three to five minutes to ask or comment on the item. Whoever wanted to address the commission would come up, sign in their name, and speak to the commission. Once public comment on each item is closed, they will return to staff, and the commission will move through the procedure of voting.

**A: 25-HP-01, MAP STATE-DIVISION BOUNDARIES**

Eric Trotter read: The request is to redraw the map for State-Division Local Historic District and meet the requirements from Section 1.3,1.5,1.6 of Ordinance 4367 of the City of Elkhart which allows the Historic Commission to identify historic buildings, structures and places located within the city limits of the city and create maps for historic districts. The revised district boundary will be the 100 and 200 blocks of State and Division Street including East Street ending at Prairie Street.

**Staff Analysis**

The petitioner is requesting to redraw the State-Division Historic District map. The boundary would approximately be the 100 and 200 blocks of Division Street including East Street ending the district at Prairie Street.

With Prairie Street acting as a fissure in the center of the district plus the overpass constructed over the rails lines, traffic has increased and resulted in the properties to the east declining and non-COA approved work in the area has resulted in a growing number of now noncontributing

buildings. The district has also seen increases in new vacant lots over the years because of deferred maintenance resulting in more demolitions and several fires.

The district has not seen improvement in the form of reinvestment in structures since its being established in 1981. Economic disinvestment and high rental property numbers have resulted in a desire to modify the district's boundaries.

A request is being made to reduce the size of the historic district with the goal of spurring new investment within the remaining district west of Prairie Street. These two blocks contain the highest number of homeowner occupied structures and have more architecturally merited structures in the form of contributing buildings. The goal is to update and change the boundaries of the historic district to better protect and focus on the buildings within the 100 and 200 blocks of State and Division Streets. Should individuals east of Prairie Street wish to see their property protected with the oversight of the Elkhart Historic and Cultural Preservation Commission, staff are willing to assist property owners through the single site historic district designation process.

The National District designation will remain unchanged, known as the State Street–Division Street Historic District as listed with the U.S. National Register of Historic Places with the original map.

### **Recommendation**

As per Chapter 36 of the Elkhart Code of Ordinance, the Historic Commission has the power to identify historic buildings in the city and create maps to describe the boundaries of proposed historic districts.

The Staff recommends **approval** of the enclosed map.

Linley asked if the members of the commission had any questions for staff. Linley asked Deb Parcell if she wanted to add anything. Parcell said not specifically on this item, but she was concerned about following the proper procedure as whether the state ordinance and de-designation process should be followed to get rid of that portion of the district on step number three. Parcell added that the state enabling ordinance puts out a way that a de-designation can occur for a local district and Elkhart has not adopted that particular portion of the state ordinance, since it did not exist at the time Elkhart created its ordinance. Parcell wanted to make sure that what was being done was in line with the state.

Whitmer said since we have not adopted that and asked "can we still follow that?" Parcell responded that it is a great question and added that they had been debating that internally within Indiana Landmarks. Parcell said that since they are not lawyer's; they really do not know. Parcell added because at the time that your ordinance was created there was not a procedure and since then there has been a procedure. Parcell did not know if one exists or not or what the legal requirements were. Whitmer said if we adopt this and asked that would not prevent us from then doing this other de-certification? if that was necessary.

Linley asked the audience if anyone would like to speak to the proposal to realign the size of the district.

Linley said seeing none I will turn it back to staff for any final comments.

Linley said she would accept a motion to approve the **25-HP-01 to re-draw the Historic Commission map** based with staff recommendation of approval. Motion made by Whitmer, seconded by Doug Mulvaney; motion approved 4-0.

### **B: 25-HP-02, MODEL PRESERVATION GUIDELINES**

Trotter read: The request is to adopt the model preservation guidelines created by Indiana Landmarks for architectural review and meet the requirements from Section 1.3 E of Ordinance 4367 of the City of Elkhart which allows the Historic Commission to adopt preservation guidelines

#### **Staff Analysis**

The request is to adopt the model preservation guidelines created by Indiana Landmarks for architectural review and meet the requirements from Section 1.3, E of Ordinance 4367 of the City of Elkhart which allows the Historic Commission to adopt preservation guidelines.

Indiana Landmarks developed this set of model design guidelines which have been used across the state to help communities update local preservation guidelines for their individual historic districts. These design standards reflect current preservation practices and include updated materials. Updates to the design guidelines will allow staff and the Historic and Cultural Preservation Commission (HCPC) more flexibility for material in project reviews for the individual historic districts.

The new guidelines are being proposed to apply in several areas. For use to supplement the established standards for Elkhart's single site historic districts where those individual regulations are silent or lacking clarity because of the age of the ordinance. For the State - Division Street District to provide guidance and guidelines for new construction, additions and demolitions. And to also act as an additional resource for Elkhart homeowners who are looking for assistance in maintaining and preserving their own home – a service that Indiana Landmarks has offered to any homeowner for over 20 plus years.

The desired outcome is to adopt and approve the model design guidelines from Indiana Landmarks, replacing the existing design guidelines for the State - Division Street Historic District. The previous design guideline for the State & Division Local Historic District will be repealed. The district guidelines were last updated November 19, 1998, are out of date and do not meet current practices. The lack of flexibility has resulted in property owners incurring additional cost in sourcing material and the burden of higher labor costs. The standards have also become harder to apply due to a lack of flexibility of the documents' standards and lack depth on topics of updated materials. They are more rigorous than what are typically applied to most districts that have similar demographics and building typology.

The new model guidelines will be used by the HCPC in the State – Division District for new construction, additions and demolitions. The model design guidelines will be used by the HCPC to supplement the single site historic district guidelines where the ordinance standards are missing or not clear. They will also be a reference and resource guide to answer questions for Elkhart residents for their own home.

## **Recommendation**

The Staff recommends **approval** of the model design guidelines.

Linley asked commission members if they had any questions for staff.

Linley asked the audience if anyone wished to speak to the new guidelines. Owen Fischler asked what are they. Trotter responded the new standards on accessibility, chimneys, doors, fences, foundations, porches, roof gutters, down spots, soffits, site projects for garages, landscaping, parking areas, etc. In the event someone wishes to erect or place solar panels or wind turbines on their homes, walls, windows, new construction, additions, demolitions, deconstruct and moving a building. Trotter said largely these are the new guidelines that Indiana Landmarks developed to act as a resource guide for property owners in the city of Elkhart in maintaining their historic homes. Trotter continued for the State-Division Street neighborhood would only come into play for new construction, demolition, additions, and they are designed additionally to act as a supplement for our single site historic districts, which we have around town that have older ordinances that might not address all of the necessary maintenance requirements for those individual structures around town. And thirdly, to act as a resource guide for anyone in the city, much like Parcell and predecessors were here, that this is a service that the city offers for every homeowner in the city of Elkhart. This is a guide that will be on our website that anybody can look at and download for their use.

Glenn Higgins asked if it was allowing more flexibility because he knows that has been an issue in the past. Trotter responded to keep in mind that this is only for new construction, demolition. Mr. Higgins asked if anything that is pre-existing, if we have to do repairs or things like that, Mr. Higgins said I can actually put in a more modern window that is thermal blazing. Trotter responded yes. Higgins said that is terrific and thanked Trotter. Martha Higgins asked something about siding that was inaudible. James Ziegler said you need approval to put up a new window or just get a permit from the city.

Trotter reminded the audience to sign the sign-sheet if they wished to speak.

Ziegler asked just to clarify only the one and two hundred blocks get to benefit from the improved enhancements. Whatever, three and four are out. Linley said that she would hate to say that you are out, but you are not going to have it hold head hanging over your head. Ziegler said, we would be out from under the historical part. Linley said that would be better wording. Zimmerman added that he can always ask for help in question if needed. Linley said one of the things we want to make sure is very clear: Anyone who owns a home Elkhart, whether you are in State, Division, Pre or post these decisions, if you have a historic home, if you wish to protect it under the guidelines of the Department of Interior Rules, we going forward as a commission are more than willing to work with you to write the grants to get a home designated as a single site. Linley continued one of the problems we have had is that once a group of homes are in a national historic neighborhood, we cannot take one home and make it more unique than the others. Linley said the Turner home, the old funeral home, those could not be made single site national historic homes because they were already in a district. Linley said we have other homes in the city that because there are only a few of us on the commission, there is a limited staff. We also know those previously designated historic homes. Obviously, the Beardsley house and Ruthmere are kind of

being the outliers because they got their own teams, but there are other homes in Elkhart that are historic homes that the commission have not been able to work with to the level that the commission should have. Linley said if it is your passion that you bought in State, Division because you wanted a historic homes, the commission can work with you in other ways to take that to the next level if you are interested or if you know someone else in town who is interested in taking their house to a single site. That will become our focus. Our other focus will be to ensure educationally to make sure that you and your neighbors begin to be more aware of lead issues and some of the other things that come with the joy of owning an old house. Linley said we can begin to look at more educational resources and using the money that we have toward that end and making them safe family homes and not concours d'elegance houses. Linley informed that they had a lot of discussions on the commission and shared that they have been as hamstrung as you as homeowners have been until the decision of the city to redo the ordinance. We had to go by the existing ordinance. Even though we knew it was painful for homeowners, until the rules lined up such that we could begin to rechange the ordinance, we were just as stuck. Linley said I know that there have been a lot of times that all of us have been frustrated in the situation, and we were just hoping to move forward that we can begin that process to be more helpful than hindering things. Linley asked if there were any more comments on this item.

Linley said she would accept a motion to accept **25-HP-02 the model preservation guidelines** based on staff recommendation of approval. Motion made by Zimmerman, seconded by Whitmer; motion approved 4-0.

### **C: 25-HP-03, PROCESS OF ESTABLISHING A CONSERVATION DISTRICT**

Trotter read: The request is to establish a Conservation District to meet the requirements from Section 1.4 A of Ordinance 4367 of the City of Elkhart which allows the Historic Commission to adopt preservation guidelines.

#### **Staff Analysis**

The petitioner is requesting to begin the process of establishing a Conservation District to meet the requirements from Section 1.4, A of Ordinance 4367 of the City of Elkhart which allows the Historic Commission to adopt preservation guidelines.

The State Division Street Local Historic district was established in 1981 with updates to the ordinance in 1991 and 1998. Since the time of district establishment, the neighborhood has seen many of the homeowner properties become rental. The neighborhood demographics and the financial needs of the individuals who live in the area have grown. The ability for residents to pay the cost of maintaining these homes to the ordinance standard has become untenable for most. As a result, the neighborhood has seen increases in deferred maintenance leading to deteriorating structures. That neglect, compounded with several fires, has resulted in large numbers of vacant lots as homes are demolished. Under the current design guidelines, the lack of flexibility of allowed building materials and a national shortage of skilled craftsmen with knowledge of how to maintain a historic home has compounded the struggle of this district.

The State Division Street district has not seen the structures preserved as originally hoped or improvement to property values since its creation in 1981. As a result, disinvestment and apathy towards the standards has grown and resulted in a steady decline of properties in the neighborhood.

The request is to start the process of moving the historic district from a Local Historic District to a two-phased Historic Conservation District for the updated district boundaries outlined in earlier case 25-HP-01

Many of the COA's that come in front of the Historic and Cultural Preservation Commission come from individuals or local not for profit groups that were cited for doing work without approval. The people who have tried to follow the guidelines are hampered by the cost of materials and inability to find qualified contractors. The amount of unpermitted work on weekends and non-Certificate of Appropriateness (COA) approved work has resulted in a growing number of structures now likely being considered non-contributing.

The process of moving from a Local Historic District to a Conservation District starts with the first phase as a 3-year period as a conservation district. During this phase, a certificate of appropriateness is required only for the following activities: demolition of any building, moving or relocation of any building or structure and any new construction of a principal building or accessory building or structure subject to view from a public way.

At the expiration of the initial 3-year period, the first phase of a conservation district continues and the second phase does not become effective if a majority of the property owners in the district object to the HCPC, in writing, to the requirement that Certificates of Appropriateness be issued for the following activities: demolition, new construction and addition to.

### **Recommendation**

The Staff recommends **approval** of the model design guidelines.

Linley asked the commission if there were questions for staff. Whitmer wanted clarification if it is model design guidelines, since that was already approved. Trotter apologized and said that it should be conservation district.

Linley asked Parcell if she wished to speak to this item representing Indiana Landmarks. Parcell said that this document was given to her pre-printed and she did not read it carefully because then she would have had these comments earlier. Parcell said taking the district from four blocks down to two blocks reduces the size of the Historic district, but it still is full-fledged historic district, and a phase district starts from nothing. It does not go backwards from a full-fledged district. The procedure that is in the city ordinance and the state ordinance is creating a district that has no previous designation. It is just a district and then it comes in phased. Parcell said that it is the phased part. It does not provide a mechanism for going from a full-fledged district back to a phased district. Parcell said that their concern is avoiding the process of de-designation and added that's what really needs to occur, we would have to go through the de-designation process, remove that from the two blocks that are left and then create a base district. It does not follow the procedure that is in the ordinance.

Parcell said that Indiana Landmarks has reviewed the proposed petition form the City of Elkhart Planning department regarding the State-Division Steet district ordinance and remains concerned that the proposed actions are out of compliance with the state enabling legislation pertaining to historic district creation and the de-designation. As such we do not recommend adoption of these

petitions as favorable to the city council as they may open the city and the commission up to legal challenges from property owners within the district or under concern.

Whitmer asked Parcell if she was saying that Indiana Landmarks believed that the city should decertify and then adopt this conservation district. Parcell responded right and added I am not saying that phase district is a bad thing, but it needs to go in the right order. Whitmer asked what the decertification process involved. Parcell said that it is lengthy, but you hold some meetings, everybody in the district has a chance to speak just like this. And then if there is over fifty percent support, it is a simple majority have to be in favor of decertify. Parcell repeated that it takes a little longer, but if the majority of property owners are in favor, not necessarily who lives there. Zimmerman repeated fifty percent of the property owners would have to agree. Parcell said Yes. Whitmer said and then we could establish the conservation district, and that can probably be done somewhat simultaneously. Parcell said I would think, and she does not know anyone who has one.

Parcell said there are states in the United States where you can create those conservation districts and they just stay there, but in Indiana, that is not possible. The audience asked if there was a reason that we are skipping that step. Trotter said no, with all due respect, that is why Indiana Landmarks have the opportunity. Parcell apologized. Trotter said I see no reason why we could not vote on this issue tonight that we have to come back for decertification. Linley said in our role we are recommending not, because it still goes before the city council as far as the ordinance is concerned. We are voting our opinion. Trotter said that if we have another step, we will have an opportunity to do better, because we know that there is support for this. It is a matter of working backwards. Unfortunately, we did not have this information early enough. We called the special meeting, and I think we need to honor at least that. Whitmer said my problem is that when we pay Indiana Landmarks to make these recommendations for us and I am concerned with legality. If we just go ahead and adopt this and then we are going to adopt it again when we actually do the decertification. Trotter explained it is not ordinance yet. This is just part of it. Whitmer apologized and said if we know it is wrong, I think we ought to do it right and what I have heard from Indiana Landmarks is that this is wrong. Whitmer asked if legal had anything to say on that. Kevin Davis said this is the first I have heard of this and I have to do some homework. Whitmer said my position is we are not ready to proceed with this tonight until legal looks at it, perhaps talk to Indiana Landmarks and then we may need to do something different. Whitmer said I think we need to keep moving forward, but I do not think we can just willy-nilly adopt this. Parcell added since it is not part of your local ordinance, that's what tripped me up on it was that it was not part of it. And then I got feedback. Parcell shared that she has not talked to anyone that is a lawyer and she cannot say that, but that is just the feeling we have not had legal counsel on that. Whitmer added that Elkhart legal council is going to want an opportunity to review this and look at it and have input. Trotter said we got two out of three then.

Linley said since we have everyone was kind enough this evening to come, could we go ahead and do public comments on where the people in the room would like us to go. Linley said we are having another meeting where if we are hearing is right is to go through the decertification and then bias, but I am kind of know the faces in the room. I kind of know where this is going. But we would like to have it on record what thoughts are. Where would you like to see it go. Shawn Randall from the public said I was just going to ask I think you already clarified with a comment that phase one and two are not contingent upon phase three. Linley responded correct. Randell said

it is just a matter of taking additional time to do it correctly with the new information versus trying to do it and then having to potentially redo it again. Secretary asked Randall to state his name. Randell said his name. Liz Fischler said I own a piece of property along with my husband and I have a question that possibly it goes back to number two, and I apologized if I go back to this. We do have an empty lot beside our building, and I do not know what's going to happen to it, but from all the discussion that you are having there are a lot of restrictions on what can be built and what cannot be built. Now we have had a tremendous amount of buildings built by LaCasa, fantastic, they are clean, they are wonderful, but I would have expected they had to go through this process of being approved. And I cannot imagine how they would have been approved with all these details that have to be approved by you guys. Mrs. Fischler continued wonderful that they are there, terrific, but I just question that you have required so many details of so many of the buildings that want to improve our area. Mrs. Fischler said I question what could be built next to us and is there great concern, and if there are any changes that go within our district. Mrs. Fischler asked would we need to be concerned about what could be built there. Linley responded first, new infill construction actually is held to a different standard than a building that is already there. Those rules are such that it fits the fabric of the neighborhood, the look of the neighborhood, but they do get some passes as far as what materials are allowed to be used. That is where the joy of a potential conservation district coming in, being held to a standard that improves the neighborhood rather than somebody coming and put a tiny house perhaps on the lot, but it is also kind of like the we have this ordinance, then we have all these exceptions, which is what we are trying to get straightened out. And as was pointed out, we want to do it correctly, but as far as new buildings, that is where the joy of that conservation district setup would come. And even right now if that gets held up, we have this new portion in place about these guidelines only applying to new buildings and they are different guidelines. In that case you would be able to do something with the look and the feel of the LaCasa infill without having to do to the layers that the turnout house might be. We want the turnout. Mr. Fischler said We do not have to build a Victorian masterpiece. Linley responded you can if you want to. We would certainly be supportive of that, but you do not have to. Mrs. Fischler said that it is very good to know.

Linley asked the public to sign the sign in sheet before they left and asked if there were any other questions or concerns. Mr. Higgins said my understanding then that the goal is to arrive at the same basically destination as far as the regulations, rules, and everything else concerned. It's just that we have found we have to take procedural detour to get there, but the goal and direction are still the same. Trotter and Linley responded correct.

Linley asked if they were going to table it and retouch it in thirty days. Trotter said we want no action. Linley said we will take no action. Kevin said you can move for approval, and you do not get a second, then it dies for lack of action.

Linley asked for a motion to approve, hearing none it dies. Kevin said rewind. Kevin explained that she can ask for a motion and it can die for a lack of a second.

Linley said she would accept a motion on 25-HP-03. If there is a motion to approve or disapprove, hearing none, you may let it die until a later date. Take no action tonight and re-visit at a later time. Linley thanked the public for taking their time to attend the meeting.

**Adjournment:**

Linley said that she would accept a motion to adjourn the meeting at 6:39 pm. Motion made by Whitmer, seconded by Zimmerman; motion approved 4-0.

A handwritten signature in blue ink, reading "William W. Zimmerman", is written over a horizontal line.

Chair