

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, DECEMBER 11, 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 **2318 418 9354** 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 OCTOBER 9, 2025, NOVEMBER 13, 2025**
- 4. APPROVAL OF PROOFS OF PUBLICATION**
- 5. APPROVAL OF 2026 CALENDAR**
- 6. OLD BUSINESS**

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

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

- 7. NEW BUSINESS**

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

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

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

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

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

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

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

To vary from Section 13.2.T, which permits the ‘Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2,000 gallons to allow for two (2) 11,000-gallon fuel tanks, a variance of 20,000 gallons. To also vary from Section 26.7.C.7.b which requires ‘All parking areas and drives from commercial, manufacturing, institutional and residential uses shall be paved with concrete, asphalt or decorative concrete, brick or asphalt pavers to allow for gravel around the maintenance facility.

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

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

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

the fence height restrictions to allow for the above mentioned chain link fence with barbed wire to be expanded in the rear yard along Wade Drive.

8. STAFF ITEMS

Daycare update.

9. ADJOURNMENT

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

BOARD OF ZONING APPEALS MEMBERS

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

BOARD OF ZONING APPEALS

-MINUTES-

Thursday, October 9, 2025 - Commenced at 6:00 P.M. & adjourned at 6:40 P.M.

City Council Chambers – Municipal Building

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Phalene Leichtman
Rick Newbill – via WebEx

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Raen Levendoski

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES FOR AUGUST 28, 2025

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

APPROVAL OF MINUTES FOR SEPTEMBER 11, 2025

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

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the October 9, 2025 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. If you are here in person, a sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. If you are appearing by WebEx or Facebook, please put your name and address in the comment section. As I'm talking, if you have not signed in, if you would come up and sign in now that would be helpful and a time saver. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision. When speaking, petitioner, public, and board members, be sure to speak into the microphone when you speak. I believe we've got four members present, so we are good. With respect to the public comment portion of the meeting, public comments will be taken only on the specific petitions being heard before the board. Unlike City Council meetings where there is time for anyone to comment on any issues, we do not have that at the BZA and comments will only be taken for or against the petition before the board.

OLD BUSINESS

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

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

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

NEW BUSINESS

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

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

Evanega Rieckhoff calls the petitioner forward.

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

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

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

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

Evanega Rieckhoff asks for questions from the Board.

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

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

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

STAFF ANALYSIS

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

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

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

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

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

STAFF RECOMMENDATION

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

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

CONDITIONS

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

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

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

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

Leichtman makes a motion to approve 25-X-07 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition, and adopt all conditions listed in the staff report; Second by Mulvaney.

Mulvaney – Yes

Leichtman – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

25-BZA-23 PETITIONER IS GAYDUO KORLEWALA

PROPERTY IS LOCATED AT 1034 PRINCETON BLVD

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

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

Evanega Rieckhoff calls the petitioner forward.

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

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

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

STAFF ANALYSIS

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

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

When the fence was installed, the placement went past the wall of the home along Williams Street, which does not comply with the current fence placement standards.

Zoning staff cited the property for a zoning violation for the 6-foot solid wood fence installed in the corner side yard prohibited by zoning ordinance on July 2, 2025.

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



Williams Street view from 2023 – shows former chain link fence

The original design met the developmental requirement from the zoning ordinance for corner side lots. The petitioner is seeking this variance to allow for the now existing fence to remain in its current location.

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

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

STAFF RECOMMENDATION

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the fence will be built and installed in a workmanlike manner;

2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because a fence is a typical element found in residential districts. The 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.

Trotter says 14 letters were mailed with none returned.

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

Mulvaney makes a motion to approve 25-BZA-23 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Leichtman.

Mulvaney – Yes

Leichtman – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

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

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

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

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

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

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

Evanega Rieckhoff calls the petitioner forward.

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

Evanega Rieckhoff asks for questions from the Board.

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

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

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

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

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

STAFF ANALYSIS

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

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

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

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

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

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

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

STAFF RECOMMENDATION

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

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

CONDITIONS

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

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

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

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

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

Evanega Rieckhoff calls for a motion.

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

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

Motion carries.

STAFF ITEMS

19-X-14U

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

STAFF ANALYSIS

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

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

9. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by November 9, 2023.
10. A plan for preventing health and safety violations in three areas: record keeping, staff training, and housekeeping shall be submitted to staff within 30 days of the Special Exception being granted.

STAFF RECOMMENDATION

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

Evanega Rieckhoff asks if there are any questions.

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

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

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

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 19-X-14U and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report, for two years and return by October 7, 2027; Second by Mulvaney.

Mulvaney – Yes

Leichtman – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

ADJOURNMENT

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

Janet Evanega Rieckhoff , President

Phalene Leichtman, Vice-President

BOARD OF ZONING APPEALS

-MINUTES-

Thursday, November 13, 2025 - Commenced at 6:24 P.M. & adjourned at 7:37 P.M.

City Council Chambers – Municipal Building

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Diana Lawson

MEMBERS ABSENT

Phalene Leichtman

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Carla Lipsey

APPROVAL TO AMEND AGENDA

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

APPROVAL OF MINUTES FOR OCTOBER 9, 2025

Tabled until December 11, 2025.

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the November 13, 2025 meeting of the Elkhart City Board of Zoning Appeals.

The video comments will only be taken on WebEx. You cannot comment on Facebook, you can watch only. If you are on video, please mute your mic when not speaking. Speak up and identify yourself before you begin to speak.

The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing. If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. If you are here in person, a sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. If you are appearing by WebEx or Facebook, please put your name and address in the comment section. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

Tonight, we have our minimum quorum of three members present, including proxy members. While we can conduct business with three members, any votes taken must be unanimous. Anything less than a unanimous vote will be considered No Action and the case will be reset for the next month. Our proxies will allow us to take action on most items.

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

OLD BUSINESS

25-BZA-20 PETITIONER IS FIRST PRESBYTERIAN CHURCH OF ELKHART

PROPERTY IS LOCATED AT 200 EAST BEARDSLEY AVENUE

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

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

STAFF ANALYSIS

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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance for specific temporary signs. This recommendation comes to the BZA as a compromise between the petitioner and the city. Those signs are as follows - to allow a maximum of four (4) yard signs plus two (2) for every 250 feet of street frontage, to allow two (2) feather flags per zoning lot and to allow one (1) banner. The time allowance for these specific temporary signs will be unlimited based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community as the requested signs are temporary and will be placed outside of the public right of way;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner as the requested signs are not that uncommon for places of worship;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because the needs of this type of use are greater than most other uses permitted in residential districts;
5. The strict application of the terms of this Ordinance **may result** in practical difficulties in the use of the property because the limitations of time and placement temporary signs puts constraints on the ability to notice the public of activities within the building;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

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

Evanega Rieckhoff calls the petitioner forward.

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

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

Mulvaney makes a motion to approve 25-BZA-20 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Lawson.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

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

NEW BUSINESS

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

Kyle Anthony-Petter, Planner II presents.

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

Evanega Rieckhoff calls the petitioner forward.

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

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

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

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

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

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

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

STAFF ANALYSIS

Anthony-Petter presents.

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

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

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

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

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

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

STAFF RECOMMENDATION

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

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

CONDITIONS

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

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

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

Mulvaney makes a motion to approve 25-BZA-24 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all staff conditions in the staff report; Second by Lawson.

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

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

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

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

Trotter presents.

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

Evanega Rieckhoff calls the petitioner forward.

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

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

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

STAFF ANALYSIS

Trotter presents.

The petitioner is requesting a use variance to allow the property at 2101 South Main Street to be used as a day care center. Section 13.2 Permitted Uses in the B-3, Service Business District does not permit Day Care Centers.

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

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



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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the building will be updated per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because there will only be minor exterior changes to the existing building;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action a day care center on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because establishing a permitted B use could be achieved on this site and providing for required off-street parking would be possible;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant as the zoning for the property has existed for some time;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

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

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

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

Trotter says 20 letters were mailed with 0 returned.

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

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

Mulvaney makes a motion to approve 25-UV-11 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Lawson.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

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

Anthony-Petter presents in conjunction with following case.

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

Evanega Rieckhoff calls the petitioner forward.

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

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

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

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

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

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

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

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

Evanega Rieckhoff opens for public comments to speak in favor.

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

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

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

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

STAFF ANALYSIS

Anthony-Petter and Trotter present.

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



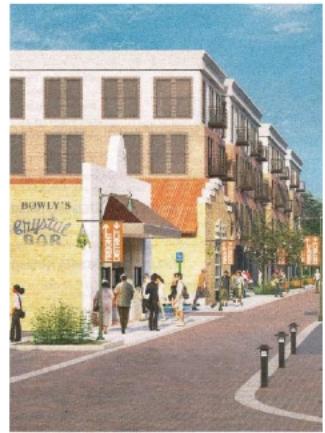
In 2024, The Elkhart Restoration, Regeneration and Reconnection of the Benham Neighborhood Master Plan was finalized after a 12 month process to identify successful places within the city's fabric, note opportunities to continue current growth and activity, provide specific strategies to celebrate and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

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

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

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

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



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

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

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

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

STAFF RECOMMENDATION

Anthony-Petter continues.

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the building will be built per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the proposed development activates vacant land and is in keeping with the Benham Neighborhood Plan;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action the building proposed with residential on the first floor would not be permitted;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because developing a permitted CBD use would not provide the activation of the street and not be in keeping with the Benham Plan;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant, as the project is being developed in keeping with the Benham Neighborhood Plan;
7. This property **does not** lie within a designated flood hazard area.

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

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

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

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

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

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

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

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

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

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

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

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 25-UV-13 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Lawson.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

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

Trotter presented with previous case.

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

STAFF ANALYSIS

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

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



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

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

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

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

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



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

STAFF RECOMMENDATION

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the building will be built per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the proposed development activates vacant land and is in keeping with the Benham Neighborhood Plan;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action main floor residential units on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **will not*** result in practical difficulties in the use of the property because without the requested use variance, the project would not be in keeping with the Benham neighborhood plan; *[*Amended by staff during meeting.]*
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant, because the construction has not started and the project is being developed in keeping with the Benham Neighborhood Plan;

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

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

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

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 25-UV-14 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Lawson.

Mulvaney – Yes

Lawson – Yes

Evanega Rieckhoff – Yes

Motion carries.

STAFF ITEMS

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

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

ADJOURNMENT

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

Janet Evanega Rieckhoff , President

Phalene Leichtman, Vice-President



City of Elkhart

Staff Report

Planning & Zoning

Petition: 25-UV-12

Petition Type: Use Variance

Date: November 13, 2025

Petitioner: JFS Real Estate Holding, LLC, M.A. Spite

Site Location: 1010 North Main Street

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

Existing Zoning: M-2, General Manufacturing District

Size: +/- 0.78 Acres

Thoroughfares: North Main Street

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

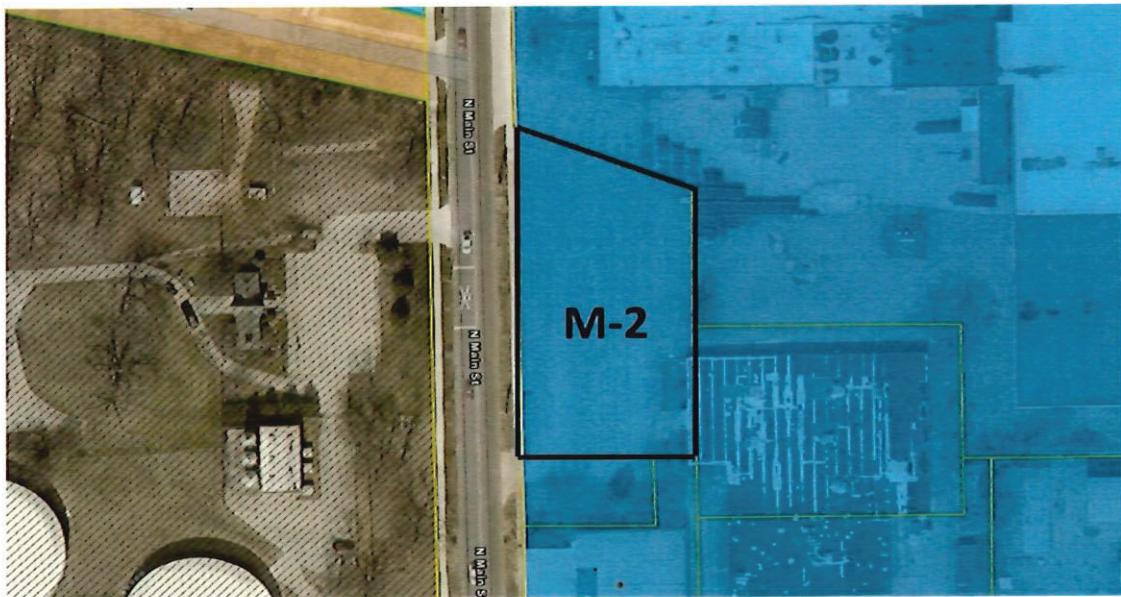
The property is surrounded by a mix of residential and manufacturing uses zoned R-2, Two Family Dwelling, PUD, Planned Unit Development and M-2, General Manufacturing District

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

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

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

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

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

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

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

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

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the proposed use is less intense than the permitted M-2 uses;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the use as parking lot has existed for decades and the use as a motor vehicle storage lot is less intense than the other permitted uses;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action the motor vehicle storage yard on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **will** constitute an unnecessary hardship if applied to the property for which the variance is sought because the current use as a motor vehicle storage yard is not a legal use without board action;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

Conditions

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

1. All vehicles must be in running condition; no flat tires, broken windshields, or cars that require major auto body repair work.
2. All vehicles shall be parked on an approved surface.
3. No vehicle parts may be stored outside. Outside storage is prohibited.
4. The parking lot is to be kept in good repair, striped and weed free.

Photos







PETITION #: 25-UV-12

FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

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

Mailing Address: ██

Phone #: ██ Email: ██

Contact Person: Andy Spire

Mailing Address: ██

Phone #: ██ Email: ██

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

Zoning: M2

Present Use: Parking Lot Proposed Use: Parking Lot

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Andy Spire

SIGNATURE(S): AS DATE: 10/2/25

STAFF USE ONLY:

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

One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.

A completed Petition form signed by the legal owner of record (or approved representative).

If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.

A full and accurate legal description of the property.

One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.

Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Ram DATE: 10/3/25

Date: September 5, 2025

To: Board of Zoning Appeals

City of Elkhart, Indiana

RE: Use Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, M.A.(Andy) Spite for JFS Real Estate Holding, LLC, am the owner of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana. 1010 N. Main St. Elkhart, IN.
2. The above described real state presently has a zoning classification of M-2 District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner of a parking lot
4. Petitioner desires to use the lot as a parking lot as well but for cars from a car dealership not plated separately but under the dealer license. Only as an overflow and allow customers to meet there occasionally. The amount shall be limited to not more than 50 vehicles at any given time. Parking lot is designed to hold up to 200 vehicles.
5. The Zoning Ordinance of the City of Elkhart requires???? Not clear.
6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. By allowing this use it would create activity and help prevent theft and vandalism to the buildings and property while not disturbing anyone or anything.
7. We have used this property for the same use prior to this with NO ISSUE for over 2 years. The zoning allows for semi trailer parking in the same space which is an eyesore and much more obtrusive.

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

Signature of Property Owner: 

Printed Name: Andy Spitic for JPS Real Estate Holdings LLC

Second Property Owner: _____

Printed Name: _____

Contact Person: Andy Spitic

Name: Andy Spitic

Address: [REDACTED]

Phone number where you can be reached: [REDACTED]

Email: [REDACTED]

EXHIBIT A

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

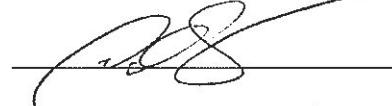
Assuming the East line of North Main Street to have a bearing of due North and South; beginning at a point where the East line of said North Main Street is intersected by the North right of way line of the Elkhart and Western Branch of the Penn Central Railroad (now Conrail), said point being Eighteen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

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

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

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

EXECUTED on the 4 day of Sept, 2025.



Printed: M. A. Spite

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



Printed: M. A. Spite

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

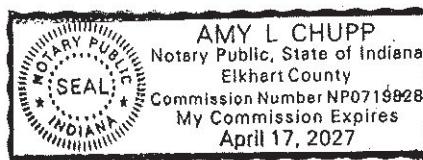
Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared M. Andy Spite, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 4 day of September, 2025.



Printed: Amy L. Chupp

My Commission Expires:

4/17/2027



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

Elkhart County, IN

Summary

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

[View Map](#)

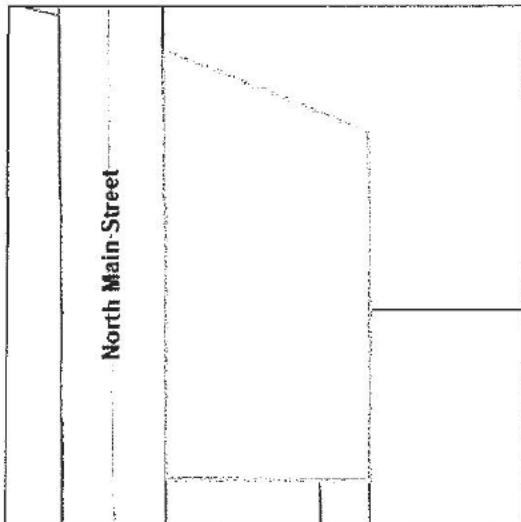
Owners

JFS REAL ESTATE HOLDING LLC

2025 Form 11

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

Map



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

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

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

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City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-25
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	December 11, 2025
<u>Petitioner:</u>	GoGo Real Estate/ Mount North Capital
<u>Site Location:</u>	112 South Second Street
<u>Request:</u>	To vary from Section 26.10 Sign Regulations, Table 1 Maximum Sign Area, to allow a new integrated message board that is limited to 50% of the area of the principal sign that is 9.875 square feet. The maximum area of the message center is limited to 4.93 square feet where the proposed LED message board is proposed to be 14.895 square feet, a variance of 9.9575 square feet.
<u>Existing Zoning:</u>	CBD, Central Business District
<u>Size:</u>	+/- 0.16 Acres
<u>Thoroughfares:</u>	South 2 nd Street and West Jackson Boulevard
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

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

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive calls for this area to be developed as commercial.



Staff Analysis

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

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

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

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

Recommendation

The Staff recommends approval of the developmental variance to vary from the requirement found in Section 26.10.D – Table 1: Maximum Sign Area in Square Feet (SF), based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the conversion to a digital (LED) face will not be injurious so long as the recommended conditions are required and met;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the conversion to a digital (LED) face, if property dimmed, can result in less light trespass onto adjacent properties;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district as the sign is preexisting and without board action the replacement would not be a legal sign;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because the current sign is non-conforming and without board action the replacement is not possible;
6. The special conditions and circumstances **does** result from an action or inaction by the applicant;
7. This property **does not** lie within a designated flood hazard area.

Conditions

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

1. Movement, including video, flashing, and scrolling, is prohibited.
2. Message sequencing, where content on one message is related to content on the next message, is prohibited.
3. The minimum time duration of each message shall be 20 seconds.
4. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
5. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
6. Light trespass shall not exceed one-tenth (0.1) foot candles as measured at the property line.
7. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
8. No sign message may depict, or closely approximate, official traffic control signage.

Photos



Front Elevation- 2nd Street (current sign) November 25, 2025



Front Elevation- 2nd Street (Previous sign) April 17, 2025



Front Elevation- 2nd Street (Previous sign) April 17, 2025

PETITION #: 25-BZA-25

FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): 6060 REAL ESTATE / MOONT NORTH CAPITAL

Mailing Address: ██

Phone #: ██ Email: ██

Contact Person: BRAULY NORMAN / SAM VOSS

Mailing Address: AS ABOVE

Phone #: ██ Email: ██

Subject Property Address: 112 5 2nd STREET, ELKHORN

Zoning: C.P.D

Present Use: WEDDING VENUE / EVENT SPACES Proposed Use: SAMP

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): BRAULY NORMAN

SIGNATURE(S): Re DATE: 5/11/25

STAFF USE ONLY:

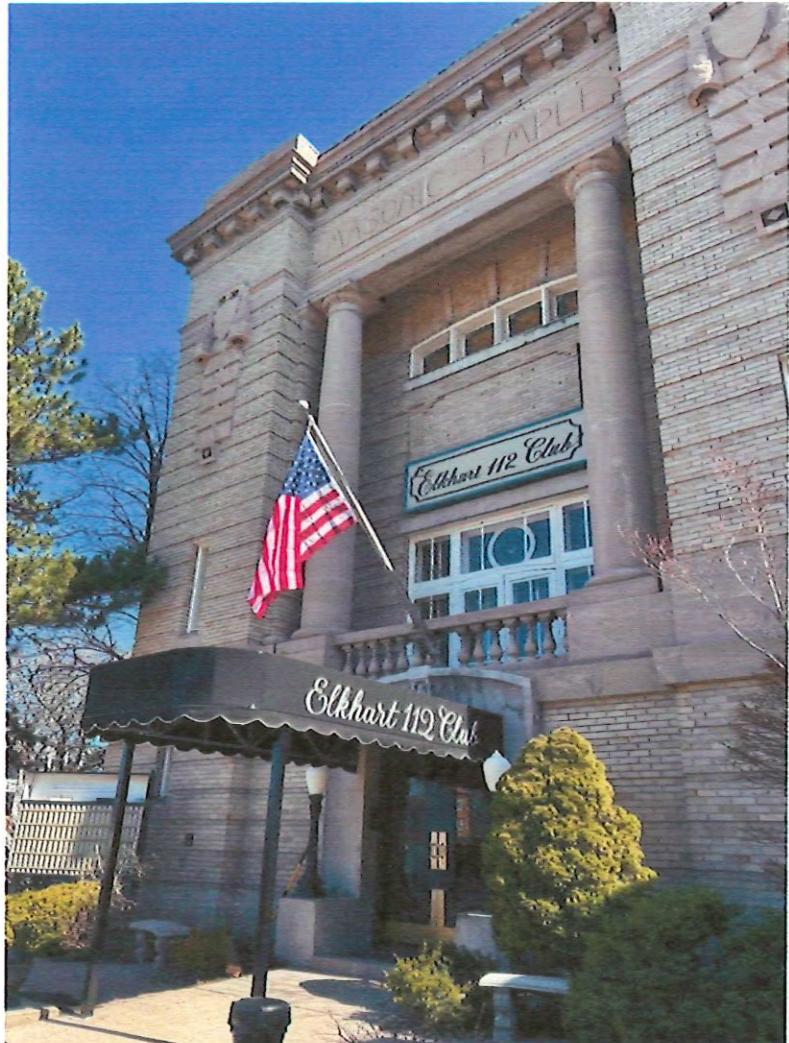
Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

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

Ordinance Requirement: Section(s): ██

Map #: ██ Area: ██

RECEIVED BY: RAEN LEVENDOSKI DATE: 11/5/25



ELKHART 112 CLUB

112 S 2nd St Elkhart, Indiana

DEVELOPMENTAL
VARIANCE
(SIGN UPGRADE)

Brad Norman





4th Of November 2025

To – Board of Zoning Appeals.
City of Elkhart , Indiana,

Regarding – Developmental Variance

Dear Sirs / Madam.

I Bradley Norman of GoGo RealEstate/Mount North Capital 2 are the new owner of the Following Described Real Estate located within the City of Elkhart , Concord township , Elkhart County , State of Indiana.

112 S 2nd St , Elkhart, Indiana. (Also Known as the Elkhart 112 Club .)

PARCEL NUMBER

20-06-05-406-009.000-012

LEGAL DESCRIPTION

ORIG PLAT 41.3FT X 125FT SW PT 51 1/2FT OF E 40FT LOT 34 (TIF 75)

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 20-06-05-406-009.000-012

TRACT 1: A PART OF LOT NUMBERED THIRTY-FOUR (34) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED ORIGINAL PLAT OF THE TOWN (NOW CITY) OF ELKHART; AND SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT NUMBERED THIRTY-FOUR (4); THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT, BEING ALSO THE EASTERN LINE OF SECOND SET IN SAID CITY, FORTY-ONE (41) FEET AND THREE (3) INCHES; THENCE EASTWARDLY PARALLEL WITH THE SOUTHERN LINE OF SAID LOT, ONE HUNDRED TWENTY-FIVE (125) FEET; THENCE SOUTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT, FORTY-ONE (41) FEET AND THREE (3) INCHES TO THE SOUTHERN LINE OF SAID LOT THENCE WESTWARDLY ALONG SAID SOUTHERN LINE, ONE HUNDRED TWENTY-FIVE (125) FEET TO THE PLACE OF BEGINNING.

TRACT 2: A PART OF LOT NUMBERED THIRTY-FOUR (34) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED ORIGINAL PLAT OF THE TOWN (NOW CITY) OF ELKHART; SAID PLAT BEING RECORDED IN DEED RECORD 1, PAGE 34 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE SOUTHWEST CORNER OF LOT NUMBERED THIRTY-FOUR (34); THENCE EASTERLY ALONG THE SOUTHERLY LINE ONE HUNDRED TWENTY-FIVE (125) FEET FOR THE PLACE OF BEGINNING; THENCE NORTHWARDLY UPON AND ALONG THE EAST LINE OF SAID LAND NOW OWNED BY KANE LODGE NO. 183 F. & A.M., AND ON SAID LINE AS EXTENDED NORTHWARDLY, A TOTAL OF FIFTY-ONE AND ONE-HALF (51 1/2) FEET FROM THE SOUTHEAST CORNER OF SAID TRACT NOW OWNED BY KANE LODGE NO. 183 F. & A.M.; THENCE EASTWARDLY PARALLEL WITH THE SOUTH LINE OF SAID LOT TO THE EAST LINE OF SAID LOT; THENCE SOUTHWARDLY UPON AND ALONG THE EAST LINE OF SAID LOT TO THE SOUTHEAST CORNER OF SAID LOT; THENCE WESTWARDLY UPON AND ALONG THE SOUTHERLY LINE OF SAID LOT THIRTY-FOUR (34), TO THE PLACE OF BEGINNING.

The Above described real estate presently has a zoning Classification of **CBD 15.3** District under the Zoning Ordinance of the City of Elkhart.



The Current use of the Building is an Events Centre , Weddings, Birthday Party's Jazz Fest etc

We are requesting the approval to upgrade our old existing light box sign as in the photos attached to be updated to a digital display screen that can be easily have updates made via a laptop rather than physically sliding letters in to make up words for the event .

The New Sign is actually smaller than the old sign , also mounted to the same frame in the same location . which is 18ft from the curb . please see attached drawing.

This sign will NOT be streaming Video or Movies , but more things like , events going on at the space think " **This Saturday Jazz Fest** " Or " **Event Space for Rent Call 574 333 2641** "

The Current Section of the Ordinance that I requesting a variance is 26.10 Table 1

Standards to be met for the Developmental Variance .

1. Public health , Safety and welfare we be protect.

There will be no health or safety issue with the fixed mounted digital , sign in fact the old sign the plastic letter could blow off in high winds in to the road .

2. Concerns on Reduced Property values .

The surround buildings are all commercial , updating and modernizing the sign should lift values and make the building look better .

3. Conform to the local regulations of zoning district .

We work close with the city to abide by all rules to improve the downtown Community , and ultimately bring more people back down town to enjoy what Elkhart has to offer.

Granting the variance would be consistent with the intent and purpose of the zoning ordinance.

The are other Business in the area that have already enjoyed and benefited from updating their display screens to Digital screens for example .

Hopman Jewelers , S main and E Jackson , is just around the corner

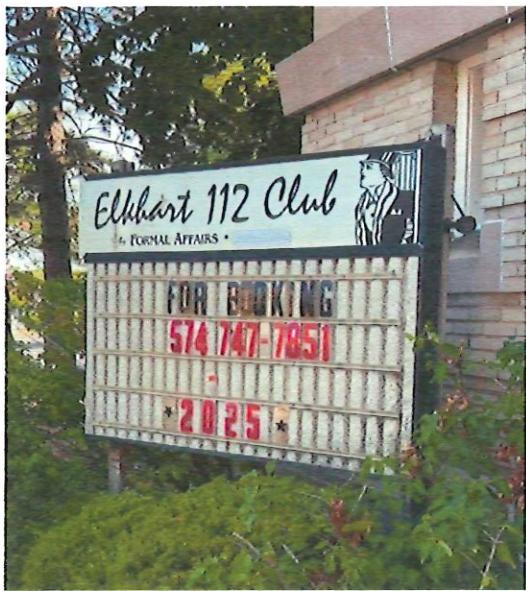
More Infor and Plans for the Elkhart 112 Club.

Since Ownership Transfer we have made a number of upgrades to the property for safety.

When thinking of what the Building will be used for Think ! - Weddings , Birthday parties , Repass, baby showers, charity events , Special one off Events i.e JAZZ Festival , NYE Party, Black Tie Event, Ticketed shows. The digital display will help promote and let the community know what events are going on at the venue, bringing more people down town.

Please See attached Photos for more example of existing old sign and new Sign.

Old Light Box Sign in Poor Condition. Size Was 37" by 71"



New Digital Sign . Size is 33" by 65"



Thank you for reading , please do not hesitate to contact me with any questions relating to this .



Wherefore We Pray and respectfully request as hearing on this appeal and that after such hearing the board grant the requested the Developmental Variance to upgrade our sign to the events Centre to continue the building be an event centre.

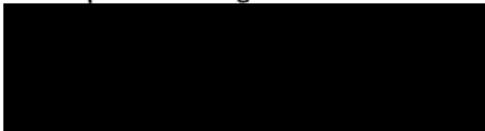
Regards

A handwritten signature in black ink, appearing to read "B.N." followed by a stylized surname.

Bradley Norman

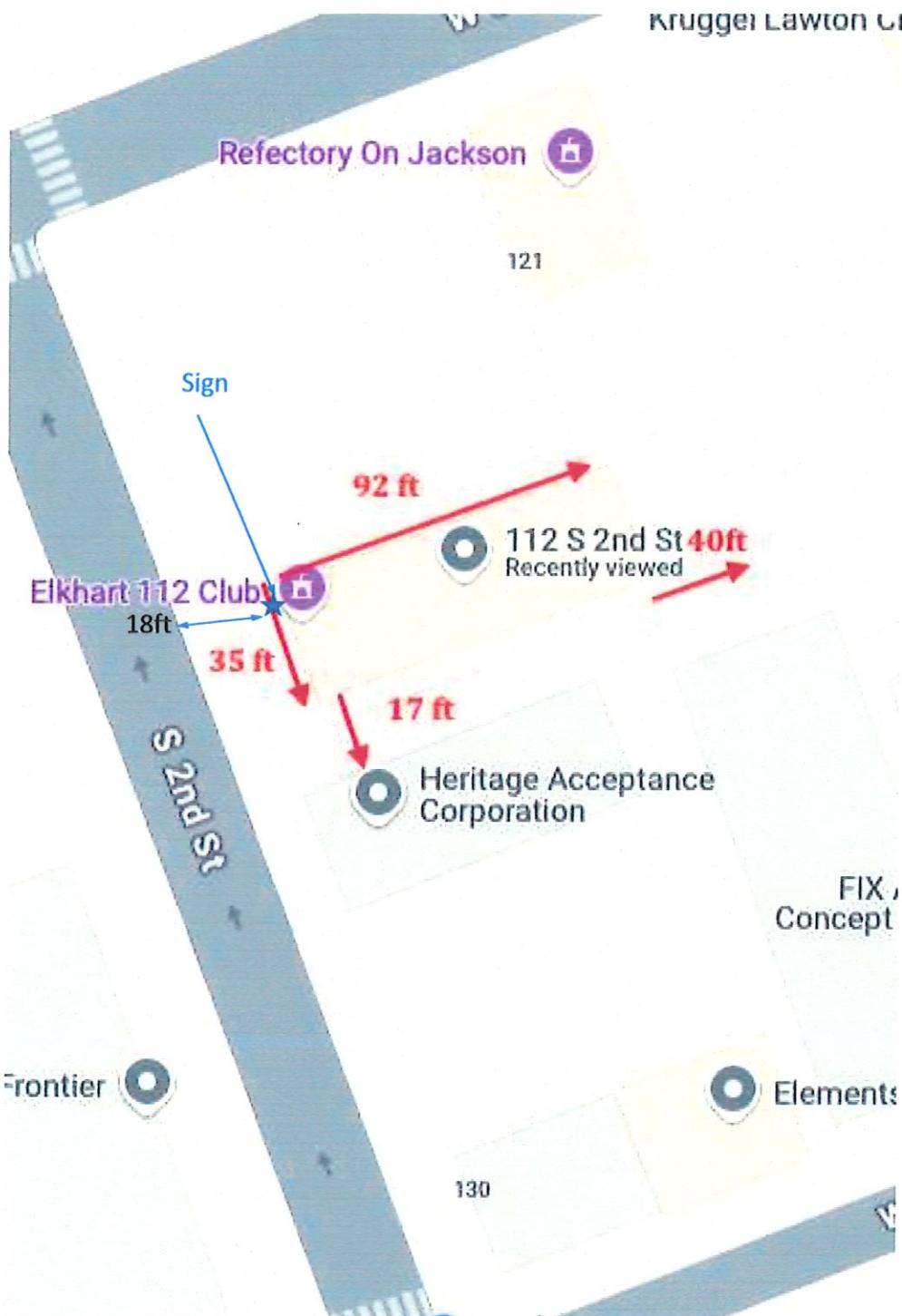
Contact Persons

Brad Norman / Sam Voss
Enterprise Building



Drawing showing Dimensions of the Property .

Kruggel Lawton CI



AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, B. NORMAN, 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
1125 2nd Street Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 5 day of Nov, 2025.

B 

Printed: B. NORMAN

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.

are true and correct.



Printed: BRAULY NORMAN

STATE OF INDIANA)
COUNTY OF ELKHART) SS:



Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Bradley M. Norman and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 5th day of November, 20 25


Printed: Jennifer Drlich

My Commission Expires:

9/27/2028

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



City of Elkhart

Staff Report

Planning & Zoning

Petition: 25-UV-15

Petition Type: Use Variance

Date: December 11, 2025

Petitioner: William Lee; Lee Holdings LLC

Site Location: 117 West Jackson Boulevard

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

Existing Zoning: CBD, Central Business District

Size: +/- 0.11 Acres

Thoroughfares: West Jackson Boulevard and South 2nd Street

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

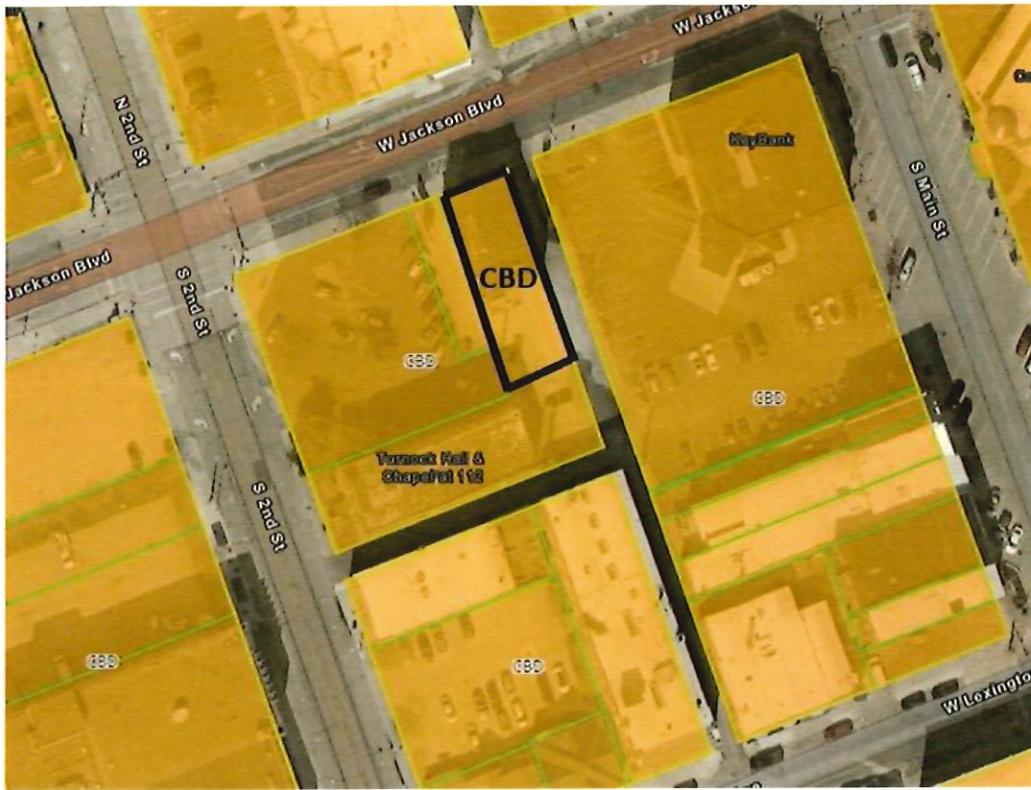
The properties to the north, south, east and west are all zoned CBD, Central Business District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive calls for this area to be developed as commercial.



Staff Analysis

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

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

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

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

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

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

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the building will be remodel per all applicable building codes;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the proposed development activates vacant buildings and is in keeping with the Downtown Neighborhood Plan;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action the building proposed with residential on the first floor would not be permitted;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because a viable downtown structure would remain vacant and not developing a permitted CBD use would not provide the activation of the street and not be in keeping with the Downtown Neighborhood Plan;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant, as the project is being developed in keeping with the Downtown Neighborhood Plan;
7. This property does not lie within a designated flood hazard area.

Photos



Front Elevation (North)



Side Elevation (West)



Side Elevation (West)



Back Elevation (South) Parking Area

PETITION #: 25-UV-15

FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): William Lee / Lee Holdings LLC

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Tina L. Underwood

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

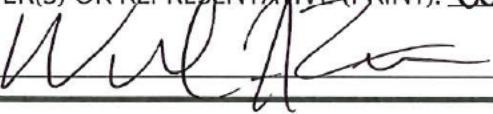
Subject Property Address: 117 W. Jackson Blvd Elkhart IN 46514

Zoning: Central Business

Present Use: Multi Use Proposed Use: Residential

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): William A. Lee Sr.

SIGNATURE(S):  DATE: 11/6/2025

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: Rain Lewandoski DATE: 11/6/25

William A. Lee Sr

To Whom It May Concern,

I, William A Lee Sr, am the sole legal owner of Lee Holdings, LLC which is the legal owner of 117 W. Jackson Blvd, Elkhart, IN.

In my absence I am authorizing Tuma L Underwood to act as my agent for all intents and purposes in regard to the petition for the variance as it pertains to 117 W. Jackson Blvd. Elkhart, In.

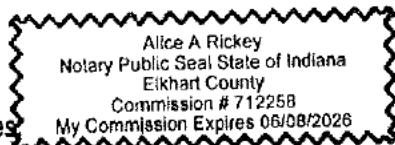
Thank You,

William A. Lee Sr

STATE OF INDIANA)
COUNTY OF ELKHART)) SS:

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared William A. Lee SP, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 29th day of October, 2025.

My Commission Expires



06/08/2024

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

Printed: ALICE RICKER

Date: 11/6/2025

To: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Use Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, William A. Lee/ Lee Holding LLC, am the owner of the following described real estate within the City of Elkhart, Concord Township, Elkhart County, State of Indian, to-wit is shown in the attached legal description.
2. The above-described real estate presently has zoning classification of Central Business District under the Zoning Ordinance of the City of Elkhart.
3. The Petitioner is proposing to occupy the above-described property as residential space. Zoning classification of multi-family
4. The Petitioner desires to rezone as multi-family residential as opposed to retail/residential.
5. The Zoning Ordinance of the City of Elkhart Section 15.2, Letter Q requires permitted use as residential only above retail.
6. This building was purchased with all intents and purposes of remaining multi-use, residential and retail/commercial. After renovations were completed, all residential spaces have remained occupied, however there has been very little interest in the retail/commercial space. We have been partnered with Endeavor Real Estate and Leasing for more than 6 months and have not been successful in occupying the space.
7. After much consideration we have decided that with the City of Elkhart's plan to revitalize the downtown area, our location of walkability and the need for more housing, that transitioning this space to residential would be beneficial to City of Elkhart's population, due to the lack of housing.
8. There would be no depreciation that would arise to the adjacent business or the City of Elkhart with the transition of this space to residential, opposed to empty retail space. It could increase business for the restaurants and stores in the immediate area as well as River Walk.

Signature of Property Owner: 

Printed name: William A Lee Sr

Contact Person: Tuma Underwood

Name: Tuma Underwood

Address: [REDACTED]

Phone Number: [REDACTED]

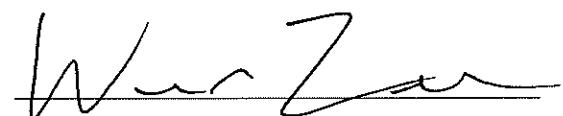
Email: [REDACTED]

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, William Lee, 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 117 W. Jackson Blvd, Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 6th day of Nov., 2025



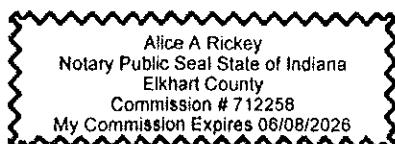
Printed: William A. Lee

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: _____

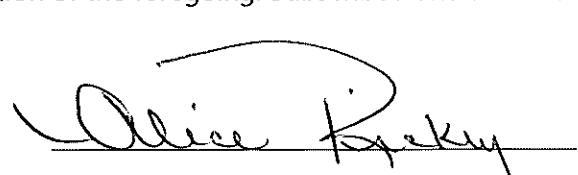
STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared William A. Lee, SR and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 6th day of NOVEMBER, 2025.



My Commission Expires:

06/08/2026



Printed: Alice Rickey

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

2nd Street

Sidewalk

Alley

112 Building

Alley

112's
Gravel
Lot

Public Parking Lot

Sidewalk

Jackson Blvd

N

480 3/4

288

350

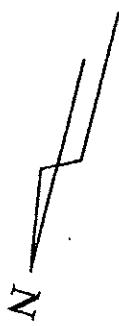
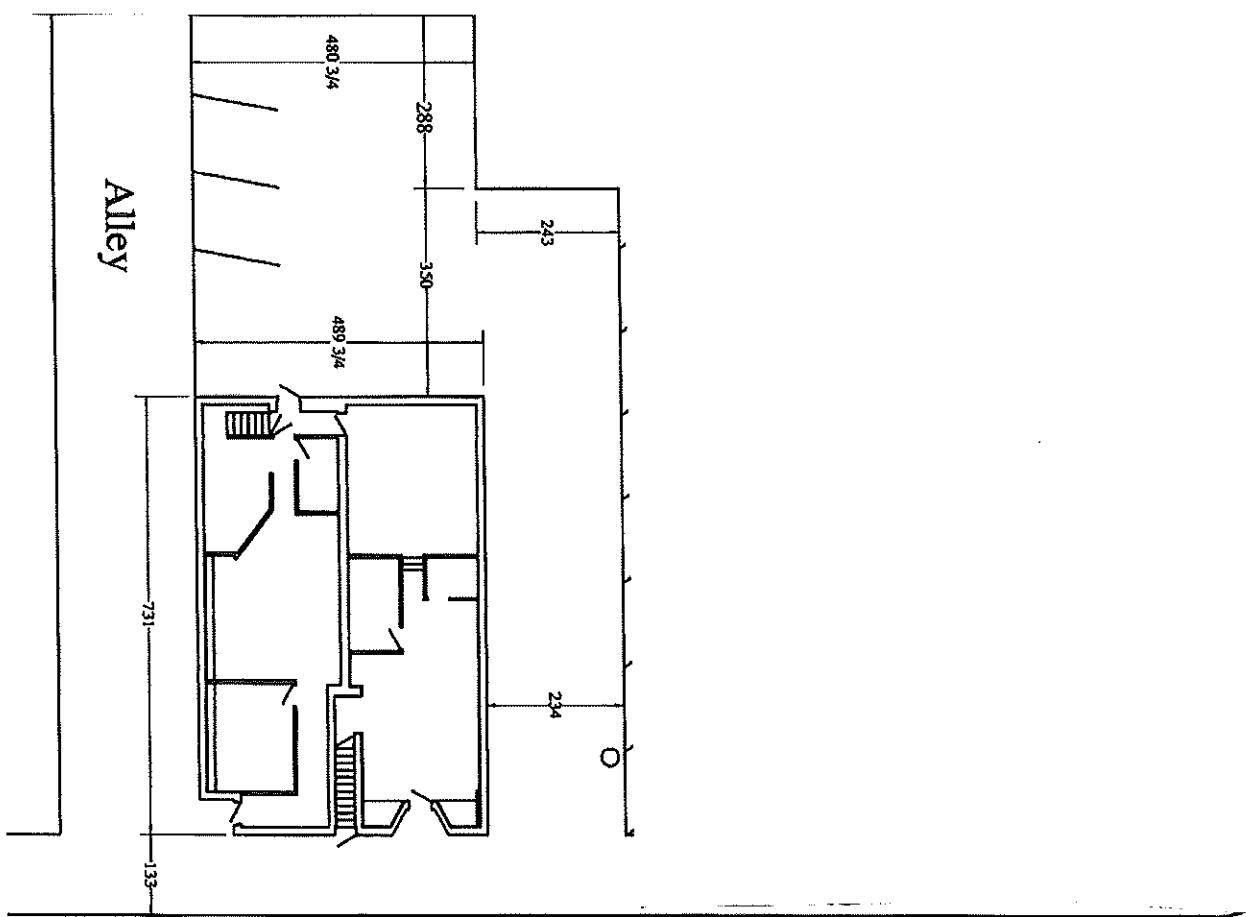
233

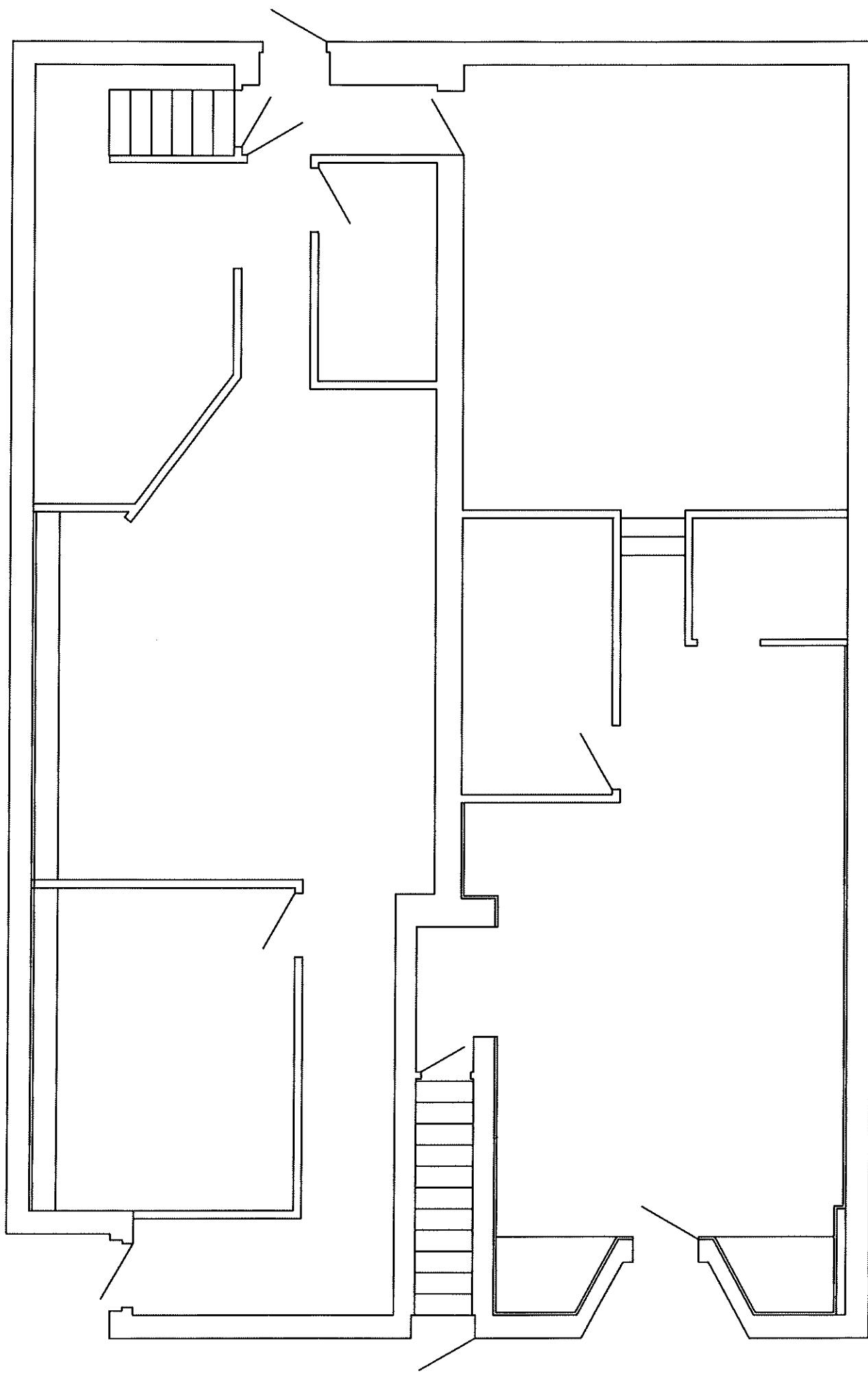
234

489 3/4

731

133







Staff Report

Planning & Zoning

City of Elkhart

Petition: 25-BZA-26

Petition Type: Developmental Variance

Date: December 11, 2025

Petitioner: RB Realty

Site Location: 2432 Bypass Road

Request: To vary from the list of Prohibited Signs found in Section 26.10.B.6, Roof Mounted Signs, to allow for a roof mounted sign that is 90 square feet in area.

Existing Zoning: B-2, Community Business District

Size: +/- 3.62 Acres

Thoroughfares: Bypass Road

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

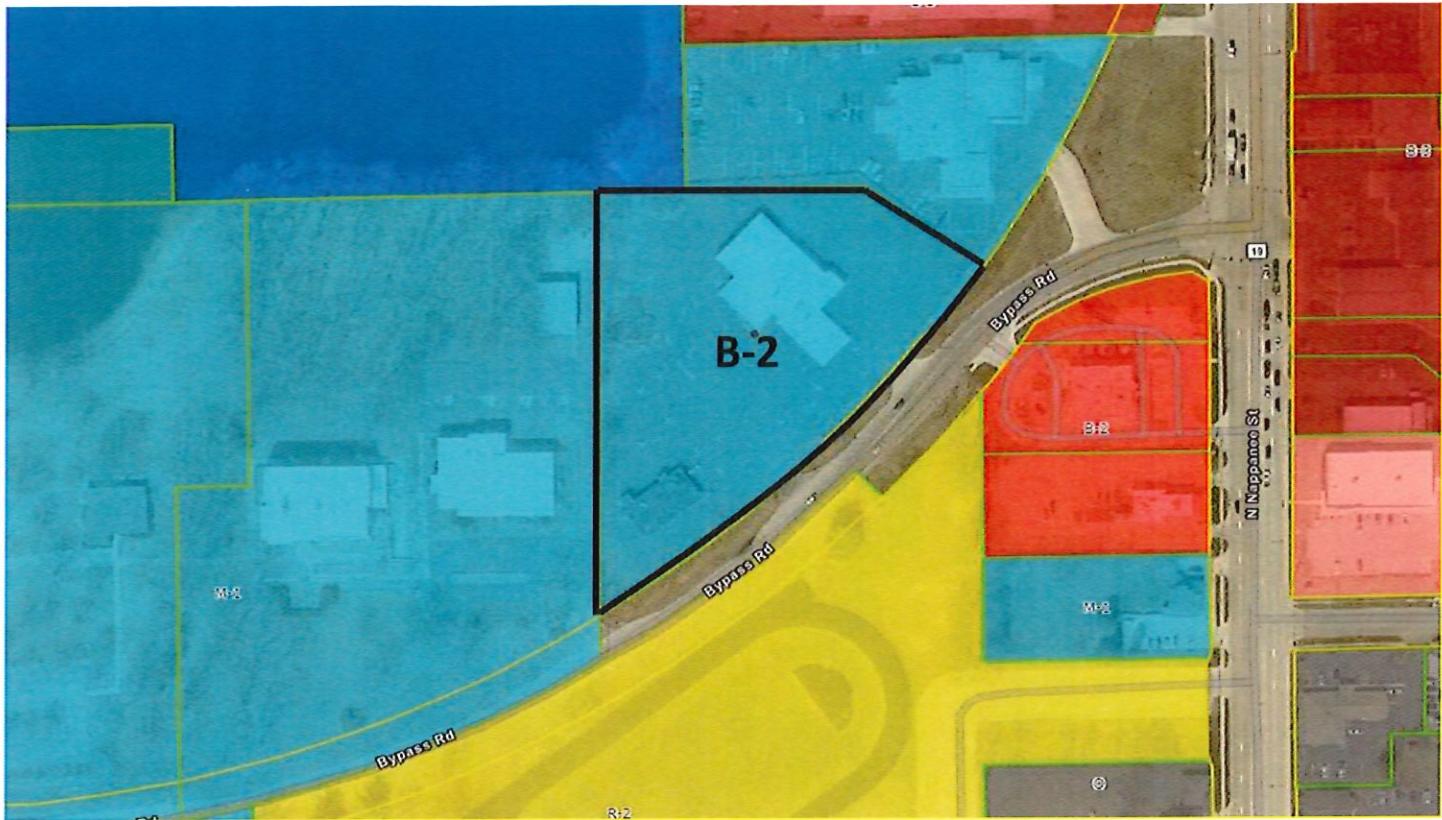
The property is located amongst a mix of commercial uses zoned B-2, Community Business District and M-1, Limited Manufacturing District. To the south is a school campus zoned R-2, One Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan has identified this area for commercial use on the future land use map.



Staff Analysis

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

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

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

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

Staff would typically not support this type of request as these types of signs are prohibited in all districts. Due to the design of the building with the walls being made of glass makes installing wall signage difficult without hanging over or requiring further variances to place a sign.

Recommendation

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

1. The approval **should not** be injurious to the public health, safety, morals or general welfare of the community because the signage will be built and installed in a workmanlike manner;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the uses in the area are commercial and industrial uses;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because due to the unique style of the building and without board action a roof mounted sign would not be permitted;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because due to the design of the building placement of signage along the front would be difficult to meet the requirements for signage in the city;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the building is existing;
7. This property **does not** lie within a designated flood hazard area.

Conditions

Photos



Front Elevation

PETITION #: 25-BZA-26

FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): BB Realty LLC.

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Richard Boling II

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2432 Bypass Rd Elkhart IN. 46514

Zoning: B-2

Present Use: Restaurant Proposed Use: Restaurant

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): Richard Boling II

SIGNATURE(S): [Signature] DATE: 11-4-25

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Rain DATE: 11/7/25

CITY OF ELKHART VARIANCE FORM

DATE: _____

TO: BOARD OF ZONING APPEALS
CITY OF ELKHART, INDIANA

TYPE OF APPEAL: DEVELOPMENTAL VARIANCE

The undersigned petitioner respectfully shows the Board of Zoning and Appeals:

1. I, Richard Boling II, am the owner of the following described real estate located within the City of Elkhart, E.C. Cleveland Township, Elkhart County, State of Indiana, to wit: (see the attached accurate legal description and address.)
(Property owners name)
2. The above-described real estate presently has a zoning classification of B-2 Restaurant District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above, described property in the following manner:
EXISTING USE:
Restaurant / Drive-in
4. Petitioner desires to explain how our proposal is varying from the provisions within the zoning ordinance:
We are asking for an illuminated roof mounted sign with a Sqft of 111 Sqft.
5. The Zoning Ordinance of the City of Elkhart requires:
A wall sign shall not extend above the wall and shall not exceed 25% of the total sqftage of the facade
* see section 26.10 section A/B
6. The strict adherence to the Zoning Ordinance requirements would create an unusual hardship in the following ways:
It would prevent the restaurant from creating a Retro Vintage Drive-in Diner Sign, which will be very appealing to the public for years to come.

STANDARDS THAT MUST BE CONSIDERED FOR A DEVELOPMENTAL VARIANCE ARE AS FOLLOWS:

1.) The approval will not be injurious to the public health, safety, morals and general welfare of the community:

The sign will be installed and anchored to the roof top securely and is made with quality materials.

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

The sign & restaurant will be maintained and be an asset to the surrounding properties

3.) Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance:

To allow for businesses to adequately promote the type of business they are conducting on said property.

4.) Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to the other lands or structures in the same district:

The building facade is very small and the restaurant is looking for an appealing Retro Vintage Drive-in Diner Sign

5.) The strict application of the terms of this ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the provisions of this ordinance:

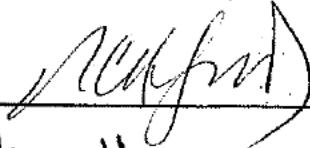
The strict application of the ordinance would prevent the property from advertising a more Retro Vintage looking sign

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

7.) In designated flood hazard areas, the variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with the existing laws or ordinances:

N/A

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

SIGNATURE OF PROPERTY OWNER: 

PRINTED NAME: Richard Boling II

Contact Person: Signtech Sign Services

Name: Podd Lehman

Address: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

AUTHORIZATION OF REPRESENTATION

(Developmental Variance Petition / Rezoning Ordinance)

Property Address: 2432 Bypass Road, Elkhart, Indiana

Parcel Owner: Richard Boling II

Authorized Agent: Todd Lehman, Signtech Sign Services

I, **Richard Boling II**, as the legal owner of the property located at **2432 Bypass Road, Elkhart, Indiana**, hereby authorize **Todd Lehman of Signtech Sign Services** to act as my representative in connection with the filing, presentation, and processing of all petitions, applications, and documents related to the **rezoning ordinance and/or developmental variance** required for the installation of signage on the above-referenced property.

This authorization grants the above-named representative full permission to appear before the Elkhart City Planning & Zoning Department, Board of Zoning Appeals, and any related municipal boards or commissions as necessary to secure the approvals requested.

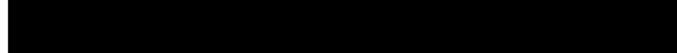
Owner Information

Name: Richard C. Boling II, MD (Richard Boling II)

Address: 3112 Lexington Park Drive, Elkhart, IN 46514

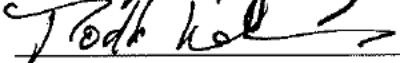
Authorized Agent Information

Name: Signtech Sign Serv. / Todd Lehman (Todd Lehman, Signtech Sign Ser

Address: 

Owner's Signature: 

Date: 11-06-2025

Authorized Agent's Signature: 

Date: 11-7-2025

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Richard Boling II, 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 2432 Bypass Rd. Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 4 day of Nov., 2025.
Bue

Richard Boling II
Printed: Richard Boling II

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.

Richard Boling II
Printed: Richard Boling II

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Richard Boling II, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 4 day of November, 2025.



Brad Van Golen
Printed: Brad Van Golen

My Commission Expires:

2/27/30

Notary Public in and for the State of Indiana
Resident of St. Joseph County, Indiana



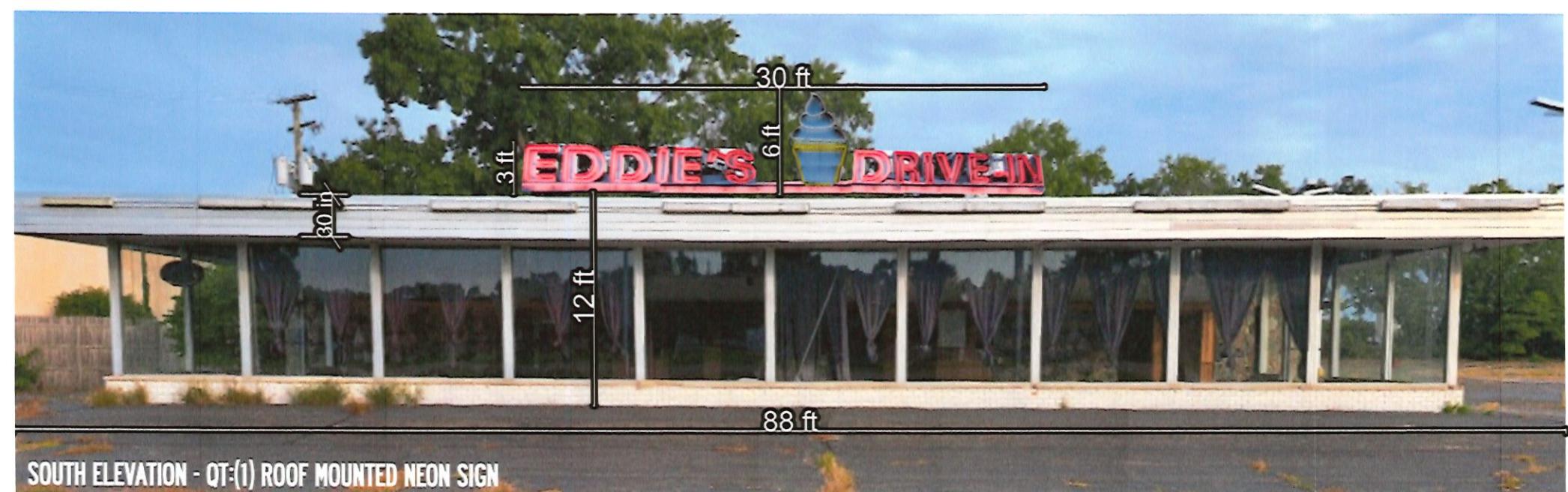
SOUTH ELEVATION - QT:(1) ROOF MOUNTED NEON SIGN

sqft = Eddie's Drive-in = 90 sqft

Facade = 220 sqft

sqft = Cone = 21 sqft

Total Sqft = 111 sqft



SOUTH ELEVATION - QT:(1) ROOF MOUNTED NEON SIGN



Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-27
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	December 11, 2025
<u>Petitioner:</u>	Heartland Recreational Vehicles, LLC
<u>Site Location:</u>	2831 Dexter Drive
<u>Request:</u>	<p>To vary from Section 13.2.T, which permits the 'Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2,000 gallons to allow for two (2) 11,000-gallon fuel tanks, a variance of 20,000 gallons.</p> <p>To also vary from Section 26.7.C.7.b which requires 'All parking areas and drives from commercial, manufacturing, institutional and residential uses shall be paved with concrete, asphalt or decorative concrete, brick or asphalt pavers to allow for gravel around the maintenance facility.</p> <p>To also vary from Section 13.2.F which permits 'Contractors' Offices and shop with no on-site fabrication or outside storage' to allow for outside storage of equipment.</p> <p>To also vary from Section 26.4.B, Fences in Residential and Business Districts which states in part 'In a corner lot no fence, wall or vegetation exceeding four (4) feet in height or a fence, wall or vegetation that is opaque may be placed, built, or installed: 1. In the required side yard adjacent to the street; or 2. In any portion of the rear yard lying closer to said street than the point of the principal building nearest said street' to allow for a non-conforming six (6) foot chain link with barbed wire to be expanded along the Wade Drive frontage in the rear yard closer to street than principal building.</p> <p>To also vary from Section 26.4.A.1, Fence Requirements, General Provisions which states that 'No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except in manufacturing districts where barbed wire may be used at the top portion of a permitted fence or wall if located more than seven (7) feet above the adjacent ground level. Such permitted barbed wire shall be considered part of a fence and</p>

subject to the fence height restrictions to allow for the above mentioned chain link fence with barbed wire to be expanded in the rear yard along Wade Drive.

Existing Zoning: B-3, Service Business District

Size: +/- 6.07 Acres

Thoroughfares: Between Wade Drive and Dexter Drive

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

The properties to the north and east are M-2 General Manufacturing. To the west the properties are zoned B-3 Service Business District. To the south are residential homes in the R-2 One Family Dwelling and R-3 Two Family District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

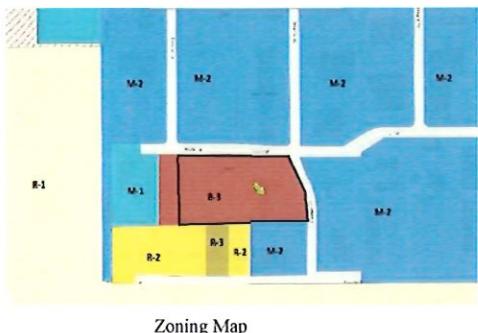
Comprehensive Plan:

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



Staff Analysis

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



Zoning Map

Staff have preliminarily reviewed the submitted site plan. The overall project will be required to meet City of Elkhart standards for appropriate buffering and setbacks. That process begins with review at Tech Review for final approval and development from all reviewing bodies. The variances found in this request were based on the enclosed site plan. The need for many of the variances in this request comes from the fact that the land contained in this petition is zoned commercially. That commercial zoning was intended to be a buffer zone between the manufacturing district to the north and the residential to the south.

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

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

The third variance; the petitioner is requesting relief for the prohibition of outdoor storage in the B zoning district. The petitioner will construct a contractors' office building to run daily operations. This is a permitted use. The petitioner is requesting an allowance for storing equipment outdoors. Outdoor storage is necessary for this type of business where equipment for daily business operations will be stored and made available for year-round use.

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

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

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

an illegally installed fence – even if installation was unintentional. The existing fence and any new fencing will be required to be installed within the property line.

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

Recommendation

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

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

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

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

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

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

1. The approval **should not** be injurious to the public health, safety, morals or general welfare of the community because the project will be built to all appropriate building and zoning codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the storage area will be properly screened and will be reviewed at Tech Review to ensure proper screening of residential properties;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted as the Comprehensive Plan calls for this area to be developed industrially;

4. Special conditions and circumstances **do exist** that are peculiar to the land involved because without board action the development as proposed would not be able to be built;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because without some measure of relief the security needs at the facility could not be met;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the work has not started.
7. This property **does not** lie within a designated flood hazard area.

Conditions

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

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

Photos





PETITION #: 25-BZA-27

FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): HEARTLAND RECREATIONAL VEHICLES, LLC

Mailing Address: ██

Phone #: ██ Email: ██

Contact Person: Thad Bessinger

Mailing Address: ██

Phone #: ██ Email: ██

Subject Property Address: 2831 Dexter Drive, Elkhart IN

Zoning: B-3

Present Use: Office & Storage Lot Proposed Use: Excavation Office/Maintenace/Storage

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): Michael Ritchie, Vice President

SIGNATURE(S): Michael Ritchie DATE: 11/7/2025

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. SITE PHOTOS

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Rain DATE: 11/7/25



CRUISER RV
Great American Trailers



November 7, 2025

Heartland Recreational Vehicles, LLC hereby gives consent and authorization to C&E Excavating, Inc. to submit and file a petition to the Elkhart County Board of Zoning Appeals for a developmental zoning variance as described in C&E Excavating, Inc.'s petition for the four (4) parcels of property described therein.

Heartland Recreational Vehicles, LLC



Michael Ritchie, Vice President



Date: 11/6/25

To: Board of Zoning Appeals

RE: Developmental Variance

City of Elkhart, IN

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I Thad Bessinger, am the perspective owner of the following real estate 2813 Dexter drive within the city of Elkhart, Osolo township, Elkhart County, State of Indiana, to-wit:
Elk-Air Industrial Park Second Subdivision; said Plat being recorded in Plat Book 11, page 47.
Parcel numbers are: (1) 20-02-19-351-004.000-027 Lot 9; (2) 20-02-19-351-014.000-027 Lot 11;
(3) 20-02-19-351-015.000-027 Lot 11; (4) 20-02-19-351-013.000-027 Lot 12

TRACT I:

Lot Numbered Nine (9) as the said Lot is known and designated on the recorded Plat of Elk-Air Industrial Park Subdivision, in Osolo Township, Elkhart County, Indiana; said Plat being recorded in Plat Book 10, page 101, in the Office of the Recorder of Elkhart County, Indiana.

TRACT II:

A part of Lot Numbered Eleven (11) as the said Lot is known and designated on the recorded plat of Elk-Air Industrial Park Second Subdivision in Osolo Township, Elkhart County, Indiana; said Plat being recorded in Plat Book 11, page 47, in the Office of the Recorder of Elkhart County, Indiana, and being more particularly described as follows: Beginning at a reinforcing rod at the Southeast corner of said Lot Numbered Eleven (11); thence South 89 degrees 28 minutes West along the Southerly line of said Lot Numbered 11, a distance of 109.48 feet to a $\frac{3}{4}$ -inch iron stake; thence North 0 degrees 32 minutes West parallel with the Easterly line of said Lot 11, a distance of 401 feet to a $\frac{3}{4}$ inch iron stake on a curve on the Northerly line of said Lot 11; thence Easterly along said curve bearing right with a radius of 1997.02 feet, a distance of 109.71 feet (the chord = South 86 degrees 56 minutes 36 seconds East a distance of 109.70 feet) to a $\frac{3}{4}$ -inch iron stake on the Northeasterly corner of said Lot Numbered 11; thence South 00 degrees 32 minutes East along the Easterly line of said Lot Numbered 11, a distance of 394.13 feet to the place of beginning.

TRACT III:

Lot Numbered Eleven (11) as the said Lot is known and designated on the recorded plat of Elk-Air Industrial Park Second Subdivision in Osolo Township, Elkhart County, Indiana; said Plat being recorded in Plat Book 11, page 47, in the Office of the Recorder of Elkhart County, Indiana.

EXCEPTING THEREFROM THE FOLLOWING: Beginning at a reinforcing rod at the Southeast corner of said Lot Numbered Eleven (11); thence South 89 degrees 28 minutes West along the Southerly line of said Lot Numbered 11, a distance of 109.48 feet to a $\frac{3}{4}$ inch iron stake; thence North 0 degrees 32 minutes West parallel with the Easterly line of said Lot 11, a distance of 401 feet to a $\frac{3}{4}$ -inch iron stake on a curve on the Northerly line of said Lot 11; thence Easterly along said curve bearing right with a radius of 1997.02 feet, a distance of 109.71 feet (the chord = South 86 degrees 56 minutes 36 seconds East a distance of 109.70 feet) to a $\frac{3}{4}$ -inch iron stake on the Northeasterly corner of said Lot Numbered 11; thence South 00 degrees 32 minutes East along the Easterly line of said Lot Numbered 11, a distance of 394.13 feet to the place of beginning.

TRACT IV:

Lot Numbered Twelve (12) as the said Lot is known and designated on the recorded Plat of Elk-Air Industrial Park Second Subdivision, in Osolo Township; said Plat being recorded in Plat Book 11, page 47, in the Office of the Recorder of Elkhart County, Indiana. EXCEPT the West 107 feet by parallel lines thereof.

C & E Excavating, Inc.

53767 CR 9

Elkhart, IN 46514

Office (574) 262-4346

Fax (574) 262-9251



2. The above-described real estate presently has a zoning classification of B-3 District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner proposes to occupy the above-described property in the following manner:
 - 1) Excavation office (existing office)
 - 2) Maintenance shop for repair and storage of its equipment.
 - 3) Storage yard for fuel and equipment.
 - 4) Chain Link fence 6' height in front yard.
4. Petitioner desires to store bulk fuel 11,000 Gallons road diesel fuel and 11,000 Gallons of offroad diesel fuel (T: Exceeds 2,000 Gallon max). Build a maintenance facility for repairing its equipment between the asphalt storage lot and the existing office. Place gravel parking on around the maintenance facility so we can drive tracked excavators into the facility as this equipment will damage asphalt pavement. Storage of equipment on the premises. Chain link fence 6' in front yard is already existing we would just add to what is there.
5. The Zoning Ordinance of the City of Elkhart requires G: Equipment Rental Facilities which would be very similar in nature to the proposed exterior equipment storage. M: Motor Vehicle Repair, major which we would be doing plus the repair of large construction equipment. T: Outside storage of liquids in one or more tanks, where total volume of the tank does not exceed 2,000 gallons. We would have two 11,000-gallon diesel tanks, one for road and one for offroad. Section 26.4.A.6 – Allow us to add to the existing 6' chain link fence in lieu of the required 4'.
6. Strict adherence to the 2,000-gallon storage tank requirements would significantly increase delivery frequency to a point where it creates a logistical hardship where we risk running out of fuel for our equipment. This would cause delays in our construction work and cause employees to sit at home unpaid. Strict adherence to the paved storage lot would create hardship and waste of resources as the tracked equipment would destroy the paved storage lot in short order. Not allowing construction equipment to be stored onsite would prevent us from successfully operating an excavation business as we need to maintain, repair and dispatch our equipment from a common business home. Dropping the chain link fence below 4' would allow easy access to unwanted individuals and require us to remove and replace existing fence.
7. Standards that must be considered for a Development Variance:
 - 1) The approval will not be injurious to the public health, safety, morals and general welfare of the community. The two tanks will be stored in secondary containment to prevent leakage. The gravel lots are common in the surrounding area, just across the street to the east and to the north properties. Maintenance of construction equipment is like Auto repair which is allowed.
 - 2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. There is already a manufacturing facility Bond

C & E Excavating, Inc.

53767 CR 9

Elkhart, IN 46514

Office (574) 262-4346

Fax (574) 262-9251



Technologies directly to the west with the same southern residential border as well as a facility on the west of Dexter Drive. Everything to the north of it is Industrial.

- 3) Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance. The excavation facility would mimic a Large Equipment Rental Facility like CAT rental or Wakarusa Heavy Equipment outlined in 13.2G which is an allowed use.
- 4) Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district. Good access to Highways. Large existing office in a Commercial/Industrial area. Zoning allows for Business G: Equipment Rental Facility which is similar, F Contractor's Offices and shops, and M Motor Vehicle Repair, Major.
- 5) The strict application of the terms of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance: Other businesses in the area also have gravel lots and equipment storage in the area.
- 6) The special conditions and circumstances do not result from any action or inaction by the applicant: We have not purchased the property yet.
- 7) In designated flood hazard areas, the variances will not increase flood heights. We would design onsite storage of our own storm water to prevent this with our in-house Civil Engineers and submit it through the normal review processes with the city. We build these systems for a living.

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

Signature of Property Owner: Michael Ritchie

Printed Name: Michael Ritchie, Vice President

Second Property Owner: _____

Printed Name: _____

Contact Person: Thad Bessinger

Name: C&E Excavating, Inc

Address: 53767 CR 9

Phone: (574) 262-4346

Email: Office (574) 262-4346

C & E Excavating, Inc.

53767 CR 9

Elkhart, IN 46514

Office (574) 262-4346

Fax (574) 262-9251

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

Michael Ritchie, Vice President, Heartland Recreational Vehicles, LLC
I, Michael Ritchie 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 2831 Dexter Drive Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

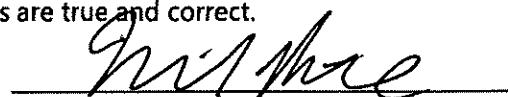
EXECUTED on the 7th day of November 20 25.

HEARTLAND RECREATIONAL VEHICLES, LLC



Printed: Michael Ritchie, Vice President

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.



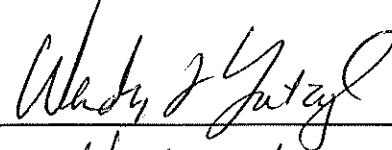
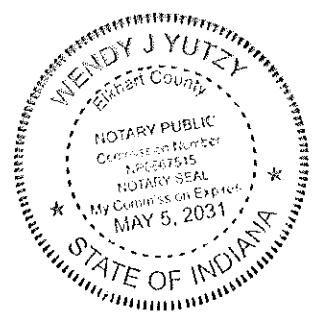
Printed: Michael Ritchie, Vice President

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

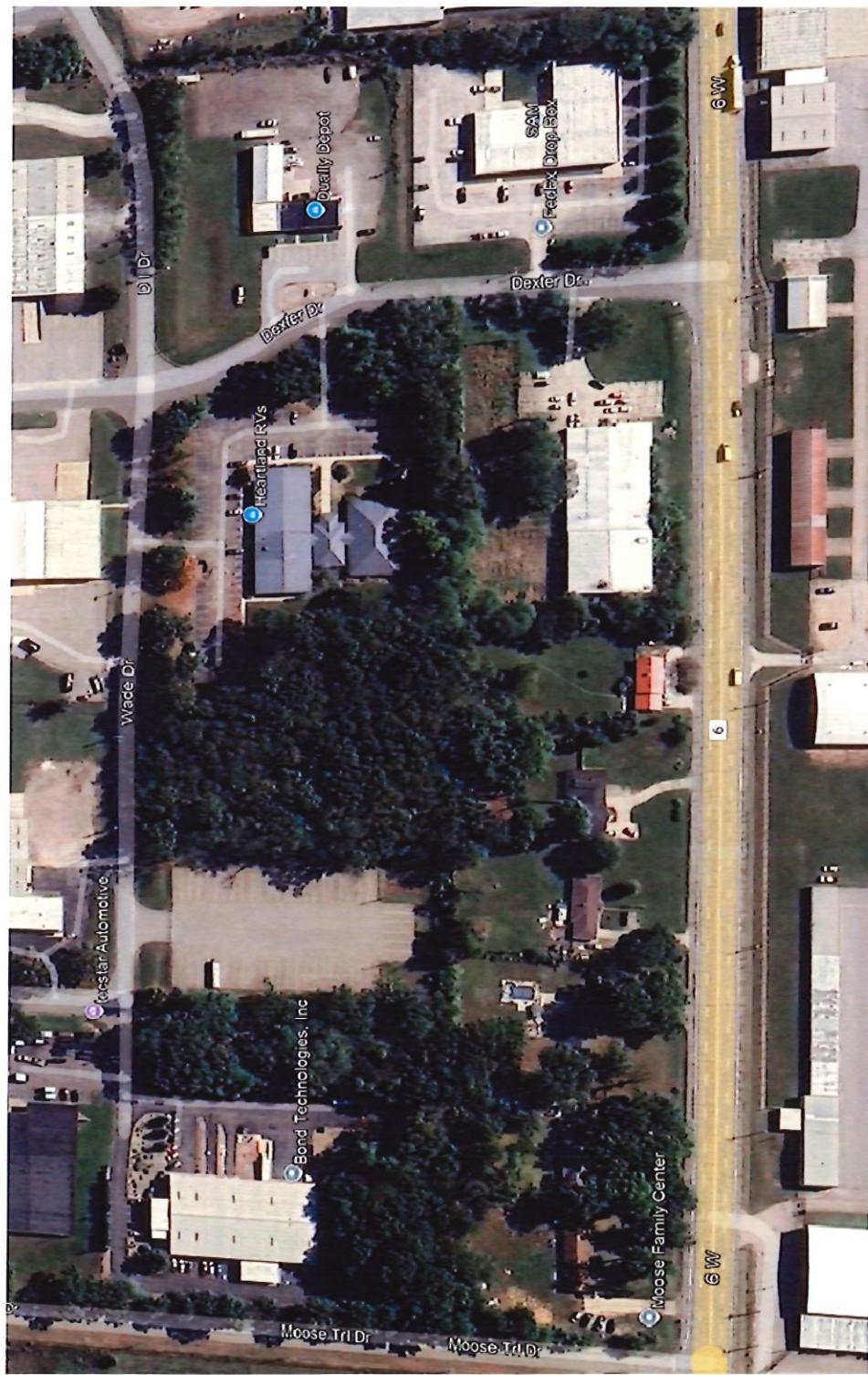
Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Michael Ritchie, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 7th day of November, 2025.

My Commission Expires:

5/5/2031


Printed: Wendy J Yutzy

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



2813 Dexter Drive

View from Wade Drive looking south into Asphalt parking lot at Residential Area

Existing 6' Chain link fence on property



2813 Dexter Drive

View from Wade Drive looking south into Bond Technologies, Inc.

South towards residential area



Adjacent Property to the West

2813 Dexter Drive

View from Wade Drive looking south into Bond Technologies, Inc.

South towards residential area



Adjacent Property to the West

2813 Dexter Drive

View from Wade Drive Asphalt Parking lot.

North towards business across street with Gravel Parking lot.



Adjacent Property to the North.

2813 Dexter Drive

View from Wade Drive.

South towards 2813 Office looking at existing 6' Chain Link Fence.



2813 Dexter Drive

Parking lot on Dexter drive.

East towards Dually Depot, Gravel Parking lot, side and back yard.



2813 Dexter Drive

Dexter drive & CR6 looking SW at South Border business.

Gravel drive, 6' Chain Link Fence, manufactured building butting up to residential area.



Adjacent Property to the South, East side of Property.

2813 Dexter Drive

Wade Drive at Asphalt Lot Looking North West.

Gillette Generator outside storage of equipment.



Adjacent Property to the North West

