

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, FEBRUARY 12, 2026 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 **2316 869 8850** as the meeting number and “**BZA2026**” 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. **ELECTION OF OFFICERS**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES DECEMBER 11, 2025 AND JANUARY 8, 2026**
5. **APPROVAL OF PROOFS OF PUBLICATION**

6. **NEW BUSINESS**

26-BZA-03 PETITIONER IS POLLY PROPERTIES LLC
PROPERTY IS LOCATED AT 345 COUNTRY CLUB DRIVE

To vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet.

To vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet.

26-UV-03 PETITIONER IS KAJO INC – JOSEPH T. LIVINGS & KATHRYN LIVINGS
PROPERTY IS LOCATED AT 2111 CASSOPOLIS ST

To vary from Section 13.2, Permitted Uses in the B-3, Service Business District to allow for a private club or lodge (Masonic Lodge).

26-BZA-04 PETITIONER IS MELINDA MCCAREY
PROPERTY IS LOCATED AT 1620 SOUTH NINTH STREET

To vary from Section 5.4, Yard Requirements in the R-2 One-Family Dwelling District, to allow for a six (6) foot side yard setback where seven (7) feet are required, a variance of one (1) foot.

To vary from Section 5.4, Yard Requirements, Rear Yard to allow for a twenty-five (25) foot rear setback where thirty (30) feet is required, a variance of five (5) feet.

To vary from Section 5.4, Yard Requirements, for the front yard average established setback of twelve (12) feet, to allow for the construction of a one family detached dwelling at a front yard setback of eleven (11) feet, a variance of one (1) foot.

To vary from Section 5.2.B, Permitted Uses, which requires a one family detached dwelling to be a minimum of 600 square feet on the ground floor to allow for five hundred fourth (540) square feet on the ground floor, a variance of sixty (60) square feet.

26-UV-04 PETITIONER IS AMERICA RIVERA
PROPERTY IS LOCATED AT 2005 SOUTH MAIN STREET

To vary from Section 13.2, Permitted Uses in the B-3 District, to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the B-3 District.

To vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, ‘an accessory structure shall not be located closer than three (3) feet to an interior side yard lot line’ to allow for a variance of two point six and (2.6) feet.

To vary from Section 26.1.B.8, Accessory Structures, General Provisions, which states in part, ‘A maximum of two (2) accessory buildings allowed on each lot to allow for three (3) accessory structures, a variance of one (1) structure.

7. **STAFF ITEMS**
26-REV-01 PETITIONER IS CITY OF ELKHART
PROPERTY IS VACANT LOT WADE DRIVE

A request by the City of Elkhart to revoke 22-UV-01 which was approved January 13, 2022 which granted a use variance to allow for the creation of a recreational vehicle finished goods storage lot.

8. **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 Evanea-Rieckoff, President	February 2, 2024 – January 6, 2028	Mayor
Phalene Leichtman, Vice President	January 1, 2024 – December 31, 2027	Mayor
Ann Linley	January 1, 2026 – December 31, 2027	City Council
Rochali Newbill	January 1, 2026 – December 31, 2030	Plan Commission
Position Vacant	TBD	Mayor

0100 ANNOUNCEMENTS



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DAMAGED? TOTALED?
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WRECKED?**

CALL 269-500-1711

Meeting Scheduled On Wellhead Protection
A virtual planning session has been scheduled for February 2, 2026, through February 3, 2026, to discuss the status of the phase II Wellhead Protection Plan 5-year update for the Broadmore Estates Mobile Home Community. As part of a state-mandated plan to keep drinking water free from contamination, this virtual meeting will discuss issues related to the area's wellheads, update emergency response and contingency plan contacts and verify potential sources of contamination (PSC). No new measures will be announced.

0700 REAL ESTATE FOR SALE

**CASH FOR HOMES
GOOD-BAD-UGLY**

574-522-9444

**People Do Read
Small Ads. You Did!**

0900 LEGALS

Public Notice

Northern Indiana Public Service Company (NIPSCO), headquartered at 801 E. 86th Avenue, Merrillville, IN 46410, is submitting a Notice of Intent to the Indiana Department of Environmental Management. NIPSCO intends to comply with the requirements of 327 IAC 15-5 to discharge storm water from construction related activities associated with the Hiple Lattice Tower Project in LaGrange County, Indiana. Stormwater runoff from the project area will be received by an on-site stormwater detention structure. Discharges from the on-site detention structure will ultimately reach Rowe Eden Ditch. Questions regarding this notice can be directed to Natalie Skaro, Environmental Permitting Team Leader, NIPSCO, 801 East 86th Street, Merrillville, IN 46410. HSPAXLP

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Free estimates.
10% senior discount.
Call (574) 206-6670

LEGAL NOTICE #26-UV-04

Hearing on proposed Use Variance #26-UV-04

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **THURSDAY, FEBRUARY 12, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-04.

Petitioner: AMERICA RIVERA

Request: To vary from Section 13.2, Permitted Uses in the B-3 District, to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the B-3 District.

To vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, 'an accessory structure shall not be located closer than three (3) feet to an interior side yard lot line' to allow for a variance of two point six and (2.6) feet.

To vary from Section 26.1.B.8, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for three (3) accessory structures, a variance of one (1) structure.

Location: 2005 SOUTH MAIN STREET

Zoning: B-3, SERVICE BUSINESS DISTRICT

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2316 869 8850** as the meeting number and "BZA2026" 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.

LEGAL DESCRIPTION:

Lot Number Sixty-eight (68) as the said lot is known and designated on the recorded Plat of ALLENDALE PLAT to the City of Elkhart, Indiana; said Plat being recorded in Deed Record 98, pages 226 and 227 of the records in the Office of the Recorder of Elkhart County, State of Indiana

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 27th day of January 2026, by the City of Elkhart, Board of Zoning Appeals. HSPAXLP

LEGAL NOTICE #26-REV-01

Hearing on proposed Revocation #26-REV-01

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **THURSDAY, FEBRUARY 12, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Revocation Petition #26-REV-01.

Petitioner: City of Elkhart

Request: A request by the City of Elkhart to revoke 22-UV-01 which was approved January 13, 2022, which granted a use variance to allow for the creation of a recreational vehicle finished goods storage lot.

Location: Vacant Lot on Wade Dr

Zoning: B-3 Service Business District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2316 869 8850** as the meeting number and "BZA2026" 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.

LEGAL DESCRIPTION:

PARCEL ID: 20-02-19-351-013.000-027
LOT NUMBERED 12 EXCEPT THE WEST 107 FEET BY PARALLEL LINES THEREOF, 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.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 27th day of January 2026, by the City of Elkhart, Board of Zoning Appeals. HSPAXLP

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NOTICE OF BID OPPORTUNITY

The Redevelopment Commission of the City of Elkhart, Indiana will receive sealed bids for the following project: Woodland Crossing - 138-1 & 138-2 Roof

Project Summary: Overlay of a pre-existing roof system to include, but not limited to, all preparation and necessary removals, new fan-fold insulation, slope adjustments for proper drainage, new venting, flashing, and other necessary work to receive a 20-year warranty on the finished project.

Bid packets may be obtained from the following sources:

- 1. Go to https://elkhartindiana.org/bid-opportunities/ and find bid packets listed by job title. Click the job title link to download for free. 2. Request a hard copy by contacting Jacob Wolgamoed at Jacob.Wolgamoed@coel.org. Please note that while city staff will make every attempt to provide a hard copy in a timely manner, delays are possible.

Sealed bids shall be filed as: Woodland Crossing - 138-1 & 138-2 Roof Attn: Sherry Weber, Development Services Office Administrator City of Elkhart Permit Center 229 S 2nd St. Elkhart, IN 46516

Bids will be accepted during the hours of 8:00 a.m. to 4:30 p.m. (ET) Monday-Friday and up until 4:00 p.m. (ET) on Wednesday, February 18th, 2026 (the Deadline). All bids received by the Office Administrator prior to the Deadline will be reviewed at the meeting of the Redevelopment Commission scheduled to start at 4:00 p.m. (ET) on Wednesday, February 18th, 2026. Any bid received after the Deadline will be returned unopened. After review of submissions, the Commission will take action based on staff recommendation.

Bids must be submitted on the State of Indiana Contractor's Bid for Public Work - Form 96 (Rev. 2013). Form 96 may be attached to this bid notice or downloaded at: https://www.in.gov/sboa/about-us/electronic-forms/

A certified check or bank draft drawn on a solvent bank in the State of Indiana, payable without condition to the City of Elkhart, or a satisfactory bid bond executed by bidder and surety company in an amount not less than five (5) percent of the bid, shall be submitted with each bid.

Any deviation from the bid documents must be explained in the submittal.

A bid, proposal, or quotation submitted by a trust must identify each beneficiary of the trust and each settler empowered to revoke or modify the trust.

The Commission will award a contract to the lowest responsive and responsible bidder. The Commission reserves the right to waive informalities or irregularities, and to reject any and all bids or portions thereof.

City of Elkhart, Redevelopment Commission Sandra Schreiber, President HSPAXLP

LEGAL NOTICE #26-UV-03

Hearing on proposed Use Variance #26-UV-03

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on THURSDAY, FEBRUARY 12, 2026, at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-03.

Petitioner: Kajo, Inc.-Joseph T. Livings & Kathryn Livings

Request: To vary from Section 13.2, Permitted Uses in the B-3, Service Business District to allow for a private club or lodge (Masonic Lodge).

Location: 2111 Cassopolis Street

Zoning: B-3, Service Business District

This meeting can also be accessed via WebEx. To join, go to http://coel.webex.com, enter 2316 869 8850 as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

A part of the Southeast Quarter (1/4) of Section Twenty-nine (29), Township Thirty-eight (38) North, Range Five (5) East, Elkhart County, State of Indiana, more particularly described as follows:

Assuming the North line of the Southeast Quarter (1/4) of said Section just West of the Cassopolis Road to have a bearing due East and West commencing at a cross on the concrete pavement at the intersection of the center line of the Cassopolis Road with the North line of the Southeast Quarter (1/4) of said Section; thence South Three (3) degrees East along the center line of said road, One Thousand Three Hundred Thirty-one and Forty-two Hundredths (1331.42) feet to a cross on the concrete pavement for the beginning point of this description; thence South Eighty-nine (89) degrees One (01) minutes West One Thousand Two and Eight Tenths (1002.8) feet to the West line of land deemed to Mary L. Daly as shown in Elkhart County Deed Record 134, at page 326; thence Southwardly along the West line of said Daly land Sixty-eight and Thirty-seven Hundredths (68.37) feet to the Northwest corner of land Deeded to Noffsingers as shown in Elkhart County Deed Record 165, page 71; thence Eastwardly along the North line of said Noffsinger land to the center line of Cassopolis Road; thence Northwardly along the center line of said Cassopolis Road, Sixty-eight and Forty-six Hundredths (68.46) feet to the place of beginning.

Subject to legal highways.

EXCEPTING THEREFROM the following described parcel of land: A part of the Southeast Quarter of Section 29, Township 38 North, Range 5 East, Elkhart County, Indiana, described as follows:

Commencing at the intersection of the center line of S.R. 19 (Cassopolis Street) and the North line of said Quarter Section; thence

NOTICE OF BID OPPORTUNITY

The Redevelopment Commission of the City of Elkhart, Indiana will receive sealed bids for the following project: Woodland Crossing - Tenant Space HVAC Systems.

Project Summary: Supply and install mini-split HVAC systems in newly constructed tenant spaces to include, but not limited to, all design, procurement, installation, and commissioning of systems. Contractor awarded this project will be expected to coordinate work with current construction contractor and their subs.

Bid packets may be obtained from the following sources:

- 1. Go to https://elkhartindiana.org/bid-opportunities/ and find bid packets listed by job title. Click the job title link to download for free. 2. Request a hard copy by contacting Jacob Wolgamoed at Jacob.Wolgamoed@coel.org. Please note that while city staff will make every attempt to provide a hard copy in a timely manner, delays are possible.

Sealed bids shall be filed as: Woodland Crossing - Tenant Space HVAC Systems Attn: Sherry Weber, Development Services Office Administrator City of Elkhart Permit Center 229 S 2nd St. Elkhart, IN 46516

Bids will be accepted during the hours of 8:00 a.m. to 4:30 p.m. (ET) Monday-Friday and up until 4:00 p.m. (ET) on Wednesday, February 18th, 2026 (the Deadline). All bids received by the Office Administrator prior to the Deadline will be reviewed at the meeting of the Redevelopment Commission scheduled to start at 4:00 p.m. (ET) on Wednesday, February 18th, 2026. Any bid received after the Deadline will be returned unopened. After review of submissions, the Commission will take action based on staff recommendation.

Bids must be submitted on the State of Indiana Contractor's Bid for Public Work - Form 96 (Rev. 2013). Form 96 may be attached to this bid notice or downloaded at: https://www.in.gov/sboa/about-us/electronic-forms/

A certified check or bank draft drawn on a solvent bank in the State of Indiana, payable without condition to the City of Elkhart, or a satisfactory bid bond executed by bidder and surety company in an amount not less than five (5) percent of the bid, shall be submitted with each bid.

Any deviation from the bid documents must be explained in the submittal.

A bid, proposal, or quotation submitted by a trust must identify each beneficiary of the trust and each settler empowered to revoke or modify the trust.

The Commission will award a contract to the lowest responsive and responsible bidder. The Commission reserves the right to waive informalities or irregularities, and to reject any and all bids or portions thereof.

City of Elkhart, Redevelopment Commission Sandra Schreiber, President HSPAXLP

LEGAL NOTICE #26-BZA-03

Hearing on proposed Developmental Variance #26-BZA-03

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on THURSDAY, FEBRUARY 12, 2026, at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-03.

Petitioner: Polly Properties LLC

Request: To vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen-point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet.

To vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet.

Location: 345 Country Club Drive

Zoning: R-3, Two Family Dwelling District - pending rezone to B-1, Neighborhood Business District

This meeting can also be accessed via WebEx. To join, go to http://coel.webex.com, enter 2316 869 8850 as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

TRACT I: Lots Numbered 24, 25 and 26 as the said Lots are known and designated on the recorded Plat of Woodlawn, an Addition to the City of Elkhart, Indiana, said Plat being recorded in Plat Book 2, page 98 in the Office of the Recorder of Elkhart County, Indiana, together with the East 1/2 of the vacated alley lying adjacent on the West side of said lots.

EXCEPTING therefrom the East 5 feet of said Lots as recorded in Plat Book 2, page 98 of the records in the Office of the Recorder of Elkhart County, Indiana.

ALSO LESS AND EXCEPTING: The West 11 feet of the East 16 feet of Lots Numbered 24, 25 and 26 in Woodlawn, a Subdivision in Section 32, Township 38 North, Range 5 East, the plat of which is recorded in Plat Book 2, page 98 in the office of the Recorder of Elkhart County, Indiana. Said West 11 feet of said East 16 feet lies West of an adjoining to the existing boundary of SR 19.

TRACT II: Lots Numbered 28 and 29 as the said Lot is known and designated on the recorded Plat of Woodlawn Addition, a Subdivision in Section 32, Township 38 North, Range 5 East, in the Office of the Recorder of Elkhart County, Indiana, together with the West 1/2 of the vacated alley lying adjacent on the East side of said Lot 28.

LEGAL NOTICE #26-BZA-04

Hearing on proposed Developmental Variance #26-BZA-04

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on THURSDAY, FEBRUARY 12, 2026, at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-04.

Petitioner: Melinda McCrary

Request: To vary from Section 5.4, Yard Requirements in the R-2 One-Family Dwelling District, to allow for a six (6) foot side yard setback where seven (7) feet are required, a variance of one (1) foot.

To vary from Section 5.4, Yard Requirements, Rear Yard to allow for a twenty-five (25) foot rear setback where thirty (30) feet is required, a variance of five (5) feet.

To vary from Section 5.4, Yard Requirements, for the front yard average established setback of twelve (12) feet, to allow for the construction of a one family detached dwelling at a front yard setback of eleven (11) feet, a variance of one (1) foot.

To vary from Section 5.2.B, Permitted Uses, which requires a one family detached dwelling to have a minimum of 600 square feet on the ground floor to allow for five hundred fourth (540) square feet on the ground floor, a variance of sixty (60) square feet.

Location: 1620 SOUTH NINTH STREET

Zoning: R-2, One-Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to http://coel.webex.com, enter 2316 869 8850 as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

PARCEL I: A PART OF LOT NUMBER ONE HUNDRED FIFTEEN (115) IN WOLF'S FIRST ADDITION TO THE CITY OF ELKHART, INDIANA, RECORDED IN DEED BOOK 60, PAGE 304, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA DESCRIBED AS FOLLOWS: BEGINNING ON THE WEST LINE OF SAID LOT AT A POINT FORTY-TWO (42) FEET SOUTHWARDLY FROM THE NORTHWEST CORNER OF SAID LOT; THENCE EASTWARDLY PARALLEL WITH THE NORTH LINE OF SAID LOT TO THE EAST LINE OF SAID LOT; THENCE SOUTHWARDLY ALONG THE EAST LINE OF SAID LOT, FORTY-TWO (42) FEET; THENCE WESTWARDLY PARALLEL WITH THE SAID NORTH LINE TO THE WEST LINE OF SAID LOT; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT FORTY-TWO (42) FEET TO THE PLACE OF BEGINNING.

PARCEL II: THIRTY-THREE (33) FEET BY EIGHTY-ONE (81) FEET OF THE SOUTHWEST CORNER OF LOT NUMBER ONE HUNDRED FIFTEEN (115) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WOLF'S ADDITION TO THE CITY OF ELKHART, INDIANA, IN DEED BOOK 60, PAGE 304, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Commonly known as 1620 South 9th Street, Elkhart, IN 46516

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 30th day of January 2026, by the City of Elkhart, Board of Zoning Appeals. HSPAXLP

STATE OF INDIANA IN THE ELKHART CIRCUIT/SUPERIOR COURT

COUNTY OF ELKHART CAUSE NUMBER: 20005-2510-MF-000238

PENNYMAC LOAN SERVICES, LLC,

Plaintiff,

vs.

UNKNOWN HEIRS, LEGATEES, DEVISEES, EXECUTORS, ADMINISTRATORS AND ASSIGNS, IF ANY, OF JOHN HAINES DEBBIE NEW-HAINES JAMIEBETH HAINES SYDNEY HAINES JOHN DANIEL HAINES UNKNOWN OCCUPANT Defendants.

NOTICE OF SUIT

SUMMONS - SERVICE BY PUBLICATION The State of Indiana to the defendants above named, and any other person who may be named. You are notified that you have been sued in the Court above named. The nature of the suit against you is a foreclosure of the real estate mortgage, legally described as:

LOT NUMBERED FOURTEEN (14), AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF SWEET MEMORIES ESTATES; SAID PLAT BEING RECORDED IN PLAT BOOK 27, PAGE 69 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

This property is commonly known as 54724 Thrash Ln, Elkhart, IN 46514

This summons by publication is specifically directed to the following Defendants whose addresses are known: Debbie New-Haines 53101 Beverly Hills Drive Middlebury, IN 46540

Jamiebeth Haines 1424 Magnolia Avenue Elkhart, IN 46514

Sydney Haines 27184 US Highway 12 Edwardsburg, MI 49112

John Daniel Haines 54152 Ash Road, Lot 133 Osceola, IN 46561

Unknown Occupant 54724 Thrash Ln

Project Summary: Overlay or a pre-existing roof system to include, but not limited to, all preparation and necessary removals, new fan-fold insulation, slope adjustments for proper drainage, new venting, flashing, and other necessary work to receive a 20-year warranty on the finished project.

Bid packets may be obtained from the following sources:

1. Go to <https://elkhartindiana.org/bid-opportunities/> and find bid packets listed by job title. Click the job title link to download for free.
2. Request a hard copy by contacting Jacob Wolgamood at Jacob.Wolgamood@coel.org. Please note that while city staff will make every attempt to provide a hard copy in a timely manner, delays are possible.

Sealed bids shall be filed as:
Woodland Crossing - 138-1 & 138-2 Roof
Attn: Shery Weber, Development Services Office Administrator
City of Elkhart Permit Center
229 S 2nd St.
Elkhart, IN 46516

Bids will be accepted during the hours of 8:00 a.m. to 4:30 p.m. (ET) Monday-Friday and up until 4:00 p.m. (ET) on Wednesday, February 18th, 2026 (the Deadline). All bids received by the Office Administrator prior to the Deadline will be reviewed at the meeting of the Redevelopment Commission scheduled to start at 4:00 p.m. (ET) on Wednesday, February 18th, 2026. Any bid received after the Deadline will be returned unopened. After review of submittals, the Commission will take action based on staff recommendation.

Bids must be submitted on the State of Indiana Contractor's Bid for Public Work - Form 96 (Rev. 2013). Form 96 may be attached to this bid notice or downloaded at: <https://www.in.gov/sboa/about-us/electronic-forms/>

A certified check or bank draft drawn on a solvent bank in the State of Indiana, payable without condition to the City of Elkhart, or a satisfactory bid bond executed by bidder and surety company in an amount not less than five (5) percent of the bid, shall be submitted with each bid.

Any deviation from the bid documents must be explained in the submittal.

A bid, proposal, or quotation submitted by a trust must identify each beneficiary of the trust and each settler empowered to revoke or modify the trust.

The Commission will award a contract to the lowest responsive and responsible bidder. The Commission reserves the right to waive informalities or irregularities, and to reject any and all bids or portions thereof.

City of Elkhart, Redevelopment Commission
Sandra Schreiber, President HSPAXLP

LEGAL NOTICE #26-UV-03

Hearing on proposed Use Variance #26-UV-03

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **THURSDAY, FEBRUARY 12, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-03.

Petitioner: Kajo, Inc.-Joseph T. Livings & Kathryn Livings

Request: To vary from Section 13.2, Permitted Uses in the B-3, Service Business District to allow for a private club or lodge (Masonic Lodge).

Location: 2111 Cassopolis Street

Zoning: B-3, Service Business District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2316 869 8850 as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

A part of the Southeast Quarter (1/4) of Section Twenty-nine (29), Township Thirty-eight (38) North, Range Five (5) East, Elkhart County, State of Indiana, more particularly described as follows:

Assuming the North line of the Southeast Quarter (1/4) of said Section just West of the Cassopolis Road to have a bearing due East and West commencing at a cross on the concrete pavement at the intersection of the center line of the Cassopolis Road with the North line of the Southeast Quarter (1/4) of said Section; thence South Three (3) Degrees East along the center line of said road, One Thousand Three Hundred Thirty-one and Forty-two Hundredths (1331.42) feet to a cross on the concrete pavement for the beginning point of this description; thence South Eighty-nine (89) degrees One (01) minutes West One Thousand Two and Eight Tenths (1002.8) feet to the West line of land deeded to Mary L. Day as shown in Elkhart County Deed Record 134, at page 328; thence Southwardly along the West line of said Day land Sixty-eight and Thirty-seven Hundredths (68.37) feet to the Northwest corner of land Deeded to Noffsingers as shown in Elkhart County Deed Record 165, page 71; thence Eastwardly along the North line of said Noffsinger land to the center line of Cassopolis Road; thence Northwardly along the center line of said Cassopolis Road, Sixty-eight and Forty-six Hundredths (68.46) feet to the place of beginning.

Subject to legal highways.

EXCEPTING THEREFROM the following described parcel of land:

A part of the Southeast Quarter of Section 29, Township 38 North, Range 5 East, Elkhart County, Indiana, described as follows:

Commencing at the intersection of the center line of S.R. 19 (Cassopolis Street) and the North line of said Quarter Section; thence South 2 degrees 28 minutes 41 seconds East, 1,331.42 feet along the center line of said S.R. 19 to the Northeast corner of the owners' land; thence South 89 degrees 32 minutes 19 seconds West 25.02 feet along the North line of the Owners' land to the West boundary of said S.R. 19 and the point of beginning of this description; thence South 2 degrees 28 minutes 41 seconds East 59.11 feet along the boundary of said S.R. 19; thence South 2 degrees 01 minute 01 second East 9.02 feet along said boundary to the South line of the owners' land; thence North 89 degrees 41 minutes 41 seconds West (16.0) feet along said South line; thence North 2 degrees 01 minute 01 second West 8.30 feet; thence North 2 degrees 28 minutes 41 seconds West 59.61 feet to the North line of the Owners' land; thence North 69 degrees 32 minutes 19 seconds East 16.01 feet along said North line to the point of beginning.

Subject to legal highways.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 27th day of January 2026, by the City of

NOTICE OF BID OPPORTUNITY

The Redevelopment Commission of the City of Elkhart, Indiana will receive sealed bids for the following project: **Woodland Crossing - Tenant Space HVAC Systems.**

Project Summary: Supply and install mini-split HVAC systems in newly constructed tenant spaces to include, but not limited to, all design, procurement, installation, and commissioning of systems. Contractor awarded this project will be expected to coordinate work with current construction contractor and their subs.

Bid packets may be obtained from the following sources:

1. Go to <https://elkhartindiana.org/bid-opportunities/> and find bid packets listed by job title. Click the job title link to download for free.
2. Request a hard copy by contacting Jacob Wolgamood at Jacob.Wolgamood@coel.org. Please note that while city staff will make every attempt to provide a hard copy in a timely manner, delays are possible.

Sealed bids shall be filed as:
Woodland Crossing - Tenant Space HVAC Systems
Attn: Shery Weber, Development Services Office Administrator
City of Elkhart Permit Center
229 S 2nd St., Elkhart, IN 46516

Bids will be accepted during the hours of 8:00 a.m. to 4:30 p.m. (ET) Monday-Friday and up until 4:00 p.m. (ET) on Wednesday, February 18th, 2026 (the Deadline). All bids received by the Office Administrator prior to the Deadline will be reviewed at the meeting of the Redevelopment Commission scheduled to start at 4:00 p.m. (ET) on Wednesday, February 18th, 2026. Any bid received after the Deadline will be returned unopened. After review of submittals, the Commission will take action based on staff recommendation.

Bids must be submitted on the State of Indiana Contractor's Bid for Public Work - Form 96 (Rev. 2013). Form 96 may be attached to this bid notice or downloaded at: <https://www.in.gov/sboa/about-us/electronic-forms/>

A certified check or bank draft drawn on a solvent bank in the State of Indiana, payable without condition to the City of Elkhart, or a satisfactory bid bond executed by bidder and surety company in an amount not less than five (5) percent of the bid, shall be submitted with each bid.

Any deviation from the bid documents must be explained in the submittal.

A bid, proposal, or quotation submitted by a trust must identify each beneficiary of the trust and each settler empowered to revoke or modify the trust.

The Commission will award a contract to the lowest responsive and responsible bidder. The Commission reserves the right to waive informalities or irregularities, and to reject any and all bids or portions thereof.

City of Elkhart, Redevelopment Commission
Sandra Schreiber, President HSPAXLP

LEGAL NOTICE #26-BZA-03

Hearing on proposed Developmental Variance #26-BZA-03

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **THURSDAY, FEBRUARY 12, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-03.

Petitioner: Polly Properties LLC

Request: To vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen-point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet.

To vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet.

Location: 345 Country Club Drive

Zoning: R-3, Two Family Dwelling District - pending rezone to B-1, Neighborhood Business District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2316 869 8850 as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

TRACT 1: Lots Numbered 24, 25 and 26 as the said Lots are known and designated on the recorded Plat of Woodlawn, an Addition to the City of Elkhart, Indiana, said Plat being recorded in Plat Book 2, page 98 in the Office of the Recorder of Elkhart County, Indiana, together with the East 1/2 of the vacated alley lying adjacent on the West side of said lots.

EXCEPTING therefrom the East 5 feet of said Lots as recorded in Plat Book 2, page 98 of the records in the Office of the Recorder of Elkhart County, Indiana.

ALSO LESS AND EXCEPTING: The West 11 feet of the East 16 feet of Lots Numbered 24, 25 and 26 in Woodlawn, a Subdivision in Section 32, Township 38 North, Range 5 East, the plat of which is recorded in Plat Book 2, page 98 in the office of the Recorder of Elkhart County, Indiana. Said West 11 feet of said East 16 feet lies West of an adjoining to the existing boundary of SR 19.

TRACT II: Lots Numbered 28 and 29 as the said Lot is known and designated on the recorded Plat of Woodlawn Addition; said Plat being recorded in Plat Book 2, page 98, in the Office of the Recorder of Elkhart County, Indiana, together with the West 1/2 of the vacated alley lying adjacent on the East side of said Lot 28.

TRACT III: A part of the North half of Section 32, Township 38 North, Range 5 East in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

Beginning at an iron stake at the Southeast corner of Lot Number 28 in Woodlawn Addition, Osolo Township, Elkhart County, Indiana, a recorded Plat; thence Southeastwardly along an extension of the East line of said Lot, 125 feet to an iron stake; thence Westwardly parallel with the South line of said Lot, 100 feet to an iron stake; thence Northwardly along an extension of the West line of Lot Number 29 in said Plat, 125 feet to an iron stake at the Southwest corner of said Lot; thence Eastwardly along the South line of said Lot, 100 feet to the place of beginning.

ALSO: The West 1/2 of the vacated alley lying adjacent on the East side of said above quarter section parcel.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 27th day of January 2026, by the City of

To vary from Section 5.4, Yard Requirements, for the front yard average established setback of twelve (12) feet, to allow for the construction of a one family detached dwelling at a front yard setback of eleven (11) feet, a variance of one (1) foot.

To vary from Section 5.2 B, Permitted Uses, which requires a one family detached dwelling to be a minimum of 600 square feet on the ground floor to allow for five hundred fourth (540) square feet on the ground floor, a variance of sixty (60) square feet.

Location: 1620 SOUTH NINTH STREET

Zoning: R-2, One-Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2316 869 8850 as the meeting number and "BZA2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

PARCEL I:
A PART OF LOT NUMBER ONE HUNDRED FIFTEEN (115) IN WOLFS FIRST ADDITION TO THE CITY OF ELKHART, INDIANA, RECORDED IN DEED BOOK 60, PAGE 304, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA DESCRIBED AS FOLLOWS:
BEGINNING ON THE WEST LINE OF SAID LOT AT A POINT FORTY-TWO (42) FEET SOUTHWARDLY FROM THE NORTHWEST CORNER OF SAID LOT; THENCE EASTWARDLY PARALLEL WITH THE NORTH LINE OF SAID LOT TO THE EAST LINE OF SAID LOT; THENCE SOUTHWARDLY ALONG THE EAST LINE OF SAID LOT, FORTY-TWO (42) FEET; THENCE WESTWARDLY PARALLEL WITH THE NORTH LINE OF SAID LOT TO THE WEST LINE OF SAID LOT; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID LOT FORTY-TWO (42) FEET TO THE PLACE OF BEGINNING.

PARCEL II:
THIRTY-THREE (33) FEET BY EIGHTY-ONE (81) FEET OF THE SOUTHWEST CORNER OF LOT NUMBER ONE HUNDRED FIFTEEN (115) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WOLFS ADDITION TO THE CITY OF ELKHART, INDIANA, IN DEED BOOK 60, PAGE 304, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Commonly known as 1620 South 9th Street, Elkhart, IN 46516

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 30th day of January 2026, by the City of Elkhart, Board of Zoning Appeals. HSPAXLP

STATE OF INDIANA IN THE ELKHART CIRCUIT/SUPERIOR COURT

COUNTY OF ELKHART CAUSE NUMBER: 20D05-2510-MF-000238

PENNYMAC LOAN SERVICES, LLC,
Plaintiff,
vs.
UNKNOWN HEIRS, LEGATEES, DEVISEES, EXECUTORS, ADMINISTRATORS AND ASSIGNS, IF ANY, OF JOHN HAINES
DEBBIE NEW-HAINES
JAMIEBETH HAINES
SYDNEY HAINES
JOHN DANIEL HAINES
UNKNOWN OCCUPANT
Defendants.

NOTICE OF SUIT

SUMMONS - SERVICE BY PUBLICATION
The State of Indiana to the defendants above named, and any other person who may be concerned, You are notified that you have been sued in the Court above named. The nature of the suit against you is a foreclosure of the real estate mortgage, legally described as:

LOT NUMBERED FOURTEEN (14), AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF SWEET MEMORIES ESTATES; SAID PLAT BEING RECORDED IN PLAT BOOK 69 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

This property is commonly known as 54724 Thrash Ln, Elkhart, IN 46514

This summons by publication is specifically directed to the following Defendants whose addresses are known:

Debbie New-Haines
53101 Beverly Hills Drive
Middlebury, IN 46540

Jamiebeth Haines
1424 Magnolia Avenue
Elkhart, IN 46514

Sydney Haines
27184 US Highway 12
Edwardsburg, MI 49112

John Daniel Haines
54152 Ash Road, Lot 133
Osceola, IN 46561

Unknown Occupant
54724 Thrash Ln
Elkhart, IN 46514

And to the following defendant whose addresses are unknown:
Unknown Heirs, Legatees, Devisees, Executors, Administrators and Assigns, if any, of John Haines

In addition to the above-named Defendants being served by this summons there may be other Defendants who have an interest in this lawsuit. If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer. You must answer the Complaint in writing, by your attorney, on or before the 12th day of March 2026, (the same being within thirty (30) days after the Third Notice of Suit), and if you fail to do so a judgment will be entered against you for what the Plaintiff has demanded.

Matthew C. Gladwell (30493-49)
Christopher J. Aringhaus (31680-15)
Aron Rodgers (28418-84)
Attorneys for Plaintiff

Reisenfeld & Associates LLC
3892 Red Bank Road
Cincinnati, OH 45227
Voice: (513) 322-7000
Facsimile: (513) 322-7099

ATTTEST:

BOARD OF ZONING APPEALS

-MINUTES-

Thursday, December 11, 2025 - Commenced at 6:00 P.M. & adjourned at 7:14 P.M.

City Council Chambers – Municipal Building

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Phalene Leichtman

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Kevin Davis

RECORDING SECRETARY

Raen Levendoski

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES FOR OCTOBER 9, 2025

Evanega Rieckhoff states that there's a small change to the October 9th minutes – an addition of "via webex."
Mulvaney makes motion to approve; Second by Leichtman. Voice vote carries.

APPROVAL OF MINUTES FOR NOVEMBER 13, 2025

Tabled until January 8, 2026.

APPROVAL OF PROOFS OF PUBLICATION

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

APPROVAL OF 2026 BOARD OF ZONING APPEALS CALENDAR

Eric Trotter states that the calendar is the same, the rhythm of the meetings are the same – the file by date and meeting date are approximately 5 weeks apart.

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

OPENING STATEMENT

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

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

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. We don't have any proxies tonight.

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

Trotter states that this case will remain tabled.

NEW BUSINESS

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

Kyle Anthony-Petter presents. The request is 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.

Evanega Rieckhoff calls the petitioner forward.

Richard Smith, representative of Brad Norman of the 112 Club, appears in person. They would like to move forward with the digital sign, which occupies the same footprint as the previous sign. It gives a larger margin of safety – it can be changed from a laptop inside of a building, doesn't have loose letters and things blowing in the wind into the road. It enhances the look of the property and provides communication for the community that is going to use the space.

Evanega Rieckhoff asks for questions from the Board.

Mulvaney asks if they are aware of the conditions that staff has recommended, which are consistent with the new regulations for LED signs. Smith confirms.

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

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 for 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 electronic 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.

STAFF 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.

Anthony-Petter states there were 28 letters mailed with none returned.

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

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 25-BZA-25 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
 Evanega Rieckhoff – Yes

Motion carries.

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

Trotter presents. The request is 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.

Evanega Rieckhoff calls the petitioner forward.

Tuma Underwood, 1719 Boardwalk in Elkhart, appears in person. Underwood states that they purchased to old Crimaldi’s building, the downstairs was at one time a restaurant. They cleaned it up and renovated it, and want to turn it into two residential suites. It was put on the market for retail/rental with Endeavour and have received no interest. They’re trying to move in a different direction and understand there’s a housing crisis, so they would like to turn it into residential suites.

Evanega Rieckhoff states the only questions she has is regarding parking spaces - aware of parking on the side and knows there are also place up above. How many apartments are there total, and how many parking spaces do they have?

Underwood states that the two upstairs are both one bedroom apartments, but they could hold two. They have two girls in one of the apartments, and one gentleman in the other. Three spots are taken. Both downstairs could hold two but will be one-bedrooms, as well. There are eight spots, since they have the concrete pad behind the building and parking on the side.

Evanega Rieckhoff asks if that's enough – a space-and-a-half for every [trails off]. Underwood nods, and states that the spots run 7-9', but the parking spaces in the back are 9' apart.

Evanega Rieckhoff asks for questions from the Board.

Leichtman asks if there are four total apartments in the building. Underwood confirms.

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

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. 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.

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 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.

Trotter say 22 letters were mailed with none returned.

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

Mulvaney makes a motion to approve 25-UV-15 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
Evanega Rieckhoff – Yes

Motion carries.

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

Anthony-Petter presents. The request is 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.

Evanega Rieckhoff calls the petitioner forward.

Todd Lehman of Signtech Sign Services, 1508 Bashor Rd in Goshen, appears in person. States he was originally contacted by Dr. Roger Pecina originally about this project, who is working with Dr. Richard Boling, who owns the property. They both would really like to put a classic 50s style diner in this location. They found a closed 50s diner in New York, where they're acquiring all the interiors, and part of the package was this sign that had been mounted to the roof.

Mulvaney asks if it's the original sign.

Lehman confirms and states that what they'd like to do is relocate all this to Elkhart, re-open this diner, and name it the Eddie's Drive In that it was originally in New York.

Evanega Rieckhoff ask if it's going to be a drive-in or diner.

Lehman states that it all depends on whether they get to do this. If they can't get the sign on the roof, they will walk away from some of the aspects they've been leaning towards – it all revolves around whether a variance is granted for the sign to go on the roof.

Evanega Rieckhoff asks for questions from the Board.

Mulvaney wants to make sure the carhops are on roller skates.

Lehman states that it is a stainless steel neon sign, which isn't seen any more, so it would be really cool to see it saved. There will probably be a lot of stainless steel inside, as well, because that's what they did in the day.

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

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.

STAFF 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.

Anthony-Petters states seven letters were mailed with none returned.

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

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 25-BZA-26 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 Mulvaney.

Mulvaney – Yes

Leichtman – Yes

Evanega Rieckhoff – Yes

Motion carries.

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

Trotter presents. The request is 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.

Evanega Rieckhoff states that what the Board will do is have the petitioner come up and speak to all of the variances, have staff read the Staff Report for all of them, then vote individually on each variance.

Evanega Rieckhoff calls the petitioner forward.

Thad Bessinger, 53767 County Rd 9 in Elkhart, appears in person. First, around the shop they would like to construct, they want to put gravel. It would tie-in to both the asphalt parking lot around the office and the asphalt parking lot on the other side of the shop. The reason for that is, when they unload the tracked equipment, it destroys the concrete and asphalt, chews it up. It would give them a place to not constantly destroy, that they could keep maintained.

Bessinger states that the fence that is around the perimeter is existing and already at the height they want to maintain, they just would like to fix it up. There is one section out by Wade Drive that is on city property, they spoke with Eric about, that needs to be moved back to the proper property. They like the idea of putting barbed wire because they've had break-ins, and people vandalizing equipment or get hurt on equipment, so it's a protective measure to try to protect the equipment.

Bessinger states that the other one was the tanks. What they do is the equipment comes for storage, then it goes into the shop to be worked on, then it gets fueled up. They go through quite a bit of fuel a month. The advantage with that is that rather than having to load the equipment up and run it across city streets to another location to get it fueled up, then take it to a different location across the city, it saves on fuel, the environment, and damage to city roads. They can just take care of it all at one location, because it has to come back and be serviced and maintained at that one site.

Evanega Rieckhoff checks to make sure that covered all the variances, the outside storage is the only variance not covered.

Bessinger states that the equipment they bring in, they want to be able to park the equipment outside until it can be brought into the shop to be worked on, then it would go back out to be parked. It's typically the area where they park their trucks and trailers. What they're doing is moving their location into the city.

Evanega Rieckhoff asks for questions from the Board.

Mulvaney asks how many pieces of equipment they anticipate storing outside. Bessinger states that it will depend on what needs to be repaired or not. They have a lot of equipment, but winters are typically more than summer, since in the summer they're all out working. There could be 6-8 pieces of equipment in the back yard, then trailers. They'll keep at least as many (8-10) trailers, it just depends. A lot of them will leave and not come back.

Mulvaney asks if most of it goes out to the worksite. Bessinger confirms, and says it's really hard to measure since it varies.

Mulvaney asks if the large parking lot that was being used to store RVs is where they'll store – Bessinger confirms that that's where they'll store the trailers and trucks. He also states a lot of the bigger equipment would be in the gravel lot on the back side, which is where that and the storage tank, between where they want to keep a little buffer of trees and a new building. Bessinger states that eventually they'll talk to the city about putting a lean-to to keep some of the equipment, but that's not a part of this petition.

Mulvaney asks if they anticipate removing any more trees in the area. Bessinger says they would like not to, and that they want to leave the rectangular area of trees.

Leichtman asks if they are aware of the conditions about moving the fence. Bessinger confirms and states that that will probably come down when they take the trees down.

Evanega Rieckhoff opens for public comments to speak in favor.

Ryan White with Pinnacle Properties, 4189 Main St, a commercial real estate broker for the last 22 years, appears in person. States that this transaction is contingent on getting this variance. His company has been tasked with selling the Heartland Campus for Thor Industries. They've had good activity and been very successful with selling the manufacturing facilities, which all sold within a matter of months. This office building, which is the former Heartland Corporate Headquarters, is a beautiful office building and has had very little activity.

Evanega Rieckhoff states it was formerly Coachman.

White confirms, and says then it was Heartland, who redid it, and it's one of the best office buildings they've seen in the area. Nationally and regionally, the office market is really bad. They don't get a lot of users like C&E looking for that much office space. They're thrilled someone from Elkhart, that wants to stay in Elkhart is looking at the property, looking to keep the jobs here in the state let alone in Elkhart. Speaking to the technical things they're looking for, that whole park has barbed wire fence throughout, and there are tanks like that throughout. He understands the zoning is different here from the M-1 zoning, but it goes with the rest of what's in that area there. It'd be great to see C&E move in there, and it'd be a great win for Elkhart.

Evanega Rieckhoff opens for opposition.

Beth Van Galen, 1334 County Rd 6 West, appears via WebEx, but there were technical difficulties – WebEx users could not be heard in the Council Chambers, but could be heard on the recording.

Evanega Rieckhoff asks if Beth is looking to speak in opposition, and Val Galen confirms [unheard by council]. Evanega Rieckhoff asks if she is muted, and she states that she is unmuted. Evanega Rieckhoff states that they still cannot hear Van Galen, and asks if IT can unmute her. IT explains [unintelligible, off mic] that it is an issue with the wiring in the room that they are trying to fix but that will not be fixed immediately.

Evanega Rieckhoff asks if a phone number can be provided for Van Galen to call in, and asks for a thumbs up if that is okay. Van Galen gives a thumbs-up on video.

Ryan White provides his phone number for her to call in. Van Galen disconnects from WebEx in order to call in. There are a few moments of waiting before the call comes through. White puts Van Galen on speakerphone.

Beth Van Galen appears via phone. Van Galen states they just bought the house on the other side about a year ago, and asks if the tree frontage will stay in the back of the building. Evanega Rieckhoff states that yes, it is. Van Galen states that last year a lot of trees were taken out by the really horrendous storm, and it did take out a major part of the fence. When Heartland was confronted about the fence, they refused to take care of it. Van Galen states that that is a concern for the, because they do not want the trees taken down or the gas tanks sitting back there. They do not want that to be the way they take care of the property.

Evanega Rieckhoff asks Bessinger to come speak to Van Galen's concerns.

Bessinger states that a lot of the trees will come down per their plan. He states that in front of the asphalt lot there are nicer trees and a green space that will end up with a 20ft buffer they plan to put trees in. Bessinger states that the trees that are currently there do not look nice, with trees and limb down, and parts of the fence down. Their intent is to fix the fence and they talked about putting slatting in it to give more privacy. They do plan to clean it up and maintain it, and the tanks would be removed to make room for more storage area. The green section on drawing shows that everything along the office would stay as trees.

Van Galen asks if there will be trees that separate between the manufacturing and housing. Bessinger states that there will be some, then asks if she can see the asphalt lot and trees that are there where they stored the RVs. Van Galen says no, they can't, but they can see the lot where the RVs were, but not so much in the summer time. She states that they're in front of the corporate building and over a little more from that lot. Bessinger states that if they're straight in front of the corporate building, those trees will stay and the first 50-75ft of the tree line will stay, kind of where the tower is, then all the rest of the trees will come out to the fence, then they will fix the fence and clean that area up, then plant trees along the residential area to try and shield. They also talked about putting in the green slats in the fence.

Van Galen states concern about reselling the property with manufacturing right behind their house. Bessinger states that they're not a manufacturing company. He states it's like the rental that's approved but a little bigger, with bigger construction equipment.

Van Galen asks if the tanks will be sitting outside with fuel in them. Bessinger states that it would be diesel fuel, closer to the office and should be hidden by the trees – between the new building they're going to build, and the office and the trees. In that area, more on the North side of the site, in a secondary containment, so that if something happens it would hold it. He states it's diesel fuel, which is a little safer than [unintelligible].

Van Galen talks about an explosion that happened at a carpenter company that has her concerned.

Bessinger states she won't have to worry about an explosion. States that North of there is a brownfield where they run the city water in the area, so city water is available.

Van Galen asks when they will start this. Bessinger responds that they talked about doing tree clearing soon, but as far as the

building it would be later in the summer would be the earliest they could start anything on that. They would mostly just occupy the office, since they're out of office space, which is why this property fit for them.

Evanega Rieckhoff asks if Van Galen has any other questions. Van Galen says yes, but she knows she's a little fish and feels like they're going to lose here. Bessinger states they pride themselves not only on taking care of their customers, but also want to be good neighbors. States they are welcome to reach out to them if they have concerns or need help, or at some point – Bessinger asks if they are on city water. Van Galen states that was another concern because they have a well. Bessinger states that they know they had the Phase 1 and Phase 2 done, and some of that brownfield spilled into the corner of our property, so that was one of our concerns with this property we want to buy. It might be worth looking at city water while you're there, but it's something we're willing to help you out as a neighbor, too, if there's an issue.

Van Galen asks for clarification on the brownfield. Bessinger said yes, it just got into the corner of Dexter and Wade. We were supposed to close in October, but because of what we found, we've done more exploratory... it hasn't been bad, but you know.

Van Galen says okay and yeah, because they are on a well, that is a concern. Bessinger states that they keep track of that and get inspected every year by the county, and now it'll be the city. We'll take good care of that. It'll be a double containment wall. We've been doing this for a long time, and it's diesel fuel, so...

Van Galen asks if they can ask questions at any time. Bessinger confirms.

Evanega Rieckhoff thanks Van Galen for calling in and apologizes for the technical glitch. White tells Van Galen she can call him at any time at his number. Bessinger also says she can contact C&E.

Levendoski asks Van Galen to state her name and address for the record.

Van Galen states that she sent a letter. Trotter replies that the letter has not been received yet, so asks for her name and address.

Evanega Rieckhoff calls staff forward.

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.



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 tank 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 existing 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 it 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.

STAFF 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.

Trotter states 15 letters were mailed with 1 returned not in favor with no comment, and another was a phone call not in favor from a residence at 1400 County Rd 6. Comments were: the residential houses of the area are on well water, not city, and she would appreciate a good faith effort from Heartland to provide yearly water testing to ensure that no fuel or contaminants are leeching into the ground water.

Leichtman asks who regulates the gas on the property – does the state, does the city? Who watches over that. Trotter states he believes that is a function of the state and the county health department. Leichtman asks how often it is inspected. Bessinger states that it's once a year, minimum.

[Bessinger speaks more off mic, unintelligible] Bessinger asks if one of the addresses was 1400. Trotter states the property was around the corner on Dexter, on Dexter adjacent. [off mic, unintelligible]

Evanega Rieckhoff asks if Condition one goes with 26.4.B or 26.4.A.1. Trotter replies that it goes with 26.4.B.

Evanega Rieckhoff asks for clarification on condition two, revoking. Trotter clarifies that staff will initiate that revocation. Evanega Rieckhoff states the Board will not do anything with that tonight and Trotter confirms. He did not want to put that on the same agenda and muddy the water.

Mulvaney asks if extending city water to the residents along County Rd 6 on the radar for the City at some point. Trotter states that right now it's his understanding that there is no water service along that section of County Rd 6. What would have to happen is the water would have to come from the industrial part south. There is an easement along the south side of the petitioners property, where there could be the potential for the installation of a service line that could potentially serve then the residents along County Rd 6 from their rear yard, coming south to the homes. The utility would have to work with the petitioner to loop that water, because you can't have a dead end line, so it would be looped around the perimeter of their property. I understand there is an easement along the South side of the property for general utilities.

Evanega Rieckhoff asks if each motion should be called by their sections. Trotter confirms.

Evanega Rieckhoff calls for a motion to vary section 13.2.T.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 13.2.T dealing with outside storage of liquids or gases; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 26.7.C.7.b with respect to parking areas and drives being gravel; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 13.2.F regarding outside storage; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 26.4.B regarding fences and also adopting the conditions in the staff report with respect to the existing fence in the right-of-way; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries.

Mulvaney makes a motion to approve 25-BZA-27, with respect to varying from section 26.4.A.1 with respects to the fence requirements; Second by Leichtman.

Mulvaney – Yes
Leichtman – Yes
Evanega Rieckhoff – Yes

Motion carries

Evanega Rieckhoff asks if there are any other staff items. Trotter reminds the Board of training on Thursday, December 18 at 2pm in the Council Chambers Conference Room.

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, January 8, 2026 - Commenced at 6:01 P.M. & adjourned at 7:02 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Phalene Leichtman
Rochali Newbill

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Raen Levendoski

ELECTION OF OFFICERS

Eric Trotter, Assistant Director for Planning, states that the first item will be the election of officers – Chair, Vice-Chair, and Secretary.

Evanega Rieckhoff states that Janet Evanega Rieckhoff is the Chair, Phalene Leichtman is the Vice Chair, and asks who the Secretary is.

Trotter states that it was Ron Davis, and the position was never re-filled.

Evanega Rieckhoff asks if we postpone the whole election, or just elect the two.

Trotter answers that they would elect all three.

Evanega Rieckhoff begins to state that we will hold the election of officers, but Trotter clarifies that they have to do elections tonight, and would open to take nominations for President (Chair) first.

Evanega Rieckhoff asks if there are any nominations for President.

Leichtman makes a motion to approve Evanega Rieckhoff for President. Second by Mulvaney.

Mulvaney – Yes
Leichtman – Yes
Newbill – Yes

Evanega Rieckhoff asks if there are any nominations for Vice President.

Mulvaney makes a motion to approve Leichtman for Vice President.

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

Trotter states that a Secretary can be nominated for just this meeting, or for all of 2026.

Rochali Newbill volunteers to be Secretary for this meeting only.

Leichtman makes a motion to approve Rochali Newbill for Secretary (this meeting only). Second by Mulvaney. Voice vote carried unanimously.

APPROVAL OF AGENDA

Evanega Rieckhoff moves to approve the agenda.

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

APPROVAL OF MINUTES FOR NOVEMBER 13, 2025

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

APPROVAL OF MINUTES FOR DECEMBER 11, 2025

Leichtman makes motion to approve. No Second was given, vote will need to be redone.

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the January 8, 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. One thing – has everybody who's planning on speaking signed in? If you haven't, if you could come up and sign in now, that would be very, very helpful.

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.

We do have a quorum tonight.

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

Evanega Rieckhoff states that she believes that at this time she needs to leave the room.

Trotter confirms and states that Phalene Leichtman will chair this portion of the meeting, as Evanega Rieckhoff has conflict and needs to recuse herself.

25-UV-12 PETITIONER IS JFS REAL ESTATE HOLDINGS, LLC PROPERTY IS LOCATED AT 1010 NORTH MAIN STREET

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

Leichtman welcomes the petitioner and asks them to state their name.

Petitioner Michael A. "Andy" Spite appears in person. Spite states that basically he wants to store cars in a parking lot he rents out to a dealer as overflow. Has done this for four years, and the dealer stopped about three years ago, but for four years it was fine. The dealer kept about 120 cars, but now keeps 20-30 on the lot. It's paved, fenced-in, and unobtrusive. Spite states it's a gray area, it says storage yard, and he was told he could park semi-trailers there but not a few cars. He is looking for a variance to allow for cars.

Leichtman asks if Spite signed in. Spite confirms.

Leichtman asks for questions from the Board.

Mulvaney says staff indicated that if the BZA chooses to approve this variance, there would be four conditions imposed. Mulvaney asks if the Petitioner has seen the conditions and does he have any issues with them.

Trotter approaches to quickly go over the conditions with the Petitioner.

Spite confirms that they have already been doing that and they have no problem with the conditions.

Leichtman asks if there are any further questions, seeing none she opens for public comments to speak in favor. Seeing none, she opens for opposition. Seeing none, she closes the public portion of the meeting and calls staff forward.

STAFF ANALYSIS

Trotter presents. 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.

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 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.

Trotter states four letters were mailed with none returned.

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

Mulvaney makes a motion to approve 25-UV-12 and adopt the petitioner’s documents and presentation, together with the Staff’s findings 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
Newbill – Yes
Leichtman – Yes

Motion carries.

NEW BUSINESS

26-UV-01 PETITIONER IS ESPAR & ESPAR HOLDINGS, LLC PROPERTY IS LOCATED AT 700 SOUTH MAIN STREET SUITE 101

Trotter states the request is to vary from Section 15.2, Permitted Uses in the Central Business District to allow for a Tattoo Parlor. Tattoo Parlors are not permitted in the Central Business District.

Evanega Rieckhoff calls the petitioner forward.

Petitioner Nicholas Green of 3517 Wood Street, Elkhart, appears in person with his wife, Rebekah. They are requesting a Use Variance for a tattoo studio, a dream they want to call Heart City Social Club at 700 South Main. As a high-end tattoo studio, Heart City Social Club will offer a luxurious experience that connects art and community. Operating in accordance with strict industry standards, clients will be able to enjoy a friendly and clean environment. Heart City Social Club will be a place where traveling and local clientele can enjoy everything the city has to offer. From the stay at a hotel in Elkhart to the small shops and the great restaurants. The ambiance of Heart City Social Club will be defined by opulent finishings, from the original tin ceilings, curated art displays highlighting the styles of American and Japanese-style tattooing, hand-painted custom signage, and many other details that will make this a destination tattoo studio. Most importantly, the art coming out of this studio will be second-to-none, created by the best resident artists and renowned guests from around the globe. Green apologizes for being nervous.

Green states that another thing he wants to say is that Heart City Social Club, with it being located in down town Elkhart, he wants to show the community what the great tradition of tattooing can do. It can bring people together from all walks of life, in one space, showing the love of art. It will also be used as a philanthropic space to help take care of their community. In the past, they have worked with Toys for Tots, the Elkhart Humane Society, and the Australian Wildlife Warriors. They've also participated in an initiative to help people who have changed – who have tattoos of a hateful nature. Through this program, they have covered hateful tattoos that are generally racially- or sexually-charged. These tattoos were either forced on these people, or they got them before they learned the importance of acceptance and respect of others. By covering these tattoos, they hope to give them a fresh start. They think that their dream will align with the vision of downtown Elkhart, and hope to work hand-in-hand with the City of Elkhart and other businesses in joining in the revitalization efforts. Green thanks the board for their consideration to add their dream to the CBD and the heart of downtown Elkhart.

Rebekah Green of 3517 Wood Street appears in person. She would like to elaborate on a few key details of their plans for this proposed tattoo studio. Heart City Social Club is the antithesis of what anybody might think of a grungy old-school biker gang tattoo shop. Their regular business hours are planned to be 10am to 7pm on weekdays and then 10am to 8pm on weekend nights. This not only ensures that adjacent residents sleeping hours are respected, but also that their clients are making very responsible and conscious decisions about getting tattooed. As a community-centered space, they are eager to participate in downtown festivities such as art walk, jazz fest, and other cultural festivals. Examples of how they might partake in these events include custom art shows, designing themed flash or tattoo designs that are very relevant to current or upcoming events, offering temporary tattoos for people of all ages that might not want a permanent marking on them, and hosting workshops. Client safety and satisfaction is their top priority, but this is not only decided by the adherence to the very technical health and safety standards – the atmosphere is equally as important for client satisfaction. They believe that diversity makes their city beautiful, culturally rich, and successful. At Heart City Social Club, they seek to create an inclusive environment for everyone, notably marginalized people and groups. Cultivating the welcoming atmosphere includes property maintenance. At 700 South Main Street, the row building built in 1900 has very unique architectural elements. They strive to keep the building and its façade for their lease suite in pristine condition. Regular cleaning and small paint touch-ups are necessary for clients to feel comfortable and confident walking into the space. One last small but impactful intention they have is to create a guidebook to Elkhart. This is for clients to refer to while in the waiting space. This will be mutually beneficial to their clients, local businesses, and parks, as their customers will learn all about the great places to visit in their city. They already frequent many of the locally-owned restaurants, shops, and parks around the area and can add their personal recommendations into this guidebook. Through these efforts to build trust and confidence in Heart City Social Club, it's strong community presence will serve as a major hub for integrating art with social impact. She thanks the Board for hearing their appeal and considering their request.

Evanega Rieckhoff asks for questions from the Board.

Leichtman comments that the presentation binder the Petitioner brought for the Board is amazing, and thanks them for being so thorough – she states that it shows what kind of business owner they will be.

Evanega Rieckhoff agrees and says she loves the building and is glad they feel the same. She has two questions. First, she is not quite sure she understands the name – the “Social Club”. Is the tattoo business the entire social club, or is there something else?

Nicholas Green states that the tattoo business is the entire business, and they want to call it a social club because it goes back into the 1940s to what they called tattoo studios and invites people to come in and see what they have going on. They want it to be a place where people can come and feel welcomed. Also, they're not a big fan of the huge tattoo signs, as they sometimes lead to a weird look and they're looking for a different clientele. That's why they went with Social Club.

Evanega Rieckhoff states that she noticed on their drawings for the building that they have four tattoo stations, but also noticed that the Staff Conditions say that one tattoo artist works at a time.

Trotter clarifies that it is all four stations, but one artist and one client at each station.

Evanega Rieckhoff opens for public comments to speak in favor.

Danielle Livingood of 318 South Elkhart Ave appears in person. She understands the Social Club question, because she recently got a tattoo in Ireland at an identically named tattoo parlor, and they gave her the same spiel. She operates a business out of Elkhart, here in local cities (Goshen, Middlebury), but also lives here. She knows Rebekah and Nicholas very well, but gets to see a lot of the things the City is doing to revitalize the downtown district. She frequents Electric Brew, The Jackson, and Essence. She really likes the steps the City is moving toward being more inclusive, bringing more of a youthful vibe, so it's not just a certain crowd being invited to the downtown – everybody is invited. She feels this is a step in the right direction. If their speech didn't show what kind of people they are, they're as intentional with their friendships, as their business, as Rebekah's yoga practice. She can't imagine better business owners, except for Green Space. She feels they would be a wonderful addition to the city.

Evanega Rieckhoff states it was borne out by the letters they submitted – people had such nice things to say about them.

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

STAFF ANALYSIS

Trotter presents. The petitioner owns a building on a .08-acre lot in the city's Central Business District with a vacant commercial space that the owner wishes to add a tattoo artist and two art studios to the property. Tattooing is not a permitted use in the Central Business District.

The commercial space is approximately 500 square feet. It is anticipated there will be four (4) stations for artists to work. As well as two (2) seating areas in the front of the space for customers to wait. The hours of operation are to be Monday – Thursday 10:00-7:00 and Friday – Sunday 10:00-8:00. The operator has provided certificates for bloodborne pathogen training and CPR.

Any renovations would require relevant permits and meet any applicable building codes. Similarly, the tattoo operation would be governed by the Indiana State Department of Health and be required to meet all state regulations, including those governing bloodborne pathogens as well as proper sharps disposal.

Street parking is available on South Main Street, Tyler Street and adjacent parking is also available on State Street. Business will be carried out entirely indoors, and it is unlikely that this will have a negative effect on adjacent properties.

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 tattoo operation will be required to follow all state and local regulations as well as all necessary health code requirements;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the operation will be conducted entirely indoors;
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 Tattoo parlors are not permitted by right in the Central Business District;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because it would restrict a limited use that is becoming more common in downtowns;

6. The special conditions and circumstances **do not** result from any action or inaction by the applicant, as the petitioner has not yet established the use and is awaiting a decision by this body;
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 condition be placed upon the approval:

1. The tattooing area shall be limited to one chair and one tattoo artist, including all four stations, at a time in only the area shown on the provided floor plans (*amended by staff during report reading).
2. The tattoo business and artist(s) shall at all times adhere to any applicable state and local health codes.

Trotter states 16 letters were mailed with 1 returned in favor with no comments.

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

Leichtman makes a motion to approve 26-UV-01 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.

**26-BZA-02 PETITIONER IS GLENN HENDERSON
PROPERTY IS LOCATED AT 1105, 1107, 1111, 1113, 1117, 1119 EDWARDSBURG AVENUE**

Kyle Anthony-Petter, Planner II, states the request is to vary from Section 6.4 Yard Requirements in the R-3 Two Family Dwelling District to allow a property line to be placed through the middle of an existing duplex to create a zero-foot side yard setback. The platted lot width for Lots 18, 19 and 20 is 56.95 feet.

Evanega Rieckhoff calls the petitioner forward.

Petitioner Glenn Henderson of 16338 County Road 20 in Goshen appears in person. Henderson states they built 3 brand new buildings, townhouses, 1250 square feet, all attached garage, trying to get some affordable housing into the community. They're under \$200,000 for 1250 square feet and a garage, reiterates they're just trying to add more affordable housing. They've been doing it all across Elkhart, a lot of houses inside the city limit - 10 houses this year, own 25, and several permits in the process. They're aiming for anything that's affordable, under the \$300,000 mark, trying to get more people in the city, living in the city.

Evanega Rieckhoff asks for questions from the Board.

Evanega Rieckhoff asks for clarification. She asks if they built duplexes.

Henderson interjects to say they are considered townhouses, since they are side-by-side and separate, even the garages are separate with separate landscaping. They were built as townhouses.

Evanega Rieckhoff wants to know if they were trying to sell both to one person, but now they're trying to split them to sell separately.

Henderson states that when he originally built them, he was going to rent them, but after speaking with the Mayor and a lot of different people, he found he could built it and offer it under \$200,000 for 1250 square feet, which is a value you can't find anywhere. Even used houses in Elkhart are above that, typically.

Mulvaney asks if they want to split plat 18. Henderson states that there are three buildings, and they want to split each one. He states that the landscaping was done to make each home look individual, as well.

Leichtman asks if there are any shared easements. Henderson responds that they all have private drives and utilities. He states that they originally had in mind that they might possibly sell them. Once they got the numbers back, where they could offer under the \$200,000 mark, it was a good value.

Newbill asks if he could buy one dwelling and rent out the other side. Henderson confirms, stating they have someone looking for financing that wanted to buy one and put their in-laws in the other side. So, that is a possibility of one of them right now. They have been marketed for about a month, and are marketed that way (together), but the plan is to sell them as individual homes.

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 presents. The petitioner is requesting a developmental variance to allow the lots on which the duplexes are constructed, to be subdivided to provide relief from the side yard setback for each of the structures. The specific request is to vary from Section 6.4 Yard Requirements in the R-3 Two Family Dwelling District to allow a property line to be placed through the middle of an existing duplex to create a zero-foot side yard setback. The platted lot width for Lots 18, 19 and 20 is 56.95 feet.

In 2025, the petitioner built three (3) duplexes on Edwardsburg Avenue. The vacant land formerly where two homes stood – one demolished in 2013 and the next in 2015. The petitioner has tried unsuccessfully to sell the duplexes for several months and has only had interest in each unit being purchased individually.

What is being proposed is to split the lot along the party wall to establish individual lots for each half of the duplex. The variance requested provides relief for the side yard setback. Staff is supportive of the request as this is another housing product for the Elkhart market. The petitioner will need to provide an updated plat as the final step in this process.

This project is another type of infill housing the city needs in order to continue to address our housing shortage. As has been mentioned in previous staff reports, the Zimmerman Volk Housing Analysis highlighted the need for additional housing units at all price points.

STAFF RECOMMENDATION

Anthony-Petter notes that the Staff Recommendation that was sent with the Board's packet was not correct. What he is presenting is the amended information.

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 houses have been built 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 house already exists;
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 particular to the land involved and which are not applicable to other lands or structures in the same district because without board action the dividing of the lots 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 houses could be used as duplexes as permitted in the district;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the approved houses were permitted as duplexes;
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. The petitioner will provide an updated plat for each lot in the form of a minor subdivision for Lots 18, 19 and 20 of the Adams Subdivision.

Anthony-Petter states 47 letters were mailed, with one returned in favor with no comment and two returned not in favor with one comment. Comments was: they oppose the petition as they feel there are too many rentals in the area, making their neighborhood noisy and dangerous.

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

Newbill asks the reasons why the recommendation was not in their packet.

Anthony-Petter states that because of the holidays, the staff reports weren't reviewed as thoroughly as they would have liked. Usually when they are doing the reports, they pull from other reports, and this one unfortunately didn't get updated.

Leichtman asks if the petitioner is aware of the condition. Trotter relays the condition. Henderson confirms.

Evanega Rieckhoff calls for a motion.

Newbill makes a motion to approve 26-BZA-02 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.

26-UV-02 PETITIONER IS SURINDER SINGH

PROPERTY IS LOCATED AT VACANT LOT 2400 BLOCK SOUTH MAIN STREET, PARCEL NO. 06-16-208-008

Request is to vary from Section 11.2, Permitted Uses to allow for a two family dwelling. Two family dwellings are not permitted by right in the B-1 district.

Evanega Rieckhoff calls the petitioner forward.

Glenn Henderson of 16338 County Road 20 in Goshen appears in person on behalf of Petitioner Surinder Singh. Henderson states that the petitioner was interested in buying one of the buildings on Edwardsburg Avenue. He had a vacant lots and approached them to build the same exact building on his property. He's going to do one right now, but has more vacant lots that he can do the same thing with if this goes well. Mulvaney asks if it's the same concept, and Evanega Rieckhoff asks if it's the same price point. Henderson confirms both.

Newbill asks if this would be the only duplex in that neighborhood.

Henderson states that there are, up and down Main, even on that side of the road, there are several that are multi-, he doesn't know if they are registered — Evanega Rieckhoff states that she doesn't think they're duplexes, but they are multi-family homes. Henderson agrees and states the houses are built to not resemble a duplex, they have a good look to them that fit in really well in neighborhoods, rather than two stretched out real long with garages at both ends.

Evanega Rieckhoff asks if they will fit on the lot. Henderson confirms, stating they are only 30-foot wide homes.

Leichtman asks if they are anticipating having to split a lot here, also.

Henderson states he doesn't believe so, that he believes the petitioner is wanting to keep them as rentals. Henderson's price point is still in the same ballpark.

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

STAFF ANALYSIS

The petitioner is requesting a use variance to allow the property at 2400 VL BL South Main Street to construct a two family dwelling. Section 11.2 Permitted Uses in the B-1, Neighborhood Business District does not permit two family dwellings.

The need for the use variance comes from the fact that the B-1 zoning district does not permit two family dwellings as a permitted use. This section of South Main Street, on the west side, is all zoned either B-1, B-2 or B-3. This commercial zoning acts as a developmental buffer between the residentially zoned properties to the west and the industrially zoned along the east side of Main Street, backed up to the railroad.

This request should not impact the surrounding uses or character of the neighborhood to the west as this use is less intense than most commercial users or permitted uses in the B-1 district. Existing residential uses exist all along this segment of South Main Street.

Staff are supportive of this infill project. Proposals like this one are becoming more common in areas that have seen disinvestment over time and where the need for new and diverse housing options are needed. This proposal reflects a development pattern seen in other parts of the city that integrates varying levels of density within a neighborhood. This type of housing is considered the 'Missing Middle' – which the city is lacking. Because of the compact construction and it being developed where the necessary infrastructure is existing - it is more cost effective to construct. Therefore those costs do not have to be passed along to the tenant in the form of higher rent. This request adds to the inventory of alternative housing types needed in Elkhart.

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 this use is not uncommon along this portion of South Main Street and should not impact negatively surrounding uses or values;
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 two family dwelling on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **would** result in practical difficulties in the use of the property because establishing a permitted use could be achieved on this site. However, accommodating all necessary storm water requirements, buffering and providing for required off-street parking would be challenging and may require developmental variances;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because no construction has started and the zoning for the property has existed for some time;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

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

1. The project shall be built to the R-3, Two Family development standards.

Anthony-Petter states 30 letters were mailed with one returned in favor with no comment.

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

Newbill states that he's looking at the street view and asks Mr. Henderson how is it that they're going to get them in there if the houses are 35 feet wide. Henderson responds they are 30 feet wide. Newbill asks how they'll fit if it's only 52 feet across on the lot. Henderson states that there are 10 feet on each side.

Evanega Rieckhoff asks if they're being put sideways. Henderson states that the parking pad is in the back, and with 52 feet, it gives them 10 feet on each side. The building is 31 feet, but 32 feet including the overhang dimensions.

Evanega Rieckhoff asks if the side facing the street will look like the front. Henderson states that it will look like the Edwardsburg Avenue, and he shares a picture with the Board (see Petitioner's Exhibit 26-UV-02).

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 26-UV-02 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Leichtman.

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

Motion carries.



Petitioner's Exhibit 26-UV-02

STAFF ITEMS

Evanega Rieckhoff would like it to be read into the minutes that the Board would like to thank Doug Mulvaney for his years of service. He has been an exemplar member of the Board of Zoning Appeals.

Trotter also thanks Doug very much, and states he has always been a rock. The BZA stole him from the Historic Commission years ago, and he has graciously offered to participate as a member of the Historic Commission which will only meet 4 times a year. We very much appreciate his service.

Mulvaney states, "That's all, folks!"

Trotter states he is working on training. Mr. Mulvaney and Mr. Newbill were at the training for the members a couple of weeks ago, and a makeup time is being worked on for Leichtman and Evanega Rieckhoff.

ADJOURNMENT

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

Janet Evanega Rieckhoff, President

Phalene Leichtman, Vice-President



Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-03
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	February 12, 2026
<u>Petitioner:</u>	Polly Properties, LLC
<u>Site Location:</u>	345 Country Club Drive
<u>Request:</u>	<p>To vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet.</p> <p>To vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet.</p>
<u>Previous BZA Action:</u>	17-UV-05 – adjacent restaurant (1839 Cassopolis Street) to expand drive thru 19-BZA-17 – drive thru aisle width developmental variance 25-Z-04 – rezone request from R-3 to B-1 25-MSUB-08 – minor subdivision to establish lots of record for 345 Country Club Drive and 1839 Cassopolis Street
<u>Existing Zoning:</u>	R-3, Two Family Dwelling District, pending B-1, Neighborhood Business District
<u>Size:</u>	+/- 0.177 Acres
<u>Thoroughfares:</u>	Country Club Drive and Cassopolis Street/SR 19
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available to site

Surrounding Land Use & Zoning:

The property is located amongst a mix of business and residential uses zoned R-3, Two Family Dwelling District and B-3, Service Business District.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

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

Plan Commission Action: Recommendation to Common Council.



Staff Analysis

The petitioner requests to vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet. And, to also vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet.

Currently, the petitioner has a rezoning request before the Common Council to rezone the property part of this request from R-3, Two Family Dwelling District to B-1, Neighborhood Dwelling District and a Minor Subdivision request pending for the same parcel to establish the lot in question for this action.

The home on Country Club is no longer used as a residence and is now used as a business office for the Dairy Queen restaurant at 1839 Cassopolis Street. In 2017, the then owner of the restaurant began the process of expanding the drive thru by means of acquiring the home at 345 Country Club Drive to use the rear yard for the business expansion. At that time staff and the then owner chose the path of requesting a use variance in order to expedite the business development/expansion timeline.

The need for the variance arises from the fact that when the original project was approved in 2017 and the current subdivision was filed, the natural dividing line between the properties necessitated this variance request. The existing driveway, which circles 345 Country Club Drive, remains intact and does not impact the generous side yard to the west.

Staff supports the request. The residential zoning is no longer appropriate for this property on Country Club Drive as the use as residential no longer exists and is now being used as an office. The rezoning request on Cassopolis Street reflects the use of the property.

Recommendation

The Staff recommends **approval** of the developmental variance to vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for an eighteen point five (18.5) foot rear yard setback for an existing building where twenty (20) feet is required, a variance of one point five (1.5) feet; And to vary from Section 11.4 Yard Requirements in the B-1, Neighborhood Business District, to allow for a zero (0) foot driveway setback where six (6) feet is required, a variance of six (6) feet 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 there will be no perceptible change or use of the land as the layout for the adjacent business was established in 2017 with no apparent harm to the public;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the current layout of the properties has been in place since 2017 with no impact to adjacent use or value to other 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;
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 this building setback was established when the expanded drive thru for the adjacent business was developed and previously approved by this body;
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 current structure will be non-conforming. The decision was made for this developmental circumstance in 2017 when the adjacent business expanded;
6. The special conditions and circumstances **does** result from an action or inaction by the applicant because this request will legalize the developmental condition for this property. However, it **does not** create any extraordinary conditions or circumstances as a result of this request;
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. If the rezoning request, 25-Z-04 has not become effective by the date of this hearing, February 12, 2026, the requested developmental variances will become effective once the statutory wait time for the pending rezoning has passed.

Photos



345 Country Club Drive



Attachments

Petition, appeal letter, affidavit, and site plan.

PETITION #: 26-BZA-03

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Polly Properties LLC

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: Patrick M. O'Neil, General Partner

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 345 Country Club Drive, Elkhart, IN, 46514

Zoning: Zoned: Existing R3 - Proposed B1

Present Use: Commercial Proposed Use: Commercial

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): Patrick M. O'Neil, General Partner

SIGNATURE(S):  DATE: 12/23/2025

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: Raen Wendorst DATE: 12/29/25

December 23, 2025

To: Board of Zoning Appeals, City of Elkhart, Indiana
Regarding: Developmental Zoning Variance Petition
Polly Properties LLC
345 Country Club Drive, Elkhart IN 46514

The undersigned Appellant respectfully shows the Board:

1. I, Patrick M. O'Neil, am authorized to act on behalf of Polly Properties LLC which is the owner of the property at 345 Country Club Drive in Elkhart, Indiana. This property is the following described real estate located with the City of Elkhart, Osolo Township, Elkhart County, State of Indiana:

NORTH 71.74 FEET of LOTS NUMBERED 28 AND 29, AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WOODLAWN, A SUBDIVISION IN OSOLO TOWNSHIP; SAID PLAT BEING RECORDED IN PLAT BOOK 2, PAGE 98 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA

2. The above-described real estate presently has a zoning classification of:
R-3 Two-Family Dwelling District.
3. Appellant presently occupies the above-described property in the following manner:
The site has one existing building that was formerly used for a residence. The building has been converted to an office use. The property is part of a zone change petition from R-3 to B-1. It is also part of a minor subdivision petition to separate this property from the remainder of Lots 28 and 29.
4. Appellant desires the following:
The applicant wants to continue to use the building for their offices. The subdivision of the property creates a rear setback variance.
5. The Zoning Ordinance of the City of Elkhart requires the following:
 - a. Section 11.4 Rear Yard Setback
20 feet for building, 6 ft. for drives.

6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship.

a. Yard Requirements

1) *Rear Yard: The existing building is 18.5 ft. from the south property line where 20 ft. is required. The existing drive is 0.0 ft. from the south property line where 6 ft. is required. The purpose of the subdivision is to separate the building with the business office from the property to the south with a B-3 zoning. The division of this property into a separate lot creates these setback variances.*

7. Using the appropriate standards, address each standard.

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

The existing use of the rear yard for the existing building and drive will not have a negative effect on public health, safety, morals or general welfare of the community.

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

The existing building will have a B-1 zoning which appropriate for its use as a small business office. The adjacent property to the east is zoned B-3. The existing property to the south is part of zone change petition to change from R3 to B3 zoning. Property to the west is zoned R3. The B-1 zone will provide a transition from the B-3 zone to the east to the R-3 zone to the west.

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

The existing building will have no new construction. This request is to allow the existing rear setback variances to remain.

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.

The property is part of a minor subdivision and zone change petition to create a separate lot for this business use and to change the zone from R-3 to B-1. The creation of a separate lot for the business use creates the rear setback variances which are the subject of this petition.

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.

Strict application of the ordinance and setback requirements would require removal of a rear porch on the building. It would also require removal of a paved drive behind the existing building.

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

The applicant seeks these zoning variances to allow the existing building to remain as it currently exists. It is beneficial to create a separate lot for this building and to have the property zoned according to its current use.

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 existing laws or ordinances.

The property is not in a flood hazard area, there is no threat to public safety by the existing building, there is no public expense for any part of this project, the existing building will not create a nuisance or conflict with existing laws or ordinances.

WHEREFORE, Appellant 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: Polly Properties LLC
Patrick M. O'Neil, General Partner

Contact Person:
Debra S. Hughes, P.E., Senior Professional Engineer
Business Name: Surveying And Mapping LLC
Address: 2810 Dexter Drive, Elkhart, IN 46514
Phone: (574) 266-1010
Fax: (574) 262-3040
Email: debra.hughes@sam.biz

December 23, 2025

To: Honorable Members of the Board of Zoning Appeals, City of Elkhart, Indiana

Re: Developmental Zoning Variance Petition, 345 Country Club Drive, Elkhart IN

I am the authorized agent for Polly Properties LLC which is the owner of the property at 345 Country Club Drive, Elkhart IN.

Parcel ID Numbers are: 20-02-32-201-009.000-027 (North part) and
20-02-32-201-010.000-027 (North part)

I authorize Surveying And Mapping LLC (SAM) to submit a Developmental Zoning Variance Petition on the company's behalf.

Please contact me if there are any questions.

Thank you.



Patrick M. O'Neil, General Partner
Polly Properties LLC
2085 W. U.S. Highway 421
P.O. Box 302
Delphi IN 46923-0302

POLLY MINOR SUBDIVISION
PART OF THE NORTHEAST QUARTER, SECTION 32,
TOWNSHIP 38 NORTH, RANGE 5 EAST IN OSOLO
TOWNSHIP, ELKHART COUNTY, INDIANA

Land Description - Doc. 2025-01389

TRACT I: Lots Numbered 24, 25 and 26 as the said Lots are known and designated on the recorded Plat of Woodlawn, an Addition to the City of Elkhart, Indiana, said Plat being recorded in Plat Book 2, page 98 in the Office of the Recorder of Elkhart County, Indiana, together with the East 1/2 of the vacated alley lying adjacent on the West side of said lots.

EXCEPTING therefrom the East 5 feet of said Lots as recorded in Plat Book 2, page 98 of the records in the Office of the Recorder of Elkhart County, Indiana.

ALSO LESS AND EXCEPTING: The West 11 feet of the East 16 feet of Lots Numbered 24, 25 and 26 in Woodlawn, a Subdivision in Section 32, Township 38 North, Range 5 East, the plat of which is recorded in Plat Book 2, page 98 in the Office of the Recorder of Elkhart County, Indiana. Said West 11 feet of said East 16 feet lies West of and adjoining to the existing boundary of SR. 19.

TRACT II: Lots Numbered 28 and 29 as the said Lot is known and designated on the recorded Plat of Woodlawn Addition; said Plat being recorded in Plat Book 2, page 98, in the Office of the Recorder of Elkhart County, Indiana, together with the West 1/2 of the vacated alley lying adjacent on the East side of said Lot 28.

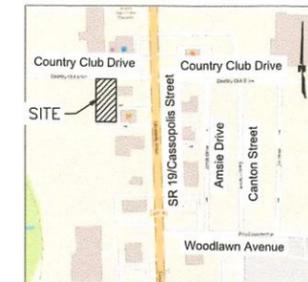
TRACT III: A part of the North half of Section 32, Township 38 North, Range 5 East in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

Beginning at an iron stake at the Southeast corner of Lot Number 28 in Woodlawn Addition, Osolo Township, Elkhart County, Indiana, a recorded Plat; thence Southeastwardly along an extension of the East line of said Lot, 125 feet to an iron stake; thence Westwardly parallel with the South line of said Lot, 100 feet to an iron stake; thence Northwestwardly along an extension of the West line of Lot Number 29 in said Plat, 125 feet to an iron stake at the Southwest corner of said Lot; thence Eastwardly along the South line of said Lot, 100 feet to the place of beginning.

ALSO: The West 1/2 of the vacated alley lying adjacent on the East side of said above quarter section parcel.

SITE PLAN NOTES:

1. PARCELS TO BE SUBDIVIDED INTO 2 LOTS.
2. EXISTING ROADS WILL REMAIN AS EXISTING.
3. EXISTING UTILITIES WILL REMAIN AS EXISTING.
4. LOT 1- EXISTING DRAINAGE PATTERNS WILL NOT CHANGE
5. LOT 2- EXISTING DRAINAGE PATTERNS WILL NOT CHANGE
6. UTILITY EASEMENT TO BE CREATED OVER ALL OF LOT 1 AND LOT 2 FOR THE BENEFIT OF THE OTHER LOT FOR PURPOSES OF ELECTRIC AND TELEPHONE UTILITY SERVICES.
7. EXISTING ZONING:
 - 7.1. LOT 1-B3 AND R3
 - 7.2. LOT 2-R3
8. PROPOSED ZONING:
 - 8.1. LOT 1: B3
 - 8.2. LOT 2: B1



LOCATION MAP
NOT TO SCALE

ENGINEER:
DEBRA S. HUGHES, P.E.
SURVEYING AND MAPPING LLC
2810 DEXTER DR.
ELKHART, INDIANA 46514

OWNER:
POLLY PROPERTIES, LLC
2085 W. US HIGHWAY 421,
PO BOX 302
DELPHI, IN 46923
PARCEL ID#:
20-02-32-201-009.000-027
20-02-32-201-010.000-027
20-02-32-201-013.000-027
20-02-32-201-015.000-027

LEGEND

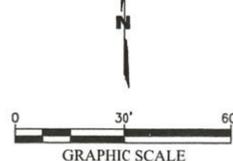
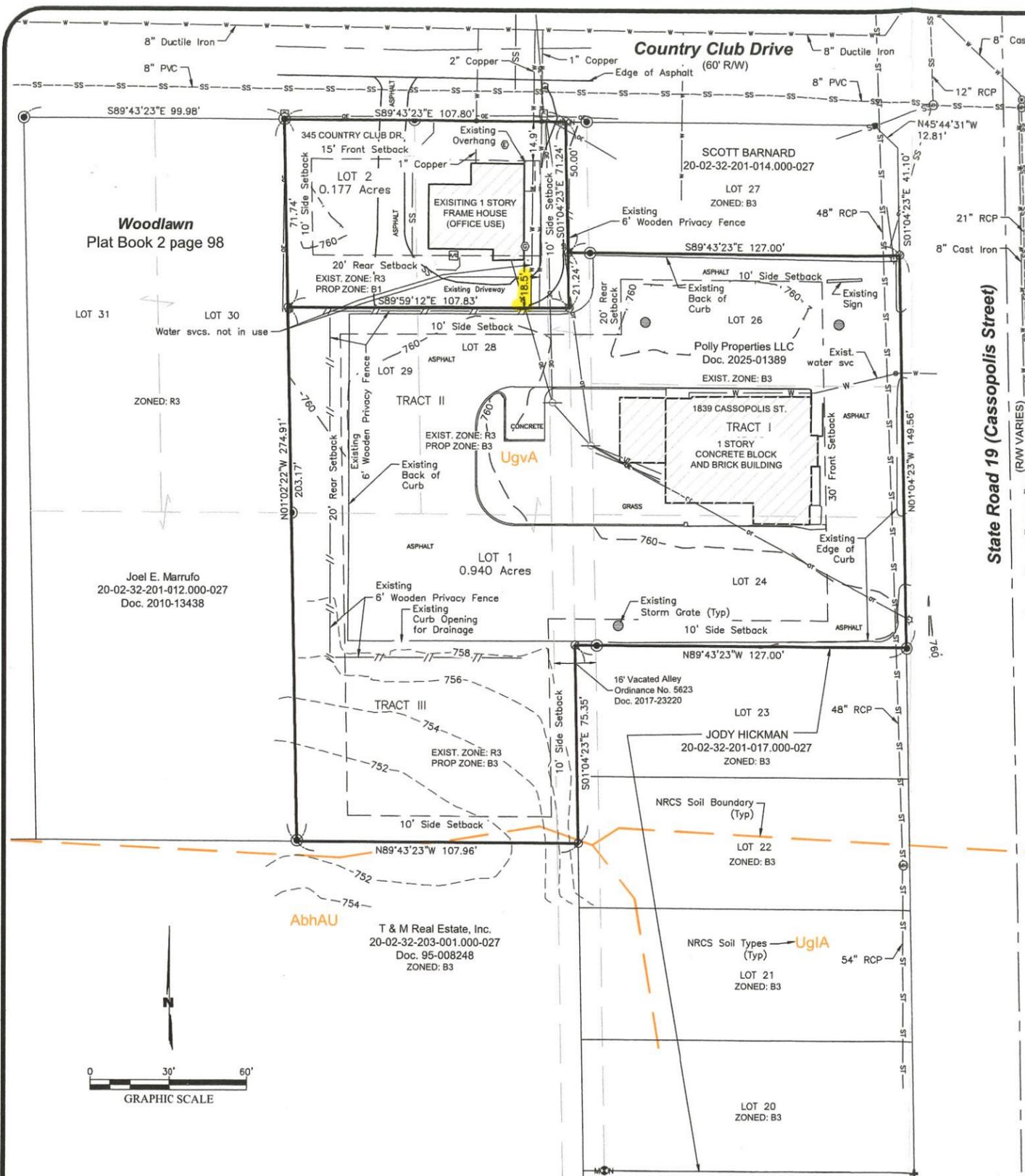
SYMBOL	DESCRIPTION
⊙	IRON PIPE FOUND
⊕	CHISELED CROSS FOUND
⊙	MAG NAIL FOUND
⊙	CONCRETE MONUMENT FOUND
⊙	REBAR SET
⊙	MAG NAIL SET
⊙	FENCE POST
⊙	ELECTRIC METER
⊙	LITE UTILITY POLE
⊙	STORM GRATE
⊙	TELEPHONE PEDESTAL
(R/W)	RIGHT OF WAY
(Typ)	TYPICAL
⊙	MANHOLE
⊙	LIGHT POLE
⊙	HVAC UNIT
⊙	GAS METER
⊙	MAIL BOX
⊙	WATER WELLHEAD
SS	SANITARY SEWER
W	UNDERGROUND WATER (APPROXIMATE PER CITY GIS)
T-ST	STORM SEWER (APPROXIMATE PER CITY GIS)
or	OVERHEAD TELEPHONE WIRE
oe	OVERHEAD ELECTRIC
ue	UNDERGROUND TELEPHONE WIRE
ue	UNDERGROUND ELECTRIC

FLOOD NOTE:

Based on scaling from the Flood Insurance Rate Map of Elkhart County, Indiana Map Number 18039C01280, Dated 8/2/2011, the property is located within Zone X.

Soil Map Legend

Map Unit Symbol	Map Unit Name	Natural Drainage Class	Runoff Class	Depth to Water Table	Capacity of the most limiting layer to transmit water
UgvA	Urban land-Tyner complex, 0 to 1 percent slopes	Excessively drained	Negligible	More than 80 inches	High to very high



2810 Dexter Drive
Elkhart, IN 46514
Phone: 574-266-1010
Email: info@sam.biz

PROJECT: Polly Properties LLC Preliminary Plan
JOB NUMBER: 1025102111
DATE: 10-14-25
SCALE: 1"=30'
ENGINEER: Debra S. Hughes, P.E.
TECHNICIAN: VW
DRAWING: 102111-Design.dwg
TRACT ID:
PARTYCHIEF: JDS
FIELDBOOKS: 45312

POLLY MINOR SUBDIVISION - PRIMARY SUBDIVISION PLAN
1839 CASSOPOLIS ST., 345 COUNTRY CLUB DR., ELKHART
PART OF THE NE 1/4 SECTION 32, T38N, R5E
OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA

SHEET 1
OF 1



Staff Report

Planning & Zoning

Petition: 26-UV-03

Petition Type: Use Variance

Date: February 12, 2026

Petitioner: KaJo, Inc. – Joseph T. Livings & Kathryn Livings

Site Location: 2111 Cassopolis Street

Request: To vary from Section 13.2, Permitted Uses in the B-3, Service Business District to allow for a private club or lodge at 2111 Cassopolis Street.

Previous BZA Action: 98-BZA-25 – developmental setback variance which granted easement and access

Existing Zoning: B-3, Service Business District

Size: +/- 0.805 Acres

Thoroughfares: Cassopolis Street

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

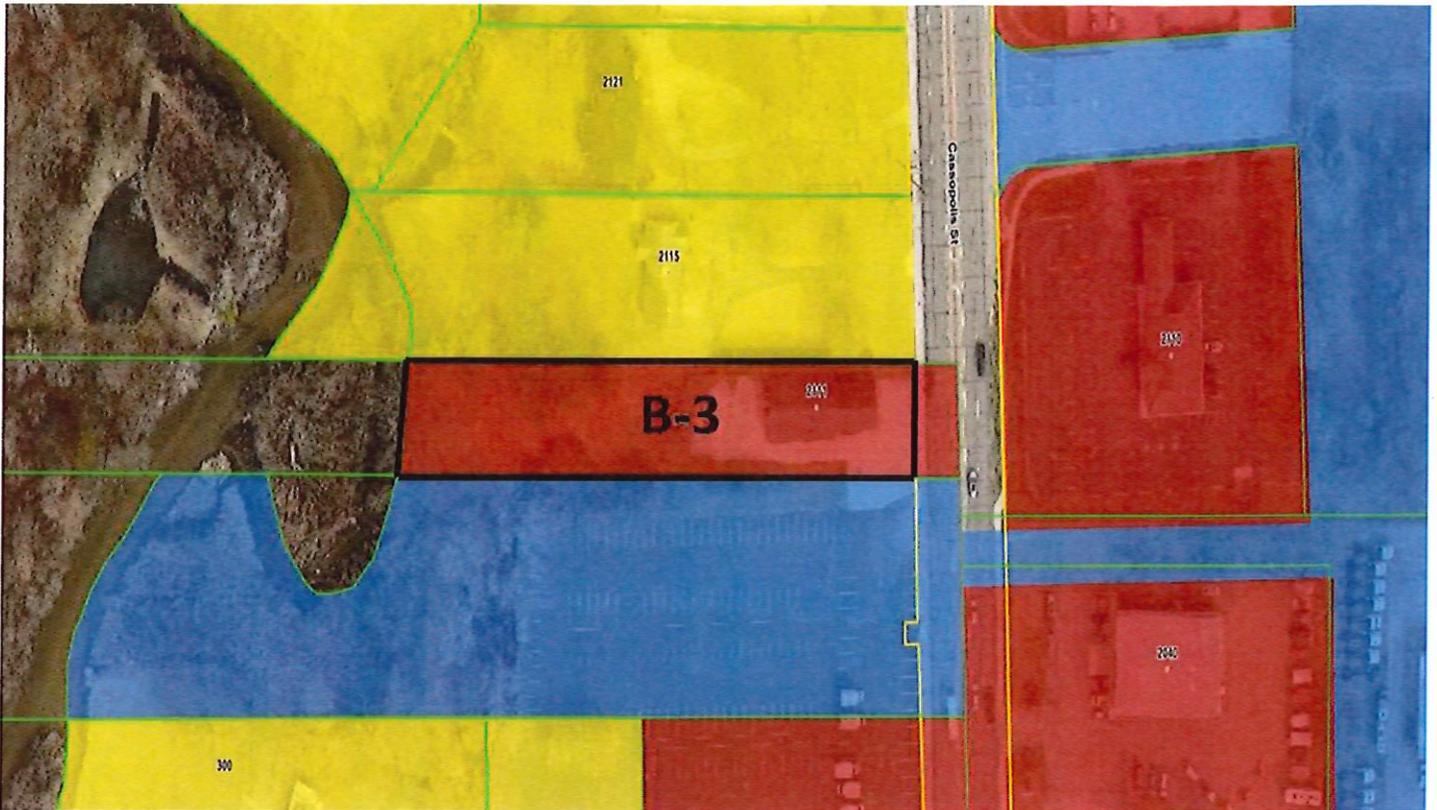
The property is surrounded by a mix of residential and commercial uses zoned R-2, Two Family Dwelling, B-3, Service Business District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a use variance to allow the property at 2111 Cassopolis Street to be used as a lodge. Section 13.2 Permitted Uses in the B-3, Service Business District does not permit lodges.

The property was formerly long time business Printers Plus. The property is currently vacant and being marketed for sale. There is now interest by the Masonic Lodge to relocate to this site from Industrial Parkway on the east side of town. The current membership of the lodge is small enough to where this location is ideal for the organization. The onsite parking is sufficient for the members – parking available on the west end of the building and the east. The adjacent parking lot for the Matterhorn is available for overflow when needed.

Based on material submitted, most lodge meetings occur during the week on the first Monday of the month normally from 6:00 to 9:00 pm. There are occasional Saturday morning meetings normally ending by noon. The building will require some interior remodeling. There are no plans or current need to expand the structure itself.

Staff supports the request. The property is located in an area of Cassopolis Street transitioning from lower density and less intense uses to the north to more intense uses to the south and east. The proposed use as a lodge should not pose any harm or create any hardship to adjacent uses.

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 not be expanded and any necessary updates will be performed per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because there will be no exterior changes to the existing building and the proposed use should not cause any nuisance to adjacent 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 a lodge on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because developing a permitted B use could be achieved with both adjacent structures used commercial and providing for required off-street parking would be possible;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant as the zoning for the property has existed for some time;
7. This property does not lie within a designated flood hazard area.

Conditions

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

1. When interior modifications are made, all necessary/required building permits be issued by the Building Department.

Photos



Front Elevation- Google Maps, 2025





PETITION #: 26-UV-03

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): KaJo, Inc. - Joseph T. Livings & Kathryn Livings

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: H. Jason Auvil

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 2111 Cassopolis St, Elkhart IN 46514

Zoning: B-3 Service Business District

Present Use: Commercial printing Proposed Use: Private club or lodge (nonprofit)

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): KaJo, Inc - Joseph T. & Kathryn Livings

SIGNATURE(S): [Signature] Kathryn Livings DATE: 12/30/25

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.

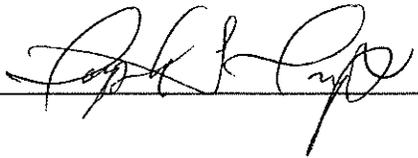
Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Rain Levendoski DATE: 12/30/25

12/30/2025

We, Joseph & Kathy Livings, are the owners of KaJo, LLC and the property located at 2111 Cassopolis St., Elkhart, Indiana 46514, authorize H. Jason Auvil to be our representative in the Use Variance petition for a non-profit private club or lodge to the City of Elkhart Board of Zoning Appeals.

Signature of Property Owner:  _____

Printed Name: Joseph T. Livings

Second Property Owner:  _____

Printed Name: Kathryn Livings

Date: 12/30/2025

To: Board of Zoning Appeals
City of Elkhart Indiana

RE: Use Variance

1. We, Joseph & Kathy Livings, are the owners of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, to-wit:

Common Address: 2111 Cassopolis St., Elkhart, Indiana 46514

Legal Description: A part of the Southeast Quarter (1/4) of Section Twenty-nine (29), Township Thirty-eight (38) North, Range Five (5) East, Elkhart County, State of Indiana, more particularly described as follows:

Assuming the North line of the Southeast Quarter (1/4) of said Section just West of the Cassopolis Road to have a bearing due East and West commencing at a cross on the concrete pavement at the intersection of the center line of the Cassopolis Road with the North line of the Southeast Quarter (1/4) of said Section; thence South Three (3) degrees East along the center line of said road, One Thousand Three Hundred Thirty-one and Forty-two Hundredths (1331.42) feet to a cross on the concrete pavement for the beginning point of this description; thence South Eighty-nine (89) degrees One (01) minutes West One Thousand Two and Eight Tenths (1002.8) feet to the West line of land deeded to Mary L. Daly as shown in Elkhart County Deed Record 134, at page 326; thence Southwardly along the West line of said Daly land Sixty-eight and Thirty-seven Hundredths (68.37) feet to the Northwest corner of land Deeded to Noffsingers as shown in Elkhart County Deed Record 165, page 71; thence Eastwardly along the North line of said Noffsinger land to the center line of Cassopolis Road; thence Northwardly along the center line of said Cassopolis Road, Sixty-eight and Forty-six Hundredths (68.46) feet to the place of beginning. Subject to legal highways.

EXCEPTING THEREFROM the following described parcel of land:

A part of the Southeast Quarter of Section 29, Township 38 North, Range 5 East, Elkhart County, Indiana, described as follows:

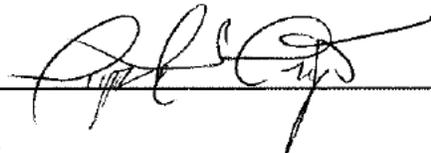
Commencing at the intersection of the center line of S.R. 19 (Cassopolis Street) and the North line of said Quarter Section; thence South 2 degrees 28 minutes 41 seconds East, 1,331.42 feet along the center line of said S.R. 19 to the Northeast corner of the Owners' land; thence South 89 degrees 32 minutes 19 seconds West 25.02 feet along the North line of the Owners' land to the West boundary of said S.R. 19 and the point of beginning of this description; thence South 2 degrees 28 minutes 41 seconds East 59.11 feet along the boundary of said S.R. 19; thence South 2 degrees 01 minute 01 second East 9.02 feet along said boundary to the South line of the Owners' land; thence North 89 degrees 41 minutes 41 seconds West (16.0) feet along said South line; thence North 2 degrees 01 minute 01 second West 8.30 feet; thence North 2 degrees 28 minutes 41 seconds West 59.61 feet to the North line of the Owners' land; thence North 69 degrees 32 minutes 19 seconds East 16.01 feet along said North line to the point of beginning. Subject to legal highways.

2. The above described real estate presently has a zoning classification of B-3, Service Business 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. The property and existing commercial building were used for a commercial printing business and is currently vacant.
4. Petitioner desires to use the property for meetings and office space for a non-profit private club or lodge (Masonic Lodge). There is one business meeting and possibly one to two other meetings a month. The monthly business meeting occurs during the week (1st Monday of each month), starts at 6:00 PM, and finishes at or before 9:00 PM. The other meetings can occur throughout the week with similar times of use and the occasional Saturday morning, 8:00 AM to noon. There is no plan to enlarge the building only to remodel the interior. There is sufficient parking space onsite. The property meets all other development standards.
5. The Zoning Ordinance of the City of Elkhart requires (ordinance requirements and section number). Non-profit private clubs or lodge are not allowed by right in any zoning district in the City of Elkhart.
6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. Because non-profit private clubs or lodge are not allowed by right in any zoning district and only as a Special Use Exception in the R-1, One Family Dwelling District (Section 4.3, *Q) and R-5 Urban Residential District (Section 8.3, *G). any non-profit private club or lodge must apply for some sort of zoning approval, including uses variances.
7. Use Variance Standards:
 1. The approval will not be injurious to the public health, safety, morals and general welfare of the community. The existing property is in a transitional zoned between residential use to the north and more intense commercial uses to the east and south and is located along Cassopolis St. (State Road 19), which is a principal arterial road in a major commercial corridor.
 2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The proposed use as a non-profit private club or lodge (Masonic Lodge) is far less intense than most of the commercial uses which are allowed by right or Special Use Exception in the B-3, Service Business District or the B-2 Community Business District. The property will also serve as a buffer between the more commercial uses to the south and residential uses to the north.

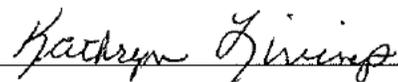
3. The need for the use variance arises from some condition peculiar to the property involved. Private clubs or lodges are not listed as a use by right or by Special Use Exception in the B-3, Service Business District or the B-2 Community Business District.
4. The strict application of the terms of this ordinance will constitute an unnecessary hardship if applied to the property for which a variance is sought. Without the benefit of the use variance, the property could not be used a non-profit private club or lodge (Masonic Lodge).
5. The approval does not interfere substantially with the Comprehensive Plan. The Comprehensive Plan encourages reuse and repurpose of existing commercial and industrial property. if the use variance is approved, the existing property and vacant commercial building will be able to be used and maintained as a non-profit private club or lodge (Masonic Lodge).

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

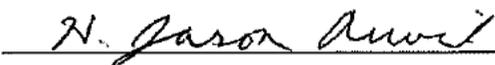
Property Owner: KaJo, LLC

Signature of Property Owner: 

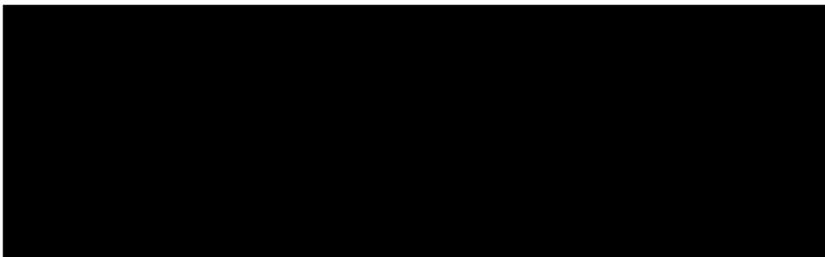
Printed Name: Joseph T. Livings

Second Property Owner: 

Printed Name: Kathryn Livings

Contact Person / Representative: 

Name: H. Jason Auvil



AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Kathryn Livings, 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 2111 Cassopolis St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 30th day of December, 2025.

Kathryn Livings
Printed: Kathryn Livings

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.

Kathryn Livings
Printed: Kathryn Livings

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Kathryn Livings, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 30th day of December, 2025.



H. Jason Auvil
Printed: H. Jason Auvil

My Commission Expires:
12/7/2033

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

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Joseph T Livings, 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 2111 Cassopolis St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 30th day of December, 2025.

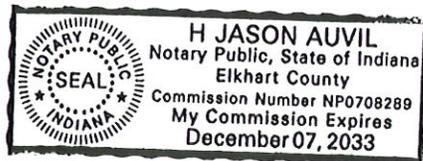
[Signature]
Printed: Joseph T. Livings

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

[Signature]
Printed: Joseph T. Livings

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Joseph T. Livings and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 30th day of December, 2025.



[Signature]
Printed: H. Jason Auvil

My Commission Expires:
12/7/2033

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



Layers Legend **Information** Notes

Address **Parcel Owner: KAJO LLC 20-02-29-404-021.000-027**

Parcels
Subdivision PRCURL View

Incorporated PRC2024 View

Ordinance DeededAcres 0.805

Section PropertyAddress 2111 CASSOPOLIS ST

Quarter Sections LegalDesc

Zoning IN NW COR SW SE

Forests & Wildlands 68.37FT ON W SIDE

TIF .67A EX PT FOR HWY

County Drains .805A (TIF 118)

Flood Hazard OwnerName KAJO LLC

Wetlands OwnerAddr 15850 County Road

Soils OwnerAddr2 129

Ponding Soils OwnerCity Bristol

OwnerState IN

OwnerZip 46507-9570

ParcelNumber 02-29-404-021-027

PIN 20022940402100002

PIN_18 20-02-29-404-021.000-027

TaxingDistrictName E.C.OSOLO

PRC_Code 429

PropertyType COMMERCIAL

NBHD_Code 2746014-027

TotalAssessmentValue 245,200.00

TotalImprovementValue 112,300.00

TotalLandValue 132,900.00

last_edited_date December 16, 2025

Selected features: 6



Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-04
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	February 12, 2026
<u>Petitioner:</u>	Melinda McCarey
<u>Site Location:</u>	1620 South Ninth Street
<u>Request:</u>	<p>To vary from Section 5.4, Yard Requirements in the R-2 One-Family Dwelling District, to allow for a six (6) foot side yard setback where seven (7) feet are required, a variance of one (1) foot.</p> <p>To vary from Section 5.4, Yard Requirements, Rear Yard to allow for a twenty-five (25) foot rear setback where thirty (30) feet is required, a variance of five (5) feet.</p> <p>To vary from Section 5.4, Yard Requirements, for the front yard average established setback of twelve (12) feet, to allow for the construction of a one family detached dwelling at a front yard setback of eleven (11) feet, a variance of one (1) foot.</p> <p>To vary from Section 5.2.B, Permitted Uses, which requires a one family detached dwelling to be a minimum of 600 square feet on the ground floor to allow for five hundred fourth (540) square feet on the ground floor, a variance of sixty (60) square feet.</p>
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 0.06 Acres
<u>Thoroughfares:</u>	South 9 th Street and West Cleveland Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

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

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting to vary from Section 5.4, Yard Requirements in the R-2 District which requires a seven (7) foot side yard setbacks to allow for a six (6) feet from the property line, a variance of one (1) foot. To also vary from Section 5.4, Yard Requirements in the R-2 District which requires a thirty (30) foot rear yard setback to allow for twenty-five (25) feet from the rear property line, a variance of five (5) feet.

To also vary from Section 5.4, Yard Requirements, for the front yard average established setback of twelve (12) feet, to allow for the construction of a one family detached dwelling at a front yard setback of eleven (11) feet, a variance of one (1) foot.

To vary from Section 5.2.B, Permitted Uses, which requires a one family detached dwelling to be a minimum of 600 square feet on the ground floor to allow for five hundred fourth (540) square feet on the ground floor, a variance of sixty (60) square feet.

The petitioner is proposing to build a new two-story single-family dwelling on an infill parcel in the 1600 block of South 9th Street. Due to the size of the parcel, the proposed home does not meet the rear, side and front setbacks or the minimum square footage for the ground floor requirements. Because of the configuration of the parcel, a front yard rear, and side yard variances are required. This type of variance is not uncommon for parcels in

established neighborhoods where new infill homes are placed on parcels that do not meet the development standards.

The scale of home is not out of character for the neighborhood and may in fact be desirable in terms of property values. Given the constraints of the established setback, it will not allow a home of this scale to be built without some measure of relief.

The City of Elkhart is in the process of updating its zoning ordinance, including new Development Standards. The requested setbacks are consistent with proposed regulations found in the anticipated UDO and this request to the board would have only included relief from front yard setback requirements if under the new UDO.

Staff recommends approval of this variance.

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the house will be constructed and inspected to ensure it is built to all applicable code requirements;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed structure will have similar setbacks in both the front, rear and side yards to nearby 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 that are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the setbacks create a hardship on this particular plot of land;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because the current development standards limits the scale of housing that can be developed on the parcel;
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.

Photos



Front Elevation facing South 9th Street-Google Maps, 2023



PETITION #: 26-BZA-04

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Melinda McCasey

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Hugh L. Williams

Mailing Address: [REDACTED]

Phone [REDACTED] Email [REDACTED]

Subject Property Address: 1620 9th St.

Zoning: R-2

Present Use: Vacant Lot Proposed Use: Single Family

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): Hugh L. Williams

SIGNATURE(S): Hugh L. Williams DATE: 12/30/25

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: 1/2/26



Elkhart, IN 46516
Office & Fax

PROPOSAL

PROPOSAL NO.
SHEET NO.
DATE

WORK PERFORMED AT:

NAME: <i>Melinda McCary</i>	ADDRESS: <i>1620 9th</i>
ADDRESS: [REDACTED]	CITY, STATE: <i>Elk, IN</i>
CITY, STATE: <i>Elk, IN</i>	DATE OF PLANS:
PHONE NO.: [REDACTED]	

We hereby propose to furnish the materials and perform the labor necessary for the completion of

I Melinda McCary on this day, Jan. 2, 2026
Authorize - Hugh L. Williams to act on my behalf
pertaining to the filing of the Developmental
Variance petition.
Property located at 1620 9th St., Elk, IN, 46516

Date: 1-2-2026

Sign: Melinda McCary

All material is guaranteed to be as specified, and the above work to be performed in accordance plans submitted for the above work and completed in a workman like manner for the sum of:

_____ Dollars (\$ _____)

with payments to be as follows _____

Respectfully submitted _____

Per _____

Note - This proposal may be withdrawn if not accepted within _____ days

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do this work as specified. Payments will be made as outlined above.

Signature _____

Date _____ Signature _____

DATE: 12-30-2025

TO: Board of Zoning Appeals City of Elkhart,
Indiana

RE: Developmental Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Melinda McCreary am the owner of the following described real estate located within the City of Elkhart, Carroll Township, Elkhart County, State of Indiana, to-wit:
Attach the accurate legal description and common address - a tax key number is not a legal description.

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

1. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner:
once occupied with a single family home.
Currently a vacant lot.

2. Petitioner desires to (Explain what is proposed that violates the provisions of the Zoning Ordinance).
Both side setback from 7' to 6',
Rear setback 30' to 25', drive way 18' x 17'
and a main floor 18' x 30' (540 sq')

3. The Zoning Ordinance of the City of Elkhart requires (Explain ordinance requirements and note the Section Number of the Ordinance).
Section 5 of zone ordinance - set back
sides 7', Rear 30', Front (established).

4. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. (Please note that the Board cannot consider financial hardship. The Light Co., Inc. v. Houghton et. al. 226 N.E. 2nd 341 (Ind. Ct. App. 1967)
adherence to the ordinance, create an
hardship; the real estate location has an
established lot size of 42' width, &
66' Depth Total sq' 2772

7

5. Using the standards from page 3, address each standard. You cannot answer simply "Yes" or "No"; you must state why this is true (the reasons for your answer).

The proposed single family home will not negatively affect the safety or welfare of the community in any way. The project is in line with the established existing homes in the area, and is on an established lot size. also is not a designated flood zone
* please find attach copy of ordinance

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

Signature of Property Owner: Melinda S McCarney

Printed Name: Melinda McCarney

Second Property Owner: _____

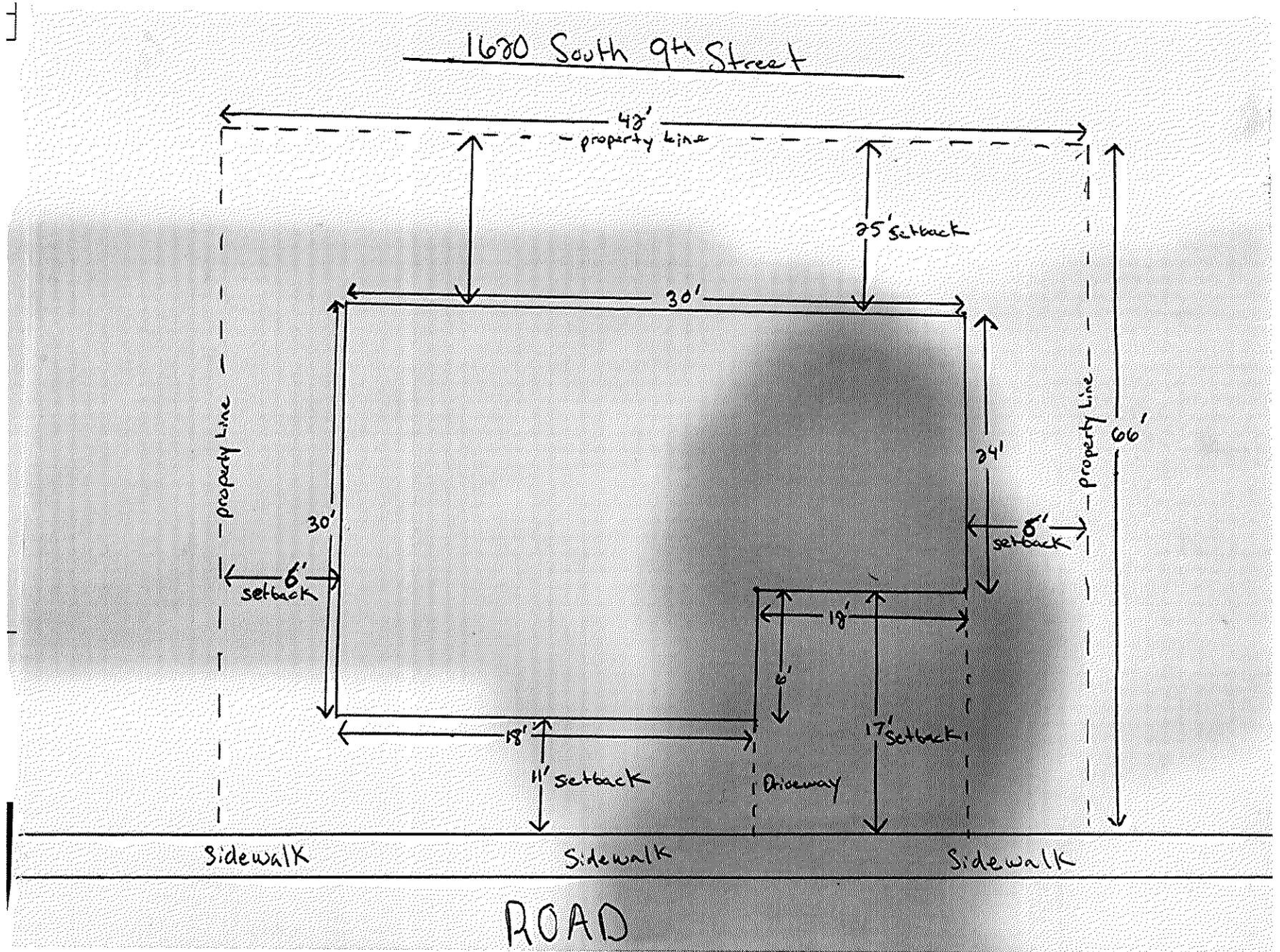
Printed Name: _____

Contact Person: Melinda McCarney / Hugh Williams

Name: _____
Address: _____

Phone Number where you can be reached: _____

Email: _____





City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-04
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	February 12, 2026
<u>Petitioner:</u>	American Rivera
<u>Site Location:</u>	2005 South Main Street
<u>Request:</u>	<p>To vary from the uses found in Section 13.2, Permitted Uses in the B-3, Service Business District to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the B-3 District.</p> <p>To vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, ‘an accessory structure shall not be located closer than three (3) feet to an interior side yard lot line’ to allow for a variance of two point six and (2.6) feet.</p> <p>To vary from Section 26.1.B.8, Accessory Structures, General Provisions, which states in part, ‘A maximum of two (2) accessory buildings allowed on each lot to allow for three (3) accessory structures, a variance of one (1) structure.</p>
<u>Existing Zoning:</u>	B-3, Service Business District
<u>Size:</u>	+/- 0.13 Acres
<u>Thoroughfares:</u>	South Main Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

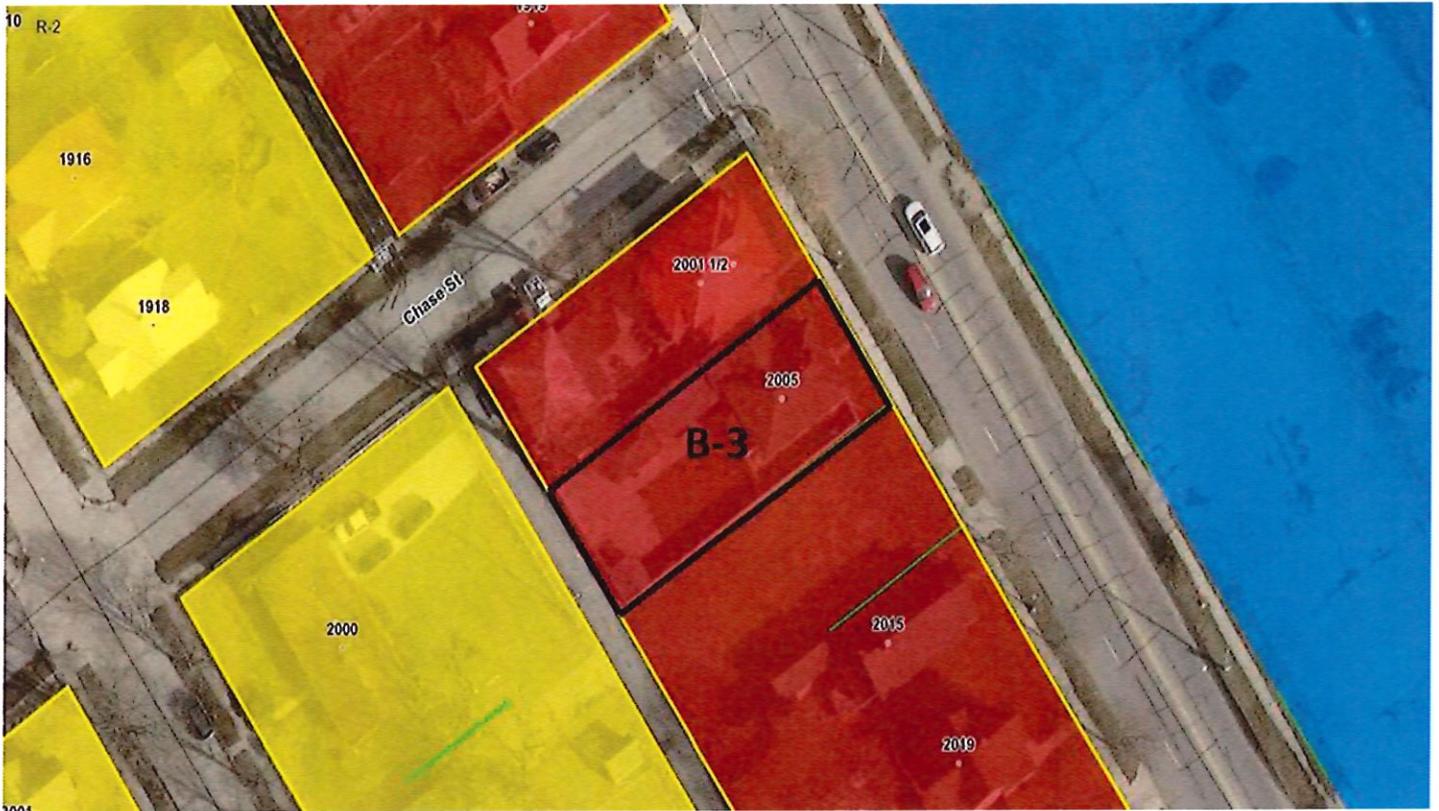
The property is surrounded by a mix of residential and commercial uses zoned R-2, One Family Dwelling, M-2, General Manufacturing District, B-3, Service Business District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a use variance to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the B-3 District. The petitioner is also requesting relief from the location standards and relief from the number of accessory structures found in the zoning ordinance. The need for relief is due to the fact that the petitioner constructed a 13' x 24' sun shelter in her rear yard 6" from the property line. Additionally, the home has an existing freestanding garage and a previously permitted 10' x 10' garden shed. With the construction of the new sun shelter, that action resulted in one too many structures that are allowed by right.

The zoning ordinance requirement is found in Section 26.1.B.3, Accessory Structures, General Provisions, which states in part, 'an accessory structure shall not be located closer than three (3) feet to an interior side yard lot line' to allow for a structure that is 6 inches from the property line, a variance of two point six and (2.6) feet. And to also vary from Section 26.1.B.8, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for three (3) accessory structures, a variance of one (1) structure.

Because the property is zoned B-3, the use variance is required in order to address the developmental requirements. The house predates the current zoning ordinance and is considered a legal non-conforming use. Because the use was expanded the use variance was necessary as a first step to legal the use and the variance requests.

Zoning enforcement cited the property for a zoning violation for the construction of the detached accessory structure on July 25, 2025. Staff determined there was no permit for the structure. The petitioner contacted staff after receiving the notice.

Staff met with the petitioner onsite on August 14, 2025, to inspect the structure and discuss next steps from a zoning standpoint. The goal of this interaction was to work with the petitioner to chart a path to bring the structure into compliance. The 13' x 24' accessory structure had been constructed in the backyard without permits or inspections from the Building Department. The Building Department is waiting on the outcome of this petition before conducting any additional inspections.

This request is a challenge for staff. We understand the petitioner's desire to improve her home but the lack obtaining the necessary approvals and permits can be a safety issue for not only the owner but also the public. This process will allow the petitioner to bring the structure into compliance. and allow them to work with the building department to ensure safety and code compliance.

Staff supports the request. The board is being asked to approve the use variance and development variances associated with this project.

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 accessory structure will be inspected to ensure it is built to all applicable code requirements;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the majority of 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 residential development on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because developing a permitted B use is not easily achieved with both adjacent structures used residentially and providing for required off street parking would be challenging;
6. The special conditions and circumstances **do** result from any action or inaction by the applicant because the property owner started construction without the necessary permits or approvals;
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. The petitioner will be required to submit for zoning and building permits for the accessory structure.

Photos



Front Elevation- Google Maps 2023



Side Yard



Staff Site Visit-August 15, 2025



Staff Site Visit-August 15, 2025

Aug 14, 2025 at 4:30:17 PM
2005 S Main St
Elkhart IN 46516
United States



Staff Site Visit-August 15, 2025

PETITION #: 26-UV-04

FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): America RIVERA

Mailing Address: 2005 S Main St

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Brenda Balcazar

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: _____

Subject Property Address: 2005 S Main St ELKHART IN 46516

Zoning: B₃

Present Use: _____ Proposed Use: _____

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): America RIVERA

SIGNATURE(S): [Signature] DATE: 1/12/26

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. *Support statements*

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Rain Lewendaski DATE: 1/12/26

Date: 11-19-2025

TO: Board of Zoning Appeals
City of Elkhart, Indiana

USE
RE: ~~Development~~ Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeal.

I America Rivera , am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:
Property address 2005 S Main St, Parcel number 06-09-389-008-0122
20-06-09-389-008.000-012 Taxing District 012/012 E.C. Concord Legal Description
ALLENDALE LOT 68 (TIF 136).

The above described real estate presently has a zoning classification of ^{B-3}~~B-2~~ District under the Zoning Ordinance of the City of Elkhart.

Petitioner presently occupies the above described property in the following manner:
I occupy the property as my primary residence. The rear, yard is used as a family area where I spend time with my nieces and maintain a safe and functional outdoor space , is currently in good standing. I also confirm that I have a small shed on the property, and that this shed is used solely for storing my tools.

I am requesting a developmental variance to allow a pre-existing shed/patio structure located in the rear yard of my property. The structure was placed approximately one (1) foot from the fence line. At the time of construction, I did not know that a permit or a minimum distance from the property line was required.

After I was notified, inspectors Jason Ughetti and Paul visited the property, took measurements, and examined the structure. Inspector Paul stated that the building is stable, professionally constructed, and does not present any safety concerns. The structure is not touching, leaning on, or attached to the fence.

I am respectfully requesting a variance so the structure may remain in its current location.

Sections 26.1.B.3 and ~~26.1.D.5.A~~ of the Zoning Ordinance require accessory structures to maintain a minimum setback from the property lines. These sections establish how far an accessory building must be placed from the side and rear boundaries of the lot.

My structure is located approximately one foot from the fence line. Although it is not attached or

leaning against the fence, this distance does not meet the minimum required by the Ordinance. Therefore, a developmental variance is required for the structure to remain where it is.

Strict adherence would require removing or relocating a structure that has already been professionally built, is stable, and has been evaluated by City inspectors who found no safety issues. Relocating or rebuilding it would result in significant financial cost and would eliminate a functional space used daily by me and my nieces for safe outdoor activities.

The layout and usable space of my backyard limit alternative placement options. Moving the structure to meet the ordinance requirement would place it in areas that are not level, not functional, or less safe. There would be no public benefit to removing it, as it does not negatively impact neighbors, drainage, visibility, or access.

Removing or rebuilding the structure would create a significant financial burden and eliminate a safe and useful space that my family uses daily. There would be no added benefit to the community, as the structure does not obstruct visibility, drainage, traffic, or neighboring properties.

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

The structure is stable, professionally constructed, and has been inspected by City staff, who expressed no safety concerns. It poses no threat to public safety and does not affect health, welfare, or community conditions.

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

The structure is located in the backyard, does not obstruct any neighboring views, and does not interfere with the enjoyment or value of adjacent properties. No neighbors have been negatively impacted by its presence.

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

The intent of the Ordinance is to ensure safety, proper use of land, orderly development. The structure meets safety expectations and enhances functional use of the property without altering neighborhood character.

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

The layout and configuration of my backyard create limited placement options. The patio structure was located where it could be safely used without blocking access, creating hazards, or interfering with other functional areas. These conditions are unique to my property.

(5) **The strict application of the Ordinance would deprive the applicant of the Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district.**

Most properties in the district are able to maintain functional accessory structures without hardship. Requiring removal of mine would deny me the practical and safe use of my backyard that others commonly enjoy

(6) **The special conditions and circumstances do not result from any action of the applicant.**

I did not intentionally violate any Ordinance. I did not know a permit was required, and upon learning of the issue, I fully cooperated with all inspectors and instructions. The situation was not created deliberately.

(7) **In designated flood hazard areas... (if applicable)**

This property is not in a designated flood hazard area. The structure does not impact drainage, flood height, or public expense, nor does it create any nuisance or conflict or conflict with laws or ordinances.

Wherefore, Petitioner respectfully requests a hearing on this appeal and that, after said hearing, the Board grants the request Developmental Variance to allow the structure to remain as built.

Signature of the Property Owner:  _____

Printed Name: America Rivera _____

Contact Person:  _____

Address: 2005 S Main St ELKHART IN 46516 _____

Phone Number:  _____

Email : 

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

America Rivera

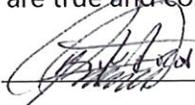
I, RIVERA, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

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 2005 S Main st Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 1 day of 12, 2026.


 Printed: AMERICA RIVERA

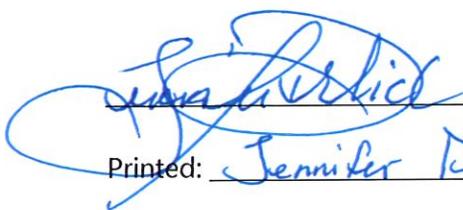
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.


 Printed: AMERICA RIVERA



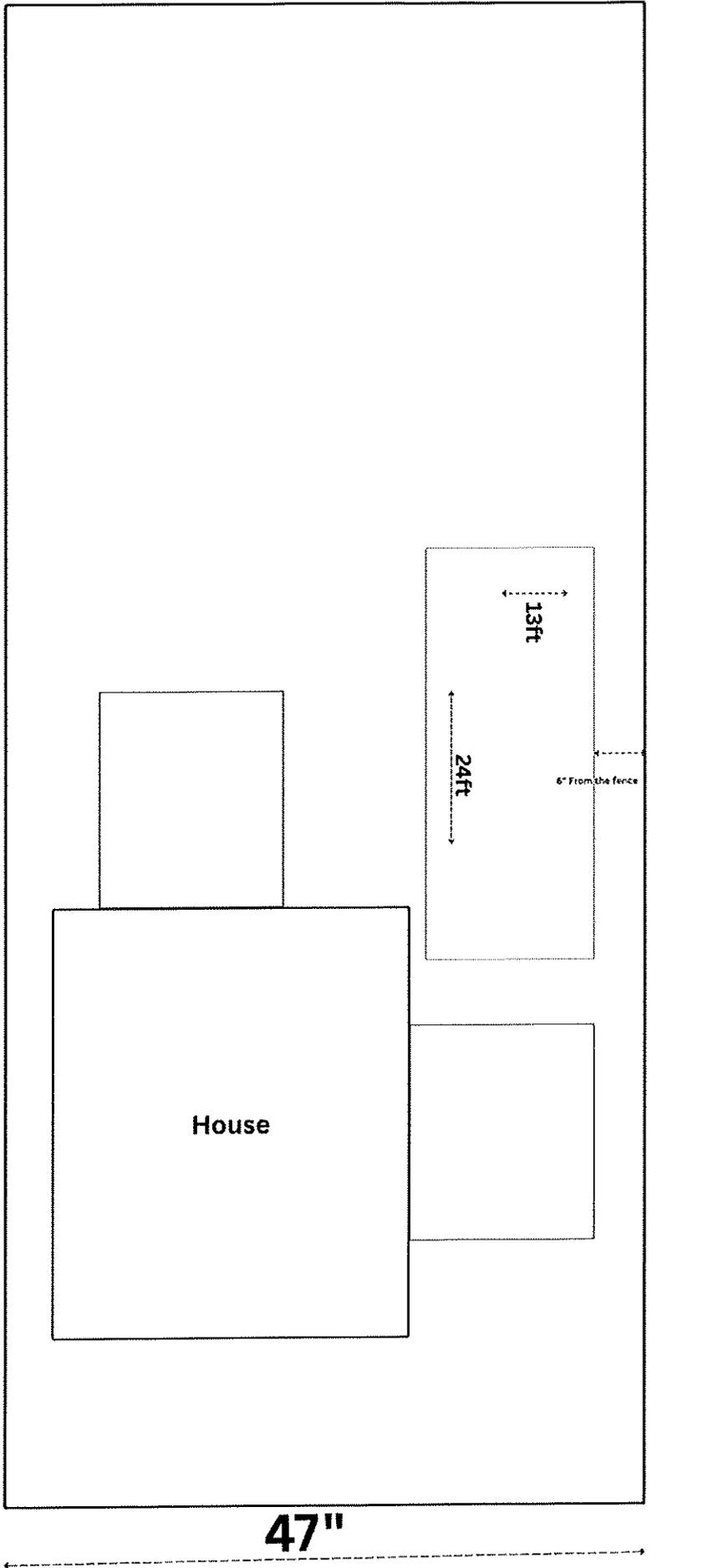
STATE OF INDIANA)
) SS:
 COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared America Rivera, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 12 day of January, 2026.


 Printed: Jennifer Drlich

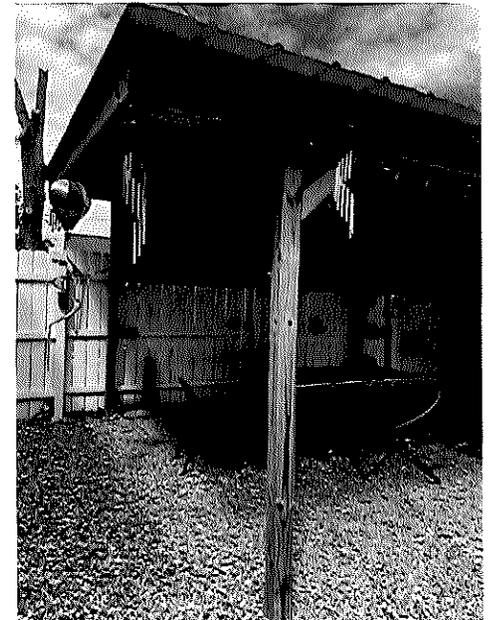
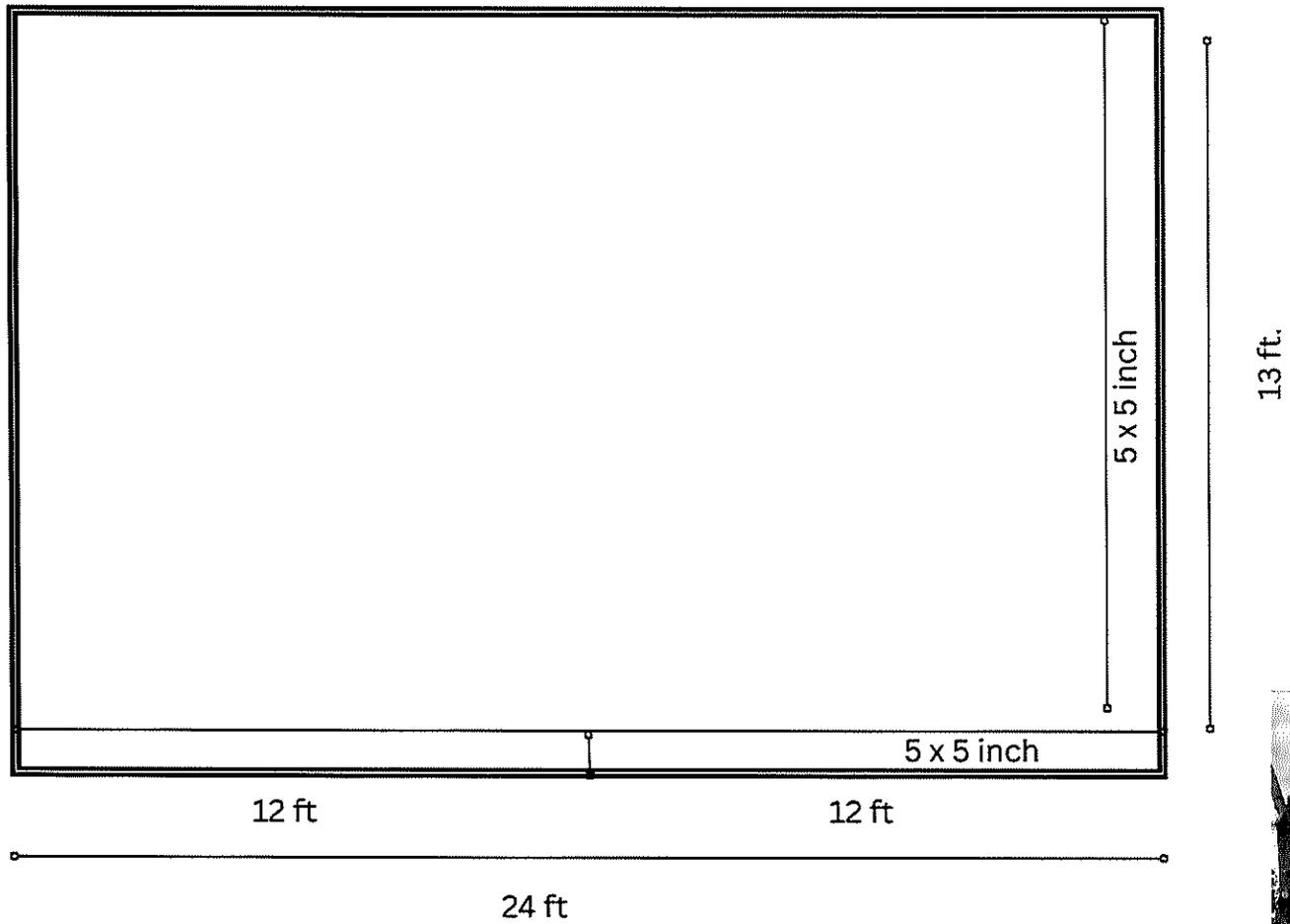
My Commission Expires:
09/27/2028

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

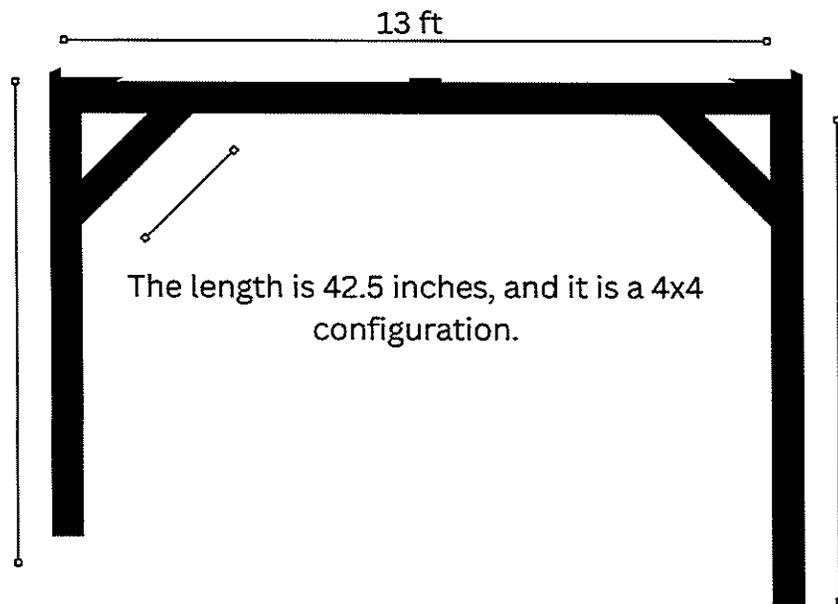


119"

47"



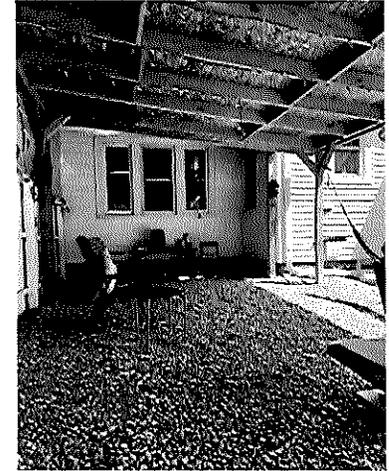
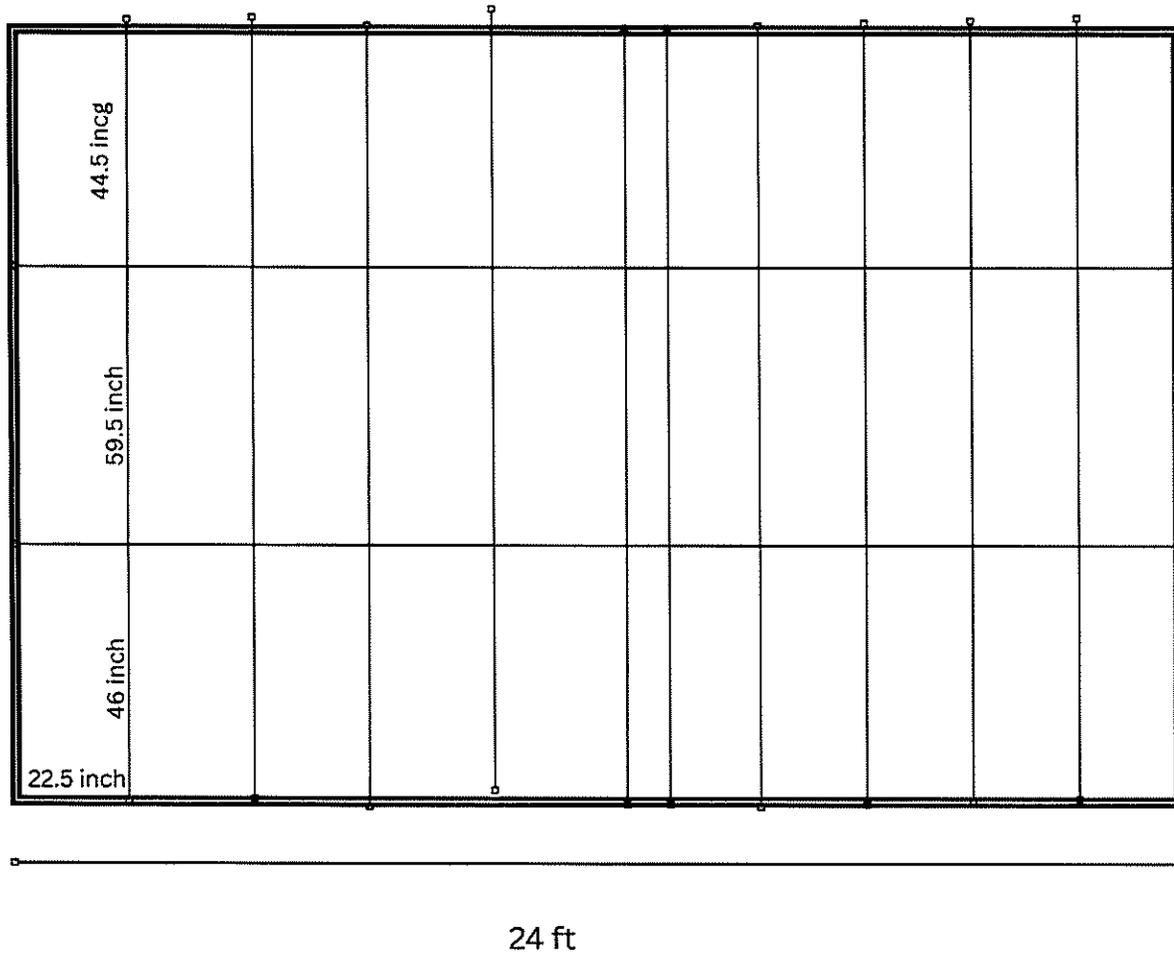
Roof



The back poster stands 11 feet tall; however, only 8 feet are visible, while the remaining 3 feet are underground, supported by a 4x4.



The front poster stands 11 feet tall, with 7.5 feet visible above ground and the remaining 3 feet buried, supported by a 4x4.



The lines beneath the roof consist of 2x4 pillars.

Under the roof

NEIGHBOR SUPPORT STATEMENT

City of Elkhart - Board of Zoning Appeals Development Variance Support Form

Property Address: 2005 S. Main St ELkhart IN 46516

Owner: America Rivera

Date: 11- 19- 2025

We, the undersigned neighbors residing near the property listed above, state the following:

1. We have been informed that the property owner has applied for Developmental Variance to allow an existing patio structure to remain in its current location.
2. We understand that the structure is located in the rear yard and is approximately one foot from the fence line.
3. We confirm that structure does not cause any problems for us as neighbors and does not negatively affect our use, enjoyment, safety, or value of our properties.
4. We have not objection to the structure remaining in its current location.
5. We support the owner's request for the variance and respectfully ask the Board of Zoning Appeals to approve it.
6. We have no concerns regarding visibility, noise, drainage, or safety related to this structure. The structure appears well-maintain and does not interfere with our property boundaries or quality of life.

NEIGHBOR SIGNATURE:

NAME: America H

ADDRESS: [REDACTED]

EMAIL: [REDACTED]

PHONE: [REDACTED]

DATE: 11/23/25

SIGNATURE: [Signature]

NEIGHBOR SUPPORT STATEMENT

City of Elkhart - Board of Zoning Appeals DEvelopment Variance Support Form

Property Address: 2005 S. Main St ELkhart IN 46516

Owner: America Rivera

Date: 11- 19- 2025

We, the undersigned neighbors residing near the property listed above, state the following:

1. We have been informed that the property owner has applied for Developmental Variance to allow an existing patio structure to remain in its current location.
2. We understand that the structure is located in the rear yard and is approximately one foot from the fence line.
3. We confirm that structure does not cause any problems for us as neighbors and does not negatively affect our use, enjoyment, safety, or value of our properties.
4. We have not objection to the structure remaining in its current location.
5. We support the owner's request for the variance and respectfully ask the Board of Zoning Appeals to approve it.
6. We have no concerns regarding visibility, noise, drainage, or safety related to this structure. The structure appears well-maintain and does not interfere with our property boundaries or quality of life.

NEIGHBOR SIGNATURE:

NAME: Joshua Financial Service

ADDRESS: [REDACTED]

EMAIL: [REDACTED]

PHONE: [REDACTED]

DATE: 11/22/25

SIGNATURE: Christina Ordonez



Staff Report

Planning & Zoning

<u>Petition:</u>	26-REV-01
<u>Petition Type:</u>	Revocation of 22-UV-01
<u>Date:</u>	February 12, 2026
<u>Petitioner:</u>	City of Elkhart
<u>Site Location:</u>	Vacant Lot, Wade Drive
<u>Request:</u>	A request by the City of Elkhart to revoke 22-UV-01 which was approved January 13, 2022 to grant a use variance to allow for the creation of a recreational vehicle finished goods storage lot.
<u>Previous BZA Action:</u>	22-UV-01 – recreational vehicle storage lot
<u>Existing Zoning:</u>	B-3, Service Business District
<u>Size:</u>	+/- 1.7 Acres
<u>Thoroughfares:</u>	Between Thorne Drive and Dexter Drive
<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 are M-2 General Manufacturing. To the east and 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:

Section 29.11.5 Revocation Procedure

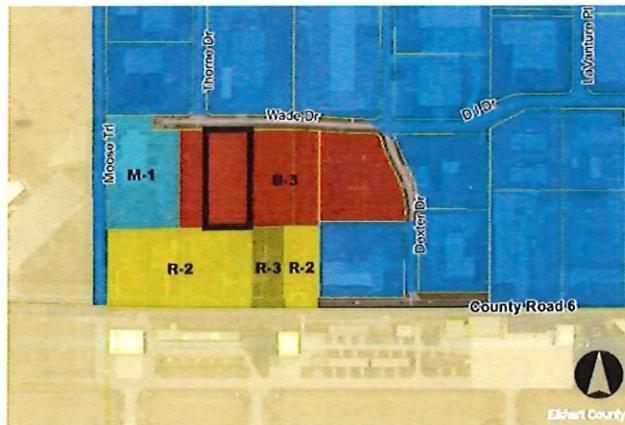
Comprehensive Plan:

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



Staff Analysis

On January 13, 2022, the Board of Zoning Appeals approved a use variance for a vacant parcel on Wade Drive. The request was to permit a recreational vehicle finished goods storage lot, case number 22-UV-01. The specific lot is marked/outlined in black below.



This use variance from 2022 will need to be revoked as the use requested is not consistent with the current development plan presented with the new use. In December 2025, case number 25-BZA-27, this body approved several developmental variances to support a new use and business for both this parcel as well as the building to the east. At that time, staff highlighted in the case analysis the need for the previous use variance to be revoked as the previous use variance was no longer relevant.

The BZA may revoke a variance whenever one or more of the following exists:

1. The BZA determines that the variance was obtained by the applicant by fraudulent or misleading statements;
2. That there has not been compliance with any requirement contained in the variance;
3. That circumstances have materially changed since a variance was granted so that, if the sanction is not imposed, public health, safety or welfare will be adversely affected.

Staff have determined that circumstances have materially changed for the property. The land is being redeveloped with a new user and this body previously approved developmental variances with recent board action therefore, meeting one of the points above for revocation for case number 22-UV-01.

Recommendation

The Staff recommends approval of revocation for case number 22-UV-01 that permitted a use variances to allow for the creation of a recreational vehicle finished goods storage lot based on the fact the circumstances have materially changed and the need for the previous use variance is no longer valid.

Photos

