

AGENDA
CITY OF ELKHART BOARD OF ZONING APPEALS
THURSDAY, JUNE 11, 2026 AT 6:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

THIS MEETING WILL ALSO BE HELD ELECTRONICALLY VIA TEAMS.

This meeting can also be accessed via Teams. To join, go to <https://teams.microsoft.com/meet/24070048451071?p=0LgEsbbrFo4Z4HnzVE>, enter **240 700 484 510 71** as the meeting number and **“6ax6Sr6X”** as the password. Attendees may preregister or enter during the meeting. Comments and questions 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 MAY 14, 2026**
5. **APPROVAL OF PROOFS OF PUBLICATION**

6. **OLD BUSINESS**

26-UV-09 PETITIONER IS LYNDON MARTIN
PROPERTY IS LOCATED AT 2111 S SEVENTEENTH ST

To vary from 18.2 Permitted Uses in the M-1, Limited Manufacturing District, to allow for auto sales.

7. **NEW BUSINESS**

26-UV-11 PETITIONER IS LUIS & MARIA NAVARRETE
PROPERTY IS LOCATED AT 2642 S MAIN ST

To vary from Section 19.2 Permitted Uses in the M-2, General Manufacturing District to allow for a Food Truck Park.

26-UV-12 PETITIONER IS HARRY BURNSTINE AMENDED AND RESTATED REVOCABLE TRUST
PROPERTY IS LOCATED AT VACANT LOTS 1500 BLOCK MAPLE ROW

To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for a parking lot as the primary use.

26-UV-13 PETITIONER IS TFI ELKHART IN LLC
PROPERTY IS LOCATED AT 1341 WADE DRIVE

A Use Variance of Section 13.2 Permitted Uses in the B-3 Business Service District to allow for the creation of a finished goods storage lot.

26-UV-16 PETITIONER IS SNYDER REAL ESTATE HOLDINGS COMPANY
PROPERTY IS LOCATED AT 1801 WOOD ST

To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for a Photography Studio.

8. **STAFF ITEMS**
9. **ADJOURNMENT**

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

BOARD OF ZONING APPEALS MEMBERS

<u>Name</u>	<u>Term</u>	<u>Appointed By</u>
Janet Evanega-Rieckoff, President	February 2, 2024 – January 6, 2028	Mayor
Phalene Leichtman, Vice President	January 1, 2024 – December 31, 2027	Mayor
Ann Linley	January 1, 2026 – December 31, 2027	City Council
Rochali Newbill	January 1, 2026 – December 31, 2030	Plan Commission
Position Vacant	TBD	Mayor

BOARD OF ZONING APPEALS

-MINUTES-

**Thursday, May 14, 2026 - Commenced at 6:04 P.M. & adjourned at 7:30 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Janet Evanega Rieckhoff
Phalene Leichtman
Ann Linley

MEMBERS ABSENT

Rochali Newbill

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha – *via Webex*

RECORDING SECRETARY

Raen Levendoski

ELECTION OF OFFICERS

Eric Trotter, Assistant Director for Planning, states that since all members are not present, the election of officers should be moved to next month.

APPROVAL TO AMEND AGENDA

Trotter proposes an amendment to the agenda, to move case 26-UV-14 to the first item of the meeting.
Linley makes a motion to approve; Second by Leichtman. Voice vote carries.

APPROVAL OF MINUTES FOR APRIL 9, 2026

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

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the May 14, 2026 meeting of the Elkhart City Board of Zoning Appeals.

If you are joining by video, your microphone will be automatically muted and your video will not be on when you enter the meeting. Please make sure you use both your first and last name. If you would like to speak, you must click on the “raise hand” action and wait to be called on in order to alert our IT attendant to unmute your speaker and turn on your video, which is necessary if you want to take part in the meeting. When you begin to speak, speak up and identify yourself before proceeding. When speaking: Petitioner, Public and Board members, make sure your mic is on and speak into it.

The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing. If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision no later than 30 days after the decision is made in an appropriate court. If you think you may potentially want to appeal 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. 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, which may include temporary appointed 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.

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.

DRAFT

OLD BUSINESS

None.

NEW BUSINESS

26-UV-14 PETITIONER IS CITY OF ELKHART REDEVELOPMENT COMMISSION PROPERTY IS LOCATED AT 131 S MAIN ST

Trotter presents.

The request is to vary from Section 15.2, Permitted Uses in the CBD, Central Business District to allow for Temporary Structures, not related to construction, for a temporary pocket park.

Evanega Rieckhoff calls the petitioner forward.

Mike Huber, Development Services Director for the City of Elkhart, appears in person. Huber thanks the Board for accommodating their request for the case to be moved to the top of the meeting. Huber is representing the Redevelopment Commission, who acquired the property at the Northwest corner of Main and Lexington through tax sale after a building was demolished there. They have maintained that space as a potential development site for some time, but they haven't had a significant development interest in it. It has continued to be used as a grassy area for residents, specifically used by residents walking pets. There's a new restaurant that moved in next door and new businesses on that block, so they want to improve the area and create a nice little pocket park, until they have a development proposal that could come on the site. As noted by staff, the variance tonight is for a couple of temporary structures – some nice pergolas to cover and shade some of the tables that are outside. They've been working on a small concept to take a storage container and turn it into a little bit of a pop-up pre-packaged food and drink station. They hope to put it out for RFP to have a vendor come in and actually operate during events and things. Just one more way to add vibrancy Downtown and present opportunities to small business owners to activate space. The variance is required because temporary structures are not currently permitted, so they would like the Board's permission to be able to install the temporary structures. They would be removed if they had a development come along at some point in the future.

Evanega Rieckhoff asks for questions from the Board.

Evanega Rieckhoff asks if the staff report pictures are close to what it will look like. Huber states that it's AI generated, but it's typical to what they would like the pergola to look like. The container might be a little longer, maybe not the stools in front, but yeah something similar to that. Evanega Rieckhoff states that it looks like they're selling beverages. Huber states that it could be beverages or pre-packaged food, but they do not know for sure yet because they do not have a selected vendor yet. Evanega Rieckhoff asks if they will have a person manning it. Huber states they would lease it to a small business; it wouldn't be the city operating it.

Leichtman asks if the ground will be left as grass. Huber states that it will be concrete pavers, a hardscape surface.

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 131 South Main Street to allow for Temporary Structures, not related to construction, for a temporary pocket park. Section 15.2 Permitted Uses in the CBD, Central Business District does not permit Temporary Structures unless associated with active construction on a site.

131 S. Main Street formerly housed a three-story building, within the Central Business District (CBD), that was demolished in 2019 due to neglect by the previous owner. The Redevelopment Commission took title to the vacant land through the tax sale in 2024.

The goal of local redevelopment commissions is to facilitate development on underutilized property in cities within a specific boundary area. In an ongoing effort to activate underutilized parcels around the downtown core within Elkhart – the Redevelopment Commission is developing a plan for a temporary pocket park on the land until a more permanent plan for a new building is determined.

The need for the use variance comes from the fact that temporary structures are only permitted as a part of an active construction site. The specific request is to permit the placement of two (2) shade structures, a small kiosk/container, seating and bollards (to act as a barrier from the alley at the western edge of the site) as a part of the temporary pocket park. Parks are a permitted use within the CBD.

This temporary park use will activate the property and allow people within the downtown neighborhood a place to stop and eat lunch, rest under one of the shade canopies or buy a sandwich and a drink from a vendor leasing space in the kiosk/container structure. There will be no power outlets provided, seating designed for individual users rather than benches and will also be well lit. All of the elements incorporated in the pocket park will be reused at other parks or in other places within the city once a building is approved for redevelopment on the site.

Staff are in the process of working with a local architecture firm to develop elevations that reinforce the historic context for this and other infill development sites within the downtown. This work will be used as a part of the request for proposals to reinforce the visual aesthetic desired for the vacant infill lots.

This temporary pocket park and structures are intended to be just that - temporary. The ultimate goal is to replace the building on the site with a structure that will reinforce the urban edge.

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 temporary canopy and kiosk will be built per all applicable building codes;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the temporary structures will allow for some gathering space 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 because the temporary structures are not associated with a construction site 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 without some relief from the standards, the temporary park elements would not be permitted;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because no construction has started;
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 approval is for a term of two (2) years and must be reheard as a staff item in May 2028 if a redevelopment plan for a new building has not yet been approved by the Redevelopment Commission.

Trotter states there were 38 letters mailed with one returned in favor with no comment.

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

Leichtman asks if there is already water and sewage there to be tapped into. Trotter states that they will not be utilizing them for restrooms, but there is water and sewer available that can be accessed.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 26-UV-14 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt the one condition in the staff report; Second by Linley.

Leichtman – Yes

Linley – Yes

Evanega Rieckhoff – Yes

Motion carries.

26-UV-09 PETITIONER IS LYNDON MARTIN
PROPERTY IS LOCATED AT 2111 S SEVENTEENTH ST

Kyle Anthony-Petter, Planner II, presents.

The request is to vary from Section 18.2 Permitted Uses in the M-1, Limited Manufacturing District, to allow for auto sales.

Evanega Rieckhoff calls the petitioner forward.

Lyndon Martin, 2111 S Seventeenth St, appears in person. Martin purchased the property and it hadn't had water or gas for about 25 years. As shown, it has been transformed into a class A property. It was in the past a repair shop, and they still want to do some repairs, tending, something like that, and also request to do auto sales out front. It's not really set up for manufacturing, what it's zoned for. Staff put a concern about trucks parking out; it's not going to be a big auto lot; they would not be bringing in semi loads. Just small, a car or two here, that type of thing. If it would become semis, Martin owns a self-storage facility around the corner, about ¾ of a mile away and would be happy to allow parking there with large quantities.

Evanega Rieckhoff asks for questions from the Board.

Evanega Rieckhoff states that the property looks nice, and she's not a huge fan of car lots, but what he's done with the lot makes it look like it would be nice looking and fairly appropriate for the neighborhood.

Martin states that the way he fixed the property is the way they'd like to continue operating this business. He had some inquiries about towing companies, but he doesn't want smashed cars there. When he fixed this property up, the neighbors got excited and also fixed their properties, and transformed the whole corner.

Evanega Rieckhoff asks if Martin has seen the conditions and wants to know if he would agree to all the conditions. Martin confirms and says they'd have higher standards.

Leichtman asks about a 2-year condition. Evanega Rieckhoff states it's not in this one, but what they do have is if the property sells, the right to have a used car lot there will not transfer with the sale. Leichtman acknowledges and asks if after the two years, does he have to come back every two years and re-ask, to make sure things are maintained.

Evanega Rieckhoff tells Staff they're going to add a seventh condition, that in two years they want the petitioner to come back, they'll take a look again and drive by, see how everything looks, see how the traffic patterns are, and if everything is good, they'll be good to go. Martin confirms that is acceptable.

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 2111 South 17th Street to be used for Auto Sales. Section 18.2 Permitted Uses in the M-1, Limited Manufacturing District does not permit Auto Sales.

The land had previously been used for contractor office and storage facilities from 2013 to roughly 2025. The property has a long history of being used for Motor Vehicle repair and adjacent uses. The petitioner has recently repaved the parking area in March 2026, and improvements have been made to the property with new siding and a roof in 2025.

This M-1 district is typically associated with the manufacturing and distribution of goods produced in smaller planned Manufacturing Districts. The permitted uses allowed in the M-1 district are more intense than the request which are allowed by right.

The petitioner is requesting a use variance to allow the property to be used for used auto sales to lease the property out to someone interested in using the site for auto sales. The request comes to us based on a phone call from the petitioner with zoning staff about the process of using the site for auto sales.

Staff appreciate the petitioners' desire to put the property back to use but have concerns related to this location being used for auto sales. The loading and unloading of cars from a transport truck would have to be done in a public street which would block the road due to the small size of the lot. As the variance runs with the land, the size of the parcel will not change, loading and off-loading will always be a challenge.

The property is located in M-1 zoning district. The purpose of the Limited Manufacturing District is to accommodate limited manufacturing uses having a minimal impact on surrounding areas. The intent is to allow manufacturing development by reason of location and the availability of adequate transportation and infrastructure systems, while protecting the surrounding uses from negative external effects.

Some examples of M-1 uses are automobile and truck repair, professional offices, contractor offices, shops and storage facilities. Business activity must be conducted wholly within a completely enclosed building, including but not limited to, loading docks and doors, dumpsters, etc. shall be screened.

The city supports redevelopment activity that falls in line with the current permitted uses found in the M-1 section of the ordinance. Surrounding the property is a mix of commercial and industrial uses. The staff cannot support the request.

STAFF RECOMMENDATION

The Staff recommends denial 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 property will only be used for the display of autos;
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 an auto sales lot is less intense than the other permitted uses;
3. The strict application of the terms of this Ordinance will not constitute an unnecessary hardship if applied to the property for which the variance is sought because many of the permitted uses listed in the M-1 section of the zoning ordinance could be established on this site;
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 auto sales on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance would not result in practical difficulties in the use of the property because establishing a permitted M use could be established on this site;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because the zoning classification has been in place for decades and no auto sales have been established;
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.
5. The approval only applies to the current owner. Should the business close or cease operation for any reason, the approval is null and void.
6. As the site has limited on site navigating area, no on street loading or off-loading of vehicles is permitted.
7. In two years, this will be reviewed as a staff item in the May 2028 meeting (**amended by staff during staff report reading*).

Anthony-Petter states there were 12 letters mailed with none returned.

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

Evanega Rieckhoff wants to make sure condition number five states what they want it to say. It doesn't say if the lot is sold that the license carries on. It says if the business closes or ceases operation. Trotter states that is because the license goes with the business owner. That's different than the use by this board locally. The license goes with the individual business owner, so should the business close they have to re-apply for a business license. Evanega Rieckhoff states she understands that, but wants to know if the lot is sold to someone else, will the business be able to keep running or will it have to cease operations and will they want it to.

Trotter states that the way he wrote it relates to the owner of the property. The owner could lease it out and sell it, but the tenant could stay. If the Board wants to differentiate that it doesn't matter the owner or the business, they would still come back in two years regardless, that would happen.

Evanega Rieckhoff says on the first reading, she didn't notice it, but sees the owner is leasing the operation of the used car lot. She asks Martin if he is the person that is going to be running the used car lot. Martin states that he will be leasing it, but will be heavily involved, especially in the first two years as far as financially and making sure it is going to be successful. He's fixed it up successful, and wants it to continue to be successful.

Linley clarifies that the second part of condition five directly applies to Martin as it is his business. Martin says yes, but further clarifies that the business and auto license will not be in his name. Evanega Rieckhoff states he is leasing the business out and is not the owner of the business. Martin confirms that he will not be the owner of the business, but will be heavily in the financial end.

Evanega Rieckhoff calls for a motion. There is some deliberation on how the motion and vote should go.

Trotter states that since Staff has recommended against, and if the Board wants to recommend an approval rather than denial, the recommendation is still in the affirmative, but then the Board would adopt the petitioner's – (*someone on the board says something off mic, unintelligible*) – yes. Linley asks (*unintelligible and off-mic*) still a yes or a no? Trotter responds that is correct, but then they still have to adopt the staff's recommendations along with the petitioners. Evanega Rieckhoff asks for clarification – if they would vote yes to approve the petitioner's findings and then they would have to put in the staff's conditions. Trotter confirms.

Linley makes a motion to approve 26-UV-09 and adopt the petitioner's documents and presentation as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report, of which there were 6, and adopt the following condition, a seventh, which is the two-year review; Second by Leichtman.

Leichtman – No

Linley – Yes

Evanega Rieckhoff – Yes

Motion is tabled.

Evanega Rieckhoff states that since there was not a majority, the petitioner will need to come back next month.

**26-BZA-12 PETITIONER IS HYDRO EXTRUSION USA, LLC
PROPERTY IS LOCATED AT 3406 REEDY DR**

Trotter presents.

The request is to vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard' to allow for a seven (7) foot chain link fence (six (6) foot fence and one (1) foot 3-strand barbless wire fence) in the front yard, a variance of three (3) feet.

Evanega Rieckhoff calls the petitioner forward.

Paul Macumber, 3406 Reedy Dr, owner of Patriot Fence and designated representative of Hydro Extrusions appears in person. Currently, there is no fence out front, and there is an entrance and exit, and it is pandemonium a little bit, there is a lot of traffic out there day and night. Semis going in load off the East side of the building, there is a scale out there, they would erect the fence just North of the scale with an automated gate on the East and West side of the scale. They're asking for the variance, he believes, where it comes to the front yard, turns 90 degrees and goes south, then turns 90 degrees West, then 90 degrees North back into the building. What that does is contain all overhead doors and give enough turnaround space for trucks to pull in and back to actually access all the garage and still keep the public safely away from this area. They've had instances of cars going in the opposite direction against everything, and this fence would create a barrier to remedy the situation.

Evanega Rieckhoff states she drove by and, like Macumber said, it was pandemonium and asks if this fence will help. Macumber states that it will create a direction of entry and exit. The entry point will be on the east side of the scale, which is the furthest away point from the building. There is an existing 6-foot fence on that side, running north and south, and then along the toll road. This is just to contain that area, create a direction of entry and exit. The west side will be considered a free exit; they'll put sensors up, so when a vehicle comes the gates will open and they can leave, which gives a directional entry. On the west side of the building, too, there are parking lots for regular cars and automobiles, and they're going to run the fence just north of that to separate that public

parking and then back into the building, which keeps the manufacturing area and the shipping and receiving separate from those areas. Since there are public parking spaces and then the main pandemonium express, there are semis going in and out of there all the time.

Evanega Rieckhoff says that on that street there are other buildings that do have fences in the front, they just do not go across the nice part of the building where people walk in and out, and if their fence stops before that section of the building, she thinks it will be okay.

Evanega Rieckhoff asks for questions from the Board.

Linley thanks Macumber for the extra information. Macumber states that he did bring pictures of the barbless wire as an example, which is not related to the chain link fence. He submits Petitioner's Exhibit A, which shows that there are no sharps on it to injure anybody under seven foot. It is tipped out and, like the standard barbed wire form, it's a climb preventative. Nobody can come up and easily jump over the fence.

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

Trotter states for the record that this is an amended staff report being read, which has been provided to the members as well as the petitioner's updated findings and a graphic that will be referred to in the staff report.

The petitioner is seeking to vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard' to allow for a seven (7) foot chain link fence (six (6) foot of which is fence and one (1) foot is 3-strand barbless wire fence) in the front yard, a variance of three (3) feet.

The petitioner is seeking a variance to provide additional security at the facility and add separation from the public parking area from the manufacturing/shipping operation area in front of the building. The fence would front (Reedy Drive) before connecting into an existing fence at the east side of the property.

A permit for the fence was submitted on January 7, 2026, with staff alerting the applicant that the fence did not meet development standards for fencing in the front yard on January 8, 2026. The applicant then filed with the board on March 17, 2026.

The portion of the fence closest to Reedy (see attached figure) is why a developmental variance is required. The circled area is the area being referred to. This approximately 100 feet of fence is proposed to be placed closer to the street than the building to enclose outdoor storage of materials.



There are similar fences already existing to the west of the property that encloses, directly adjacent, AEP equipment and a recreational RV business beyond to the west. This area was annexed some years ago from Elkhart County. The county regulations are different from the city related to fencing. It is very likely the nonconforming fence for the RV plant was placed prior to annexation as our rules for industrial fence placement have been in place for over 20 years. The area is zoned for

manufacturing and some relief from fence placement requirements is not that out of line for the zoning district. Trotter adds that the fence around the AEP equipment they have no control over; that is a public utility and they have to be able to secure it; staff has no regulating authority over that equipment (*amended by staff during staff report reading).

The request for security and to separate the public and private areas is understood. This is a very common occurrence in industrial areas. Upon further investigation and a site visit by staff, there is outdoor storage placed in the front yard. And based on aerial photographs, the outdoor storage area has grown over time and is now permanently located within the front yard, which is not permitted by ordinance.

Staff is willing to offer a compromise. Staff would like to have additional discussions with the petitioner to understand the needs of the business and work toward a solution that comes closer to complying with the outdoor storage requirements. Staff would like to see if some of the material could be relocated on the campus to reduce the amount of material stored in the front yard. A truck scale was constructed around 2015. That is located in the front yard, located closer to the road than the business (**amended by staff during staff report reading*).

Staff is willing to consider that 2015 structure as the outermost structure on the campus and have the fence be in line with the scale.

STAFF RECOMMENDATION

Staff recommends approval of the developmental variance to vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard' to allow for a seven (7) foot chain link fence (six (6) feet of which is the fence and one (1) foot is the 3-strand barbless wire fence) in the front yard, a variance of three (3) feet – modified to be in line with the truck scale.

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the fence will be built and installed in a workmanlike manner;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because a fence is a typical element found in industrial districts. The fence's location should not affect the use and value of an adjacent property;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted. Additionally, only a portion of the fence requires the filing of the developmental variance;
4. Special conditions and circumstances do exist as the proposed fence is to provide security and separate the public from the campus. This site has several hundred feet of frontage which does require security. A fence is a typical element to provide security;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because the proposed fence provides for some measure of security and would provide for some measure of organization for the outside storage for finished product;
6. The special conditions and circumstances do not result from an action or inaction by the applicant as the fence has not yet been installed;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

None.

Trotter states there were 10 letters mailed with one returned in favor with no comment.

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-BZA-12 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, no conditions; Second by Linley.

Leichtman – Yes

Linley – Yes

Evanega Rieckhoff – Yes

Motion carries.

26-BZA-14 PETITIONER IS WASTE-AWAY GROUP PROPERTY IS LOCATED AT 707 N WILDWOOD AVE

Anthony-Petter presents.

The request is to vary from Section 18.6 Yard Requirements in the M-1, Limited Manufacturing District, to allow for a sixteen (16) foot front yard setback when twenty-five (25) feet are required, a variance of nine (9) feet.

To vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard' to allow for an eight (8) foot welded steel fence in the front and corner side yard, a variance of four (4) feet.

Evanega Rieckhoff calls the petitioner forward.

Brian McMorrow, 510 Lincolnway East in Mishawaka, licensed professional engineer with V3 companies, appearing on behalf of the applicant and owner, Waste-Away Group. Joining virtually is their architect, Morgan Filipiak of Harris Architects, in case there are any questions about the building. Joining McMorrow here in person is Dominic Remmes, a region engineer with Waste Connections Inc, the parent company of Waste Away Group. Hopefully, anything he doesn't provide initially they've got the professionals to respond. Waste-Away Group has been doing business in Elkhart for 60 years and they employ about 250 people here. The subject property is really 14 different tax parcels that are contiguous and together form a campus of about 4.7 acres of land. There is about 760 feet of frontage along the westerly side of Wildwood Avenue that extends from West Beardsley on the north down to where Laurel Street terminates at Wildwood. A sister company, Cottonwood Properties, owns several tax parcels to the west, two of which have frontage on North Nappanee Street. One of the parcels is being used as a common storm water management facility, to treat runoff from the developed portion of this project. The objective is to construct, operate, and maintain a new one-story shop building near the corner of West Beardsley and Wildwood. Having a footprint of 100x156 and a roofline that slopes from east to west – so it'll be 27 foot high on one side and 25 foot high on the other side. There will be seven garage doors on the east face and seven on the west face, to allow trucks to pass from east to west and make their way back into the yard as they exit. Routine maintenance of their fleet is going to be done in this building. The shop building was proposed with a north-south orientation to provide the appropriate on-site traffic circulation just mentioned, and also to be sensitive to the fact that West Beardsley may be considered a gateway to Elkhart, so they're going to have no garage doors facing north along West Beardsley. There is also to the south of the building the presence of an AEP Indiana Michigan Power overhead line that doesn't allow them to move the building further south. They all contribute, these factors, to having them have at least a portion of the building in the front yard along West Beardsley. He draws attention to an image included in the packet, the aerial – the highlighted area shows precedent for a building to be as close as 21 ½ feet to the curb line of West Beardsley. Their building is going to be 24.9 feet back from the curb line, three feet further than the building which is at 1621 West Beardsley, the health clinic. Lastly, on the same exhibit, the two metal sheds with earthen floors that exist there today are going to be removed and replaced with their shop building. There will be new paving, new landscaping, and the decorative fence they talked about. Staying with the same exhibit, there's an existing curb cut on West Beardsley that they are going to take out and it is going to be landscaped. There is also along Wildwood, about 100-foot of continuous driveway opening with gravel and there are dumpsters there right now. That's all coming out, it's going to be landscaped, and they think it's going to be an attractive upgrade to the neighborhood. He's happy to be a part of the team that has, except for these two provisions needing relief from the zoning ordinance, complies in every other respect to the code, and is of the opinion that will provide a significant aesthetic impact to this corner of the city. Their process does include two petitions that were filed at about the same time – a minor subdivision plat, which consolidated a number of those 14 tax parcels to eliminate a number of variances that might have otherwise been triggered, and they are going through final site plan tech review. They have not yet completed that process, and are happy to work with staff to maybe tweak some of the aesthetics in a way that may be even better than what they're proposing.

Evanega Rieckhoff asks for questions from the Board.

Evanega Rieckhoff asks what the purpose of the fence is as it runs along Beardsley. McMorrow states that it is primarily for safety, any pedestrians walking on the lawn (there is no sidewalk there), that is going to be an active vehicular area with trucks moving, so it's primarily safety to keep any pedestrians out from cutting across that corner. It's going to be a black wrought iron-like, so it's going to be an attractive fence there. Evanega Rieckhoff asks why 8 feet as opposed to the four feet. McMorrow responds that four feet, in their view, is more of a residential neighborhood height, and was probably what was intended when the code was written, and can be easily scaled by someone who wants to jump the fence. The 8-foot should do the trick and keep pedestrians separated from the vehicles.

Leichtman asks why not six feet instead of eight.

Dominic Remmes, region engineer with Waste Connections, appears in person. They're happy to be here in Elkhart, they purchased the HEIMCO business a couple of years ago, it's been a fantastic business, and they've been working on making upgrades to some of the facilities. The city has been great with giving permits to do the building that they've been proposing. This one is really a nice upgrade. Their mechanics are literally working in buildings that are over 100 years old doing preventative maintenance, and they can barely fit these modern truck in them. They're excited about this new facility for the mechanics and they're just great technicians, and finding technicians to work on vehicles, they're like gold, so they want to give them a nice facility to work in. To speak on the height of the fence, 8 feet, for them, is a typical fence height for around their facilities. Not only from the safety of pedestrians, keeping them impeded from or the notion of even trying to climb it, but also from a theft

standpoint. They've found around their facilities, folks want to jump into their trucks and go through them for personal items, loose change, whatever, and just vandalism and whatnot. They've found 8 feet to be a common fence height around their facilities around the country – they build shops for their business in 46 states and five provinces in Canada – they do a lot of this, and it's just a typical fence height.

Evanega Rieckhoff opens for public comments to speak in favor.

Paul Macumber, Patriot Fence, appears in person. He states that the fence they're proposing, he is familiar with it, and it creates a better aesthetic for the property. Chain link is more industrial, and you can go 6-7-8 foot with all that, but their investment is a beautification for Elkhart. He would love to see a lot of it put up. They are investing in this fence. Eight foot is virtually climb-proof, especially when it's ornamental because of the upright structures, there's no way to post your feet, it will actually provide more safety while also giving a very good aesthetic to the property. It costs more, and costs more to repair, but Macumber feels it creates a better aesthetic along the roadside in a somewhat heavily pedestrian-trafficked area.

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

STAFF ANALYSIS

Trotter presents.

The petitioner is requesting a developmental variance in order to construct a new storage building at the corner of West Beardsley Avenue and North Wildwood Avenue.

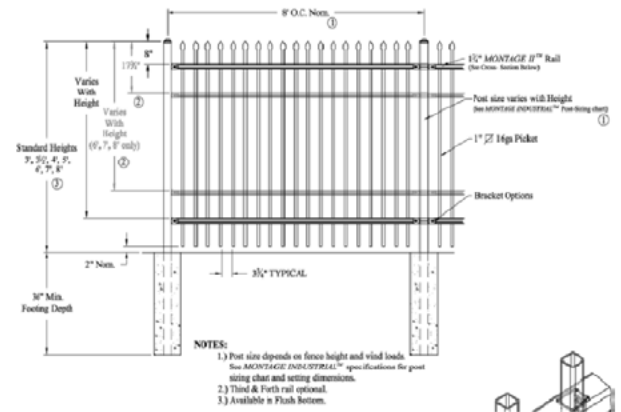
The request is to vary from Section 18.6 Yard Requirements in the M-1, Limited Manufacturing District, to allow for a sixteen (16) foot front yard setback when twenty-five (25) feet are required, a variance of nine (9) feet.

Also to vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard' to allow for an eight (8) foot welded steel fence in the front and corner side yard, a variance of four (4) feet.

The petitioner is in the process of tearing down an existing 1,400 square foot storage building and building a new 15,600 square foot shop. The facility will be used to repair and provide maintenance to equipment used by the applicant.

Due to the configuration of the property and placement of the building, the building layout requires some relief from the developmental standards. Placement of the building matches (1730, 1710 and 1642 West Beardsley Avenue) which are used for auto repair. The narrow side of the building faces the street with garage doors along the east and west side of building. The project has been submitted through technical review and this variance action is one of the few last items to be addressed for complete project approval.

The proposed placement of the fence along West Beardsley Ave and North Wildwood Avenue will be an eight (8) foot wrought iron style fence in the front and corner side yard. The fence is meant to provide added security to the site and reduce possible break ins while equipment is being repaired.



STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance for a wrought iron style fence based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the fence will be built and installed in a workmanlike manner;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because a fence is a typical element found in industrial districts. The fences location should not affect the use and value of an adjacent property;

3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted. Additionally, only a portion of the fence requires the filing of the developmental variance;
4. Special conditions and circumstances do exist as the proposed fence is to be installed on the subject property in a corner side yard and front yard;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because the proposed fence provides for some measure of security and would otherwise greatly limit the amount of outside storage for finished product without the fence;
6. The special conditions and circumstances do not result from an action or inaction by the applicant as the fence has not yet been installed;
7. This property does not lie within a designated flood hazard area.

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

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the storage building will be constructed and inspected to ensure it is built to all applicable code requirements;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the area is located within an M district and storage buildings are a common use;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist which are particular to the land involved and which are not applicable to other lands or structures in the same district due to the location of the existing buildings – the area left for development is somewhat limited thus requiring a variance for development;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because the owner would not be able to place the structure in the most practical location;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because no construction has begun;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

Subsequent to staff writing, and in conversations with the petitioner’s agent, Staff would like to add one condition at the end of this approval.

Evanega Rieckhoff asks for which variance. Trotter responds to the setback, because it’s related to the building.

1. There must be wainscoting added along the front façade of the building along West Beardsley Avenue (**amended by staff during staff report reading*).

Leichtman asks if the petitioner is aware of that condition. They confirm off-mic.

Trotter states that it is a gateway to downtown, and they wanted to add something to elevate the building.

Trotter states there were 21 letters mailed with one returned in favor with no comment, one returned not in favor with comments: related to the height and reduced setback would negatively impact the visual appearance of the area and create visibility concerns near the roadway.

Trotter makes a correction to the record for letters mailed. There were 21 letters mailed with one returned not in favor. The in favor was for the Use Variance case, and got added accidentally.

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

Leichtman asks about the fence height and why they did they choose to go with eight over seven or six, which isn't really standard for them.

Trotter responds that in Staff's perspective, the style of the fence, while it is taller than what they normally see in front yards. Taking a few things into consideration, in Staff's minds, made this circumstance unique. One, the location – it is a gateway coming into downtown, and the style of the fence really impressed them. They normally get much more basic fences, so this was greatly appreciated. Secondly, they do agree with the petitioner with regard to the security and safety. Eight feet is going to create a real and perceived barrier for people trying to get into the building. They are not going to be able to scale that as easily, and if they get halfway up, hopefully someone would see them and call the police or an alarm would go off.

Evanega Rieckhoff calls for a motion and states that they are going to do this with two motions.

Leichtman makes a motion to approve 26-BZA-14, section 26.4.A.6, 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, no conditions; Second by Linley.

Leichtman – Yes

Linley – Yes

Evanega Rieckhoff – Yes

Motion carries.

Linley makes a motion to approve 26-BZA-14, section 1 for the section 18.6 yard requirements, and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt the condition listed in the staff report, which is the addition of a brick wainscot façade to the north side; Second by Leichtman.

Leichtman – Yes

Linley – Yes

Evanega Rieckhoff – Yes

Motion carries.

**26-UV-10 PETITIONER IS MOUNT NORTH CAPITAL
PROPERTY IS LOCATED AT 421 S SECOND ST**

Anthony-Petter presents.

The request is to vary from Section 15.2, Permitted Uses in the CBD, Central Business District to allow for an Amusement parlor.

Evanega Rieckhoff calls the petitioner forward.

Jackie Bloss and Tim Bradley, 421 S Second St, appear in person. They were petitioning to change, it's now a storage unit/warehouse, and they want to make it a family entertainment center with pool tables, indoor putt-putt, a golf simulator, VR games. Something for children and family, teenagers, a little bit for everybody. Bradley states that the entertainment center is not for a particular age, it varies, and they welcome all ages for entertainment, arcade and simulator entertainment. Different fun entertainment for the family, something he feels is well needed in the area. They have to travel to Mishawaka when they really want to venue out with the kids, so thought it would be nice if they brought it in this area. Bloss states that with the Honey Pot right around the corner, with the kids already there, it draws them.

Evanega Rieckhoff asks for questions from the Board.

Linley asks the proposed hours of operation. Bradley states they will close by 11pm.

Linley states she didn't see anything about food or if it's just going to be amusements. Bradley states that if they did venture off, that's another phase, but if it's food it wouldn't be any kitchen-accessible food being served out of there, it would only be something that could be bought across the counter and handed over. Bloss states pre-packaged chips and pop, things of that nature. Nothing they need to cook.

Evanega Rieckhoff asks about the 11pm time. Leichtman states that she lives in the area, and that is an acceptable time. She states there are bars around that are lively and make much more noise than she imagines they would make.

Leichtman asks if they are in the Opportunity Zone and recommends they look into it.

Evanega Rieckhoff opens for public comments to speak in favor.

Sam Voss, project manager for Mount North Capital - Enterprise Building, appears in person. Voss thinks it would be something that is unique and provide entertainment for the community. They have the Honey Pot in that building, which is pottery, and they provide pretty much the same thing, they have a lot of kids around. It's something else they thought would add to the building and the community.

Leichtman asks if there is overflow parking in the back of the building. Voss says that yes, there is parking behind the building and they own that parking lot as well as the parking lot behind the restaurant, Kao's, across the street.

Evanega Rieckhoff asks if there is an entrance in the back. Voss confirms and says there will be an entrance in the back parking lot.

Evanega Rieckhoff opens for public comments to speak in 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 421 South 2nd Street to be used as an Amusement parlor. Section 15.2 Permitted Uses in the CBD, Central Business District does not permit Amusement parlors. Amusement Parlor (Room) is defined as any public area or room containing one (1) or more amusement machines.

Amusement Machine are defined as any machine or device designed or modified to be operated by a coin, coins, or token, or for which change is made for the operation thereof. Such a machine or device used exclusively for the vending of merchandise of a tangible nature shall not be deemed an amusement machine.

A potential tenant for one of the lease spaces wants to open an arcade in a currently empty space in the building. Golf and racing simulators, putting area, pool tables, darts and arcade games are some of the proposed amusement games for the space.

The CBD zoning district does not permit Amusement parlors as a permitted use. The property is currently known as the Enterprise Building but formerly the Elkhart Truth building. The proposed amusement parlor would be located in a vacant retail space on the north end of the building. The building has already undergone substantial indoor remodeling for the existing tenant spaces.

Amusement parlors are permitted in the B-2 and B-3 business Districts, but are not listed in the Central Business District. Staff support the use for an amusement parlor within the Enterprise Building. The downtown area of the city is growing and having a diverse business base that provides activities for its residents is important.

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 within a building with a variety of uses and should blend well within the downtown;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because there will only be minor exterior changes to the existing building 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 an amusement parlor on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because establishing a permitted CBD use could be achieved on this site and providing for required off-street parking would be possible;

6. The special conditions and circumstances do not result from an action or inaction by the applicant as the use does not currently exist;
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 schedule an on-site meeting with the Fire and Building Departments within 90 days of approval to discuss building and fire requirements.

Anthony-Petter states there were 21 letters mailed with one phone call received in favor with no comment.

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

Leichtman asks, if like with the used car dealership, if they approve this variance use and the business ceases to operate or a new owner comes along, can they put a condition on it that they have to come back and re-ask for a variance use, or does it go with the building.

Trotter states that the use variance would go with the building, because they would be essentially modifying the list of permitted uses for this particular property. Once this use variance is approved, it would go with the property irrespective of the ownership of the business. The reason they place the condition is because they did not have a chance to meet with the petitioners prior to Staff Reports going out – the Fire Department will help establish the capacity for the space, and the Building Department will help them to understand what will require very likely a commercial Construction Design Release, because there are some openings that are proposed to be closed up, specifically the area leading from the area into the truck dock. That will be closed up, and since they are modifying a commercial building with egress and ingress, they are very likely going to have to file for a commercial Construction Design Release. In addition, the entry area that will have to be constructed on the back of the building that will allow them proper means of ingress and egress out of the “entrance” on the back side of the building will also very likely require a commercial Construction Design Release because this is a commercial building and they will have to make sure they have ADA requirements – proper steps, handrails, all that. That’s why Staff added the condition.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 26-UV-10 and adopt the petitioner’s documents and presentation, together with the Staff’s finding of fact, as the Board’s findings of fact in the present petition and adopt the one condition of meeting with the Fire and Building Departments within 90 days of approval; Second by Linley.

Leichtman – Yes
Linley – Yes
Evanega Rieckhoff – Yes

Motion carries.

STAFF ITEM

Trotter states that they need to correct the record. When 26-UV-14 was heard, there were 38 letters mailed out. Unfortunately, because there was a BZA-14 and UV-14, one of the responses for UV-14 was placed in the BZA file. To correct the record for 26-UV-14, there were two responses received in favor with no comments.

ADJOURNMENT

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

President or Vice-President

Secretary

The Elkhart Truth

CLASSIFIEDS

Classified Desk: 1-855-317-4292

Hours: Monday - Friday 9am-2pm EST



LEGAL NOTICE #26-UV-13

Hearing on proposed Use Variance #26-UV-13

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, JUNE 11, 2026 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-13.

Petitioner: TFI Elkhart IN LLC

Request: A Use Variance of Section 13.2 Permitted Uses in the B-3 Business Service District to allow for the creation of a finished goods storage lot.

Location: 1341 Wade Drive

Zoning: B-3, Service Business District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/24070048451071?p=0LgEsbbrFo4Z4HnzVE>, enter **240 700 484 510 71** as the meeting number and "6ax6Sr6X" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

The West One Hundred Seven (107) feet of Lot Number Twelve (12) as the said Lot is known and designated on the recorded Plat of Elk-Air Industrial Park Second Subdivision in Osolo Township; said Plat being recorded in Plat Book 11, Page 47 in the Office of the Recorder of Elkhart County, Indiana.

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 22nd day of May 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 29, 2026

LEGAL NOTICE #26-UV-12

Hearing on proposed Use Variance #26-UV-12

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, JUNE 11, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-12.

Petitioner: The Harry Burnstine Amended and Restated Revocable Trust

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for a parking lot as the primary use.

Location: Vacant Lots 1500 Block Maple Row

Zoning: R-2, One-Family Dwelling District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/24070048451071?p=0LgEsbbrFo4Z4HnzVE>, enter **240 700 484 510 71** as the meeting number and "6ax6Sr6X" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

Lots Numbered Fifty (50) and Fifty-one (51) as the said Lots are known and designated on the recorded Plat of BRIGGS DALE ADDITION to the City of Elkhart said Plat being recorded in Deed Record 109, page 170 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 22nd day of May 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 29, 2026

LEGAL NOTICE #26-UV-11

Hearing on proposed Use Variance #26-UV-11

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, JUNE 11, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-11.

Petitioner: Luis & Maria Navarrete

Request: To vary from Section 19.2 Permitted Uses in the M-2, General Manufacturing District to allow for a Food Truck Park.

Location: 2636-2642 South Main Street - currently vacant

Zoning: M-2, General Manufacturing District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/24070048451071?p=0LgEsbbrFo4Z4HnzVE>, enter **240 700 484 510 71** as the meeting number and "6ax6Sr6X" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

WATERFALL HIGH-RISE WEATHERIZATION ELKHART HOUSING AUTHORITY NOTICE TO BIDDERS

1. The Housing Authority of the City of Elkhart, Indiana will receive sealed Bids in its offices at 1396 Benham Avenue, Elkhart, Indiana 46516, until the hour of 3:00 p.m., local time, June 25, 2026. A public bid opening will occur at that time. Any bid received after the above designated time will be returned unopened. The work shall be performed as per Plans and Specifications prepared by Alliance Architects, 929 Lincolnway East, Suite 200, South Bend, Indiana, and Bids are desired for the Waterfall High-Rise Weatherization, in Elkhart, Indiana.

2. The scope of work is to provide weatherization improvements to incorporate energy efficiency and building durability. Work includes removing and replacing exterior building sealants at windows, A/C sleeves, control joints, doors, storefront and louvers/vents. Work shall also include repair of damaged flashings and expansion joints and adjustment of the existing A/C sleeve brackets.

3. All prime Contractors submitting Bids on the Project shall encourage qualified minority subcontractors to perform any portion of the Work in the Project which is not performed by the Contractor's own forces. All bidders shall comply with HUD Section 3 Clause of regulation 24 C.F.R. Part 75. Section 3 compliance will not be required if the Contract Amount does not exceed \$200,000.

4. Said Housing Authority of the City of Elkhart, Indiana is not obligated to accept the lowest or any other Bid submitted and reserves the right to reject any and all Proposals, to waive informalities in any Proposal if it shall be in the judgment of the Housing Authority of the City of Elkhart so to do and to defer the acceptance or rejection until the financial arrangements for said Project are completed.

5. Plans and Specifications may be obtained from Alliance Architects, 929 Lincolnway East, Suite 200, South Bend, Indiana, on or after May 22, 2026. Electronic Plans and Specifications are available upon request. If hard copies are required, deposits to be made out to Housing Authority of the City of Elkhart in the amount of Fifty Dollars (\$50.00) will be required of Prime Contractors for each set of Drawings and Specifications, which amount shall be returned in full in case the following two conditions are complied with: A. The return of Drawings and Specifications within ten (10) days after the date of receiving Bids and B. The Drawings and Specifications are in usable condition as determined by the Architect. Should any Bidder fail in the observance of EITHER CONDITION, he shall forfeit the FULL AMOUNT of his deposit.

6. A Pre-Bid Meeting will be held June 4, 2026, at 2:00 p.m. (local time) at the Waterfall High-Rise located at 303 Waterfall Drive, Elkhart, Indiana. Site visits that are necessary after this date will be by appointment only and should be made through the Housing Authority of the City of Elkhart, Indiana by contacting Mr. Erik Mathavan, Director of Comprehensive Improvements at 574-295-8392.

7. Instructions to Bidders, Plans, and Specifications including General Conditions are on file at:

a. Alliance Architects
929 Lincolnway East, Suite 200
South Bend, Indiana 46601

WATERFALL HIGH-RISE WEATHERIZATION ELKHART HOUSING AUTHORITY NOTICE TO BIDDERS 00 10 00-2
b. Housing Authority of the City of Elkhart
1396 Benham Avenue Elkhart, Indiana 46516
<https://www.ehai.org/procurement>

c. MACIAF
212 W. Colfax Ave.
South Bend, IN 46601

d. Dodge Data & Analytics
300 American Metro Blvd., Suite 185
Hamilton, NJ 08619

e. ConstructConnect (f/k/a Construction Journal)
3825 Edwards Road #800
Cincinnati, OH 45209

f. CMD Group, LLC
30 Technology Parkway South, Suite 100
Norcross, GA 30092-2912

TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES

NOTICE OF SHERIFF'S SALE
1889-491

By virtue of a certified copy of a decree to me directed from the Clerk of Circuit Court of ELKHART County, Indiana, in Cause No. 20D02-2601-MF-000003 wherein BELTWAY CAPITAL, LLC was Plaintiff, and UNKNOWN HEIRS AND LEGATEES OF KARL W. VANSYCKLE (DECEASED); UNKNOWN HEIRS AND LEGATEES OF JANICE S. VANSYCKLE (DECEASED); DOUGLAS VANSYCKLE, KNOWN HEIR OF JANICE S. VANSYCKLE (DECEASED), were Defendants, requiring me to make the sum as provided for in said Decree (\$251,913.61) with interest and cost, I will expose at public sale to the highest bidder, on the 22nd day of July, 2026, at the hour of 10:30 a.m. or as soon thereafter as is possible, at www.zuesauction.com, the fee simple of the whole body of Real Estate in ELKHART County, Indiana.

LOT NUMBERED TWENTY-FIVE (25) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF DELRU ESTATES - SEC 2, A SUBDIVISION IN CLEVELAND TOWNSHIP; SAID PLAT BEING RECORDED IN PLAT BOOK 11, PAGE 15 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA
PARCEL ID: 20-01-24-202-005.000-005
COMMONLY KNOWN AS: 52054 DEL RUE DRIVE, ELKHART, INDIANA 46514

More commonly known as: 52054 Del Rue Drive, Elkhart, IN 46514

PARCEL NO. 20-01-24-202-005.000-005; COUNTY Parcel No. 01-24-202-005-005-005

Together with rents, issues, income, and profits thereof, said sale will be made without relief from valuation or appraisal laws.

"Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause 20D02-2601-MF-000003 in the SUPERIOR court of the County of ELKHART, Indiana."

Plaintiff Attorney
ATTORNEY NO. 35615-45
Noonan & Lieberman, Ltd.
33 N. LaSalle Street, Ste. 1150
Chicago, IL 60602
CLEVELAND Township

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0900 LEGALS

**STATE OF INDIANA
IN THE ELKHART CIRCUIT
SUPERIOR COURT 2
COUNTY OF ELKHART**

**IN RE: THE ESTATE OF:
Jane Louise Kitchar**

**CAUSE NO.
20D02-2605-ES-000020**

**NOTICE OF ESTATE
ADMINISTRATION**

Notice is given that on May 22, 2026, Joseph P. Leverone, was appointed Personal Representative of the Estate of Jane Louise Kitchar who died on March 10, 2026.

All persons who have claims against this estate, whether or not now due, must file their claims in the office of the Clerk of this Court within three (3) months from the date of the first publication of this Notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred.

Dated and signed at Goshen, Indiana, May 26, 2026

/s/ Patricia Pickens
Clerk

By:
Deputy Clerk

/s/ Laura D. Faulstich
Laura D. Faulstich (34008-71)
**MAY OBERFELL LORBER,
LLP**
4100 Edison Lakes Pkwy Ste100
Mishawaka, IN 46545
Tel:(574)243-4100
Fax:(574)232-9789
rurda@maylorber.com
nbarnes@maylorber.com
Attorneys for Personal
Representatives

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LEGAL NOTICE #26-UV-16

Hearing on proposed Use Variance #26-UV-16

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, JUNE 11, 2026 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-16.

Petitioner: Snyder Real Estate Holdings Company

Request: To vary from Section 11.2, Permitted Uses in the R-1

Business Service District to allow for the creation of a finished goods storage lot.

Location: 1341 Wade Drive

Zoning: B-3, Service Business District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/24070048451071?p=0LgEsbbF04Z4HnzVE>, enter 240 700 484 510 71 as the meeting number and "6ax6Sr6X" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

The West One Hundred Seven (107) feet of Lot Number Twelve (12) as the said Lot is known and designated on the recorded Plat of Elk-Air Industrial Park Second Subdivision in Osolo Township; said Plat being recorded in Plat Book 11, Page 47 in the Office of the Recorder of Elkhart County, Indiana.

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 22nd day of May 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 29, 2026

LEGAL NOTICE #26-UV-12

Hearing on proposed Use Variance #26-UV-12

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, JUNE 11, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-12.

Petitioner: The Harry Burnstine Amended and Restated Revocable Trust

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for a parking lot as the primary use.

Location: Vacant Lots 1500 Block Maple Row

Zoning: R-2, One-Family Dwelling District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/24070048451071?p=0LgEsbbF04Z4HnzVE>, enter 240 700 484 510 71 as the meeting number and "6ax6Sr6X" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

Lots Numbered Fifty (50) and Fifty-one (51) as the said Lots are known and designated on the recorded Plat of BRIGGSDALE ADDITION to the City of Elkhart said Plat being recorded in Deed Record 109, page 170 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 22nd day of May 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 29, 2026

LEGAL NOTICE #26-UV-11

Hearing on proposed Use Variance #26-UV-11

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, JUNE 11, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-11.

Petitioner: Luis & Maria Navarrete

Request: To vary from Section 19.2 Permitted Uses in the M-2, General Manufacturing District to allow for a Food Truck Park.

Location: 2636-2642 South Main Street - currently vacant

Zoning: M-2, General Manufacturing District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/24070048451071?p=0LgEsbbF04Z4HnzVE>, enter 240 700 484 510 71 as the meeting number and "6ax6Sr6X" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

Tract I:
Lot Number 47, as the said Lot is known and designated on the recorded Plat of MONGER'S SOUTH ALLENDALE ADDITION to the City of Elkhart, Indiana; said Plat being recorded in Plat Book 115, page 411 in the Office of the Recorder of Elkhart County, Indiana.

Tract II:
Lots Numbered 46 and 48, as the said Lots are known and designated on the recorded Plat of MONGER'S SOUTH ALLENDALE ADDITION; said Plat being recorded in Plat Book 115, page 411 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 22nd day of May 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 29, 2026

also include repair of damaged flashings and expansion joints and adjustment of the existing A/C sleeve brackets.

3. All prime Contractors submitting Bids on the Project shall encourage qualified minority subcontractors to perform any portion of the Work in the Project which is not performed by the Contractor's own forces. All bidders shall comply with HUD Section 3 Clause of regulation 24 C.F.R. Part 75. Section 3 compliance will not be required if the Contract Amount does not exceed \$200,000.

4. Said Housing Authority of the City of Elkhart, Indiana is not obligated to accept the lowest or any other Bid submitted and reserves the right to reject any and all Proposals, to waive informalities in any Proposal if it shall be in the judgment of the Housing Authority of the City of Elkhart so to do and to defer the acceptance or rejection until the financial arrangements for said Project are completed.

5. Plans and Specifications may be obtained from Alliance Architects, 929 Lincolnway East, Suite 200, South Bend, Indiana, on or after May 22, 2026. Electronic Plans and Specifications are available upon request. If hard copies are required, deposits to be made out to Housing Authority of the City of Elkhart in the amount of Fifty Dollars (\$50.00) will be required of Prime Contractors for each set of Drawings and Specifications, which amount shall be returned in full in case the following two conditions are complied with: A. The return of Drawings and Specifications within ten (10) days after the date of receiving Bids and B. The Drawings and Specifications are in usable condition as determined by the Architect. Should any Bidder fail in the observance of EITHER CONDITION, he shall forfeit the FULL AMOUNT of his deposit.

6. A Pre-Bid Meeting will be held June 4, 2026, at 2:00 p.m. (local time) at the Waterfall High-Rise located at 303 Waterfall Drive, Elkhart, Indiana. Site visits that are necessary after this date will be by appointment only and should be made through the Housing Authority of the City of Elkhart, Indiana by contacting Mr. Erik Mathavan, Director of Comprehensive Improvements at 574-295- 8392.

7. Instructions to Bidders, Plans, and Specifications including General Conditions are on file at:

a. Alliance Architects
929 Lincolnway East, Suite 200
South Bend, Indiana 46601

WATERFALL HIGH-RISE WEATHERIZATION ELKHART HOUSING AUTHORITY NOTICE TO BIDDERS 00 10 00-2

b. Housing Authority of the City of Elkhart
1396 Benham Avenue Elkhart, Indiana 46516
<https://www.ehai.org/procurement>

c. MACIAF
212 W. Colfax Ave.
South Bend, IN 46601

d. Dodge Data & Analytics
300 American Metro Blvd., Suite 185
Hamilton, NJ 08619

e. ConstructConnect (f/k/a Construction Journal)
3825 Edwards Road #800
Cincinnati, OH 45209

f. CMD Group, LLC
30 Technology Parkway South, Suite 100
Norcross, GA 30092-2912

TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE AND ALL INTERESTED PARTIES

NOTICE OF SHERIFF'S SALE
1889-491

By virtue of a certified copy of a decree to me directed from the Clerk of Circuit Court of ELKHART County, Indiana, in Cause No. 20D02-2601-MF-000003 wherein BELTWAY CAPITAL, LLC was Plaintiff, and UNKNOWN HEIRS AND LEGATEES OF KARL W. VANSYCKLE (DECEASED); UNKNOWN HEIRS AND LEGATEES OF JANICE S. VANSYCKLE (DECEASED); DOUGLAS VANSYCKLE, KNOWN HEIR OF JANICE S. VANSYCKLE (DECEASED), were Defendants, requiring me to make the sum as provided for in said Decree (\$251,913.61) with interest and cost, I will expose at public sale to the highest bidder, on the 22nd day of July, 2026, at the hour of 10:30 a.m. or as soon thereafter as is possible, at www.zuesauction.com, the fee simple of the whole body of Real Estate in ELKHART County, Indiana.

LOT NUMBERED TWENTY-FIVE (25) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF DEL RU ESTATES - SEC 2, A SUBDIVISION IN CLEVELAND TOWNSHIP; SAID PLAT BEING RECORDED IN PLAT BOOK 11, PAGE 15 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA
PARCEL ID: 20-01-24-202-005.000-005
COMMONLY KNOWN AS: 52054 DEL RUE DRIVE, ELKHART, INDIANA 46514

More commonly known as: 52054 Del Rue Drive, Elkhart, IN 46514

PARCEL NO. 20-01-24-202-005.000-005; COUNTY Parcel No. 01-24-202-005-005-005

Together with rents, issues, income, and profits thereof, said sale will be made without relief from valuation or appraisal laws.

"Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause 20D02-2601-MF-000003 in the SUPERIOR court of the County of ELKHART, Indiana."

Plaintiff Attorney
ATTORNEY NO. 35615-45
Noonan & Lieberman, Ltd.
33 N. LaSalle Street, Ste. 1150
Chicago, IL 60602
CLEVELAND Township

52054 Del Rue Drive, Elkhart, IN 46514
Street Address

The Sheriff's Department does not warrant the accuracy of the street address published herein

SERVICE DIRECTED TO: Type of Service: REGULAR MAIL
UNKNOWN HEIRS AND LEGATEES OF KARL W. VANSYCKLE (DECEASED)
52054 DEL RUE DRIVE, ELKHART, INDIANA 46514

UNKNOWN HEIRS AND LEGATEES OF JANICE S. VANSYCKLE (DECEASED)
52054 DEL RUE DRIVE, ELKHART, INDIANA 46514

DOUGLAS VANSYCKLE, KNOWN HEIR OF KARL W. VANSYCKLE (DECEASED) AND JANICE S. VANSYCKLE (DECEASED); 2250 CASSOPOLIS STREET, LOT 34, ELKHART, INDIANA 46514-5122

NOTICE

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CASH FOR HOMES
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574-522-9444

0900 LEGALS

STATE OF INDIANA IN THE ELKHART CIRCUIT SUPERIOR COURT 2 COUNTY OF ELKHART

IN RE: THE ESTATE OF: Jane Louise Kitchar

CAUSE NO. 20D02-2605-ES-000020

NOTICE OF ESTATE ADMINISTRATION

Notice is given that on May 22, 2026, Joseph P. Leverone, was appointed Personal Representative of the Estate of Jane Louise Kitchar who died on March 10, 2026.

All persons who have claims against this estate, whether or not now due, must file their claims in the office of the Clerk of this Court within three (3) months from the date of the first publication of this Notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred.

Dated and signed at Goshen, Indiana, May 26, 2026

/s/ Patricia Pickens
Clerk

By:
Deputy Clerk

/s/ Laura D. Faulstich
Laura D. Faulstich (34008-71)
MAY OBERFELL LORBER, LLP
4100 Edison Lakes Pkwy Ste100
Mishawaka, IN 46545
Tel:(574)243-4100
Fax:(574)232-9789
lrurda@maylorber.com
nbarnes@maylorber.com
Attorneys for Personal Representatives

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LEGAL NOTICE #26-UV-16

Hearing on proposed Use Variance #26-UV-16

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, JUNE 11, 2026 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-16.

Petitioner: Snyder Real Estate Holdings Company

Request: To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for a Photography Studio.

Location: 1801 Wood Street

Zoning: B-1, Neighborhood Business District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/24070048451071?p=0LgEsbbF04Z4HnzVE>, enter 240 700 484 510 71 as the meeting number and "6ax6Sr6X" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

THE WEST 1/2 OF LOT NUMBERED 52, EXCEPT THE SOUTH 54 FEET AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF EXTENSION OF FIELDHOUSE'S EAST SIDE ADDITION TO THE CITY OF ELKHART; SAID PLAT BEING RECORDED IN PLAT BOOK 2, PAGE 27, 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 22nd day of May 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 29, 2026

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Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-09
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	May 14, 2026
<u>Petitioner:</u>	Lyndon Martin
<u>Site Location:</u>	2111 South Seventeenth Street
<u>Request:</u>	To vary from 18.2 Permitted Uses in the M-1, Limited Manufacturing District, to allow for auto sales.
<u>Previous BZA Action:</u>	None
<u>Existing Zoning:</u>	M-1, Limited Manufacturing District
<u>Size:</u>	+/- 0.37 Acres
<u>Thoroughfares:</u>	South Seventeenth Street and West Lusher Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by a mix of manufacturing uses zoned M-1, Limited Manufacturing District and M-2, General Manufacturing District

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a use variance to allow the property at 2111 South 17th Street to be used for Auto Sales. Section 18.2 Permitted Uses in the M-1, Limited Manufacturing District does not permit Auto Sales.

The land had previously been used for contractor office and storage facilities from 2013 to 2025. The property has a long history of being used for Motor Vehicle repair and adjacent uses. The petitioner has recently repaved the parking area in March 2026, and improvements have been made to the property with new siding and a roof in 2025.

This M-1 district is typically associated with the manufacturing and distribution of goods produced in smaller planned Manufacturing Districts. The permitted uses allowed in the M-1 district are more intense than the request which are allowed by right.

The petitioner is requesting a use variance to allow the property to be used for used auto sales to lease the property out to someone interested in using the site for auto sales. The request comes to us based on a phone call from the petitioner with zoning staff about the process of using the site for auto sales.

Staff appreciate the petitioners' desire to put the property back to use but have concerns related to this location being used for auto sales. The loading and unloading of cars from a transport truck would have to be done in a public street which would block the road due to the small size of the lot. As the variance runs with the land, the size of the parcel will not change, loading and off loading will always be a challenge.

The property is located in M-1 zoning district. The purpose of the Limited Manufacturing District is to accommodate limited manufacturing uses having a minimal impact on surrounding areas. The intent is to allow manufacturing development by reason of location and the availability of adequate transportation and infrastructure systems, while protecting the surrounding uses from negative external effects.

Some examples of M-1 uses are automobile and truck repair, professional offices, contractors offices, shops and storage facilities. Business activity must be conducted wholly within a completely enclosed building, including but not limited to, loading docks and doors, dumpsters, etc. shall be screened.

The city supports redevelopment activity that falls in line with the current permitted uses found in the M-1 section of the ordinance. Surrounding the property is a mix of commercial and industrial uses. The staff cannot support the request.

Recommendation

The Staff recommends **denial** 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 property will only be used for the display of autos;
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 an auto sales lot is less intense than the other permitted uses;
3. The strict application of the terms of this Ordinance **will not** constitute an unnecessary hardship if applied to the property for which the variance is sought because many of the permitted uses listed in the M-1 section of the zoning ordinance could be established on this site;
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 auto sales on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **would not** result in practical difficulties in the use of the property because establishing a permitted M use could be established on this site;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the zoning classification has been in place for decades and no auto sales have been established;
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.
5. The approval only applies to the current owner. Should the business close or cease operation for any reason, the approval is null and void.
6. As the site has limited on site navigating area, no on street loading or off-loading of vehicles is permitted.

Photos



PETITION #: 26-UV-09

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Lyndon martin
Mailing Address: [REDACTED]
Phone #: [REDACTED]

Contact Person: Lyndon martin
Mailing Address: [REDACTED]
Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2111 S 17 st ~~Elmhart~~ IN 46517
Zoning: M 1
Present Use: M 1 vacant Proposed Use: Retail car sales

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): Lyndon martin
SIGNATURE(S): [Signature] DATE: 3-11-26

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.

Ordinance Requirement: Section(s): _____
Map #: _____ Area: _____

RECEIVED BY: Raen Levendowski DATE: 3/11/26

Date: March 11, 2026

RE: Retail Car Sales

To: Board of Zoning Appeals
City of Elkhart

1. I, Lyndon Martin, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana. (See attached legal description)
2. The above described real estate presently has a zoning classification of M1 District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above described property in the following manner: I currently have purchased and made improvements to the property and want to lease the property out.
4. Petitioner desires to have a retail car lot at this property.
5. The Zoning Ordinance of the City of Elkhart requires a special variance to sell cars on this property.
6. The building and lot is set up for a business to sell cars at this location, and it is not set up for manufacturing the way it is zoned.
7.
 1. Having a Car lot at this property will not be injurious to the public health, safety, morals and general welfare of the community.
 2. The adjacent properties will not be affected, and the value of the area has increased, due to the improvements made at the property.
 3. The need for the variance is so I am able to lease the property to a person to have a car lot at this location.

4. If the strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which it will not be able to be used for a car lot, and the property will not maintain the value and curb appeal that it presently has, and for the size of the building that is on the lot of what it could be used for.

5. The approval of this will not affect the area, due to it having business surrounding on all corners and aspects of this property.

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

Signature of Property Owner:

A handwritten signature in cursive script, appearing to read "Lyndon Martin", written over a horizontal line.

Printed Name: Lyndon Martin

Contact Person: Lyndon Martin

Name: Lyndon Martin

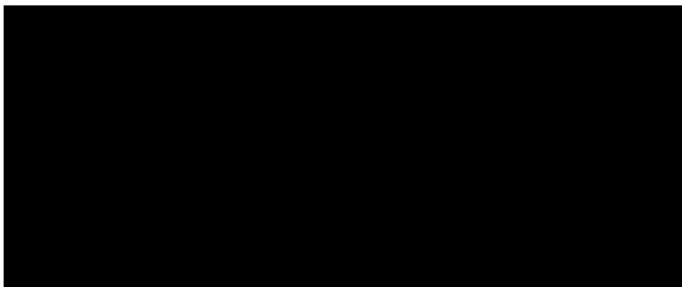
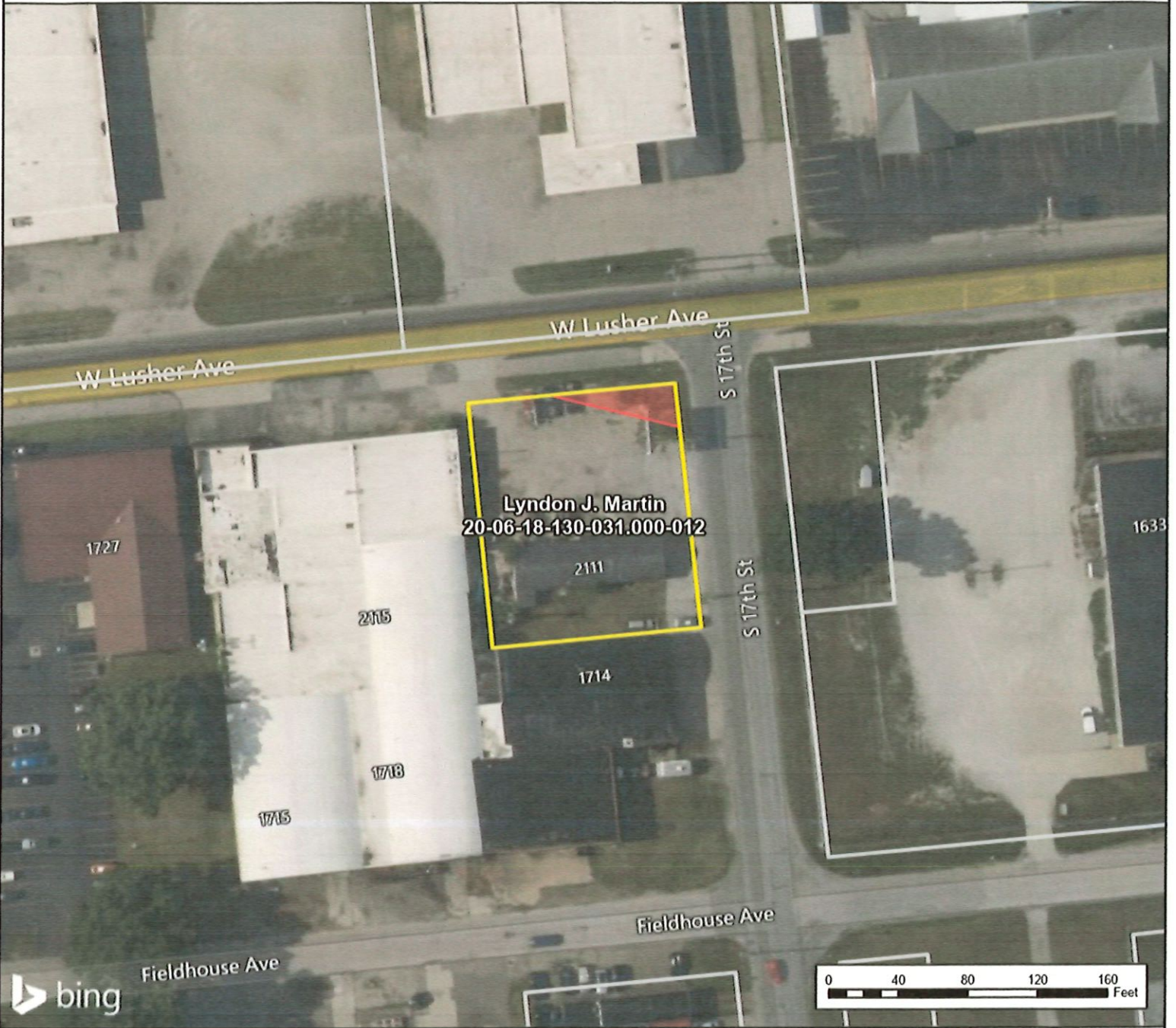



EXHIBIT "A"

ELKHART COUNTY, INDIANA



LEGEND	OWNER NAME		
<ul style="list-style-type: none"> Transmission Line Easement Parcel Boundary Adjacent Parcels 	Lyndon J. Martin		APN
			20-06-18-130-031.000-012
MEASUREMENTS AND CALCULATIONS	SCALE	DATE	DRAWING NO.
EASEMENT AREA: 0.025± AC	1:1,000	11/16/2026	023
LAND SURFACE AREA AND LINEAR DISTANCE MEASUREMENTS WERE CALCULATED USING USA CONTIGUOUS ALBERS EQUAL AREA CONIC	THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS IS NOT A SURVEY PRODUCT. MEASUREMENTS SHOWN ARE APPROXIMATIONS ONLY AND SHOULD NOT BE USED FOR AUTHORITATIVE DEFINITION OF LEGAL BOUNDARY OR PROPERTY TITLE. ROUTING ADJUSTMENTS MAY OCCUR BASED ON LANDOWNER INPUT DUE TO SITING CONSTRAINTS ON PROPERTY.		



City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-11
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	June 11, 2026
<u>Petitioner:</u>	Luis & Maria Navarrete
<u>Site Location:</u>	2642 South Main Street
<u>Request:</u>	To vary from Section 19.2, Permitted Uses in the M-2, General Manufacturing District to allow for a Food Truck Park.
<u>Existing Zoning:</u>	M-2, General Manufacturing District
<u>Size:</u>	+/- 0.60 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:

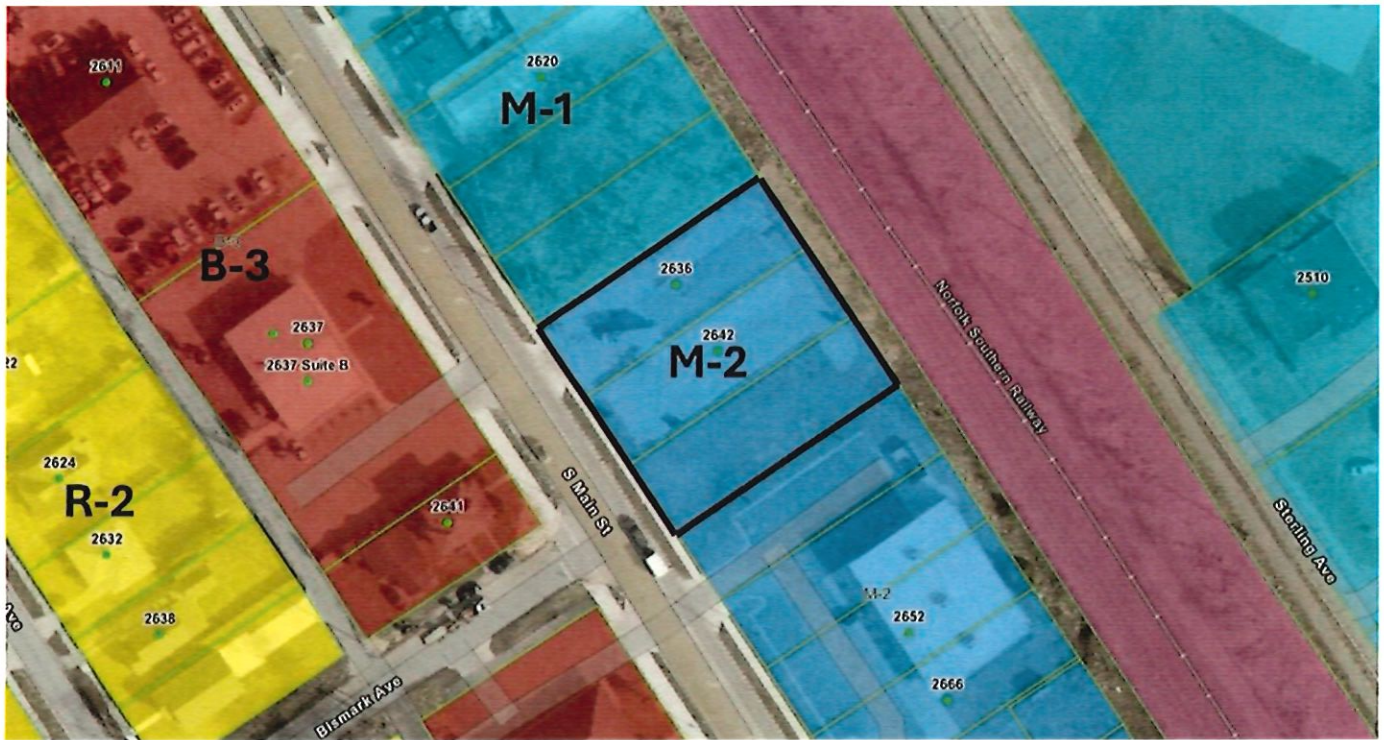
The property is surrounded by a mix of commercial and manufacturing uses zoned B-3, Service Business District, M-2, General Manufacturing District, M-1, Limited Manufacturing District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a use variance to allow the vacant property in the 2600 block of South Main Street to be used for a food truck park. Section 19.2 Permitted Uses in the M-2, General Manufacturing District does not permit food truck parks.

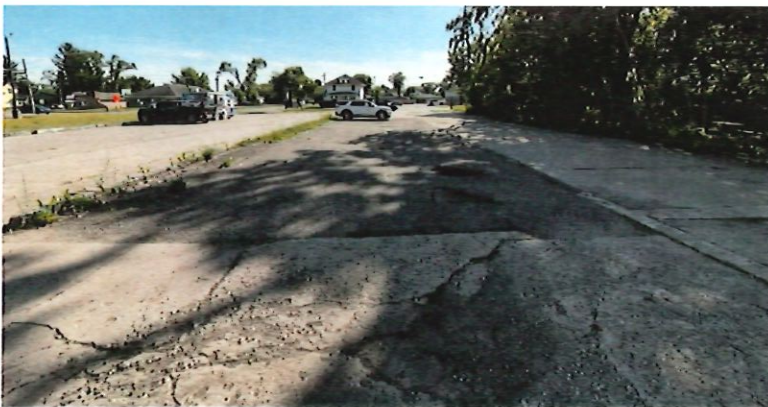
The petitioner would like to use the currently vacant land on S Main Street for a food truck park. The land had previously been used for a dress shop until around 2008 when the building was demolished and has been vacant since that time. The petitioner submitted a site plan for the hearing depicting areas of open space, food truck parking and customer parking.

Currently the city does not have development regulations for food trucks or food truck parks. The State of Indiana (410 IAC 7-24) requires minimum standards to be maintained for basic hygiene, potable water, wastewater, refrigeration, ventilation, where the food is prepared (requires a permitted commissary) and that the food truck must return to the commissary daily. The state also regulates and has criteria for equipment, floors, walls and ceilings within the food truck. These requirements are the minimum food safety standards related to food trucks. It is the obligation of the local municipality to establish more restrictive food safety standards and regulations that speak to where the food truck use is permitted.

There are three (3) parcels (50' x 180') together that make up the area of the request; with two of the three parcels paved. Staff visited the site (May 28, 2026) and based on the site visit; staff has a number of questions and concerns related to the use. The first thing we noticed was there was a food truck operating with a sign that was utilizing a portable generator. It was sited on the southern part of the middle parcel on what appeared to be the foundation of the building that was razed a number of years ago. What seeing that food truck did was to allow staff to understand the actual scale and what a potential number of food trucks that could be placed on the property.

In looking at the diagram submitted by the petitioner, customer parking would be located primarily on the northernmost parcel. In the pictures taken by staff below, staff parked in the area where parking is to take place. There is only room for one row of parking and one travel lane. The petitioner's diagram also shows six (6) food trucks. In staff's opinion, there is not sufficient room to accommodate six (6) trucks. Staff feel the maximum number of food trucks is possibly four (4). We would need a plan that is to scale so staff can better assess the request.

Because so little information was provided in the submittal and we feel there are enough questions in staff's mind about the use and programming for the site; staff would like to request that the petition be tabled for one month so additional information can be collected.



Photos are of the location of proposed parking. Not sufficient room for two rows plus a driving aisle.

The list of questions or additional information needed is as follows:

- A scale drawing with the parking and trucks placed so staff can better understand the programming for the proposed use. The plan should also contemplate ingress and egress from the property. Currently there is only one curb cut – located on the northernmost lot.
- A plan of how the property owner will monitor the site for security, parking, garbage disposal and how the southern lot that is not paved will be blocked so no parking occurs in that area.
- How and where will the garbage be collected?
- Will there be any additional lighting proposed to be installed?
- Will there be a request made for connection to municipal utilities for water and sanitary sewer? Based on a preliminary discussion with utility staff, potable water is potentially available. Sanitary sewer will require additional review by a department supervisor.
- With the potential for large numbers of people – restrooms are a needed discussion point. The number and density of use will create a destination.
- How will staff know if the food trucks that are placed have met the food service (health department) reporting and inspection requirements?
- Where is the commissary that is required to be utilized located? Food must come from a permitted commissary.

Recommendation

The Staff recommends **the request be tabled** for one (1) month to collect additional information:

Photos



Photo taken May 28, 2026



Gas generator at west end of food truck - May 28, 2026

PETITION #: 26-UV-11

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Luis & Maria Navarrete

Mailing Address: _____

Phone: _____ Email: _____

Contact Person: Yesenia Kamal (Daughter)

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 2642 S. Main St. Elkhart, IN 46517

Zoning: _____

Present Use: Vacant Land Lot Proposed Use: Food truck Lot (Multiple)

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): Luis & Maria Navarrete

SIGNATURE(S): Luis Navarrete. Maria Navarrete DATE: 09/08/26

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.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

DATE:

TO: Board of Zoning Appeals RE: Use Variance
City of Elkhart, Indiana

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. We, Luis and Maria Navarrete, are the owners of the following described real estate located within the City of Elkhart, Concord 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 M-2, General Manufacturing District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above described property in the following manner:
Vacant land lot.
4. Petitioner desires to Use vacant land lot as Food Truck Park.
5. The Zoning Ordinance of the City of Elkhart requires, 19.2 permitted uses
6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship.
Loss of potential to create a land mark for Elkhart in a busy street.
7. 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).

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

Signature of Property Owner: Luis Navarrete
Printed Name:

Second Property Owner: Maria Navarrete
Printed Name:

Contact Person: Yesenia Kamal

Standards that must be considered for a Use Variance: Section 29.9 B. of the City of Elkhart Zoning Ordinance states: "No variance shall be granted by the Board unless the Board specifically finds that:

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

-Land will be used as is. No construction, chemicals or anything that can jeopardize the welfare of the city or person.

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

-To the left there is a lot of wildwood and to the right there is Advance Auto Parts, with 52 ft. worth of grass inbetween of where Food trucks and Parking lot will be.

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

-There has not been any peculiar conditions since 2004, the year property was purchased or foresee any in the near future.

4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. (Financial considerations do not qualify).

-One unnecessary hardship to consider is: a waste of useful, cemented land on a Main Street that has potential to bring community together. Adding and landmark to the City. which will benefit a few businesses and the community.

5. The approval does not interfere substantially with the Comprehensive Plan."

-Food trucks will be mobile and Lot can be returned to original state it is currently in.

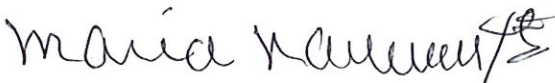


Maria and Luis Navarrete


April 3rd 2026

This document is for Maria and Luis Navarrete to give permission to our daughter Yesenia M Kamal to use and manage the property located at: 2642 South Main Street, Elkhart Indiana 46516 as a place of business for food trucks.

Signatures:

Maria Navarrete 

Luis Navarrete 

Yesenia M Kamal 

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

Luis + Maria

I, NAVARRETE, 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 2642 S. Main St. Elkhart, Indiana.
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 09 day of April, 2024.

Luis NAVARRETE
Luis Navarrete

Maria Navarrete
Printed: Maria Navarrete

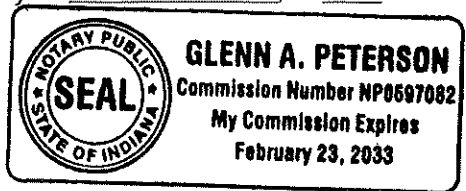
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Luis NAVARRETE
Luis Navarrete

Maria Navarrete
Printed: Maria Navarrete

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared LUIS NAVARRETE and MARIA NAVARRETE, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 9th day of APRIL, 2026.

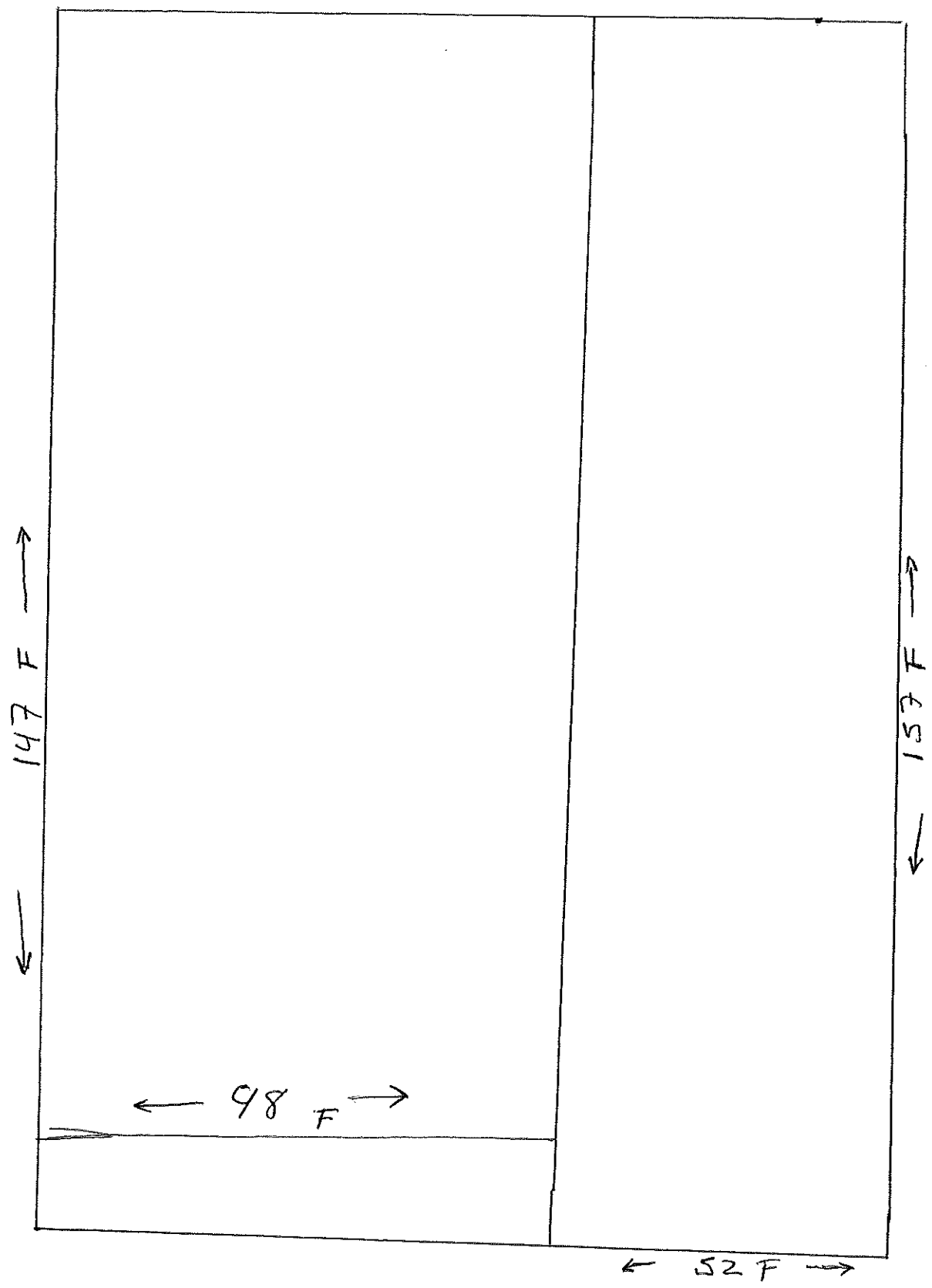


Glenn A. Peterson
Printed: GLENN A. PETERSON

My Commission Expires:
FEBRUARY 23, 2033

Notary Public in and for the State of Indiana
Resident of ST. JOSEPH County, Indiana

2642 S MAIN ST ELKHART IN 46516



2642 South Main St.

Rail Road Tracks

Parking Parking Parking

Food Truck

Food truck

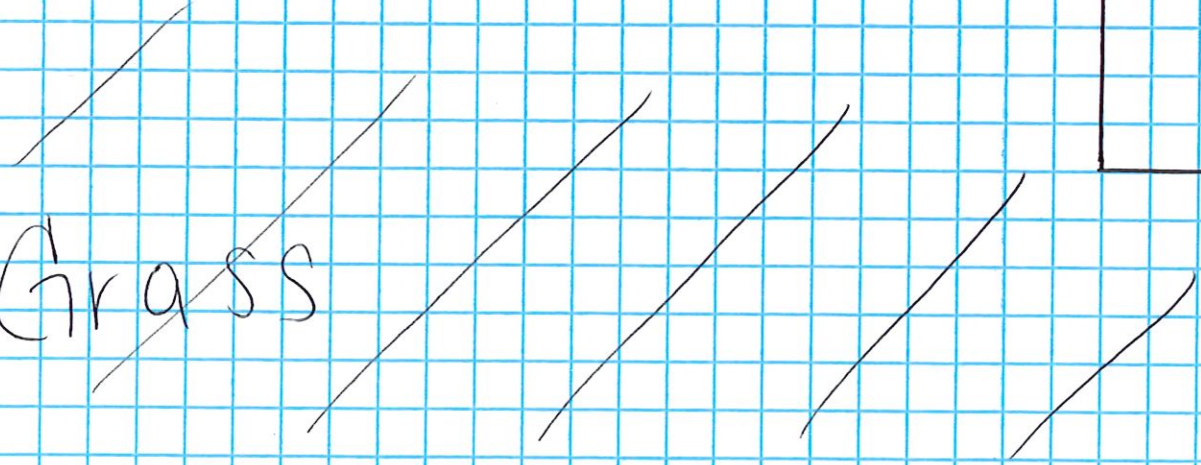
Food truck

Food truck

Food truck

Food Truck

Grass





Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-12
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	June 12, 2026
<u>Petitioner:</u>	The Harry Burnstine Amended and Restated Revocable Trust
<u>Site Location:</u>	1500 VL Block Maple Row
<u>Request:</u>	To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for a parking lot as the primary use.
<u>Previous BZA Action:</u>	None found based on search of files
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 0.30 Acres
<u>Thoroughfares:</u>	Maple Row and Beech Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

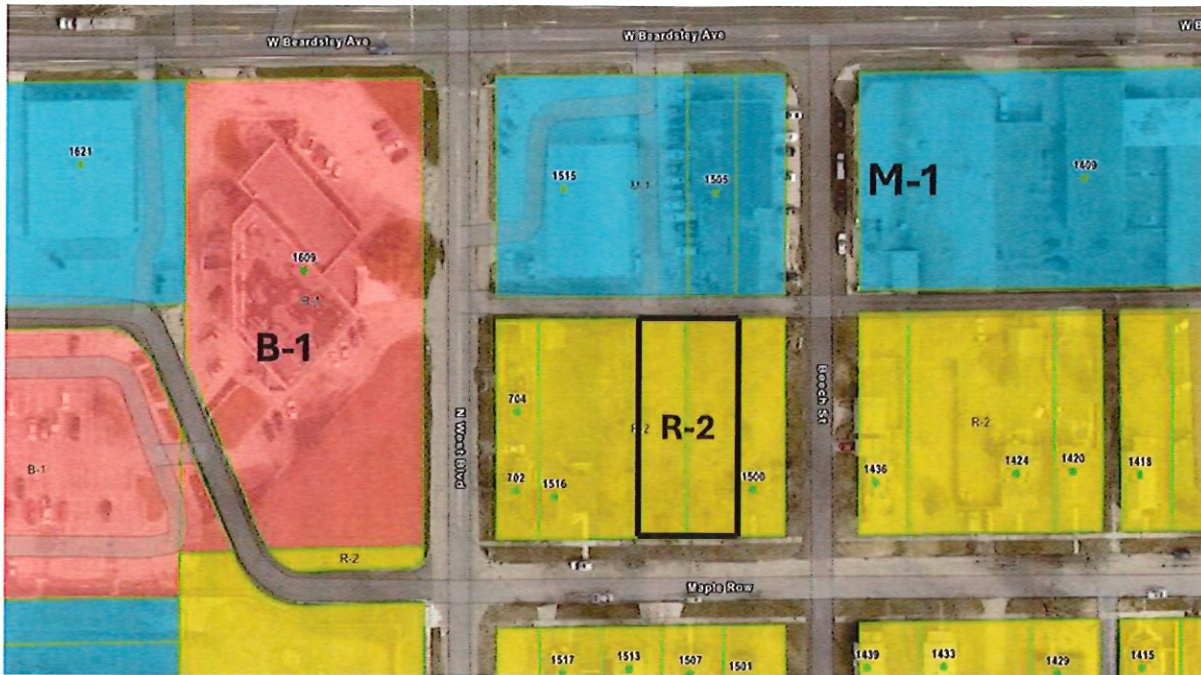
The property is surrounded by a mix of manufacturing uses and residential uses zoned M-2, General Manufacturing District, M-1, Limited Manufacturing District and R-2, One-Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a use variance to allow the property at 1500 VL Block Maple Row to be used as a parking lot. Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District, does not allow a parking lot as the primary use.

The property on Maple Row contains a parking area for the building at 1505 W. Beardsley Avenue. This use has been in place for several decades with no previous board approvals found on file. Currently the only other parking for the business is within the right of way along Beech Street to the east and some shared parking with the business at 1515 W. Beardsley Avenue to the west. The property along with the building on Beardsley was placed on the market for sale and it was during the due diligence period, when the properties were being listed, it was discovered there was no board action for the Maple Row parcels for use as a parking lot.

Based on research by staff, this property has had no prior board approval for use as a parking lot. This is supported by the lack of an approved paving material or elements typically found and required for the establishment of a parking area. There is no storm water containment area or dry wells to capture storm water on site, no lot striping to depict the parking layout, no curbing or landscape buffer and/or fence to screen the use from adjacent residential uses.

The Maple Row parking area appears to be surfaced with roto mil (recycled asphalt). Access is from the alley on the north of the lots – no access exists from Maple Row. There is no stormwater provided on site and the screening contains in part a fence in need of repair. The current state of the parking area is non-conforming; meaning the parking lot does not meet the current development standards.

The legacy manufacturing uses along West Beardsley Avenue commonly did not have large areas for employee parking as most of the buildings were built to maximize the lot area with no room left for parking. These buildings were also constructed during a time when the city had a more robust public transportation network and where many employees did not own cars. Over time, the need for parking grew and lots were established in the residential neighborhood to the south along Maple Row for employee parking; staff have found meeting minutes dating back to 1958 for several of the parking areas east of the land in this request.

Near this property are three parking lots along Maple Row which are used by businesses on West Beardsley Avenue. At the corner of (1400-1416) Maple Row and Walnut Street, a parking lot was approved by Special Use in 1970 to be used as an off-street parking area. 1320-1326 Maple Row was approved by Special Use in 1958 to be used as an off-street parking area. 1222 Maple Row was approved for Special Use in 1958 to be used as an off-street parking area.

This section of Maple Row historically had a mix of accessory parking uses intermixed with residential uses for at least 80 years. Since the 1950's, this board has approved parking lots on Maple Row for the businesses that fronted on Beardsley Avenue. Because of its current R-2 zoning, the need for any development not allowed by right, the parking lot development on Maple Row must meet the current standards in order to protect the adjacent residential uses.

It is important this project must be submitted for Technical Review to ensure compliance with developmental standards for the Public Works Department, Fire Department and the Planning Department. This request is for the use only. It is expected the petitioner will submit for review and approval civil engineering drawings to be formally reviewed by city staff. It cannot be guaranteed the layout as depicted on the plan for this case will not remain unchanged.

Staff supports the request for use only.



Blue box is current petition

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 parking lot has existed in some form for many years with no apparent harm to surrounding properties;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the parking lot has existed in some form for many years with no apparent harm to surrounding 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 because without board action this project 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 if in the future the parking lot could be removed and a permitted use could be built;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant as the use was established without the benefit of board action. It is likely that construction of a compliant parking lot **would not** be detrimental to the surrounding uses as the use 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. A complete set of civil engineering plans shall be submitted for review and approval at Technical Review – to ensure compliance with developmental standards for the Public Works and Planning Departments when a site plan is proposed.
2. The parking area is to be used for employee parking only. Outdoor storage shall not be permitted.

Photos



Google Street View: May, 2023



Photo: May 28, 2026

PETITION #: 26-UV-12

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): the Harry Burnstine Amended and Restated Revocable Trust

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Christy Burnstine - General Durable Power of Attorney (Harry^{of} Burnstine)

Mailing Address: same as above

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: Briggsdale Lot 50 and 51 - Maple Row

Zoning: R-2 to M-1 use

Present Use: empty lots (asphalt) Proposed Use: Parking lot for commercial property @ 1505 W Beardstey Ave

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): HARRY Burnstine

SIGNATURE(S): [Signature] DATE: 4-14-26

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.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Raen DATE: 4/21/26

DATE: April 14, 2026

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Use Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Christy Burnstine, General Durable Power of Attorney for The Harry Burnstine Amended and Restated Revocable Trust, on behalf of Harry Burnstine, the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:

Legal Description: Briggsdale Lot 50
Parcel #: 20-06-06-179-010.000-012
Address: Maple Row (As listed on the Property Tax Bill)

Legal Description: Briggsdale Lot 51
Parcel #: 20-06-06-179-011.000-012
Address: Maple Row (As listed on the Property Tax Bill)

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

3. Petitioner presently occupies (or proposes to occupy) the above-described property in the following manner: Petitioner requests two lots (Briggsdale Lot 50 & 51) be granted a use variance for the purpose of a parking lot for overflow parking for their commercial building located at 1505 West Beardsley Street (Briggsdale lots 41 & 42) directly across the alley/ road.

Both of the lots noted above (Briggsdale Lot 50 & 51) are zoned R-2. From what we have been told, these lots were paved for a parking lot sometime during the 1970's well before we purchased the property. We were unaware that they were zoned R-2. The fence was installed prior to us purchasing the two lots as well.

For context, the petitioner also owns two additional lots across the street/ alley located at 1505 West Beardsley Avenue. Those two lots, Briggsdale lots 41 & 42, are zoned M-1. A commercial building is located on those two properties.

4. Petitioner desires to obtain the use variance for parking lot use for overflow parking needed at 1505 W. Beardsley Avenue. The current zoning is R-2 which does not allow for this approved use.

5. The Zoning Ordinance of the City of Elkhart requires (Explain ordinance requirements and note the Section Number of the Ordinance).

In the SECTION 5 R-2, ONE-FAMILY DWELLING DISTRICT document Section 5.2:

It states:

5.2 Permitted Uses

- Any use permitted in the R-1, One-Family Dwelling District
- Single family detached residences located on a permanent foundation with a minimum width of 24 feet and a minimum of nine hundred fifty (950) square feet of dwelling unit space, in which case the ground floor shall consist of no less than 600 square feet of such dwelling unit space. The primary façade of the structure shall face a public street. (as amended per

Ordinance No. 4542 dated December 4, 2000 & as amended per Ordinance 4762 on August 1, 2003).

As it stands, we cannot use Briggsdale lot 50 & 51 for overflow parking for our commercial building located at 1505 West Beardsley Avenue.

If granted a Use Variance it would allow for a parking lot to be used.

In the document titled **M-1 LIMITED MANUFACTURING DISTRICT** Section 18.2, Section R: it states: Truck, tractor, trailer or bus storage, parking lot or yard, or garage are considered "permitted uses."

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

Without this use variance approval, our commercial building is limited on parking spots that are needed. This building is land locked. We do not have options for additional parking nearby to accommodate the overflow of parking needed.

7. 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).

Standards that must be considered for a Use Variance: Section 29.9 B. of the City of Elkhart Zoning Ordinance states: "No variance shall be granted by the Board unless the Board specifically finds that:

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

Our request for a parking lot use variance will not be injurious to the public health, safety, morals and general welfare of the community. As mentioned above, these two lots were paved for a parking lot during the 1970's.

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

This property already had a fence and pavement on the land when we purchased them in 1998. We are not asking for a substantial change, just approved use.

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

There is nothing peculiar about these lots.

4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. (Financial considerations do not qualify).

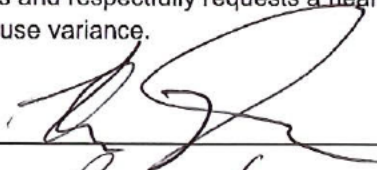
This use variance will support the petitioners other two nearby properties that are zoned M-2 and located at 1505 W Beardsley Avenue. It will create hardship for the owner if additional parking cannot be utilized.

5. The approval does not interfere substantially with the Comprehensive Plan."

The approval will not interfere with the Comprehensive Plan.

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

Signature of Property Owner: _____



Printed Name: _____

Harry Burnstine

Speaking on behalf of owner: _____

Christy Burnstine

Printed Name: _____

General Durable Power of Attorney for Harry Burnstine

Contact Person: _____

Christy Burnstine

Name: _____

Re: _____

Address: _____

1505 W. Beardsley — MAPLE ROW Lots 50 & 51

Phone Number where you can be reached: _____



Email: _____



DATE: April 14, 2026

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Use Variance

I, Harry Burnstine, own Briggsdale lots 41 & 42 (1505 W Beardsley Ave) & Briggsdale lots 50 & 51 (Maple Row – directly behind lots 41 & 42). These properties are listed under Harry Burnstine Amended & Restated Revocable Trust.

I authorize my daughter, Christy Burnstine, to speak & act on my behalf regarding this Use Variance process. She is also my General Durable Power of Attorney.

We are seeking approval to obtain a Use Variance for the Briggsdale lots 50 & 51. They are currently listed as R-2 & we are asking for a Use Variance to be modified to M-1 to support our other two Briggsdale lots 41 & 42.

Please contact me with any questions.

Harry Burnstine




Harry Burnstine

Harry Burnstine
The Harry Burnstine Revocable & Amended Trust

Legal description for Use Variance

Lots are known and designated on the recorded Plat of BRIGGSDALE ADDITION to the City of Elkhart said Plat being recorded in Deed Record 107, page 170 in the Office of the Recorder of Elkhart County, Indiana.

Parcel ID: 20-06-06-179-006.000-012 (Lot 41); 20-06-06-179-005.000-012 (Lot 42);

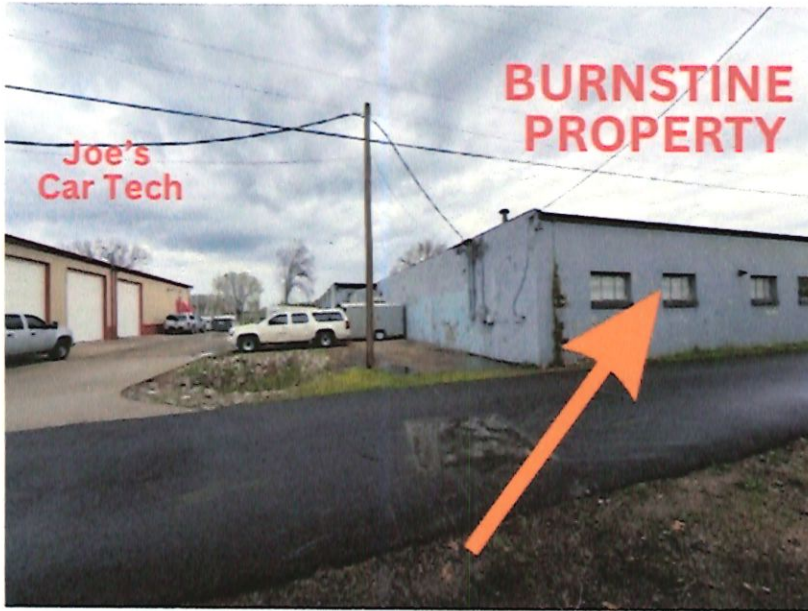
20-06-06-179-010.000-012 (Lot 50) and 20-06-06-179-011.000-012 (Lot 51)

Property Location: 1505 W. Beardsley, Elkhart, Indiana and Maple Row, Elkhart, Indiana

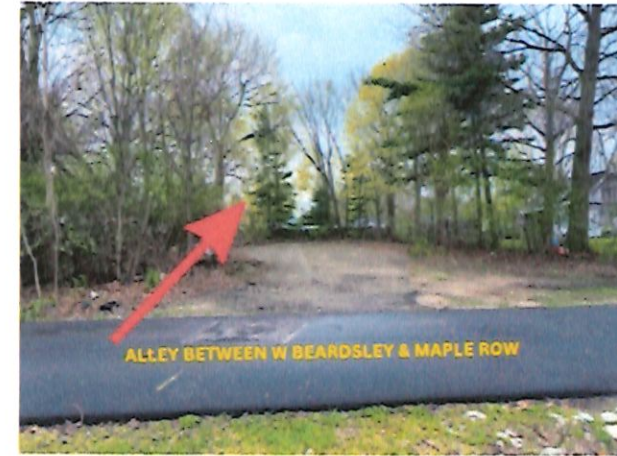


Both Lots 50 & 51
are paved & fenced
on 3 sides

Briggsdale lots 50 & 51
Traffic enters & exits on
Maple Row
Behind
1505 W Beardsley Ave



**View from
Briggsdale lots 50 & 51 paved lots
facing north towards our
Briggsdale lots 41 & 42 aka 1505 W
Beardsley Ave**



**View from
Briggsdale lots 41 & 42 facing south towards
Parking lot Briggsdale lots 50 & 51**





**Use Variance Request
Briggsdale Lots 50 & 51**

Buffering: This Google map shows there are a lot of natural trees & foliage in-between our lots and neighboring Residential lots. A 3 sided fence already exists to block the neighbors. The asphalt parking lot already exists. These lots do not have painted parking lines at this time. TWe are seeking approved use.

Enter/Exit Location: Cars utilizing this parking lot would enter & exit by using the alley that is behind 1505 W Beardsley (our property - aka Briggsdale lots 41 & 42) Ave & behind Joe’s Car Tech located at at 1515 W Beardsley Ave. Cars would travel east to Beech Street & west to W Blvd N.



City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-13
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	June 11, 2026
<u>Petitioner:</u>	TFI Elkhart IN LLC
<u>Site Location:</u>	1341 Wade Drive
<u>Request:</u>	A Use Variance of Section 13.2 Permitted Uses in the B-3 Business Service District to allow for the creation of a finished goods storage lot.
<u>Previous BZA Action:</u>	None
<u>Existing Zoning:</u>	B-3, Service Business District
<u>Size:</u>	+/- .99 Acres
<u>Thoroughfares:</u>	Between Thorne Drive and Wade 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 the properties are zoned B-3 Service Business District. To the west are M-1 Limited Manufacturing District. To the south are residential homes in the 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 industrial uses.



Staff Analysis

The petitioner owns a vacant parcel of property in the Elk-Air Industrial Park. The parcel of property is on the south side of Wade Drive. The intended use of the property is outdoor storage of finished goods.

Gillette Generators has an industrial facility north of the property in the same industrial park that manufactures generators that are proposed to be stored on the lot that is a part of the variance request. To the south, across Wade Drive, the petitioner would like to place finished goods (generators) on the parcel.

Per the submitted site plan the outdoor storage area would be screened to ordinance standards. The petitioner is providing a 50-foot buffer along the rear property line. Within the 50-foot buffer is an existing 15-foot utility easement. The development standard requirement is a 10-foot buffer. With the proposed plan, the petitioner exceeds the requirement area for buffering by five (5) times what is required.

A six (6) foot-tall chain link fence is proposed to be placed around the parcel for security. This will be in addition to the screening adjacent to the residentially used and zoned property to the south. The buffer is proposed to be evergreen screening.

Based on information provided by the petitioner, the storage area is not proposed to have new light fixtures installed; this is intended to reduce any impact to adjacent properties. The new storage area will meet all requirements for stormwater collection. The units will be stored with no fuel.

This project has been submitted for Technical Review to ensure compliance with developmental standards for the Public Works Department, Fire Department and the Planning Department. By the writing of this report, the project review has not been completed. All comments raised by staff must be addressed before any permits are granted.

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the storage lot will be reviewed through the Technical Review Process for compliance with all developmental requirements;
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 buffered and screened from the adjacent residentially used and zoned 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** 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 this project 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 a B-3 could be developed. However, because of the location at a dead end street and being between industrially zoned and residentially zoned land – most commercial uses would not be viable;
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 variance, staff recommends that the following condition be placed upon the approval:

1. The units store in this area will not be stored with any fuel in them.
2. The storage area will not be lit.
3. Any and all comments from the Technical Review process will have to be addressed prior to any permit being issued.

Photos



Google Maps Street View: May 2023



Google Maps Street View: July 2019

PETITION #: 26-W-13

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): TFI ELKHART IN LLC

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Crystal Welsh, Abonmarche

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 1341 WADE DRIVE ELKHART IN 46514

Zoning: B-3

Present Use: vacant Proposed Use: outside storage lot for finished products

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): Steven Morrison

SIGNATURE(S): [Signature] DATE: 4/15/26

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.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Raan S. DATE: 4/24/26

March 30, 2026

Eric Trotter
Assistant Director of Planning & Zoning
City of Elkhart
229 South Second Street
Elkhart, IN 46516

RE: 1341 WADE DRIVE USE VARIANCE

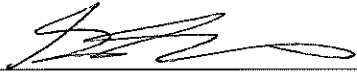
To Whom It May Concern:

This letter is to verify that TFI ELKHART IN LLC. is the owner of the property at 1341 Wade Drive in Elkhart Indiana, 20-02-19-351-012.000-027

I authorize Abonmarche Consultants to prepare and submit the application for the use variance and to provide representation at meetings and hearings relating to the request.

Thank you for your time and assistance with this matter.

Best Regards,



Date: 4/15/2026

TFI ELKHART IN LLC.

DATE: March 30, 2026

TO: Board of Zoning Appeals
RE: Use Variance City of Elkhart, Indiana

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. TFI ELKHART IN LLC is the owner of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, to-wit:

The West One Hundred Seven (107) feet of Lot Number Twelve (12) as the said Lot is known and designated on the recorded Plat of ELK-AIR INDUSTRIAL PARK SECOND SUBDIVISION in Osolo Township; said Plat being recorded in Plat Book 11, page 47 in the Office of the Recorder of Elkhart County, Indiana.

Commonly known as 1341 Wade Drive, Elkhart, IN 46514 (formerly known as 27918 Wade Drive)

Parcel No. 20-02-19-351-012.000-027

2. The above-described real estate presently has a zoning classification of B-3 District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner proposes to occupy the above-described property as outside storage of finished products from the production facility of Gillette Generators. The generators to be stored will be newly manufactured and tested before they are stored in the new lot to ensure there are no leaks. The units will not be stored with any fuel in them.
4. Petitioner desires to create an outside storage lot for finished products. This is not a permitted use in the B-3 district.
5. The Zoning Ordinance of the City of Elkhart requires Section 13.2 provides the list of permitted uses. Outdoor storage is not listed as a permitted or special exception use.
6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. The property is in the Elk-Air Industrial Park. The use of the property to store new, finished products is similar to a permitted use in the district of including auto sales and outside storage of liquid or gas in tanks. Permitted uses include building materials and supply, equipment rental facilities, outdoor sales, and shopping centers, all of which often have outdoor storage and sales.

7. Standards that must be considered for a Use Variance

- a. The approval will not be injurious to the public health, safety, morals and general welfare of the community because:
 1. The storage area design incorporates a buffer zone to the south to create a screen for the residential properties for the outside storage.
 2. It also includes adequate stormwater management as prescribed by the City of Elkhart.
 3. The units store in this area will not be stored with any fuel in them.
 4. The storage area will be fenced but will not have lighting to reduce any impact on adjacent users.
- b. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the storage lot has been designed with buffering and without lights to reduce impacts on the residential property to the south. The request for a use variance instead of a rezoning to M-1 will provide an additional level of protection to the area as any other M-1 use would require another petition to the City of Elkhart and public opportunity to comment on the request.
- c. The need for the variance arises from some condition peculiar to the property involved. The property is located in an industrial park making it a perfect location for outside storage for the Gillette Generator facility across the street. As the parcel is very small, it does not lend itself to a more traditional B-3 use so the use variance will allow the property to be productive while protecting area property owners.
- d. 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 use for outside storage is consistent with the predominately industrial land uses of the industrial park in which it is located as well as many of the permitted uses in the B-3 district as outlined in question 6.
- e. The approval does not interfere substantially with the Comprehensive Plan as much of this area is already zoning and used as industrial purposes and consistent with the outside sales components of many of the permitted uses.

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: TFI ELKHART IN LLC

Signature of Property Owner: 

Printed Name: Steven Morrison

Contact Person:

Name: Crystal Welsh, AICP Abonmarche Consultants



AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Steven Morrison, 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 1341 Wade Drive Elkhart, Indiana.
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 15th day of April, 2026.

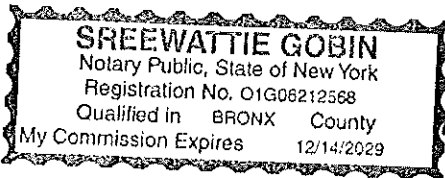
[Signature]
Printed: Steven Morrison

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: Steven Morrison

NEW YORK
STATE OF ~~INDIANA~~)
S.G.) SS:
NEW YORK
COUNTY OF ~~ELKHART~~)
S.G.

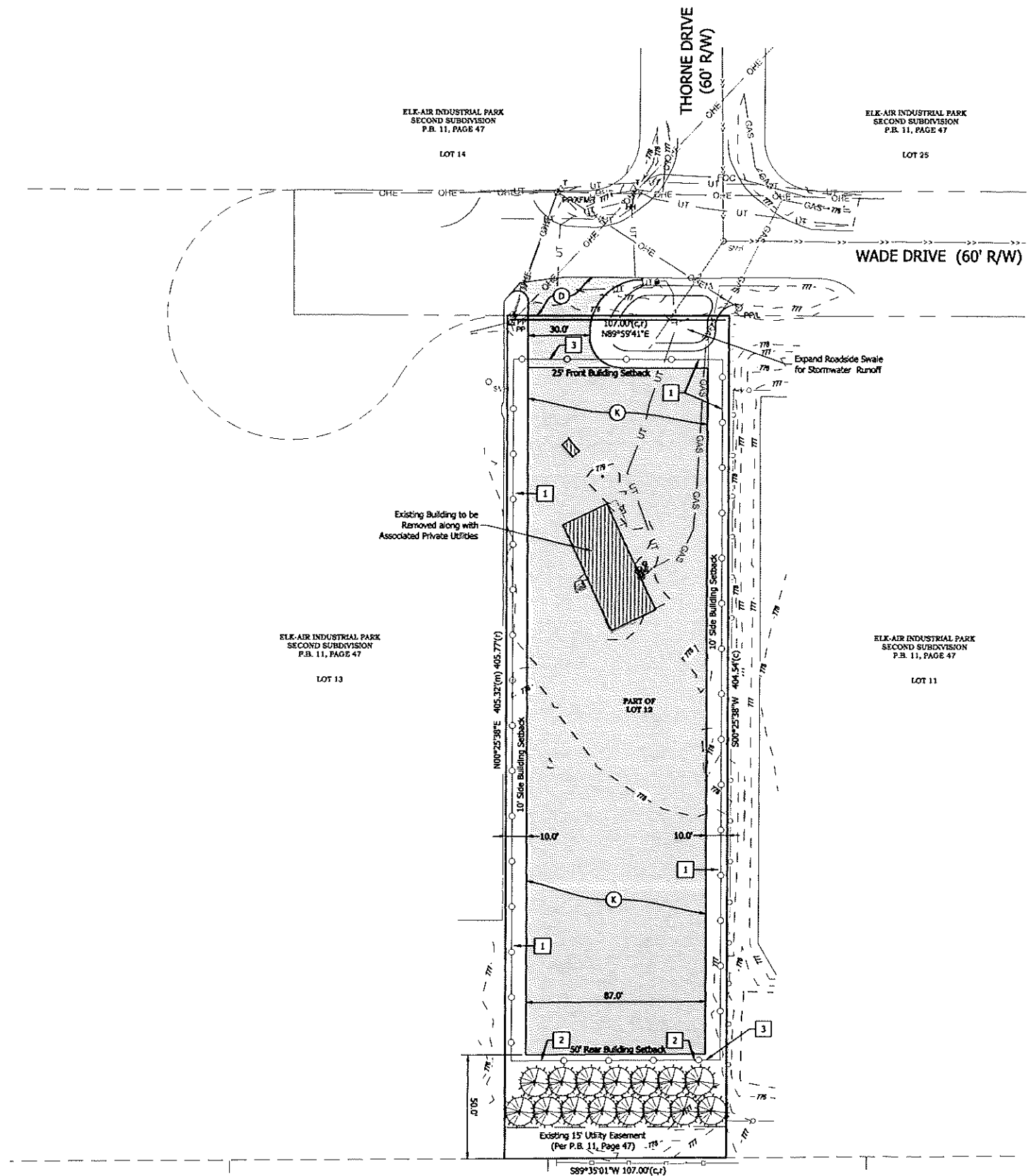
Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Steven Quinn Morrison, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 15th day of April, 2026.



[Signature]
Printed: Sree Wattie Gobin

My Commission Expires:
12/14/2029

Notary Public in and for the State of ~~Indiana~~ NEW YORK
Resident of Bronx County, ~~Indiana~~ S.G. NEW YORK



CURRENTLY OR PREVIOUSLY OWNED BY:
JOHN R. MARKS
INSTR. #97-015896

CURRENTLY OR PREVIOUSLY OWNED BY:
MICHAEL R. II & DARALEIGH R.
STEPHENSON
INSTR. #97-001820

GENERAL NOTES

1. Current Zoning: "B-3" Service Business District
2. Existing Land Use: Existing Commercial Structure
Proposed Land Use: Material/Equipment Storage Lot (Use Variance Requested)
3. Setbacks shall conform to City of Elkhart Zoning Ordinance unless the proper variances have been approved.
4. Site drainage shall be managed onsite below the new pavement with a subsurface system acceptable to the City of Elkhart Engineering Department.
5. All landscape and buffering shall be in accordance with the City of Elkhart Zoning Ordinance unless the proper variances have been obtained.
6. Coordinate with utility companies for relocation of any utilities prior to any construction activity.

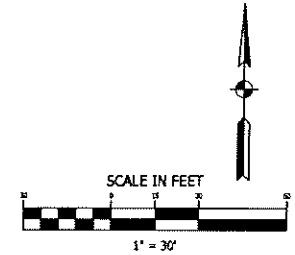
TABULATED SITE DATA

Site Area = 0.99± Acres

Proposed Land Coverage	Area (Acres)	Percentage
Proposed Storage Lot (Asphalt)	0.68±	69%
Open Space / Landscape Area	0.31±	31%
Total	0.99±	100%

LEGEND

- (D) HMA Drive Approach in R/W (Per City Standards)
- (X) HMA Pavement
- (1) Chain Link Fence, 6 Feet High
- (2) Privacy Fence, 6 Feet High - South Property Line
- Either Chain Link with Private Slats or Mesh, Wood, or Vinyl
- (3) Fence Gate - Size By Others
- (P) Proposed Evergreen Buffer, Planting Height = 6 Feet





City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-16
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	June 11, 2026
<u>Petitioner:</u>	Snyder Real Estate Holdings Company
<u>Site Location:</u>	1801 Wood Street
<u>Request:</u>	To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for a Photography Studio.
<u>Previous BZA Action:</u>	21-UV-05 – request for woodworking/furniture repair shop 96-UV-17 – catering and computer animation plus off-street parking variance 95-UV-11 – catering service 1961 – rezone part of lot 52 to B-1 for building addition
<u>Existing Zoning:</u>	B-1, Neighborhood Business District
<u>Size:</u>	+/- 0.13 Acres
<u>Thoroughfares:</u>	Wood Street and Gage 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 low-density residential zoned R-2.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting to vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow the property at 1801 Wood Street to be used for a photography studio.

The perspective buyer is requesting board action to use the building as a photography studio. Photography studio is a permitted use in the B-2, Community Business District – where the use is located on a major corridor and sized to serve the needs of customers beyond the immediate neighborhood.

This type of building is not that unusual in residential neighborhoods. Often there was a small commercial, building that served the immediate neighborhood - most often a food service – which this building was. This building was also a former deli and resale shop and most recently approved for a woodworking shop in 2021.

The building is 5,500 square feet, built in 1920. The building's location is somewhat unusual as it's a single commercial building in the middle of a low-density residential neighborhood.

The proposed use as a photography studio will be by appointment only. The property is not located on a major thoroughfare and surrounded by low density residential uses; a photography studio will have little to no impact on the adjacent residential properties. The proposed photography business will be all digital and not utilize chemicals in any process. A photography studio would be deemed permissible in the more intensive B-2 district, but considering the size of the structure, location within the neighborhood and the use will be by appointment only, the use is ideal for the location.

Recommendation

The Staff recommends **approval** of the use variance for a photography studio 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 as a photography studio is a low intensity use and will not have an impact to the surrounding neighborhood;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the use is low impact that will not create any noise or odor and will have no substantive exterior changes to the building;
3. The strict application of the terms of this Ordinance **will not** constitute an unnecessary hardship if applied to the property for which the variance is sought because this use is low intensity and will not be a nuisance for surrounding properties in the form of noise, smoke or odor;
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 use as a photography studio on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **would not** result in practical difficulties in the use of the property because establishing a permitted B-1 use could be established on this site;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the B-2 zoning classification where the use is permitted, is envisioned for a larger scale business on a major road thoroughfare;
7. This property does not lie within a designated flood hazard area.

Photos



Google Street view, July 2019

PETITION #: 26-UV-16

FILING FEE: \$ _____

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Bryan E. Snider Snider Real Estate

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: Korrie Willits

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 1801 Wood St Ekhart 46514

Zoning: B1

Present Use: Furniture Proposed Use: Photography

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): Korrie Willits

SIGNATURE(S): [Signature] DATE: 5/14/26

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.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: ERIC TROTTER DATE: _____

DATE:
05/06/2026

TO: BOARD OF ZONING APPEALS
CITY OF ELKHART, INDIANA

RE: USE VARIANCE

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Snyder Real Estate Holdings, LLC, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:
2. The above described real estate presently has a zoning classification of B1 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:
 Photography Studio
4. Petitioner desires to use as a photography studio which is not a permitted use in B1 classification.
5. The zoning ordinance of the City of Elkhart requires this because it is not listed in the current Zoning of B1 in section 11.2
6. The strict adherence to the Zoning Ordinance Requirements would create unusual hardship because the square footage and parking available with this building would normally need to be increased if being used for a B1 zoning business. The current allotted parking and square footage are ideal for a low volume, by appointment only photography studio.
7.
 1. The approval will not be injurious to the public health, safety morals and general welfare of the community as it will not create a disturbance in normal day-to-day neighborhood happenings.
 2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the studio will be low volume, by appointment only operation.
 3. The need for the variance arises from having an appropriate square footage and parking availability for a low volume, by appointment studio, in comparison to a B1 commercial business likely needing more space than is currently available.
 4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because a Photography Studio is not listed in section 11.2 of the B1 allowable businesses.

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

Signature of Property Owner

Printed Name

Lorrie Willits
Willits Holdings LLC



Bryan E. Snyder

BRYAN E. SNYDER

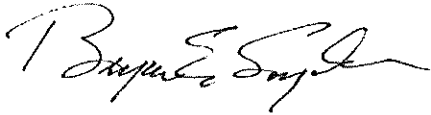
SNYDER REAL ESTATE HOLDINGS I, LLC

Snyder Real Estate Holdings I, LLC

May 6, 2026

RE: Zoning Variance Application

As the owner of property located at 1801 Wood Street in Elkhart, IN, I grant permission to Ms. Lorrie Willits of Willits Holdings, LLC to submit and sign documents related to obtaining a Use Variance related to this property. Conveyance of title to said property is contingent on approval of the Use Variance pursuant to the operations proposed by Willits Holdings, LLC.

A handwritten signature in black ink, appearing to read "Bryan E. Snyder". The signature is fluid and cursive, with the first name "Bryan" being the most prominent.

Bryan E. Snyder
Owner

62'

back door

storage area

60'

photo studio area

front door

