

BOARD OF ZONING APPEALS

-MINUTES-

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

MEMBERS PRESENT

Doug Mulvaney
Janet Evanega Rieckhoff
Phalene Leichtman
Rochali Newbill

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Raen Levendoski

ELECTION OF OFFICERS

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

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

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

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

Trotter answers that they would elect all three.

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

Evanega Rieckhoff asks if there are any nominations for President.

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

Mulvaney – Yes
Leichtman – Yes
Newbill – Yes

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

Mulvaney makes a motion to approve Leichtman for Vice President.

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

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

Rochali Newbill volunteers to be Secretary for this meeting only.

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

APPROVAL OF AGENDA

Evanega Rieckhoff moves to approve the agenda.

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

APPROVAL OF MINUTES FOR NOVEMBER 13, 2025

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

APPROVAL OF MINUTES FOR DECEMBER 11, 2025

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

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the January 8, 2025 meeting of the Elkhart City Board of Zoning Appeals.

The video comments will only be taken on WebEx. You cannot comment on Facebook, you can watch only. If you are on video, please mute your mic when not speaking. Speak up and identify yourself before you begin to speak. One thing – has everybody who’s planning on speaking signed in? If you haven’t, if you could come up and sign in now, that would be very, very helpful.

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

We do have a quorum tonight.

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

OLD BUSINESS

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

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

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

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

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

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

Leichtman asks if Spite signed in. Spite confirms.

Leichtman asks for questions from the Board.

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

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

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

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

STAFF ANALYSIS

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

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

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

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

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

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

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

STAFF RECOMMENDATION

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

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

CONDITIONS

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

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

Trotter states four letters were mailed with none returned.

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

Mulvaney makes a motion to approve 25-UV-12 and adopt the petitioner's documents and presentation, together with the Staff's findings of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Newbill.

Mulvaney – Yes
Newbill – Yes
Leichtman – Yes

Motion carries.

NEW BUSINESS

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

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

Evanega Rieckhoff calls the petitioner forward.

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

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

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

Evanega Rieckhoff asks for questions from the Board.

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

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

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

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

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

Evanega Rieckhoff opens for public comments to speak in favor.

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

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

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

STAFF ANALYSIS

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

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

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

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

STAFF RECOMMENDATION

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the tattoo operation will be required to follow all state and local regulations as well as all necessary health code requirements;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the operation will be conducted entirely indoors;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action Tattoo parlors are not permitted by right in the Central Business District;
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property because it would restrict a limited use that is becoming more common in downtowns;

6. The special conditions and circumstances do not result from any action or inaction by the applicant, as the petitioner has not yet established the use and is awaiting a decision by this body;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

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

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

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

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

Leichtman makes a motion to approve 26-UV-01 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Newbill.

Mulvaney – Yes

Leichtman – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

26-BZA-02 PETITIONER IS GLENN HENDERSON

PROPERTY IS LOCATED AT 1105, 1107, 1111, 1113, 1117, 1119 EDWARDSBURG AVENUE

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

Evanega Rieckhoff calls the petitioner forward.

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

Evanega Rieckhoff asks for questions from the Board.

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

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

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

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

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

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

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

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

STAFF ANALYSIS

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

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

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

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

STAFF RECOMMENDATION

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

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

1. The approval **should not** be injurious to the public health, safety, morals or general welfare of the community because the houses have been built in a workmanlike manner;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the house already exists;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action the dividing of the lots would not be permitted;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because the houses could be used as duplexes as permitted in the district;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the approved houses were permitted as duplexes;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

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

1. The petitioner will provide an updated plat for each lot in the form of a minor subdivision for Lots 18, 19 and 20 of the Adams Subdivision.

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

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

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

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

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

Evanega Rieckhoff calls for a motion.

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

Mulvaney – Yes

Leichtman – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

26-UV-02 PETITIONER IS SURINDER SINGH

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

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

Evanega Rieckhoff calls the petitioner forward.

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

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

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

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

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

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

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

STAFF ANALYSIS

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

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

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

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

STAFF RECOMMENDATION

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the building will be built per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because this use is not uncommon along this portion of South Main Street and should not impact negatively surrounding uses or values;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action a two family dwelling on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **would result** in practical difficulties in the use of the property because establishing a permitted use could be achieved on this site. However, accommodating all necessary storm water requirements, buffering and providing for required off-street parking would be challenging and may require developmental variances;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because no construction has started and the zoning for the property has existed for some time;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

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

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

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

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

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

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

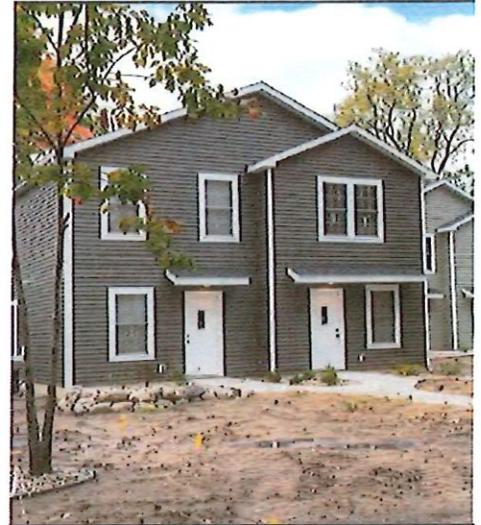
Evanega Rieckhoff asks if the side facing the street will look like the front. Henderson states that it will look like the Edwardsburg Avenue, and he shares a picture with the Board (see Petitioner's Exhibit 26-UV-02).

Evanega Rieckhoff calls for a motion.

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

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

Motion carries.



Petitioner's Exhibit 26-UV-02

STAFF ITEMS

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

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

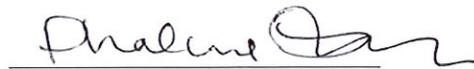
Mulvaney states, "That's all, folks!"

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

ADJOURNMENT

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


 Rachel Newbill, Secretary
 SECRETARY


 Phalene Leichtman, Vice-President