

**AGENDA**  
**ELKHART CITY BOARD OF ZONING APPEALS**  
**THURSDAY, MAY 14, 2026 AT 6:00 P.M.**  
**COUNCIL CHAMBERS – MUNICIPAL BUILDING**

**THIS MEETING WILL ALSO BE HELD ELECTRONICALLY VIA TEAMS.**

To join, go to <https://teams.microsoft.com/join/255189637546258?p=LGVf5DdtEtkEoV8mow>, enter **255 189 637 546 258** as the meeting number and **“4oT6F7q7”** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to [raen.levendoski@cityofelkhartin.gov](mailto:raen.levendoski@cityofelkhartin.gov) prior to the meeting.

1. **ROLL CALL**
2. **ELECTION OF OFFICERS**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES APRIL 9, 2026**
5. **APPROVAL OF PROOFS OF PUBLICATION**

6. **OLD BUSINESS**

None

7. **NEW 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.

**26-BZA-12 PETITIONER IS HYDRO EXTRUSION USA, LLC**

**PROPERTY IS LOCATED AT 3406 REEDY DR**

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.

**26-BZA-14 PETITIONER IS WASTE-AWAY GROUP**

**PROPERTY IS LOCATED AT 707 N WILDWOOD AVE**

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.

**26-UV-10 PETITIONER IS MOUNT NORTH CAPITAL**

**PROPERTY IS LOCATED AT 421 S SECOND ST**

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

**26-UV-14 PETITIONER IS CITY OF ELKHART REDEVELOPMENT COMMISSION**

**PROPERTY IS LOCATED AT 131 S MAIN ST**

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.

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**

| <b><u>Name</u></b>                | <b><u>Term</u></b>                  | <b><u>Appointed By</u></b> |
|-----------------------------------|-------------------------------------|----------------------------|
| 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, April 9, 2026 - Commenced at 6:09 P.M. & adjourned at 8:37 P.M.  
City Council Chambers – Municipal Building**

**MEMBERS PRESENT**

Janet Evanega Rieckhoff  
Phalene Leichtman  
Ann Linley  
Rochali Newbill

**MEMBERS ABSENT**

None

**REPRESENTING THE PLANNING DEPARTMENT**

Eric Trotter, Assistant Director for Planning – *via WebEx*  
Kyle Anthony-Petter, Planner II

**LEGAL DEPARTMENT**

Kevin Davis

**RECORDING SECRETARY**

Raen Levendoski

**ELECTION OF OFFICERS**

Evanega Rieckhoff postponed election of Secretary until next month, since Linley had not yet arrived.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES FOR FEBRUARY 21, 2026**

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

**APPROVAL OF MINUTES FOR MARCH 12, 2026**

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

**APPROVAL OF PROOFS OF PUBLICATION**

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

**OPENING STATEMENT**

Welcome to the April 9, 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, until our other member arrives. 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 meetings, 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-BZA-06 PETITIONER IS RIVER DISTRICT DEVELOPMENT PROPERTY IS LOCATED AT 302 E JACKSON**

Kyle Anthony-Petter, Planner II, presents.

The request is to vary from Section 26.10.D.5, Projecting signs, that no sign is suspended more than thirty-five (35) feet above the ground to allow for a projecting sign to be thirty-eight (38) feet above the ground, a variance of three (3) feet.

To also vary from Section 26.10.D – Table 1, Projecting signs in the CBD, that limits the size to 9 square feet to allow for a projecting sign that is 35 square feet, a variance of 26 square feet.

Evanega Rieckhoff calls the petitioner forward.

Todd Lehman, 1508 Bashor Rd in Goshen, representing Signtech Sign Services, appears in person. They are working with DJ Construction in the River District Development - the architect as well as the designer on the project. Their goal is to identify the building with a sign that's mounted vertically on the corner of the building that would be visible from multi directions. The height of this is because of it being a part of the structure; it's going to have internal components that protrude out of the building that the sign would then mount to, so the height of it is being determined by the placement of the sign on the building, where the structure is able to handle the sign. That's the height from grade to the sign. The square footage is just something they saw other examples of other buildings around the country, and they liked the way they looked. This is a color-coordinated sign background with dimensional lettering. It is not lit; it is just the dimensional lettering on the face of the sign.

Evanega Rieckhoff asks for questions from the Board.

Lehman also wants to mention the fact that because the building was built on the property line, the sign actually sits in the right-of-way. It's their understanding that if there are any issues, that will be discussed further.

Leichtman asks if there is any way to move it up, so the walkway can go under. Lehman clarifies that the sign is way off the ground.

Evanega Rieckhoff asks for 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 to vary from Section 26.10.D.5, Projecting signs, that no sign is suspended more than thirty-five (35) feet above the ground to allow for a projecting sign to be thirty-eight (38) feet above the ground, a variance of three (3) feet. And to also vary from Section 26.10.D – Table 1, Projecting signs in the CBD, that limits the size to 9 square feet to allow for a projecting sign that is 35 square feet, a variance of 26 square feet.

The petitioner is requesting a developmental variance to allow for a sign that is 38 feet above the ground where 35 feet is the maximum. The requested sign will serve to identify the building within the River District from a distance. The petitioners are making efforts to respect the character of the commercial corridor while trying to promote the building.

The request is not out of scale for the building. Due to the location downtown, at the intersection of two throughfares (Jackson and North Clark), this site does not permit other forms of signage as ground or pylon signs are expressly prohibited. Projecting signs are typical within the central business district and would not feel out of place or out of character. The height of the building, at 4 stories tall, reduces the visual impact of a taller projecting sign than typically found within the central business district.

A permit for the sign was submitted on January 23, 2026, with staff letting the applicant know that the sign did not meet development standards for projection signs on February 4, 2026. The applicant then filed with the board on February 18, 2026.

Raen Levendoski, Board Recording Secretary, requests a pause to state on the record that member Ann Linley arrived at 6:15pm.

Staff recommends approval of this variance.

### **STAFF RECOMMENDATION**

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

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community as projecting signs of this size are not out of character and are typically found in the Central Business District;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the size of the proposed sign is not out of character for the Central Business District as projecting signage is one of the primary forms of advertisement in the district;
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 that are peculiar to the land involved as the building façade on which the sign will be located is located in a part of downtown with a higher level of signage standards that limit traditional wall signage;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by depriving the petitioner the ability to brand the development/building;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because the current building is existing and the signable area on the building will not change as a result of this request;
7. This property does lie within a designated flood hazard area. However, the building was constructed to meet all applicable development standards and requirements.

### **CONDITIONS**

None.

Anthony-Petter states there were six letters mailed with no mailed responses, and one telephone call received requesting more information.

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-06 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 there are no conditions; Second by Newbill.

Leichtman – Yes

Linley – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

### **26-UV-07 PETITIONER IS NEXINK REALTY LLC PROPERTY IS LOCATED AT VL 2000 BL SOUTH MAIN STREET**

Anthony-Petter presents.

The request is to vary from Section 19.2 Permitted Uses in the M-2, General Manufacturing District, to allow for auto sales.

Evanega Rieckhoff calls the petitioner forward.

Nathan Flickner, 1402 E Mishawaka Ave, representative of Wightman for Nexink LLC, appears in person. They're looking to get the permitted use changed to allow auto sales on the lot. Right now, it's a vacant lot. It's already got a concrete pad, pretty much ready to go, it's just growing weeds and is pretty unsightly, across from some residential now. Down the street on that side, the railroad, are more uses that are commercial, like O'Reilly's Auto Parts was just built next door, and he believes the City of Elkhart or Redevelopment Commission owns the adjacent property, which they are planning to develop also. They are continuing to maybe add some more commercial businesses on the street - the manufacturers are hard to find to fill those spots.

Evanega Rieckhoff asks for questions from the Board.

Evanega Rieckhoff states that she drove by there today, and it does look unsightly. She is nervous about them saying, 'it's ready to build on', because the cement looks like it's a mess. Flickner states that it would be covered with something different, and confirms he would get rid of the weeds.

Leichtman asks if they are aware of all the conditions; Flickner confirms they are.

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 vacant property in the 2000 block of South Main Street to be used for auto sales. Section 19.2 Permitted Uses in the M-2, General Manufacturing District does not permit auto sales.

The petitioner would like to use the site for used auto sales. The land had previously been used for manufacturing. The petitioner submitted a site plan for the hearing depicting striped areas for display, customer parking and employee parking. The plan also shows a modular sales office on the far east side of the lot adjacent to the railroad tracks.

The M-2 zoning for this site is a legacy zoning classification when area was used for more intensive uses because of its adjacency to the railroad. Between Lusher and Indiana there are only two parcels remaining that have an industrial zoning classification. Largely because the parcels are shallow and do not support the necessary truck movements required by most modern industrial uses – industrial users are challenging to find.

This section of South Main Street is largely zoned either B-1, B-2 or B-3 with R-4 and R-5 closer to Indiana where the residential uses are more concentrated. The request for a commercial use is in keeping with the overall land use pattern for the area of Main. The commercial zoning along Main Street acts as a developmental buffer between the residentially zoned properties to the west and the more intense uses along this section of Main Street which also backs up to the railroad.

Staff appreciate the petitioners' desire to put the property back to use but have concerns related to the aesthetics and maintenance/up-keep of the property. The city has invested a great deal in new infrastructure and public road improvements in the entire South Main Street corridor to improve the gateway into Downtown. Additionally, the Redevelopment Commission owns the adjacent property to the north. Redevelopment staff are in the process of defining the redevelopment vision for their 2.3-acre site and have rezoned the property R-4 for multi-family residential use. As a result, staff will be asking for conditions that require higher levels of screening, enhanced landscaping and condition of vehicles offered for sale. The intent is to prevent a sales lot where the cars do not run or are disabled after an accident and don't move from the site therefore becoming a junk yard for cars that have no home.

Because of the location and desire to maintain a high development standard for the corridor, staff are willing to recommend a two (2) year conditional approval. At the end of the two (2) year period, this request will come back to the board for a review of the site and overall condition of the use. At that time the board can grant the petitioner an additional two (2) year interval, amend the original approval or revoke the use variance for failing to meet the conditions placed on the site.

South Main Street is a main thoroughfare directing traffic downtown to the business district. And because of this, staff would like to have the petitioner look at and incorporate the necessary setbacks, landscape plantings and buffering for the residentially zoned property to the north. Requiring the petitioner to file a revised site plan for Technical Review will ensure the basic aesthetic elements and all development requirements are incorporated into the site for the new use.

## **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 property will only be used for the display of autos with the grounds meeting the proper buffering requirements;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because this use as an auto sales lot – all cars will be in proper running condition with the site developed to all required landscape buffering;
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 auto sales would not be permitted on this site;
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 M use would be challenging given the depth of the property and the need for most modern industrial users to have more area to navigate truck traffic for docks and deliveries;
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. Project shall be submitted for review and approval by the Technical Review committee – this is to ensure compliance with Public Works requirements and developmental standards for the Planning Department as if it were a new development.
2. Any new proposed structures must be connected to Municipal Utility Services.

3. Trash dumpster/receptacles must be properly screened as per Section 26.2.C.6.
4. Of specific concern - compliance with the aesthetic components of the project related to setbacks, buffering and landscaping.
  - a. The landscape buffer to the north – adjacent to the residentially zoned property must be a minimum of twenty-one (21) feet with a solid fence to screen from the residential use. Plantings to meet the standards found in Section 13.5 and 13.4.
  - b. The right of way (Main Street) buffer landscape strip shall meet the minimum requirements of twenty (20) feet, planted with street trees and understory plantings to soften and buffer the public frontage along Main Street. If the petitioner would choose to install a four (4) foot aluminum wrought iron style fence – the staff would permit a reduced front setback to ten (10) feet.
5. Any new signage must comply with the current B-3, Service Business District standards.
6. All cars offered for sale must be in running condition and be operable and street legal.
7. No mechanical work of any kind shall be permitted on-site. This lot is for display only.
8. The approval only applies to the current owner. Should the business close or cease operation for any reason, the approval is null and void.
9. If the business or land is sold the new owner must refile with the Board of Zoning Appeals to acknowledge compliance with the conditions of approval.
10. The approval is for a term of two (2) years and must be reheard as a staff item in April 2028.

Anthony-Petter states there were 30 letters mailed with no responses.

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

Evanega Rieckhoff clarifies that Staff worked with the petitioner on the conditions, and that they understand if they do not comply within 2 years, they could be gone. Flickner confirms off-mic.

Evanega Rieckhoff calls for a motion.

Newbill makes a motion to approve 26-UV-07 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Leichtman.

Leichtman – Yes  
 Linley – Yes  
 Newbill – Yes  
 Evanega Rieckhoff – Yes

Motion carries.

**26-X-01 PETITIONER IS CITY OF ELKHART BOARD OF PUBLIC WORKS AND ERMINE MEADOWS INC  
 PROPERTY IS LOCATED AT 626 W CLEVELAND AVE**

Anthony-Petter presents.

The request is per Section 5.3, Special Exception Uses, (4.3.O) Parks and Playgrounds to allow for the establishment and expansion of a new park and playground. This comes from the Plan Commission with a due pass.

Evanega Rieckhoff calls the petitioner forward.

Matthew Moyers, City of Elkhart representative of the Parks & Recreation department, appears in person. The site they are talking about is the current location of Ullery Park, but there's an opportunity that hasn't been available to the city for a few decades. The other half of that block was the site of the Ullery School. It's a vacant lot, now, that the Park and Recreation and Buildings and Grounds moved hands. In conversation with the neighborhood and owners, there's an opportunity to expand that park and offer new features. That's what they're asking for – the opportunity to go ahead and add an open pavilion for family gatherings, a splash pad in the southeast corner, they intend to do some trail systems through the park, add a small pull-in parking area for handicap spaces on the backside, and increase the tree cover and do some landscaping. That's the vision they have for the park. They've started their surveying work, they have strong community support, and a large portion of this is coming to them from private donation as well as not-for-profit and foundation support. They already have the splash pad and pavilion paid for. The Street Department is going to help with the pathways. This is a great opportunity for a minimal investment from the city for a tremendous return for that neighborhood.

Evanega Rieckhoff asks for questions from the Board.

Newbill asks if the alley that is currently unpaved will be paved when they add parking.

Moyers states that that is not a Parks and Recreation operation, but the question was asked at another meeting he attended, and it is his understanding that the Street Department does intend to pave that alley as part of this process.

Newbill states that Cleveland in front of the park is full of potholes and asks if they are also adding that to the project.

Moyers states that he will include that in the conversations. They anticipate that traffic and use on Cleveland will increase, especially because that is the side that people are likely to drop off kids for the splash pad, so he will make a mention of that, as well.

Newbill asks about the circulation of the water that will be utilized, and asks if the filtration system will be reusing that water.

Moyers explains that there are two types of splash pads. The first that Newbill is speaking about is a closed system, where beneath the splash pad there is a large tank with chemical monitoring, like any other type of pool. This one will be using an open system, which means the water will come in through the city water pipes and flushes back out into the return system for the sewers. Surprisingly, it is more economical and the other benefit is that the splash pad is not classified as a pool, which means they do not have to do the chemical tests or shut it down if they suspect contamination. So, that is the reason they are selecting the open-end model.

Newbill asks how far the pavilion building is from the splash park. Moyers states that if you look at the entire block of the park, he thinks it's targeted to 40ft by approximately 25, and they'll have concrete skirting around it to allow for additional use. The pavilion was in response to requests from neighbors, who asked specifically for places for families for social gatherings.

Evanega Rieckhoff states that it looks beautiful, and asks Moyers to explain the Ermine Meadows part of the project. She asks if that is going to transfer to the city.

Moyers states that he can give his best understanding. Ermine Meadows was the organization, a not-for-profit, that preserved the land where Ullery School used to be located; that's the half of the park that's untended. The plan is, if they come up with a design that Ermine Meadows approve of, it meets the community need, and they include some memorial elements for Ullery School, they're willing to transfer that land to the city and make it a unified park for the entire design. That's what they're working towards. He can't speak to whether that transfer has happened, but both parties have approved of that transfer after the work is complete.

Leichtman clarifies that the transfer will happen after the work is complete. Moyers states that he believes that is correct.

Evanega Rieckhoff states that she would feel more comfortable if it'd happen before. Moyers' understanding is that right now the Park Foundation is the holder of the title, and they'll transfer it to the City after.

Leichtman asks if they have confirmation on the title transfer, but Moyers is unsure. The Board discusses adding this to the conditions, and Moyers states that he thinks it's entirely reasonable.

Leichtman asks if grey water was ever considered for all the extra water runoff, using it to water the actual vegetation.

Moyers states that there are some issues they will have to explore after approval. They are adding a significant amount of non-porous surface, the concrete for the splash pad and the pavilion; they haven't done a stormwater survey yet to see how they'll adjust to that. Moyers thinks with the addition of the landscaping features and the increase of the trees, they should be close to a break even, but they haven't done the study yet.

Linley asks, when looking at the concept and noting the responses to the questionnaires, there is lighting proposed around the exterior, but she doesn't see anything in the design for lighting on the interior.

Moyers states that he is not sure if they have a complete lighting plan laid out yet. The desire of the neighborhood was not to have the park brightly lit in late hours. The only lighting element he is certain they have committed to is inside the shelter along the roofline inside for lighting there, but they have not committed further than that.

Linley asks if the intent of timing on the use of the park would be dawn to dusk, or slightly thereafter. Moyers states that the expectation is that it will follow the same timing cycle that all the parks do.

Linley asks if, given where the portable restroom is suggested versus where the splash pad was, if there are other options.

Moyers states that there is a reason they're suggesting having the temporary portable restroom in that location. If fundraising goes well, it doesn't have to be a portable building. If they have it spaced out and the electrical lines laid down, it gives them an opportunity for a more permanent conversation.

Evanega Rieckhoff asks if there are any other questions. Seeing none, she calls staff forward.

**STAFF ANALYSIS**

The request is per Section 5.3, Special Exception Uses, (4.3.O) Parks and Playgrounds to allow for the establishment and expansion of a new park and playground at 626 W. Cleveland Avenue. The request is considered an expansion of the park and therefore a new petition request is required.

The City of Elkhart and Ermine Meadows are submitting a joint special exception request to expand the existing Ullery Park onto land owned by the Ermine Meadows organization. The reimagined park master plan has an emphasis on activating the space and community vision for the amenities at the park.

Based on information provided by the City of Elkhart Parks Superintendent, Jamison Czarniecki, the master plan and vision for the park came from a series of neighborhood meetings, feedback collected in door-to-door survey work and additional outreach conducted in both English and Spanish. The new master plan elements call for an open-air pavilion, off street parking, additional landscaping, a new walking path and a splash pad.



|                                       |                             |  |  |                                 |
|---------------------------------------|-----------------------------|--|--|---------------------------------|
| KEY NOTES                             | ⑦ PORTABLE RESTROOM         | ⑮ NEW LANDSCAPE PLANTINGS                    | ⑰ EXISTING DECORATIVE STREET LIGHTS        | ⑳ NEW PICNIC TABLE              |
| ① ALLEY                               | ⑧ NEW PICNIC SHELTER (BODS) | ⑯ NEW FENCE                                  | ⑱ EVENT LAWN                               | ㉑ NEW PARKING                   |
| ② EXISTING OVERHEAD UTILITY TO REPAIR | ⑨ NEW DRINKING FOUNTAIN     | ⑰ CONNECT TO WATER AND SANITARY              | ⑲ NEW LARGE GROUP GRILL                    | ㉒ CONNECT TO ELECTRICAL SERVICE |
| ③ EXISTING PLAYGROUND                 | ⑩ NEW SPLASH PAD            | ⑱ EXISTING TREE, TYPE                        | ㉑ NEW SITE HISTORICAL INTERPRETIVE FEATURE | ㉓ LANDSCAPE PLANTINGS, NEW SIGN |
| ④ NEW BENCHES                         | ⑪ NEW SIDEWALK              | ⑲ EXISTING SIGN WITH NEW LANDSCAPE PLANTINGS |  |                                 |
| ⑤ NEW TRASH RECEPTACLE                |                             |  |  |                                 |
| ⑥ NEW SHADE TREE, TYPE                |                             |  |  |                                 |

**Ullery Park - Concept 3**  
Elkhart, Indiana

5/1/2025



**Park Master Plan**

**STAFF RECOMMENDATION**

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

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected; The Ullery Park improvements are being designed to add amenities to make this park a premier park for the City of Elkhart. The improvements to the playground, parking, additional landscape plantings and splash pad will allow for future growth and attendance to increase usage.
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the additional amenities proposed will add to the quality of place for Ullery Park and enhance the city's park system. The park is part of the Mayor's ASPIRE Initiative to enhance the vibrancy and increase usage of the City's parks and greenspaces.
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor. The proposed amenities will add to the vibrancy of the neighborhood and allow for more programming for the Parks Department. The open-air pavilion will be built to conform to all necessary building construction requirements and have been submitted for Technical Review and addressed all comments raised during the review.

**CONDITIONS**

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

1. The petitioner shall submit\* for Technical Review to ensure all developmental requirements have been met (\*amended by staff during report reading).

Anthony-Petter states there were 52 letters mailed with one response received in favor, with no comments.

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

Leichtman asks if they need to add the condition for the land. Evanega Rieckhoff states that they will when they make the motion. Leichtman asks if there is a way they should word it, so it's correct in the conditions.

The Board asks for Legal assistance so that they word it to give their approval under the condition that the Ermine Meadows portion of the land is being legally held by the Parks Department.

Kevin Davis, City Legal, asks if they want the title by the completion of the project. Leichtman states they think before, and Evanega Rieckhoff asks when they should require Parks to hold the deed.

Leichtman states she thought that Parks had it currently. Moyers clarifies that the Park Foundation has the deed off-mic.

Davis states that they can make the approval subject to verification that the Park Foundation has the deed, and if it doesn't then the property must be transferred into the Park Foundation by a certain date, whatever makes the Board comfortable.

Evanega Rieckhoff calls for a motion.

Leichtman begins the motion, but the Board has a question on the deadline for date verification.

Leichtman asks if it can be open-ended. Davis states that they're looking for the property to transfer title at some point, so they want a deadline on it, rather than leaving it open and having to revisit it. Leichtman asks if there is a date for the park to be completed. Moyers states that every park has some flexibility, but the target is to have the splash pad and pavilion ready to go by August of 2026.

Leichtman makes a motion to approve 26-X-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 to adopt the staff's condition number one and in addition, a second condition: The petitioner shall verify that Parks & Recreation have possession of the Deed to the property. If it is not in their possession, it must be transferred by July 1, 2026; Second by Newbill.

- Leichtman – Yes
- Linley – Yes
- Newbill – Yes
- Evanega Rieckhoff – Yes

Motion carries.

Moyers asks if they can provide verification to the Planning or Permitting department. Leichtman and Evanega Rieckhoff confirm.

**26-BZA-07 PETITIONER IS DIOCESE OF FORT WAYNE-SOUTH BEND/ST. VINCENT DE PAUL CATHOLIC CHURCH  
PROPERTY IS LOCATED AT 1128 S MAIN ST**

Anthony-Petter presents.

The request is to vary from Section 26.4.A.8, Fence Requirements, which states in part, "Fence materials may include treated wood, painted wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, decorative painted or vinyl coated aluminum, or other materials as approved by the Planning and Zoning Office. Scrap lumber, plywood, sheet metal, plastic or fiberglass sheets are specifically prohibited, to allow for a plastic fabric to cover an existing fence to remain.

Evanega Rieckhoff calls the petitioner forward.

Father Craig Borchard, 1108 S Main St, pastor of St. Vincent's, appears in person. They are asking the Board to approve a variance to allow them to keep a fabric screen they have installed on their school playground fence. The primary reason for this screen is for safety and security. Before the installation of the screen, they had issues with strangers approaching children off the street, to have conversations with them, and even since installation of the screen, they've had one incident of a person still trying to communicate with children through the screen. Furthermore, there have been several shootings and violent crime in that area. There was a shooting on February 2021 at the gas station south of them, and really close to that there was another incident that took place at a home across the street from their playground. Kindergarteners were on the playground at the time the police arrive, and it was a scary scene for the children. Again, for safety, security, and privacy they did install that fabric screen just to provide some form of barrier for their children. They believe it does not negatively impact any of the surrounding area, because it strengthens their school and the security of their property.

Evanega Rieckhoff asks for questions from the Board.

Leichtman asks if they are considering in the future, a wood or something stronger and more private fencing, or would they prefer to leave it like this indefinitely.

Borchard states they could potentially be open to that in the future. It's currently a regular aluminum fence with the fabric cover.

Leichtman just wondered if, safety-wise, that might help. Borchard states that down the road it could, and that they have dreams of moving the playground off the street, but that's further off the road.

Rieckhoff states that the covering looks as nice as it can look. She doesn't have a problem with the way that it looks. She understands why they have that written into the rules, but she thinks they've made it look as nice as it can look. Leichtman agrees, but is concerned about how it will weather in a few years.

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 seeking to vary from Section 26.4.A.8, Fence Requirements, which states in part, "Fence materials may include treated wood, painted wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, decorative painted or vinyl coated aluminum, or other materials as approved by the Planning and Zoning Office. Scrap lumber, plywood, sheet metal, plastic or fiberglass sheets are specifically prohibited, to allow for a plastic fabric to cover an existing fence to remain.

Zoning staff cited the property for a zoning violation for the installation of a fabric screening material on a plastic-coated chain-link fence. The screening material is not included on the approved material list included in the zoning ordinance, which makes the placement of the screening prohibited by zoning ordinance. The school was cited on January 29, 2026.

In discussions with a school representative, the fabric was placed on the fence to prevent people passing on the public sidewalk from talking to or interacting with the children outside playing on the playground. Plus, a gun related incident in close proximity to the campus played an additional part in the decision to place the fabric. The school's position is that the safety of the students is paramount and this material was necessary.

Staff recommends approval of the proposed variance. Staff views the circumstance at the school as a unique situation. The school has a legally placed fence and now outside circumstances have changed and require a small accommodation for this particular site.

The City of Elkhart is in the process of updating its zoning ordinance, including the fence regulations. The updated UDO will permit fence wraps, like the one referenced in this case. However, the updated ordinance will only permit them around construction sites. Staff feels this requirement is correct and appropriate as most construction sites require temporary screening for security to prevent people from seeing onto an active construction site. Also, to discourage an attractive nuisance where people may want to and cause damage or hurt themselves. And for other circumstances and locales an appropriately opaque fence can be installed to provide privacy for most situations.

#### **STAFF RECOMMENDATION**

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

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the fence fabric was placed as an additional means of safety for the children on the playground;

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the fabric placed on the fence has a similar effect as that of a solid fence which is a common element around outdoor recreation areas that require additional security;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted in order to provide the necessary security for the use;
4. Special conditions and circumstances do exist as the subject property is located on a main thoroughfare with large numbers of pedestrian traffic;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property as any number of solutions is possible;
6. The special conditions and circumstances do result from an action or inaction by the applicant however, the security for the playground, for this circumstance, is paramount;
7. This property does not lie within a designated flood hazard area.

### **CONDITIONS**

None.

Anthony-Petter states there were 24 letters mailed with no responses.

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

Leichtman asks if, after a few years, Staff goes by to check on upkeep of this material, or if that's a condition they need to add.

Anthony-Petter states that Jason Ughetti deals with the zoning side of going around and checking when individuals are not in compliance. Leichtman states that because this is only temporary, she is concerned about safety and upkeep, since it's right downtown.

Evanega Rieckhoff also states it looks very nice right now, but in a few years it might not. She thinks they should make it expire in two years and have them come back. Anthony-Petter asks if they would do it like a staff approval. Evanega Rieckhoff requests Davis's advice – what would be the best way to do this, if they should have this approval expire in two years and have them come back to get it renewed, or if they have Staff check on it.

Davis states that to play devil's advocate, the city will check on the property because it's in the downtown area and as Kyle said, Jason Ughetti is out and about in the area, and also the school has a vested interest in making sure the material is sound because it's designed to protect the children on the playground, so if it starts to weather, they have a vested interest in making sure that material is repaired or replaced. Evanega Rieckhoff asks if she thinks there's limited risk. Davis confirms.

Linley adds that in the letter sent by the Diocese of Fort Wayne, they stated the temporary wrap has been in place since May 2022, and the city only caught it in 2026. Leichtman asks if it's weathered okay, and Borchard state off mic that they have only had to provide a few small repairs. Evanega Rieckhoff states that the color has weathered incredibly well – it's still very dark and vibrant.

Evanega Rieckhoff calls for a motion.

Newbill makes a motion to approve 26-BZA-07 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Leichtman.

Leichtman – Yes

Linley – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

### **26-UV-08 PETITIONER IS K&J PROPERTY LLC PROPERTY IS LOCATED AT 2101 W FRANKLIN**

Anthony-Petter presents.

The request is to vary from Section 19.2, Permitted Uses in the M-2, General Manufacturing District, to allow for the construction of a Drive thru Coffee Shop. Drive-thru Coffee Shop are not a permitted use in the M-2 District.

Evanega Rieckhoff calls the petitioner forward.

Jeff Campbell, 2101 W Franklin St, of K&J Property, appears in person. They have a building already on the property - it's a warehouse, basically unmanned, with limited use on that. There's room on the property for the coffee shop, so they would like to get the variance changed to allow the coffee shop. It's going to be a Bigby franchise.

Leichtman asks if they will own the land and the coffee shop. Campbell confirms that he will be a partial owner of the coffee shop, with his son owning the other half.

Evanega Rieckhoff asks for confirmation that it is a franchise, and they will be making sure it looks nice. Campbell confirms and states he has updated pictures from the architect on the proposed building and the drive, as well. Campbell submits Petitioner's Exhibits 26-UV-08 A-C showing the mentioned pictures.

Evanega Rieckhoff clarifies that Campbell owns the whole thing and the structure that is already on there. She states it looks like there is a lot of land in between the two structures. Campbell confirms it's an acre and a half lot. They have a 32x45 warehouse office that they receive trucks in about every six weeks to unload, and that's for the business he currently owns. The additional business will be the coffee shop. Evanega Rieckhoff states that all of the land between where the coffee shop is going and the warehouse is not very pretty. Campbell confirms that it is gravel that was there when they bought the property. They intend to put grass and trees - it will be fixed up at the same time that the building is put in. It is a requirement of Bigby, as well - when they talked about the site location, there will be lots of improvements. Evanega Rieckhoff understands why they didn't want to put money into the property with just the warehouse, but with it becoming a retail establishment, it needs to be brought up to a different standard. Campbell agrees.

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.

Bill Zimmerman, 2100 W Franklin, owner of Elkhart Cremation Services, appears in person. Elkhart Cremation Services sits directly across from 2101 Franklin. He has three properties right across the street from this location. Being a crematorium, they get a lot of people in and out of the building, especially elderly that have trouble driving and possibly seeing. Zimmerman states that West Franklin Street is a main thoroughfare coming out of the City of Elkhart and going west into St. Joe County, and vice versa, so there's a lot of traffic on Franklin Street. Also into the mix is a Dollar General and the gas station, and all that has done is increase the traffic flow on Franklin Street, and it is horrible. Zimmerman speaks about traffic issues he has experienced at another property he owns, Walley-Mills Zimmerman Funeral Home, which have worsened to a point where it now causes the business problems. Zimmerman states he doesn't need another business shut down because people can't get in and out of the property. He is asking the Board to please deny this petition - it is not allowed in the current zoning, and he is concerned about the area being built up and the street being widened, threatening his business. He doesn't want to move out of Elkhart, as an Elkhart native and after putting 52 years of service into funeral care to service the families of this town, but if he gets put out of business, it could happen. As he mentioned earlier, there are a lot of elderly people driving their cars and trying to get in and out of the parking lot, and at certain times of day, it's pretty fierce. Not nearly as fierce as Jackson Boulevard, but pretty fierce. More businesses along that district are just going to increase that traffic flow.

Evanega Rieckhoff requests Zimmerman come up and show the Board where his property is located on their site plan. Zimmerman approaches the Board and indicates where his property is located.

Evanega Rieckhoff asks if people could go on the side streets to get to Zimmerman's building. Zimmerman states that they can turn off of Franklin Street onto Okema Street or Waurika Street, but they still have to turn across traffic, and they'd still need to get out. There is a public city alley that dead-ends in his parking lot and Waurika Street. There is no city alley going to Okema Street. Evanega Rieckhoff asks if there are other ways getting to them besides going down Franklin. Zimmerman confirms and says they can come down Indiana and come up that way, but the business sits right on Franklin, on the corner of West Franklin and Okema, and he is very concerned about the traffic.

Leichtman asks since he has several properties, does he have plans to add anything in eventually or will he sell it. Zimmerman states it depends on what happens with the traffic and the flow there. They added onto the funeral home three different times, added onto their parking and their building, put a lot of capital expense into that, and the business is not doing well because people cannot get in and out of the facility. Elkhart Cremation was founded in that building in 2000. They've been there 26 years, and he's put additions onto that building and upgraded the parking lot. He put a lot of money and equipment into this location. He reiterates that he doesn't want to move, but if he has to, he will, and that he is asking the Board to deny this variance.

Leichtman asks Campbell to approach the mic and indicates on Petitioner's Exhibit 26-UV-08 A where Franklin Street and the drive are. Campbell states that it is the current drive they already have for the office warehouse. They are expecting in the

neighborhood of 100-150 cars a day, and a lot of that traffic is already on Franklin Street. They aren't going to be pulling massive amounts of cars off 19 to come. They hope to get some of that traffic, but a lot of it is going to be traffic that's already going by. There is a turn lane, it's set up for traffic.

Leichtman asks if their entrance and exit are right in front of Elkhart Cremation's entrance and exit. Campbell states that their entrance and exit is directly in front of the side street that Elkhart Cremation is on. If they went straight out of their drive, they'd be on his side street.

Evanega Rieckhoff calls staff forward.

### **STAFF ANALYSIS**

The petitioner is requesting a use variance to allow the property at 2101 West Franklin Street to allow for the construction of a Drive-thru Coffee Shop. Section 19.2, Permitted Uses in the M-2, General Manufacturing District, does not allow Drive-thru Coffee Shops.

The property currently contains a 1,400sq foot building built in 2017 used for cold storage and warehouse purposes. There is an interest from the owner in constructing a second structure on the property for a drive-thru coffee shop.

The property is located along West Franklin Street and is near the South Nappanee Street intersection. With the site being located on the south side of the street, adjacent to the railroad, this type of automobile related use should capture morning commuter traffic. The existing uses along West Franklin Street are a mix of light manufacturing, commercial and residential uses serving as a gateway into the city.

This section of Franklin has historically had manufacturing zoning mixed with various types of residential and commercial uses for almost 70 years. Since the 1950's, this area has been a mix of industrial, commercial and residential uses. Because of its adjacency to the railroad, the uses tended to be more intense along the south side of Franklin and became less intense the farther away one moved to the north from Franklin. Over time, the manufacturing and commercial uses have diminished with smaller industrial development moving to newer industrial areas, often adjacent to major thoroughfares and clustering with similar uses, in other parts of the city.

Based on materials submitted for this case, the building will be 25' by 40' and will use the existing driveway for in and out traffic onto West Franklin Street. With higher levels of activity during the morning and evening hours. It is important for the board to understand this project has not yet been 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 anticipated and 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.

### **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 many of surrounding uses along this part of the W Franklin corridor are commercial uses and are commercial structures;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action this project on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because developing a permitted M use could be challenging given that there is an existing use on site;
6. The special conditions and circumstances do not result from an action or inaction by the applicant as no additional action has taken place on site;
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.

Anthony-Petter states there were 13 letters mailed with no responses.

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

Leichtman asks if during the review by Planning, if traffic is taken into consideration. Anthony-Petter confirms and states that is what engineering takes into consideration during the technical review process. Leichtman wants to make sure there isn't a public safety issue with additional traffic. Evanega Rieckhoff expresses concern about cars being backed up, waiting to get into the lot, and wants to know if they'll be checking that out, too. Anthony-Petter confirms.

Leichtman states they just have to approve the variance use, and then asks if it still has to go through review. Kyle confirms that it will need to go through technical review. What the board was given is the same thing the staff saw. Leichtman asks if there is a reason it came to the Board first, instead of the other departments. Kyle clarifies that because it is zoned heavy manufacturing, the use variance would need to go through before development.

Evanega Rieckhoff calls for a motion.

Newbill makes a motion to approve 26-UV-08 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.

Leichtman – Yes

Linley – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

Leichtman clarifies that the petitioners were made aware of the conditions. They confirm off-mic.

**26-BZA-09 PETITIONER IS CRB4, LLC**  
**PROPERTY IS LOCATED AT 4800 BRISCOLA CT**

Anthony-Petter 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 corner side yard, a variance of three (3) feet.

Evanega Rieckhoff calls the petitioner forward.

Paul Macumber, 21525 Maple Glen Dr, representative for CRB4 and owner of Patriot Fence, appears in person. The original job site was approved, a building approval, the General Contractor on site is J.A. Wagner, and the owners directly hired him. There is a safety factor with this project – they're looking at 6 feet; it's a boat manufacturer. The north side of the building is the back part of the lot; the main offices are out the south side pointing towards County Road 4. There is a very large retention pond on the north side, and also there is a county park. The park property is directly north of that retention pond. There is an ordinance about retention ponds that it should have a minimum of 6-foot fence around it. This retention pond hyperextends past the sides of the building out towards County Road 15 and east towards 17. The plan for the fence – it comes off the north side of the building, extending out the sides, which was the 6 feet, and goes north to entrap the retention pond, and then it goes across the north side of it. There is a manual entrance gate off of County Road 4, which is a construction entrance, probably only construction will ever use that so they don't go down Briscola Court. So, it's a back entrance but he doesn't believe that entrance will be utilized except for temporary. He's trying to maintain the safety through the retention pond, because he believes it's a fairly deep retention pond, plus possible visitors to the north in the park. A four-foot fence, there would be people trying to fish, kids trying to do stuff, they want to make a proper boundary, a security boundary, between public and the private matters of the business. That north side of the property, being pontoons, they'll be driving manufacturing equipment in and out, parking them out in the parking lot, plus the semis come in on the east side of the building. There will be two employee and large vehicle access entrances to come through. Then on the south side it would be another open gate for semis to exit. The extra one foot of barbless wire, they're well aware of

the City's newer ordinance of barbless wire requiring sharps 7 feet or higher. That means seven-foot fence with barbed wire 8 foot, not to exceed the 8-foot maximum for manufacturing districts. The structure of the fence is two-inch steel galvanized posts with galvanized chain link. He suggests top rail on chain link fence, if you've gone around these facilities with the tension wire on top – it's a fine preventative, but it sags and doesn't look good after a while. The top rail usually maintains a nice uniform top, which adds to aesthetics of the fence. With the barbless wire, it comes out and creates a climb preventative. They're trying to create a positive boundary for the manufacturing side of this building and the public from entering this or unauthorized people into this area, to keep them safe.

Evanega Rieckhoff asks for questions from the Board.

Newbill asks for an explanation of what barbless wire is. Macumber states that the City of Elkhart adopted a 'no sharps below seven feet'. Six-foot fence is the minimum requirement for the retention pond. The foot extra is barbless wire - that is three straight strung strands that tip out a little bit towards the outside of the fence, which is the preventative. Leichtman requests he include a picture with his variance requests next month. Macumber agrees.

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 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 fence and one (1) foot 3-strand barbless wire fence) in the corner side yard, a variance of three (3) feet.

The petitioner is in the process of building a new 192,000 square foot manufacturing facility in the new industrial development north of County Road 4 (Sanford School Road) and east of County Road 15. The facility will build boats for the marine industry and is proposed to have some inventory in the rear (northwest) portion of their campus. The project went through Technical Review in 2025 and was approved. Plans call for an eventual addition to the current building under construction that would mostly block the storage area from the south and partially from the west.

Plans also call for a buffer mound to be placed east of County Road 15 with landscaping to buffer the outside storage. The tallest portion of the mound will be approximately six (6) feet in height (directly west of the storage area) and should obscure the proposed fence and the inventory stored in the rear part of the campus.

### **STAFF RECOMMENDATION**

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

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

### **CONDITIONS**

None.

Anthony-Petter states there were eight letters mailed with no mailed responses, and one phone call received not in favor with no comment.

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

Linley states that in the staff analysis, it says plans also call for a buffer mound to be placed east of County Road 15. She assumes that is part of the original zoning application, and asks if that has been approved through all the technical reviews. Anthony-Petter confirms both.

Evanega Rieckhoff calls for a motion.

Newbill makes a motion to approve 26-BZA-09 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Leichtman.

Leichtman – Yes

Linley – Yes

Newbill – Yes

Evanega Rieckhoff – Yes

Motion carries.

**26-BZA-11 PETITIONER IS IGNACIO PEREZ  
PROPERTY IS LOCATED AT 431 MIDDLEBURY**

Anthony-Petter presents.

The request is to vary from Section 8.5, Yard Requirements to allow for a parcel with an established lot size of 3,040 square feet and lot frontage of 38 feet variance to be used as a two-family dwelling. The minimum lot size for a two-family dwelling is 7,200 square feet and a lot frontage of 60 feet, a variance of 4,160 square feet for the lot area and 22 feet for the lot frontage.

To vary from Section 8.5, Yard Requirements in the R-5 Urban Residential District, to allow for a five (5) foot side yard setback where seven (7) feet are required, a variance of two (2) feet.

To vary from Section 8.5, Yard Requirements, Rear Yard to allow for a thirteen (13) foot rear setback where thirty (30) feet is required, a variance of seventeen (17) feet.

To vary from Section 8.5, Yard Requirements, for the corner side yard average established setback of thirteen (13) feet, to allow for the construction of a two-family dwelling at a corner side yard setback of seven (7) feet, a variance of six (6) feet.

To vary from Section 26.7.D, Schedule of Off-Street Parking Space Requirements, to allow for zero (0) off-street parking spaces where four (4) off-street parking spaces are required, a variance of four (4) off-street parking spaces.

Evanega Rieckhoff calls the petitioner forward.

Jeremy Perez, 431 Middlebury St, representing Ignacio Perez, appears in person. They are looking to build a single-story duplex, where the back end would be a 2-bedroom, 1 bath, with the front being a 1 bedroom, 1 bath. They're looking to build it at 24 feet wide, plus a 52-foot-long building. They're wanting to stay away from doing a two-story, it's a lot harder on the workers and there are more safety risks when doing a two-story. They're looking to do street parking; there is street parking availability on the east and west sides of Monroe. They are aware that there is a fire hydrant on the front of the property on Middlebury Street, which is why they are asking for the parking spaces to be in the rear. They did notice that before 2019 on Monroe Street, there was a smaller yellow stripe on the corner of Monroe and Middlebury Street, and it has gotten extended. It's about 44 feet of the actual property that has been taken up from the yellow stripe itself. They do have about 44 feet outside of the yellow stripe for parking, as well as on the west side of Monroe. They are looking to do the single-story duplex, having the main entrance of the main unit being off of Middlebury Street and then having a rear entrance for the rear duplex. One of the reasons why they're going off of the setback on the side yard on the west side of the property, the house behind it has an extra lot that is on the rear of the house, which allowed them to push the house further back. With corner lots requiring a setback of its adjacent houses, their required setback would be a lot further than what they're asking for.

Evanega Rieckhoff asks for questions from the Board.

Newbill states that the numbers aren't working, and asks why they are afraid of making it a two-story to get away from all of the requirements that are way over what they're normally looking at. He requests Perez breaks down the safety reasons.

Perez responds that they're the owners of the property and they're wanting to do a lot of the structural work themselves. If they were to go to a two-story, they would need more workers to be able to help with that and they would have to set a lot more safety measures. They would have to use bigger cranes to get the framing up, and with it being close to the property beside them, they don't want to risk anything there. There are also kids next door to them, so they want to try to work as quick as possible, without having that building be open for too long, especially since there are a lot of kids walking through there.

Evanega Rieckhoff states that it would obviously be more expensive per square foot if they built two stories instead of one story. She asks if they can make money on this if they do a two-story unit as opposed to one story. Perez confirms they would be able to make money, but they are trying to do it so it's below market rate rent. They're trying to make it as economical as possible so that they can have many members who can't pay as much rent as the market rate is now.

Leichtman asks about long-term safety with cars parked on the street, around the corner, and states if they could do a two-story with a driveway and garage or something. Perez responds that if they were to do a driveway on the rear end of the lot, there is a huge difference in elevation – about two feet – and there is a big concrete barrier back there, as well. The sewer lines run pretty close to where that concrete barrier is, in order to have four vehicles, they would be using about 18 feet of the backyard, which would have to take up where that concrete barrier is at now.

Newbill asks if they've ever built a two story. Perez states they have not. Newbill asks if they've ever built a building similar to this before, and Perez responds they've built a single story, but not a duplex. He has been in real estate, and has renovated and has been fixing and flipping houses, as well as renting houses here in Elkhart, and they have an idea of what it would look like to do a side-by-side duplex. It'd just be two regular-sized, single-family homes, side-by-side. He does know there are different regulations of the middle partition wall, so those would be considered into plans and those would have to be approved before they start building.

Leichtman asks if a single-family home is something they have considered. Perez confirms and says that if for any reason they aren't allowed to do the duplex, they decided to revise plans and create it into a single-family and sell it or rent it out.

Newbill asks if they would consider doing a two story. Perez states that they would not.

Evanega Rieckhoff states that they and the staff are so far apart on this, and wants to know if they've talked about it. Perez confirms that they've worked through and talked about it, and met up the day before the meeting when Anthony-Petter let them know the status of the staff report. Perez said he figured he'd give it a shot anyways.

Leichtman asks how they feel about the recommendations. Evanega Rieckhoff states that's what they were just talking about, and they would build a single story if they had to. Perez confirms that they would.

Perez states that he's looking to see if they can get an extension on the revised plans condition, 30-50 days. Evanega Rieckhoff responds that she doesn't think they need to do that, if they go along with what the staff recommends, they would just have to file it. If they did a single story, the parking would be the only concern. Perez states that it would be the parking and the width of the actual building, because there's a minimum of a 24-foot-wide building, with it being only 38 feet wide, the setbacks are still the same. Evanega Rieckhoff says it's the side setbacks they're so worried about. Perez agrees.

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 to vary from Section 8.5, Yard Requirements to allow for a property with an established lot size of 3,040 square feet and lot frontage of 38 feet variance to be used as a two-family dwelling. The minimum lot size for a two-family dwelling is 7,200 square feet and a lot frontage of 60 feet, a variance of 4,160 square feet for the lot area and 22 feet for the lot frontage.

To vary from Section 8.5, Yard Requirements in the R-5 Urban Residential District, to allow for a five (5) foot side yard setback where seven (7) feet are required, a variance of two (2) feet; To vary from Section 8.5, Yard Requirements, for the corner side yard average established setback of thirteen (13) feet, to allow for the construction of a two family dwelling at a corner side yard setback of seven (7) feet, a variance of six (6) feet; To vary from Section 8.5, Yard Requirements, Rear Yard to allow for a thirteen (13) foot rear setback where thirty (30) feet is required, a variance of seventeen (17) feet; To vary from Section 26.7.D, Schedule of Off-Street Parking Space Requirements, to allow for zero (0) off-street parking spaces where four (4) off-street parking spaces are required, a variance of four (4) off-street parking spaces.

The petitioner is proposing to build a new one-story two-family dwelling on an infill parcel at 431 Middlebury Street. Due to the size of the parcel, the proposed home requires a number of developmental variances to address the current zoning standards.

This type of variance is not uncommon for parcels in established neighborhoods where new infill homes are placed on parcels that do not meet the current development standards. The scale of the home is not out of character for the neighborhood and may in fact

be desirable in terms of property values. Given the constraints of the established setback on the corner side yard, it will not allow a home of this scale to be built without some measure of relief.

Due to the high cost of land development and new structures like the one in this request are being developed where the necessary infrastructure exists - it is then more cost effective to construct. Therefore, those development costs do not have to be passed along to the tenant in the form of higher rent.

This request adds to the inventory of housing in Elkhart. 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.

Staff are supportive of the side and corner side yard setbacks. Because of the size of the parcel – these variances are reasonable. Most new construction infill homes will require variances. Therefore, with most new infill proposals, staff would anticipate similar variance requests.

This proposal reflects a development pattern seen in other parts of the city that integrates varying levels of density within a neighborhood. Staff are supportive of this infill project, however, the proposal for a two-family dwelling may be too intense for this site. The fact that there is no room for off-street parking is of great concern for staff. For this specific project, it is the opinion of staff that a revised, one family structure be proposed for this infill parcel – something that reflects a similar footprint to the homes west of this site.

Staff struggles with the request for reducing parking. We don't want to discourage walkability within a neighborhood and encourage other transportation options. However, some off-street parking is necessary. It is important for the petitioner to provide off-street parking.

Staff are aware that some of the neighborhoods surrounding downtown are higher density and some residents may not own cars. The Elkhart East Bus line has a bus stop and a route within walking distance of the project.

The City of Elkhart is in the process of updating its zoning ordinance, including new residential Development Standards. The requested setbacks are consistent with proposed regulations found in the anticipated UDO. This request to the board would have only included relief from parking and potential unit size and lot size requirements if under the new UDO.

In subsequent conversations with the petitioner after filing and by reworking the site plan, the side yard setback request was eliminated by moving the house over two feet.

Because of the multiple developmental variances and the complexity of the request, staff has broken out the request into grouped similar developmental motions.

### **STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variances (corner side setback and lot frontage/area) based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the building will be built per all applicable building codes;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed structure will have similar setbacks in both the front and side yards to nearby properties;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the size of the parcel makes redevelopment that meets current development standards challenging;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because the current development standards limit the scale of structure that can be developed on this parcel;
6. The special conditions and circumstances do not



result from an action or inaction by the applicant because no construction has begun;

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

The Staff recommends denial of the developmental variance requesting no off-street parking based on the following findings of fact:

1. The approval will be injurious to the public health, safety, morals, or general welfare of the community because off street parking is possible with a site plan depicting a smaller structure footprint;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because a structure with a smaller footprint, will have similar setbacks to nearby properties;
3. Granting the variance would not be consistent with the intent and purpose of this Ordinance because there is the potential for off street parking if a smaller structure were proposed;
4. Special conditions and circumstances do not exist that are peculiar to the land involved and which are not applicable to other lands or structures in the same district because at least one space could be achieved on site;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because a structure with a smaller footprint could be constructed to accommodate some room for off street parking;
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.

The Staff recommends denial of the developmental variance for reduced rear yard setback based on the following findings of fact:

1. The approval will be injurious to the public health, safety, morals, or general welfare of the community because a smaller structure with a smaller footprint can be achieved on this parcel;
2. The use and value of the area adjacent to the property will be affected in a substantially adverse manner because the proposed structure with a revised site plan depicting a smaller footprint would be in line with other properties in the neighborhood;
3. Granting the variance would not be consistent with the intent and purpose of this Ordinance because there is the potential for a smaller structure that could be achieved on this parcel;
4. Special conditions and circumstances do not exist that are peculiar to the land involved and which are not applicable to other lands or structures in the same district because a structure with a smaller footprint could be achieved on site;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because a structure with a smaller footprint could be constructed on this parcel;
6. The special conditions and circumstances do not result from an action or inaction by the applicant because no construction has begun;
7. This property does not lie within a designated flood hazard area

#### **CONDITIONS**

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

1. A revised plan be submitted that meets the rear yard and off-street parking requirements.

Anthony-Petter states there were 41 letters mailed with one response in favor with no comment.

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

Evanega Rieckhoff asks Davis if they split the motion into two. Davis states they need to split them up because there are two recommendations, that way there's an individual record for each of the recommendations.

Leichtman asks where the condition would be placed. Evanega Rieckhoff states she thinks it would be on both, because they are following the staff recommendation in both cases, so she imagines they'd have to put the condition on both – the approval and the denial. Anthony-Petter confirms.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 26-BZA-11 and approve the developmental variances for the corner side setback and lot frontage/area based on 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.

Leichtman asks Trotter if that sounded correct. Eric Trotter, Assistant Director for Planning, confirms.

Second by Linley.

Leichtman – Yes  
Linley – Yes  
Newbill – No  
Evanega Rieckhoff – Yes

Motion carries.

Evanega Rieckhoff asks if they need to break up the denials into two or if they can do it in one. Trotter states that in his experience, as long as they express both requests in the motion, they can do it as one motion. Davis concurs – because it's going to be a denial anyways, if you're going to vote to deny it, you just have to be clear that you're denying it with some specificity.

Leichtman asks for clarification on which motion guide to use. Davis states that it needs to be a positive motion – it can't be a vote to deny. They need to vote to approve it, when no one votes to approve it, then on the counter they can vote against it that makes it a denial. The motion needs to be a positive motion; they vote to approve whatever the petitioner's asked for. If they get a second, then you can call for the vote. All in favor can vote aye, those who are opposed can vote nay. Then that way, they have a positive motion and if they vote to go with the staff's recommendation, they just vote against it.

Evanega Rieckhoff calls for the second motion.

Leichtman makes a motion to approve 26-BZA-11 of the developmental variance requesting no off-street parking and for a reduced rear yard setback 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.

Evanega Rieckhoff clarifies that what this means is that the vote is for the petitioner going and building as it is stated there. If it isn't seconded, then that is a negative. Davis states that if it isn't seconded then it doesn't come for a vote. To get it off the agenda to be discussed, they need to have a motion and second. Once they have a second, then they can take it for a vote.

Second by Newbill.

Leichtman – No  
Linley – No  
Newbill – No  
Evanega Rieckhoff – No

Motion is denied.

**ADJOURNMENT**

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

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President or Vice-President

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Secretary

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**Classifieds Make a Cash Connection!**

**Summons – Service By Publication/Unknown Heirs and Devisees Of Bernard Crusie Sr**  
 State Of Indiana County Of Elkhart In The Elkhart Superior Court Cause No: 20D02-2604-MF-000083 Loandepot.com, LLC Plaintiff –vs- Unknown Heirs And Devisees Of Bernard Crusie Sr Defendant(s) Notice Of Suit To the defendants above named, and any other person who may be concerned. You are notified that you have been sued in the Court above named. The nature of the suit against you is the foreclosure of a mortgage upon the property legally described as follows: A part of the Northeast Quarter (NE 1/4) of Section 13, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, being more particularly described as follows: Assuming the West line of said quarter Section, to have a bearing of South 1°05' East, and commencing at a Harrison Monument marking the Northwest corner of said Quarter Section; thence South 1°05' East, along the West line of said Quarter Section, 856.74 feet to a railroad spike marking the point of beginning of this description; thence North 88°47' East, 415.00 feet to an iron stake; thence South 1°05' East, parallel with the West line of said Quarter Section, 330.00 feet to a rebar; thence South 84°38'58" West, 416.15 feet to a railroad spike, and the West line of said Quarter Section; thence North 1°05' West, along the West line of said Quarter Section, 330.00 feet to the point of beginning Commonly known as: 51174 County Road 15, Elkhart, IN 46514 This summons by publication is specifically directed to the following defendant(s) whose whereabouts are unknown: Unknown Heirs and Devisees of Bernard Crusie Sr in addition, to the above-named defendants being served by this summons, there may be other defendants who have an interest in this lawsuit. An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney with the Clerk of the Court for Elkhart County at: Elkhart County Clerk 1905 Reliance Road Goshen, IN on or before the 14th day of June, 2026, (the same being thirty (30) days after the Third Notice of Suit), and if you fail to do so, a judgment may be entered against you for what the plaintiff has demanded. Phillip A. Norman, P.C. /s/ James Tomasik, # 39957-64 2110 Calumet Avenue Valparaiso, IN 46383 Telephone: 219-462-5104 Facsimile: 219-462-9344 E-mail: james.tomasik@normanattorney.com 26-00528 Attest: /s/ Patricia I. Pickens Clerk, Elkhart Superior Court

**LEGAL NOTICE #26-UV-09**

Hearing on proposed Use Variance #26-UV-09

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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-09.

**Petitioner:** Lyndon Martin

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

**Location:** 2111 SOUTH SEVENTEENTH STREET

**Zoning:** M-1, Limited Manufacturing District

This meeting can also be accessed via Teams. To join, go to <https://teams.microsoft.com/join/255189637546258?p=LGVf5DdtEtkEoV8mow>, enter **255 189 637 546 258** as the meeting number and "4oT6F7q7" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to [raen.levendoski@cityofelkhart.in.gov](mailto:raen.levendoski@cityofelkhart.in.gov) prior to the meeting.

**LEGAL DESCRIPTION:**

Lots 59 and 60 as the said Lots are known and designated on the recorded Plat of Markel's First; said Plat being recorded in Deed Record 116, page 21, in the Office of the Recorder of Elkhart County, Indiana.

Also, the East Half of the vacated alley lying adjacent to said Lots.

Also, Lot Numbered 61 as the said Lot is known and designated on the recorded Plat of Markel's First; said Plat being recorded in Deed Record 116, page 21, in the Office of the Recorder of Elkhart County, Indiana.

Also, the East Half and the North Half of the vacated alley lying adjacent to said Lot 61.

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

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

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

Publication Date: May 1, 2026

**LEGAL NOTICE #26-UV-14**

Hearing on proposed Use Variance #26-UV-14

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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-14.

**Petitioner:** City of Elkhart Redevelopment Commission

**Request:** 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.

**Location:** 131 S. Main Street

**Zoning:** CBD, Central Business District

**LEGAL NOTICE #26-BZA-14**

Hearing on proposed Developmental Variance #26-BZA-14

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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-14.

**Petitioner:** Waste Away Group c/o Dominic Remmes

**Request:** 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.

**Location:** 707 North Wildwood Avenue

**Zoning:** M-1, Limited Manufacturing District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/255189637546258?p=LGVf5DdtEtkEoV8mow>, enter **255 189 637 546 258** as the meeting number and "4oT6F7q7" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to [raen.levendoski@cityofelkhart.in.gov](mailto:raen.levendoski@cityofelkhart.in.gov) prior to the meeting.

**LEGAL DESCRIPTION:**

A Re-plat of Lots 209, 214, 221, 237-241, a part of Lots 210, 213, and a part of the vacated street of Laurel Street, Maple Row, and the vacated alley south of Beardsley Avenue and west of Wildwood Avenue, all within the Plat of Wildwood, an addition to the City of Elkhart, Elkhart County, Indiana.

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

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

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

Publication Date: May 1, 2026

**LEGAL NOTICE #26-BZA-12**

Hearing on proposed Developmental Variance #26-BZA-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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-12.

**Petitioner:** Hydro Extrusion USA, LLC

**Request:** 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.

**Location:** 3406 Reedy Drive

**Zoning:** M-1, Limited Manufacturing District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/255189637546258?p=LGVf5DdtEtkEoV8mow>, enter **255 189 637 546 258** as the meeting number and "4oT6F7q7" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to [raen.levendoski@cityofelkhart.in.gov](mailto:raen.levendoski@cityofelkhart.in.gov) prior to the meeting.

**LEGAL DESCRIPTION:**

Part of the Southwest Quarter of Section 23, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of said Quarter Section that is 1,300.75 feet North of the Southwest corner of said Quarter Section; thence Eastwardly parallel with the South line of said Quarter section 560 feet to a point; thence continuing Eastwardly parallel with the South line of said Quarter Section and along the North line of Reedy Drive 545.83 feet; thence North 00°20' West 431.3 feet to the point of beginning of this description; thence West, parallel with the South line of said Quarter Section 531.78 feet; thence North 01°31' East 213.57 feet to the Southerly right of way line of the Indiana Toll Road; thence Eastwardly and Southeastwardly along the South line of said Toll Road right of way to a point that is North 00°20' West to the point of beginning; thence South 00°20' East to the point of beginning, containing approximately 2.5 acres.

AND Part of the Southwest Quarter of Section 23, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of said Quarter Section that is 1300.75 feet North of the Southwest corner of said Quarter Section; thence Eastwardly parallel with the South line of said Quarter Section 560 feet to a point; thence continuing Eastwardly along the North line of Reedy Drive 595.83 feet to the place of beginning of this description; thence South 89°22' East along the North line of Reedy Drive 169.2 feet to the Southwest corner of Lot Number B-3, of the recorded Plat of Northland Park Section 3; thence North 01°42' East along the West line of said Lot, 578.93 feet to the Northwest corner of said Lot (also being the South right of way line of the Indiana East-West Toll Road); thence North 84°53' West along the South right of way line of said Toll Road 190.59 feet to the lands owned by Indiana Aluminum Extrusion Corporation; thence South 00°20' East along the East line of said land owned by Indiana Aluminum Extrusion Corporation 593.70 feet to the place of beginning, containing 2.42 acres, more or less.

AND The Westerly 235 feet by parallel lines from and off Lot B-3, as said Lot is known and designated on the recorded plat of Northland Park Section 3, an Addition of Osolo Township, Elkhart County, Indiana; said plat being recorded in Plat Book 15, page 11, in the Office of the Recorder of Elkhart County, Indiana.

THE CITY OF GOSHEN IS SUBMITTING A CONSTRUCTION STORMWATER GENERAL PERMIT (CSGP) TO THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OF OUR INTENT TO COMPLY WITH THE REQUIREMENTS UNDER 327 IAC 15-5 TO DISCHARGE STORM WATER FROM CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE CENTURY DRIVE RECONSTRUCTION PROJECT. THE PROJECT IS LOCATED IN SECTION 24, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA. RUN-OFF FROM THE PROJECT SITE WILL DISCHARGE TO EXISTING STORMSEWER SYSTEM WITH AN EVENTUAL RELEASE INTO HORN DITCH. CONTACT PERSON: MIKE VOLL, JONES PETRIE RAFINSKI, 325 S. LAFAYETTE BLVD., SOUTH BEND, INDIANA 46601; PHONE NUMBER (574) 232-4388, EMAIL MVOLL@JPR1SOURCE.COM

**Summons – Service By Publication/Roger A Huff**  
 State Of Indiana County Of Elkhart In The Elkhart Superior Court Cause No: 20D02-2601-MF-000019 Deutsche Bank National Trust Company, As Trustee For Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-W1 Plaintiff -vs- Roger A Huff Defendant(s) Notice Of Suit To the defendants above named, and any other person who may be concerned. You are notified that you have been sued in the Court above named. The nature of the suit against you is the foreclosure of a mortgage upon the property legally described as follows: Lot Number Thirty (30) as the said lot is known and designated on the recorded Plat of Studebaker Park Addition, to Elkhart, Indiana; said Plat being recorded in Deed Record 116, page 44 of the records in the Office of the Recorder of Elkhart County, State of Indiana Commonly known as: 933 Princeton St, Elkhart, IN 46516 This summons by publication is specifically directed to the following defendant(s) whose whereabouts are unknown: Roger A Huff In addition, to the above-named defendants being served by this summons, there may be other defendants who have an interest in this lawsuit. An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney with the Clerk of the Court for Elkhart County at: Elkhart County Clerk 1905 Reliance Road Goshen IN 46526 on or before the 7th day of June, 2026, (the same being thirty (30) days after the Third Notice of Suit), and if you fail to do so, a judgment may be entered against you for what the plaintiff has demanded. Phillip A. Norman, P.C. /s/ James Tomasik, # 39957-64 2110 Calumet Avenue Valparaiso, IN 46383 Telephone: 219-462-5104 Facsimile: 219-462-9344 E-mail: james.tomasik@normanattorney.com 26-00008 Attest: /s/ illegible Clerk, Elkhart Superior Court MC

**LEGAL NOTICE #26-UV-10**

Hearing on proposed Use Variance #26-UV-10

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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-10.

**Petitioner:** Mount North Capital

**Request:** To vary from Section 15.2, Permitted Uses in the CBD, Central Business District to allow for an Amusement parlor.

**Location:** 421 SOUTH SECOND STREET

**Zoning:** CBD, Central Business District

This meeting can also be accessed via Teams. To join, go to: <https://teams.microsoft.com/join/255189637546258?p=LGVf5DdtEtkEoV8mow>, enter **255 189 637 546 258** as the meeting number and "4oT6F7q7" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to [raen.levendoski@cityofelkhart.in.gov](mailto:raen.levendoski@cityofelkhart.in.gov) prior to the meeting.

**LEGAL DESCRIPTION:**

TRACT I: LOTS NUMBERED 19 AND 20 AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF THE FIRST SOUTH ADDITION OF THE VILLAGE OF ELKHART (NOW CITY) ALSO KNOWN AS BABCOCK'S REPLAT OF FIRST SOUTH ADDITION TO ELKHART, SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 291 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

EXCEPTING THEREFROM: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 20, THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 20, A DISTANCE OF 30 FEET; THENCE NORTH AND PARALLEL TO THE WEST LINE OF LOT 20, A DISTANCE OF 40 FEET TO A POINT; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF LOT 20, A DISTANCE OF 30 FEET TO A POINT ON THE WEST LINE; THENCE SOUTH ON AND ALONG THE WEST LINE OF LOT 20, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: A PART OF LOT NUMBERED 20 AS THE SAID LOT IS DESIGNATED ON THE RECORDED PLAT OF THE FIRST SOUTH ADDITION TO THE VILLAGE OF ELKHART, (NOW CITY OF ELKHART), PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERN LINE OF SAID LOT NUMBERED 20 (BEING ALSO THE NORTHERLY LINE OF MARION STREET IN SAID CITY OF ELKHART) AT A POINT THAT IS 70 FEET WESTWARDLY FROM THE SOUTHEASTERN CORNER OF SAID LOT; THENCE NORTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT TO THE NORTHERN LINE OF SAID LOT; THENCE WESTWARDLY ALONG THE NORTHERN LINE OF SAID LOT TO THE NORTHWESTERN CORNER OF SAID LOT; THENCE SOUTHWARDLY ALONG THE WESTERN LINE OF SAID LOT, 42 1/2 FEET; THENCE EASTWARDLY PARALLEL WITH THE SOUTHERN LINE OF SAID LOT, 30 FEET; THENCE SOUTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT, TO THE SOUTHERN LINE OF SAID LOT; THENCE EASTWARDLY ALONG THE SOUTHERN LINE OF SAID LOT, TO THE PLACE OF BEGINNING.

ALSO: LOT NUMBERED 250 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF BEARDSLEY SECOND SOUTH AND WESTERN ADDITION TO THE TOWN, NOW CITY OF ELKHART, SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 538 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT II: A PART OF LOT NUMBERED 20 AS THE SAID LOT IS DESIGNATED ON THE RECORDED PLAT OF THE FIRST SOUTH ADDITION TO THE VILLAGE OF ELKHART, (NOW CITY OF ELKHART), PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERN LINE OF SAID LOT NUMBERED 20 (BEING ALSO THE NORTHERLY LINE OF MARION STREET IN SAID CITY OF ELKHART) AT A POINT THAT IS 70 FEET WESTWARDLY FROM THE SOUTHEASTERN CORNER OF SAID LOT; THENCE NORTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT TO THE NORTHERN LINE OF SAID LOT; THENCE WESTWARDLY ALONG THE NORTHERN LINE OF SAID LOT TO THE NORTHWESTERN CORNER OF SAID LOT; THENCE SOUTHWARDLY ALONG THE WESTERN LINE OF SAID LOT, 42 1/2 FEET; THENCE EASTWARDLY PARALLEL WITH THE SOUTHERN LINE OF SAID LOT, 30 FEET; THENCE SOUTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT, TO THE SOUTHERN LINE OF SAID LOT; THENCE EASTWARDLY ALONG THE SOUTHERN LINE OF SAID LOT, TO THE PLACE OF BEGINNING.

TRACT III: A PART OF LOT NUMBERED 20 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF FIRST SOUTH ADDITION TO THE CITY OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 291 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

This more particularly described as follows: Assuming the West line of said quarter Section, to have a bearing of South 1°05' East, and commencing at a Harrison Monument marking the Northwest corner of said Quarter Section; thence South 1°05' East, along the West line of said Quarter Section, 856.74 feet to a railroad spike marking the point of beginning of this description; thence North 88°47' East, 415.00 feet to an iron stake; thence South 1°05' East, parallel with the West line of said Quarter Section, 330.00 feet to a rebar; thence South 84°38'58" West, 416.15 feet to a railroad spike, and the West line of said Quarter Section; thence North 1°05' West, along the West line of said Quarter Section, 330.00 feet to the point of beginning Commonly known as: 51174 County Road 15, Elkhart, IN 46514 This summons by publication is specifically directed to the following defendant(s) whose whereabouts are unknown: Unknown Heirs and Devises of Bernard Crusie Sr In addition, to the above-named defendants being served by this summons, there may be other defendants who have an interest in this lawsuit. An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney with the Clerk of the Court for Elkhart County at: Elkhart County Clerk 1905 Reliance Road Goshen, IN on or before the 14th day of June, 2026, (the same being thirty (30) days after the Third Notice of Suit), and if you fail to do so, a judgment may be entered against you for what the plaintiff has demanded. Phillip A. Norman, P.C. /s/ James Tomasiak, # 39957-64 2110 Calumet Avenue Valparaiso, IN 46383 Telephone: 219-462-5104 Facsimile: 219-462-9344 E-mail: james.tomasiak@normanattorney.com 26-00528 Attest: /s/ Patricia I. Pickens Clerk, Elkhart Superior Court

#### LEGAL NOTICE #26-UV-09

Hearing on proposed Use Variance #26-UV-09

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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-09.

**Petitioner:** Lyndon Martin

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

**Location:** 2111 SOUTH SEVENTEENTH STREET

**Zoning:** M-1, Limited Manufacturing District

This meeting can also be accessed via Teams. To join, go to

#### LEGAL DESCRIPTION:

Lots 59 and 60 as the said Lots are known and designated on the recorded Plat of Markel's First; said Plat being recorded in Deed Record 116, page 21, in the Office of the Recorder of Elkhart County, Indiana.

Also, the East Half of the vacated alley lying adjacent to said Lots.

Also, Lot Numbered 61 as the said Lot is known and designated on the recorded Plat of Markel's First; said Plat being recorded in Deed Record 116, page 21, in the office of the Recorder of Elkhart County, Indiana.

Also, the East Half and the North Half of the vacated alley lying adjacent to said Lot 61.

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

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

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

Publication Date: May 1, 2026

#### LEGAL NOTICE #26-UV-14

Hearing on proposed Use Variance #26-UV-14

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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-14.

**Petitioner:** City of Elkhart Redevelopment Commission

**Request:** 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.

**Location:** 131 S. Main Street

**Zoning:** CBD, Central Business District

This meeting can also be accessed via Teams. To join, go to

#### LEGAL DESCRIPTION:

A part of Lot Number 13 as the said Lot is known and designated on the recorded Plat of Original plat of the Town (now City) of Elkhart, said Plat being recorded April 30, 1832 in Deed Record 1, page 34 in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of said Lot and running thence Westwardly along the North line of what was formerly Pigeon Street and is now West Lexington Avenue, 80 feet, thence Northwardly, parallel with Main Street 21 feet; thence Eastwardly, parallel with the North line of said Pigeon Street, which is now West Dept. of Law Matter No. 22-3558 Lexington Avenue, 80 feet; thence Southwardly along Main Street 21 feet to the place of beginning.

Together with the West 1.25 feet of vacated South Main Street lying East of and adjacent to said Lot.

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 29th day of April, 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 1, 2026

#### LEGAL DESCRIPTION:

A Re-plot of Lots 209, 214, 221, 237-241, a part of Lots 210, 213, and a part of the vacated street of Laurel Street, Maple Row, and the vacated alley south of Beardsley Avenue and west of Wildwood Avenue, all within the Plat of Wildwood, an addition to the City of Elkhart, Elkhart County, Indiana.

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

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

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

Publication Date: May 1, 2026

#### LEGAL NOTICE #26-BZA-12

Hearing on proposed Developmental Variance #26-BZA-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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-12.

**Petitioner:** Hydro Extrusion USA, LLC

**Request:** 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 barb-less wire fence) in the front yard, a variance of three (3) feet.

**Location:** 3406 Reedy Drive

**Zoning:** M-1, Limited Manufacturing District

This meeting can also be accessed via Teams. To join, go to:

#### LEGAL DESCRIPTION:

Part of the Southwest Quarter of Section 23, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of said Quarter Section that is 1,300.75 feet North of the Southwest corner of said Quarter Section; thence Eastwardly parallel with the South line of said Quarter section 560 feet to a point; thence continuing Eastwardly parallel with the South line of said Quarter Section and along the North line of Reedy Drive 545.83 feet; thence North 00°20' West 431.3 feet to the point of beginning of this description; thence West, parallel with the South line of said Quarter Section 531.78 feet; thence North 01°31' East 213.57 feet to the Southerly right of way line of the Indiana Toll Road; thence Eastwardly and Southeastwardly along the South line of said Toll Road right of way to a point that is North 00°20' West to the point of beginning; thence South 00°20' East to the point of beginning, containing approximately 2.5 acres.

AND

Part of the Southwest Quarter of Section 23, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of said Quarter Section that is 1300.75 feet North of the Southwest corner of said Quarter Section; thence Eastwardly parallel with the South line of said Quarter Section 1105.83 feet to the point of beginning of this description; thence continuing Eastwardly along the North line of Reedy Drive 50 feet; thence North 00°20' West to the Southerly right of way line of the Indiana Toll Road; thence Northwesterly along the South line of said Toll Road to a point that is North 00°20' West from the point of beginning; thence South 00°20' East to the point of beginning.

AND

Part of the Southwest Quarter of Section 23, Township 38 North, Range 5 East, in Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of said Quarter Section that is 1300.75 feet North of the Southwest corner of said Quarter Section; thence Eastwardly parallel with the South line of said Quarter Section 560 feet to a point; thence continuing Eastwardly along the North line of Reedy Drive 595.83 feet to the place of beginning of this description; thence South 89°22' East along the North line of Reedy Drive 169.2 feet to the Southwest corner of Lot Number B-3, of the recorded Plat of Northland Park Section 3; thence North 01°42' East along the West line of said Lot, 578.93 feet to the Northwest corner of said Lot (also being the South right of way line of the Indiana East-West Toll Road); thence North 84°53' West along the South right of way line of said Toll Road 190.59 feet to the lands owned by Indiana Aluminum Extrusion Corporation; thence South 00°20' East along the East line of said land owned by Indiana Aluminum Extrusion Corporation 593.70 feet to the place of beginning, containing 2.42 acres, more or less.

AND

The Westerly 235 feet by parallel lines from and off Lot B-3, as said Lot is known and designated on the recorded plat of Northland Park Section 3, an Addition of Osolo Township, Elkhart County, Indiana; said plat being recorded in Plat Book 15, page 11, in the Office of the Recorder of Elkhart County, Indiana.

AND

Part of the Southwest Quarter of Section 23, Township 38 North, Range 3 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows:

COMMENCING at a point on the West line of said Quarter Section that is 1300.75 feet North of the Southwest corner of said Quarter Section; thence Easterly parallel with the South line of said Quarter Section 560 feet to the point of beginning of this description; thence North 01°31' East 426.4 feet to a point; thence Easterly parallel with the South line of said Quarter Section 531.78 feet to a point; thence South 00°20' East 431.3 feet, more or less to a point on the North line of Reedy Drive; thence North 89°22' West along the North line 455.83 feet, more or less to a point on said North line which is 90 feet East of the point of beginning; thence Westwardly parallel with the South line of said Quarter Section and along the North line of Reedy Drive 90 feet to the point of beginning of this description.

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

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

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

Publication Date: May 1, 2026

**Extra Business is as easy as asking for it! DO IT HERE. DO IT NOW!**

of the Court for Elkhart County at: Elkhart County Clerk 1905 Reliance Road Goshen IN 46526 on or before the 7th day of June, 2026, (the same being thirty (30) days after the Third Notice of Suit), and if you fail to do so, a judgment may be entered against you for what the plaintiff has demanded. Phillip A. Norman, P.C. /s/ James Tomasiak, # 39957-64 2110 Calumet Avenue Valparaiso, IN 46383 Telephone: 219-462-5104 Facsimile: 219-462-9344 E-mail: james.tomasiak@normanattorney.com 26-00008 Attest: /s/ illegible Clerk, Elkhart Superior Court MC

#### LEGAL NOTICE #26-UV-10

Hearing on proposed Use Variance #26-UV-10

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, MAY 14, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-10.

**Petitioner:** Mount North Capital

**Request:** To vary from Section 15.2, Permitted Uses in the CBD, Central Business District to allow for an Amusement parlor.

**Location:** 421 SOUTH SECOND STREET

**Zoning:** CBD, Central Business District

This meeting can also be accessed via Teams. To join, go to:

#### LEGAL DESCRIPTION:

TRACT I: LOTS NUMBERED 19 AND 20 AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF THE FIRST SOUTH ADDITION OF THE VILLAGE OF ELKHART (NOW CITY) ALSO KNOWN AS BABCOCK'S REPLAT OF FIRST SOUTH ADDITION TO ELKHART, SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 291 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

EXCEPTING THEREFROM: BEGINNING AT THE SOUTHWEST-ERLY CORNER OF LOT 20, THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 20, A DISTANCE OF 30 FEET; THENCE NORTH AND PARALLEL TO THE WEST LINE OF LOT 20, A DISTANCE OF 40 FEET TO A POINT; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF LOT 20, A DISTANCE OF 30 FEET TO A POINT ON THE WEST LINE; THENCE SOUTH ON AND ALONG THE WEST LINE OF LOT 20, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: A PART OF LOT NUMBERED 20 AS THE SAID LOT IS DESIGNATED ON THE RECORDED PLAT OF THE FIRST SOUTH ADDITION TO THE VILLAGE OF ELKHART, (NOW CITY OF ELKHART), PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERN LINE OF SAID LOT NUMBERED 20 (BEING ALSO THE NORTHERLY LINE OF MARION STREET IN SAID CITY OF ELKHART) AT A POINT THAT IS 70 FEET WESTWARDLY FROM THE SOUTHEASTERN CORNER OF SAID LOT; THENCE NORTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT TO THE NORTHERN LINE OF SAID LOT; THENCE WESTWARDLY ALONG THE NORTHERN LINE OF SAID LOT TO THE NORTHWESTERN CORNER OF SAID LOT; THENCE SOUTHWARDLY ALONG THE WESTERN LINE OF SAID LOT, 42 1/2 FEET; THENCE EASTWARDLY PARALLEL WITH THE SOUTHERN LINE OF SAID LOT 30 FEET; THENCE SOUTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT, TO THE SOUTHERN LINE OF SAID LOT; THENCE EASTWARDLY ALONG THE SOUTHERN LINE OF SAID LOT, TO THE PLACE OF BEGINNING.

ALSO: LOT NUMBERED 250 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF BEARDSLEY SECOND SOUTH AND WESTERN ADDITION TO THE TOWN, NOW CITY OF ELKHART, SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 538 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

TRACT II: A PART OF LOT NUMBERED 20 AS THE SAID LOT IS DESIGNATED ON THE RECORDED PLAT OF THE FIRST SOUTH ADDITION TO THE VILLAGE OF ELKHART, (NOW CITY OF ELKHART), PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERN LINE OF SAID LOT NUMBERED 20 (BEING ALSO THE NORTHERLY LINE OF MARION STREET IN SAID CITY OF ELKHART) AT A POINT THAT IS 70 FEET WESTWARDLY FROM THE SOUTHEASTERN CORNER OF SAID LOT; THENCE NORTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT TO THE NORTHERN LINE OF SAID LOT; THENCE WESTWARDLY ALONG THE NORTHERN LINE OF SAID LOT TO THE NORTHWESTERN CORNER OF SAID LOT; THENCE SOUTHWARDLY ALONG THE WESTERN LINE OF SAID LOT, 42 1/2 FEET; THENCE EASTWARDLY PARALLEL WITH THE SOUTHERN LINE OF SAID LOT 30 FEET; THENCE SOUTHWARDLY PARALLEL WITH THE WESTERN LINE OF SAID LOT, TO THE SOUTHERN LINE OF SAID LOT; THENCE EASTWARDLY ALONG THE SOUTHERN LINE OF SAID LOT, TO THE PLACE OF BEGINNING.

TRACT III: A PART OF LOT NUMBERED 20 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF FIRST SOUTH ADDITION TO THE CITY OF ELKHART, INDIANA: SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 291 IN THE OFFICE OF THE RECORDER OF ELKHART OF ELKHART INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THIRTY (30) FEET FRONT BY FORTY (40) FEET DEEP EXTENDING NORTHWARD AND FRONTING ON MARION STREET, THE SAME BEING OUT OF THE SOUTHWEST CORNER OF LOT NUMBERED 20 IN SAID FIRST SOUTH ADDITION.

ALSO: THE EAST 1/2 OF THE VACATED ALLEY LYING ADJACENT ON THE WEST SIDE OF LOTS NUMBERED 19 AND 20.

TRAVT IV: LOTS NUMBERED 218 AND 219 AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF BEARDSLEY'S SECOND SOUTH AND WESTERN ADDITION TO THE TOWN (NOW CITY) OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 538 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO: THE WEST 1/2 OF THE VACATED ALLEY LYING ADJACENT TO THE EAST SIDE OF LOT 218.

THE LAND SHOWN IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN MERIDIAN TITLE CORPORATION, COMMITMENT #16-14861, DATED MARCH 21, 2017.

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

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

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

Publication Date: May 1, 2026



# Staff Report

Planning & Zoning

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

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The petitioner is requesting a use variance to allow the property at 2111 South 17<sup>th</sup> 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

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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

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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

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PETITION #: 26-UV-09

FILING FEE: \$ 300.<sup>00</sup>

### PETITION to the BOARD of ZONING APPEALS

**PETITION TYPE: USE VARIANCE**

Property Owner(s): Lyndon martin

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [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 Elmhart

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.

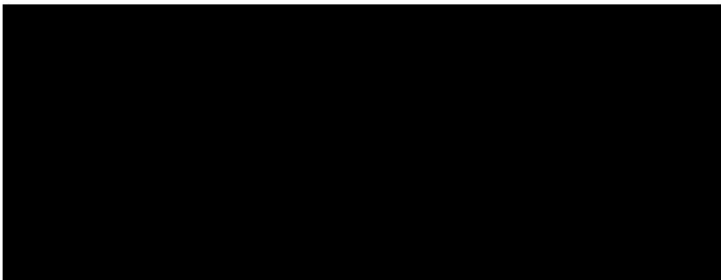
Signature of Property Owner:

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



**AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION**

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

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 2111 S 17th St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 1<sup>st</sup> day of March 2026.

[Signature]

Printed: Lyndon Martin

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: Lyndon Martin

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ELKHART )

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Lyndon Martin, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 11<sup>th</sup> day of March, 2026.

[Signature]

Printed: Heather N. Patterson

My Commission Expires:  
May 18, 2028




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

# EXHIBIT "A"

## ELKHART COUNTY, INDIANA



|  |  |             |   |
|--|--|-------------|---|
| <b>LEGEND</b>  | <b>OWNER NAME</b>  |             |  |
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Transmission Line Easement</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid yellow; margin-right: 5px;"></span> Parcel Boundary</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid gray; margin-right: 5px;"></span> Adjacent Parcels</li> </ul> | Lyndon J. Martin   |             | <b>APN</b>  |
|  |  |             | 20-06-18-130-031.000-012  |
| <b>MEASUREMENTS AND CALCULATIONS</b>   | <b>SCALE</b>   | <b>DATE</b> | <b>DRAWING NO.</b>  |
| <b>EASEMENT AREA:</b> 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. |             |   |



# Staff Report

## Planning & Zoning

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|                                |  |
|--------------------------------|--|
| <b><u>Petition:</u></b>        | 26-BZA-12  |
| <b><u>Petition Type:</u></b>   | Developmental Variance   |
| <b><u>Date:</u></b>            | May 14, 2026   |
| <b><u>Petitioner:</u></b>      | Hydro Extrusion USA, LLC   |
| <b><u>Site Location:</u></b>   | 3406 Reedy Drive   |
| <b><u>Request:</u></b>         | 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. |
| <b><u>Existing Zoning:</u></b> | M-1, Limited Manufacturing District and M-2, General Manufacturing District  |
| <b><u>Size:</u></b>            | +/- 13.67 Acres  |
| <b><u>Thoroughfares:</u></b>   | Reedy Drive  |
| <b><u>School District:</u></b> | Elkhart Community Schools  |
| <b><u>Utilities:</u></b>       | Available and provided to the site.  |

### **Surrounding Land Use & Zoning:**

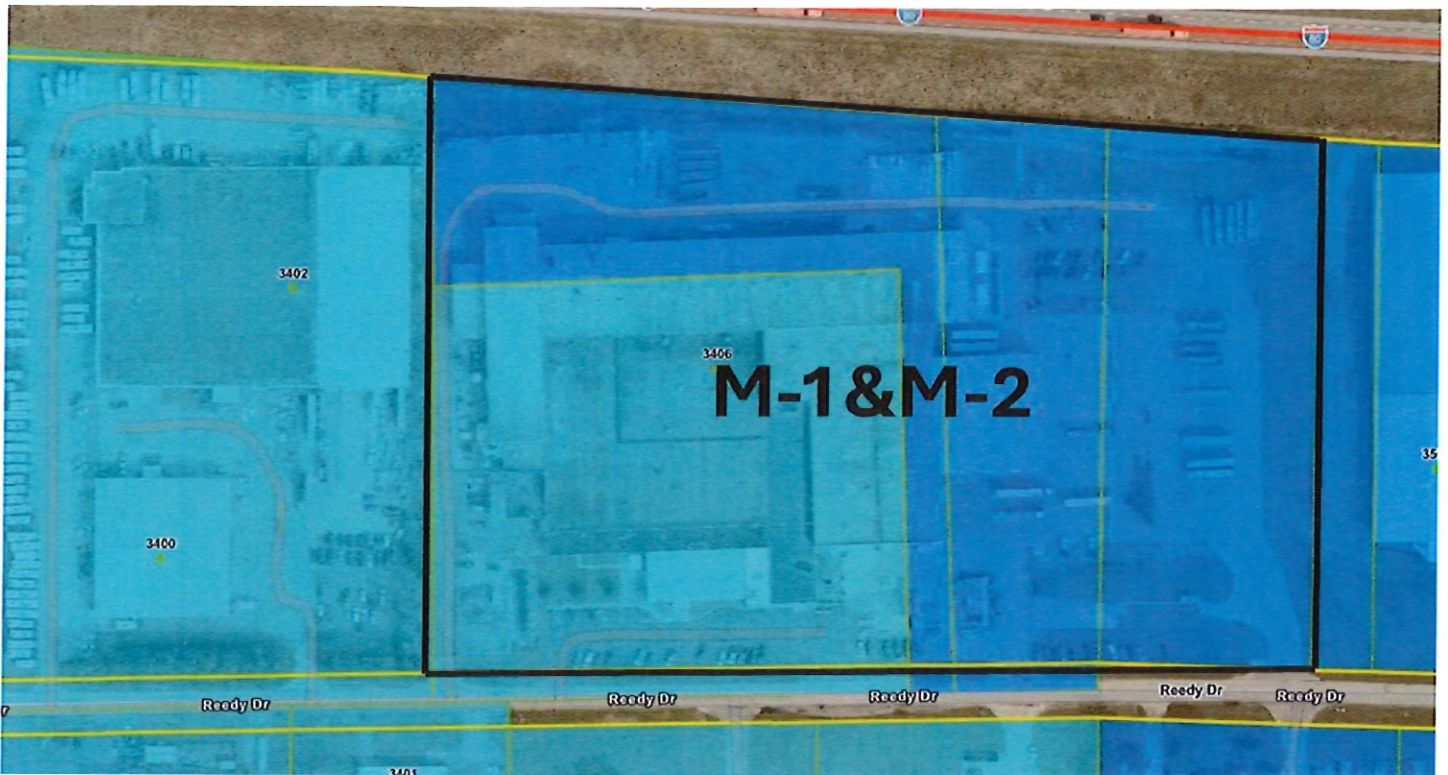
The property is surrounded by industrial uses M-1, Limited Manufacturing District and M-2, General Manufacturing District.

### **Applicable Sections of the Zoning Ordinance:**

Enumerated in request.

### **Comprehensive Plan:**

The Comprehensive Plan for this area has not yet been adopted for this land but anticipate the land use to be designated as industrial.



## Staff Analysis

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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 fence and one (1) foot 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 exiting fence at the east side of the property. The placement of the fence based on petitioner documents is to construct a seven (7) foot chain link fence (six (6) foot fence and one (1) foot 3-strand barbless along the southern property lines along Reedy Drive.

A six (6) foot chain link fence is not permitted in the front yard under the city's zoning ordinance; similarly, barbed wire or barbed less wire is prohibited in the front yard and is only permitted in side and rear yards at a height of seven (7) feet.

There are similar fences already existing to the west and east of the property as well as outside storage in that area that are legal nonconforming. The area is zoned for light manufacturing, and this type of request is not that out of line for the zoning district.

The rationale for not allowing tall fences in front yards goes beyond aesthetics; front yard fences can reduce the amount of natural surveillance from the right of way which can create a more dangerous and hostile environment for the district at large.

Staff has no recommendation regarding the proposed variance. The petitioner has not shown an exceptional hardship based on petitioner documents in addressing the standards in the variance request. The only reason

provided was the separation from the parking area and the manufacturing/shipping operation area. The petitioner's agent did not address any of the points for the findings of fact as required as a part of the variance process. The material provided only spoke to safety without addressing any hardship of the land.

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.

## Recommendation

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The Staff has **no recommendation** 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) foot fence and one (1) foot 3-strand barbless wire fence) in the front yard, a variance of three (3) feet.

# Photos

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PETITION #: 26-BZA-12

FILING FEE: \$ 300.<sup>00</sup>

### PETITION to the BOARD of ZONING APPEALS

#### PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Hydro Extrusion USA, LLC

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Person: PAUL MACUMBER

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Subject Property Address:** 3406 Reedy Drive, Elkhart, Indiana 46516

Zoning: SS 151.228 Section (A) Item (1)

Present Use: Manufacturing

Proposed Use: Manufacturing

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): Paul Macumber Hydro Extrusion USA Representative

SIGNATURE(S):  DATE: 3-17-2026

#### 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 Lewendowski DATE: 3/17/26

**AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION**

I, Peter VanderVelde, 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~~ Hydro Extrusions USA, LLC now and at all times relevant herein have been, the owner of record of the property located at 3406 Reedy Drive, Elkhart, IN Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 11<sup>th</sup> day of March, 2026.

[Signature]  
Printed: Peter P. VanderVelde

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: Peter P. VanderVelde

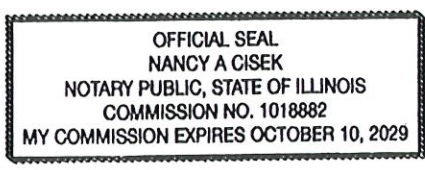
Illinois  
STATE OF INDIANA )  
Cook ) SS:  
COUNTY OF ELKHART )

Before me the undersigned, a Notary Public in and for the State of ~~Indiana~~ Illinois, personally appeared Peter VanderVelde and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 11<sup>th</sup> day of March, 2026.

Nancy A. Cisek  
Printed: Nancy A. Cisek

My Commission Expires:  
10-10-2029

Notary Public in and for the State of Illinois  
Resident of Cook County, ~~Indiana~~ Illinois



# Appeal Letter to the Board of Zoning Appeals

City of Elkhart, IN – Request for Developmental Variance

Board of Zoning Appeals  
City of Elkhart  
229 S. Second St.  
Elkhart, IN 46516

Dear Members of the Board,

I am writing to formally appeal for a developmental variance regarding the property located at 3406 Reedy Drive, Elkhart, Indiana 46514 within the city limits of Elkhart, Indiana. Due to unique circumstances affecting the lot, I am requesting relief from certain zoning requirements that present a hardship and prevent reasonable development of the site.

The specific variance I am seeking pertains to SS 151.228 Fence Requirements, Section (A) General Provisions; All Districts. (cited in the denial of Permit Application A26-0036) Item (1) "No fences, other than split rail, wrought iron or open picket fences (with forty percent (40%) open spacing between pickets) not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard." The current zoning regulations, while intended to maintain neighborhood standards, impose constraints in this situation due to safety concerns with lack separating the public from entering the potential hazards of active areas of Manufacturing/Shipping operations unknowingly or intentionally, as well as to Protect the Facilities of Public unauthorized entries into these potentially hazardous situations. Human Safety Being the Main Concern.

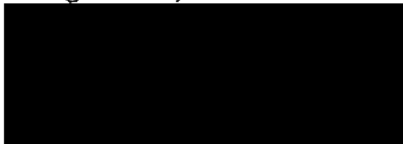
Granting this variance will allow Hydro Extrusion USA, LLC to Erect a 6ft 9 gage Galvanized Chainlink fence plus 1 foot of 3-strand Barbless wire (climb preventative), which will enhance the property's safety to the public and contribute positively to the Safety of the surrounding area and the City of Elkhart, Indiana. This Variance does not have a negative effect on adjacent properties or people, will not cause increase flood Heights. It will create Greater Public safety. And under Good Faith Assumption will not cause additional public expenses, create a nuisance, or conflict with current laws or ordinances.

I respectfully request the board's consideration and approval of this variance application. Please let me know if additional documentation or information is required. I am happy to attend a hearing or answer any questions the board may have.

Thank you for your time and attention to this matter.

Best Regards,

Paul Macumber  
Owner Patriot Fence LLC  
Designated Hydro Extrusion USA, LLC; Peter Vander Velde Representative



1:52

75

Search here

Shopping

Restaurants

Gas

Fasnapp Corp

30' cantilever gate

30' cantilever gate

Reedy Dr

Reedy Dr

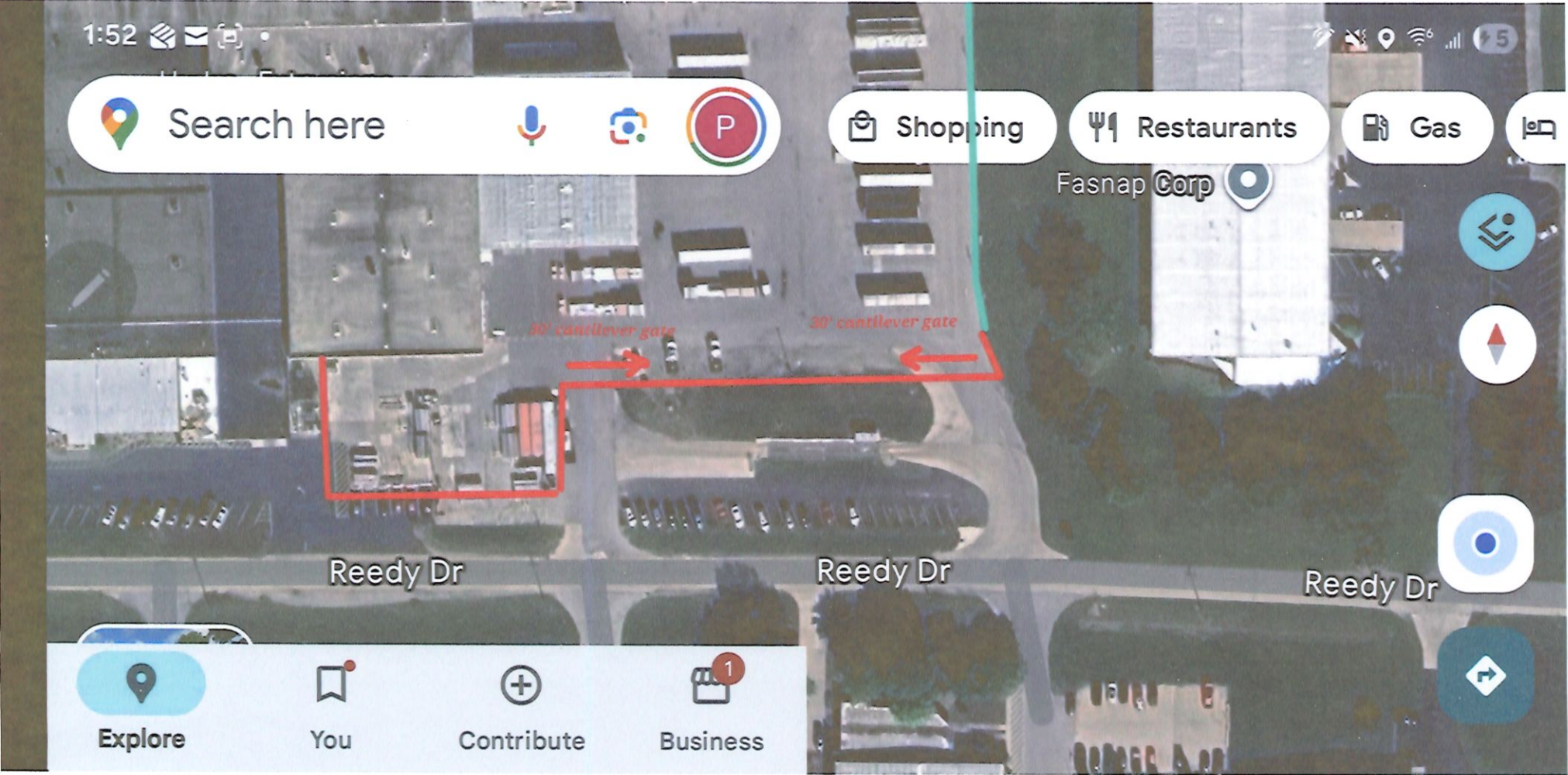
Reedy Dr

Explore

You

Contribute

Business





# Staff Report

Planning & Zoning

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**Petition:** 26-BZA-14

**Petition Type:** Developmental Variance

**Date:** May 14, 2026

**Petitioner:** Waste Away Group c/o Dominic Remmes

**Site Location:** 707 North Wildwood

**Request:** 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.

**Existing Zoning:** M-1, Limited Manufacturing District

**Size:** +/- 16.0 Acre

**Thoroughfares:** West Beardsley Avenue and North Wildwood Avenue

**School District:** Elkhart Community Schools

**Utilities:** Available and provided to the site.

**Surrounding Land Use & Zoning:**

The subject property is surrounded by manufacturing use zoned M-1, Limited Manufacturing District to the east, west and south and business uses zoned B-3, Service Business District to the north.

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

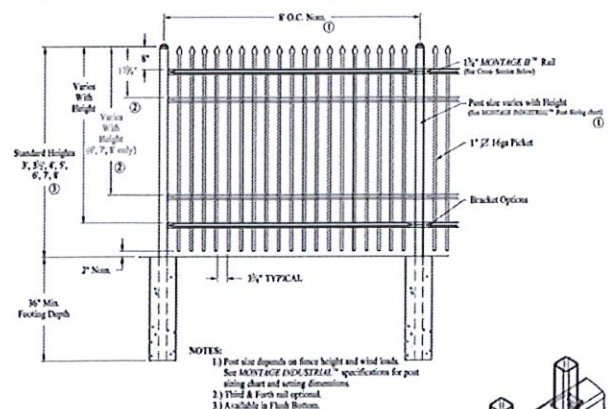
The request is to vary from Section 18.6 Yard Requirements in the M-1, Limited Manufacturing District, to allow for a sixteen (16) foot front yard setback when twenty-five (25) feet are required, a variance of nine (9) feet.

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.



# Recommendation

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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.

## Photos

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PETITION #: 26-BZA-14

FILING FEE: \$ 300.<sup>00</sup>

## PETITION to the BOARD of ZONING APPEALS

### PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Waste Away Group (Attn: Dominic Remmes)

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: V3 Companies, Ltd (Attn: Brian McMorrow, PE)

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 707 North Wildwood Avenue, Elkhart, IN 46514

Zoning: M1 (Manufacturing)

Present Use: Waste Management Proposed Use: Waste Management

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): Dominic Remmes

SIGNATURE(S): *Dominic Remmes* DATE: 27 March 2026

### 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 Lewandoski* DATE: 4/2/26

**UNANIMOUS WRITTEN CONSENT  
OF THE SOLE DIRECTOR OF  
WASTE-AWAY GROUP, LLC**

The undersigned, being the sole director of Waste-Away Group, LLC, an Indiana corporation (the "Company"), hereby consents to the following actions and adopts the following resolution pursuant to the Bylaws of this corporation:

BE IT RESOLVED that **Brian McMorrow, Senior Project Manager – Land Development, V3 Companies**, be, and he hereby is, authorized to file by and on behalf of the Company with the City of Elkhart, Indiana, a subdivision plat, variance applications, and any other attendant instruments, documents or papers strictly related the project known as Waste-Away Group Shop.

IN WITNESS WHEREOF, the undersigned sole director of Waste-Away Group, LLC has duly executed this Written Consent in The Woodlands, Texas on the date set forth opposite his name.



Dated: April 1, 2026

---

Ronald J. Mittelstaedt, Director



March 31, 2026

Ms. Janet Evanega-Rieckhoff, President  
City of Elkhart Board of Zoning Appeals  
c/o City of Elkhart Department of Planning & Zoning – Permit Center  
229 South Second Street  
Elkhart, IN 46516

**RE: Developmental Variances Appeal – Waste Away Group, 707 North Wildwood Avenue, Elkhart, IN**

Dear Ms. Evanega-Rieckhoff,

On behalf of Waste Away Group, owners of property located at 707 North Wildwood Avenue in the City of Elkhart, Indiana, I ask that the Board of Zoning Appeals consider our request for two (2) developmental variances from the Zoning Ordinance in connection with their plans to build a new fleet repair and maintenance shop. Enclosed please find one (1) copy of each of these documents:

- Petition to the Board of Zoning Appeals and Affidavit in Support of Developmental Variance Petition, signed by Dominic Remmes on behalf of Waste Away Group;
- Legal Description prepared by V3 Companies;
- One (1) set of 11” x 17” site plan drawings entitled “Final Site Plans for Waste Away Group – Shop Building”, Sheets C0.0, C1.0, C1.1, C2.0 and C6.0 prepared by Brian McMorrow, PE of V3 Companies, Ltd.;
- One (1) set of 11” x 17” minor subdivision plat drawings entitled, “Waste Away Group Minor Subdivision”, Sheets 1 & 2 of 2 prepared by Brian Rismiller, PS of V3 Companies, Ltd.;
- One (1) set of 11” x 17” building floor plans and elevations prepared by Harris Architects;
- Check No. 8771 from Morgan /Harbour Construction, LLC and made payable to the “City of Elkhart” in the amount of Three Hundred Dollars (\$300).

Sincerely,

V3 Companies

A handwritten signature in blue ink that reads "Brian McMorrow".

Brian McMorrow, PE  
Sr. Project Manager – Land Development

## STATEMENT

The subject property, comprises of five (5) contiguous tax parcels at the southwest corner of West Beardsley Avenue and North Wildwood Avenue, presently has a zoning classification of "M-1 (Manufacturing)". Petitioner presently occupies the subject property as part of a complex of buildings that, together, support the trash and recycling operations of Waste Away Group. Petitioner wishes to demolish and remove two (2) freestanding metal buildings, each with a floor area of 760 square feet and construct a new shop building having approximately 15,600 square feet of floor area, to allow for maintenance and repair of its truck fleet.

Petitioner seeks relief from two (2) sections of the City of Elkhart Zoning Ordinance:

**18.6 Yard Requirements** – Proposing a front yard building setback of 16.0' from the southerly right-of-way line of West Beardsley Avenue, whereas a minimum front yard building setback of 25' is required.

Strict compliance with this requirement would impose an undue hardship on the Petitioner because precedent has been set further east along West Beardsley Avenue (at 1621 West Beardsley Avenue, currently owned by Gumwood Properties, LLC) for a building to be as close as 21.6' to the southerly *curbline* of West Beardsley Avenue and because AEP Indiana Michigan Power is requiring separation between buildings to accommodate their overhead power service lines that is running across private property (instead of within the public right-of-way). Petitioner proposes a new shop building to be 24.9' from the southerly curbline of West Beardsley Avenue.

In our opinion:

1. Approval will not be injurious to the public health, safety morals and general welfare of the community because the building is to be setback along a "straight" (rather than curvilinear) segment of road (which may make it more apparent), at a distance beyond that of a precedent building on the same street and will be appropriately landscaped in the front yard.
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the use of the new shop building and its design will be compatible with the neighborhood.
3. Granting of the variance would be consistent with the intent and purpose of the Zoning Ordinance by being safe, by not adversely causing perceived amount of air, light, privacy and convenient property access, by providing for a building mass that is consistent with the neighborhood, and by having no impact on traffic congestion.
4. AEP Indiana Michigan Power's requirement to provide space between buildings is a special condition on the Waste Away Group tract (i.e., occupation of private property for overhead electric service to an adjoining property).
5. Strict application of the minimum front yard would not acknowledge precedent already set in the neighborhood at 1621 West Beardsley Avenue.
6. The special circumstance (for overhead electric service) is not a result of actions by the Petitioner.
7. The shop building is *not* proposed to be constructed in a designated flood hazard area.

**26.4 A.6 Fence Requirements** – Proposing a welded steel fence (8' High, 1" Posts, 3.75" apart) within the minimum front yard along West Beardsley Avenue, whereas only fences up to 4' High are permitted.

Strict compliance with this requirement would impose an undue hardship on the Petitioner because a maximum 4' height is more appropriate for a residential neighborhood (not an industrial or manufacturing neighborhood such as this neighborhood).

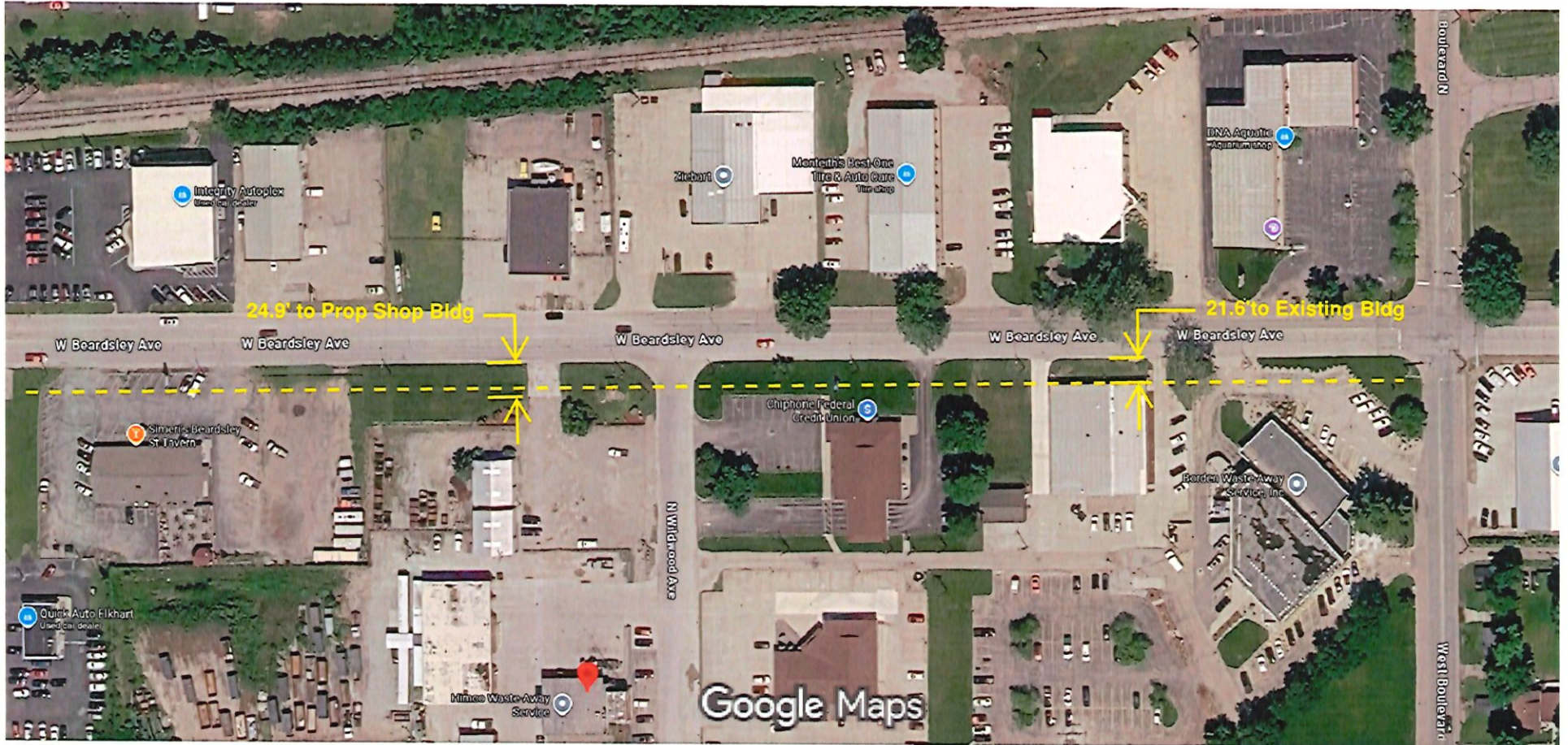
In our opinion:

1. Approval will not be injurious to the public health, safety morals and general welfare of the community because the fence is designed to be both attractive and functionally appropriate (to promote safety and security).
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the fence is designed to be both attractive and functionally appropriate (to promote for an industrial or manufacturing neighborhood).
3. Granting of the variance would be consistent with the intent and purpose of the Zoning Ordinance being safe, by not reducing the amount of air or light, by advancing privacy, doing it in a way that is consistent with the neighborhood, and by having no impact on traffic congestion.
4. Because there are no sidewalks in the neighborhood, pedestrians may walk in the front yard. Having a fence between the paved areas on site and the roadway will help to promote pedestrian safety, as infrequent as it may be in an industrial or manufacturing district.
5. Strict application of the minimum front yard would result in imposing a *height* requirement that seems more appropriate for a residential neighborhood.
6. The special circumstance (of no sidewalk in the public right-of-way) is not a result of actions by the Petitioner.
7. The fence is *not* proposed to be constructed in a designated flood hazard area.



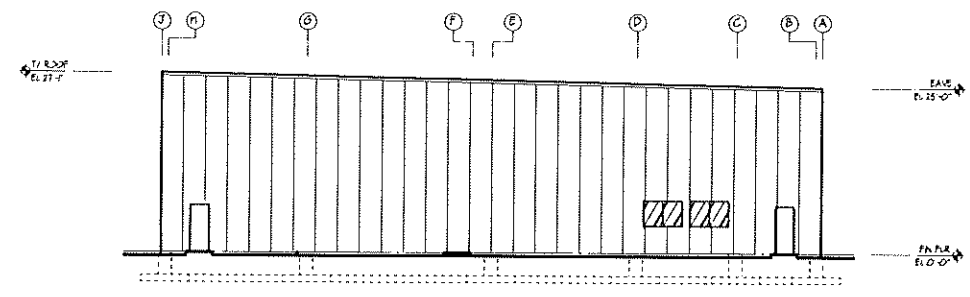
# 707 N Wildwood Ave

Min Bldg Setback - West Beardsley Ave.

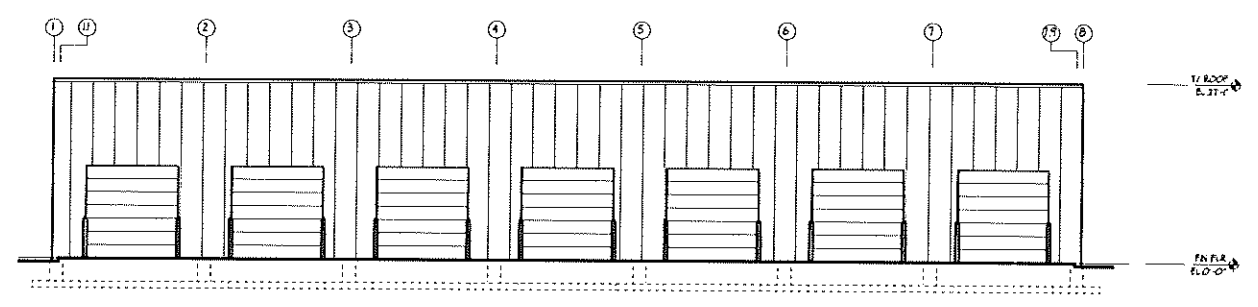




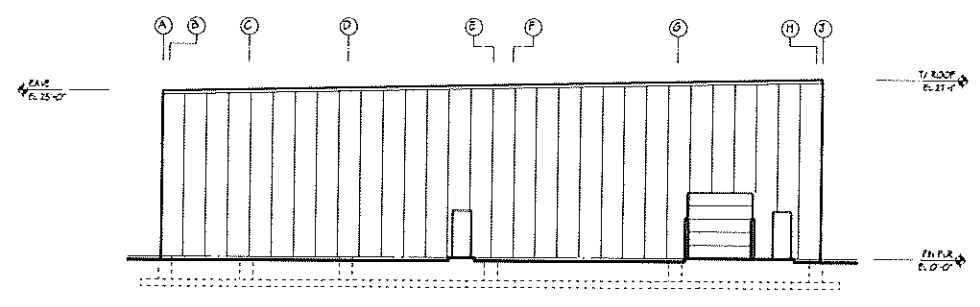




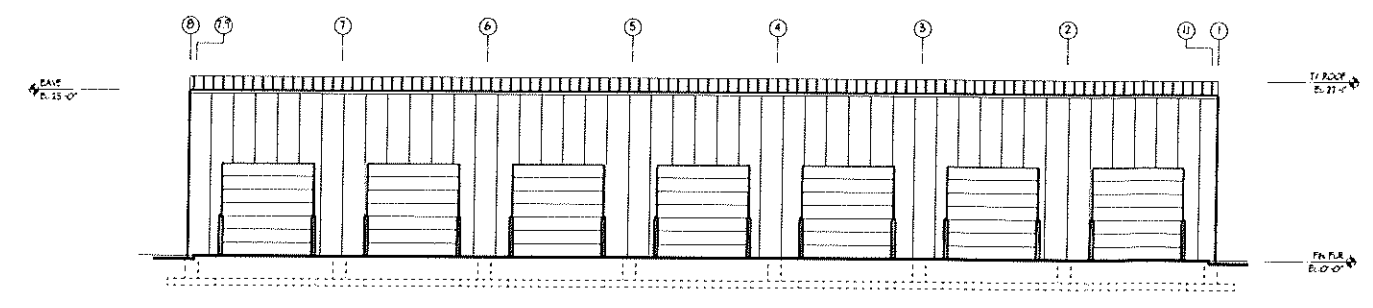
**NORTH ELEVATION**  
SCALE: 3/32"=1'-0"



**EAST ELEVATION**  
SCALE: 3/32"=1'-0"



**SOUTH ELEVATION**  
SCALE: 3/32"=1'-0"



**WEST ELEVATION**  
SCALE: 3/32"=1'-0"

HARRIS ARCHITECTS INC.  
ARCHITECTS  
707 S. WILDWOOD AVE., ELKHART, INDIANA 46516  
PHONE: 317-298-1000 FAX: 317-298-1001

NEW OFFICE/WAREHOUSE FACILITY FOR:  
**WASTE AWAY GROUP**  
707 S. WILDWOOD AVE., ELKHART, INDIANA

PROJECT NO.: 225254  
DRAWN BY: KSP  
DATABASE: WAS DB

SHEET NO.: A2.0



City of Elkhart

# Staff Report

Planning & Zoning

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|                                      |   |
|--------------------------------------|---|
| <b><u>Petition:</u></b>              | 26-UV-10  |
| <b><u>Petition Type:</u></b>         | Use Variance  |
| <b><u>Date:</u></b>                  | May 14, 2026  |
| <b><u>Petitioner:</u></b>            | Mount North Capital -   |
| <b><u>Site Location:</u></b>         | 421 South 2nd Street  |
| <b><u>Request:</u></b>               | To vary from Section 15.2, Permitted Uses in the CBD, Central Business District to allow for an Amusement parlor. |
| <b><u>Previous Board Action:</u></b> | 15-UV-01 – Residential uses on first floor  |
| <b><u>Existing Zoning:</u></b>       | CBD, Central Business District  |
| <b><u>Size:</u></b>                  | +/- 0.33 Acres  |
| <b><u>Thoroughfares:</u></b>         | South 2nd Street and West Marion Street   |
| <b><u>School District:</u></b>       | Elkhart Community Schools   |
| <b><u>Utilities:</u></b>             | Available and provided to the site.   |

**Surrounding Land Use & Zoning:**

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

**Applicable Sections of the Zoning Ordinance:**

Enumerated in request.

**Comprehensive Plan:**

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



## Staff Analysis

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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 if the city is growing and having a diverse business base that provides activities for its residents is important.

# Recommendation

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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.

# Photos

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PETITION #: 26-UV-10

FILING FEE: \$ 300

### PETITION to the BOARD of ZONING APPEALS

#### PETITION TYPE: USE VARIANCE

Property Owner(s): ENTERPRISE Building (Mount North Capital)

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Contact Person: ~~##~~ SAMUEL VOSS - Excavolene Bloss

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Subject Property Address: 421 S 2ND ST ELKHART IN 46516

Zoning: \_\_\_\_\_

Present Use: Storage Proposed Use: \_\_\_\_\_

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): SAMUEL VOSS

SIGNATURE(S): Samuel Voss DATE: 3/9/26

#### 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: Rain Levendostci DATE: 4/2/26

permission slip

3/31/2026

TO: Board of Zoning Appeals

RE: Use Variance

City of Elkhart, Indiana

The undersigned petitioner respectfully shows the Board of Zoning appeals:

I, Tim Bradley, am the owner of the following described real estate located within the City Of Elkhart, Concord township, Elkhart County, State of Indiana, to-wit:

421 South Second street Elkhart, Indiana 46516. Currently known as the old Elkhart Truth building and/or Enterprise Building.

Parcel #: 20-06-05-454-013.000-012

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

The petitioners currently occupying 421 south second street in Elkhart Indiana are using it as storage in the vacant Elkhart Truth building, now known as the Enterprise Building. Petitioners that are proposing to occupy the space would like to use it as a place for entertainment and amusement for the area as an "Amusement Arcade." As it will have one or more amusement machines, in which they are coin operated. We would like there to be pool tables, a racing and golf simulator, indoor putt putt, and many other arcade-like attractions. We would like this establishment to be a place for the community to be able to enjoy a night out with the family, in a safe environment that is cost effective for everyone. We want "The Pregame 101 LLC" to be known as an "Family Entertainment Center, that is fun for all ages."

The Zoning Ordinance of the City Of Elkhart requires that according to the CBD, Central Business District, section 15.2; *"Amusement Parlor (Room)": Any public area or room containing one or more amusement machines.*

Strict adherence to the Zoning Ordinance requirements could create an unusual hardship more so for the community members because on the North side of the city, there are similar businesses, whereas for this location, in the surrounding areas there are not many attractions that accommodate all ages. With the city wanting to attract more people and be able to provide entertainment to the downtown area, this would align with the projects the city is currently working towards.

The approval will not be injurious to the public health, safety, morals and general welfare of the community because everything will be up to date to be able to provide a

clean sanitary environment. We also have the cameras on the outside of the building and then there will also be cameras inside to ensure the safety of all guests, coming and going. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the side of the property we are on is empty and will be sectioned off accordingly. The need for a variance arises because this section of the building was known as the warehouse and storage and not originally designed to be an "amusement parlor/room." It will not however affect the condition peculiar to the property involved. The strict application of the terms of this Ordinance will not constitute any unnecessary hardship if applied to the property for which the variance is sought. The approval does not interfere substantially with the Comprehensive Plan, and will hopefully add appropriate family friendly activities, for everyone to enjoy.

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

Signature of Property Owner:

MOUNT NORTH CAPITAL (Enterprise Building)

Printed name:

MOUNT NORTH CAPITAL (ENTERPRISE BUILDING)

Second Property owner:

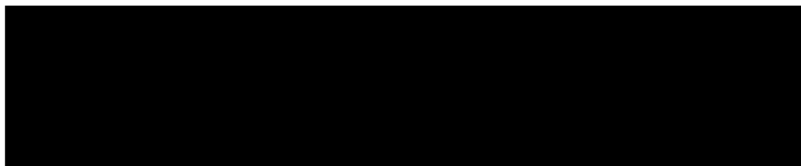
Printed name:

Contact Person:

Name: SAMUEL VOSS

Address:

421 S SECOND ELKHART IN 46514



Sam

**AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION**

SAMUEL VOSS  
Bequelene Bloss

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 4215 SECOND ST Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 2 day of 4, 2026.

Samuel Voss  
Printed: SAMUEL VOSS

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.

Samuel Voss  
Printed: SAMUEL VOSS

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ELKHART )



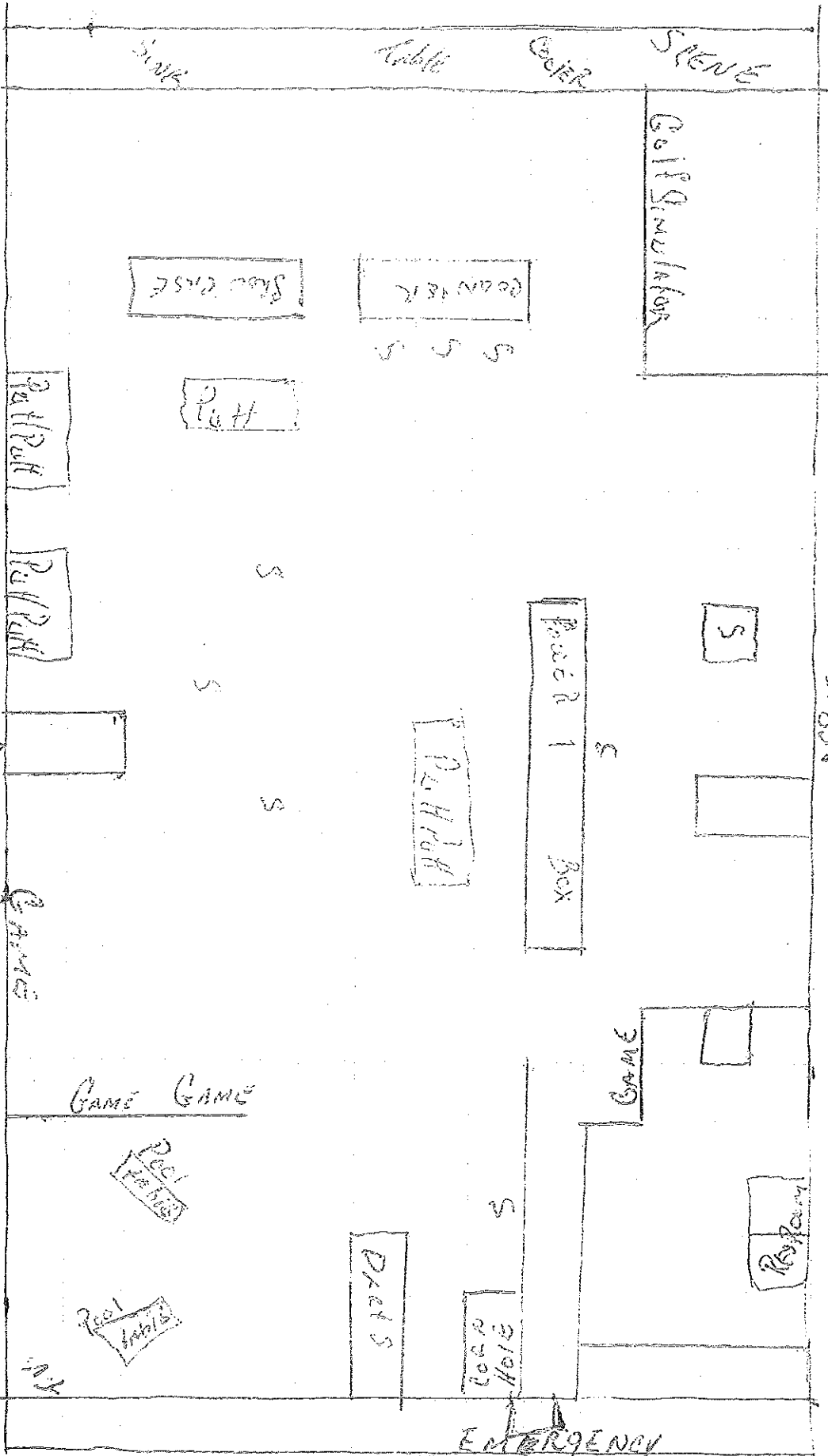
Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Samuel J Voss, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 2nd day of April, 2026.

Jennifer Drlich  
Printed: Jennifer Drlich

My Commission Expires:  
09/27/2028

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

13 PER Seating  
WELCOME TO  
D.H. BALL



11/11

4.2.26

TO WHOM MY CONCERN

I GIVE TIM BRADLEY PREMISSON  
TURN PAPER ~~IN~~ FOR US

Sam Vest



City of Elkhart

# Staff Report

Planning & Zoning

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|                                |  |
|--------------------------------|--|
| <b><u>Petition:</u></b>        | 26-UV-14   |
| <b><u>Petition Type:</u></b>   | Use Variance   |
| <b><u>Date:</u></b>            | May 14, 2026   |
| <b><u>Petitioner:</u></b>      | City of Elkhart Redevelopment Commission   |
| <b><u>Site Location:</u></b>   | 131 South Main Street  |
| <b><u>Request:</u></b>         | 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. |
| <b><u>Existing Zoning:</u></b> | CBD, Central Business District   |
| <b><u>Size:</u></b>            | +/- 0.04 Acres   |
| <b><u>Thoroughfares:</u></b>   | South Main Street and West Lexington Avenue  |
| <b><u>School District:</u></b> | Elkhart Community Schools  |
| <b><u>Utilities:</u></b>       | Available and provided to the site.  |

**Surrounding Land Use & Zoning:**

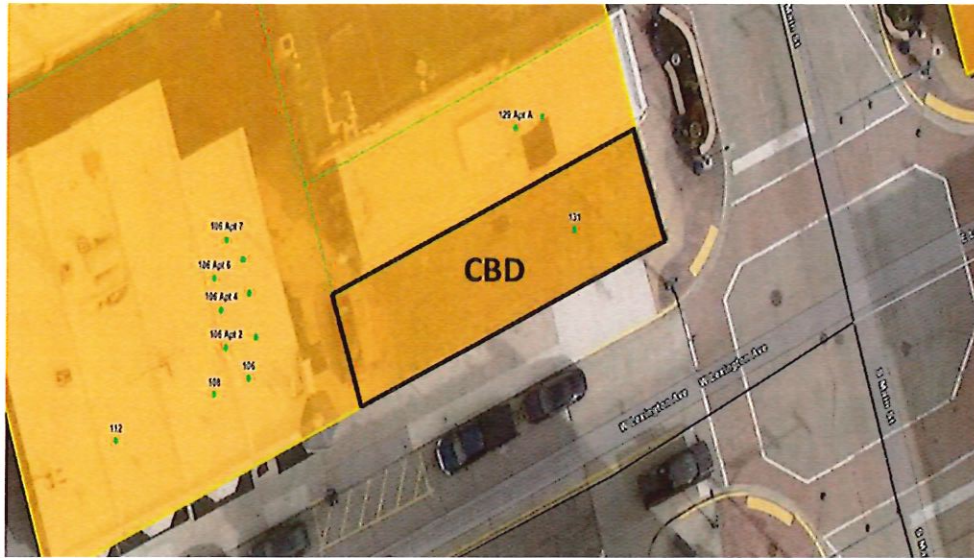
The properties to the north, south, east and west are all zoned CBD, Central Business District.

**Applicable Sections of the Zoning Ordinance:**

Enumerated in request.

**Comprehensive Plan:**

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



## Staff Analysis

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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.

# Recommendation

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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

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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.

# Photos

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PETITION #: 260V-14

FILING FEE: \$ —

### PETITION to the BOARD of ZONING APPEALS

**PETITION TYPE: USE VARIANCE**

Property Owner(s): The City of Elkhart, Indiana, Department of Redevelopment

Mailing Address: 201 S Second St., Elkhart, IN 46516

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Jacob Wolgamood

Mailing Address: 201 S Second St., Elkhart, IN 46516

Phone #: [REDACTED] Email [REDACTED]

**Subject Property Address:** 131 S Main St., Elkhart, IN 46516

Zoning: Central Business District

Present Use: Vacant Lot Proposed Use: Temporary Park

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): Sandra Schreiber

SIGNATURE(S): [Signature] DATE: 4.30.26

**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: 4/16/2026

To: Board of Zoning Appeals  
City of Elkhart, Indiana

Re: Use Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Sandra Schreiber, Redevelopment Commission President, acting on behalf of the City of Elkhart, Department of Redevelopment, owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:  
A part of Lot Number 13 as the said Lot is known and designated on the recorded Plat of Original plat of the Town (now City) of Elkhart, said Plat being recorded April 30, 1832 in Deed Record 1, page 34 in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:  
Beginning at the Southeast corner of said Lot and running thence Westwardly along the North line of what was formerly Pigeon Street and is now West Lexington Avenue, 80 feet, thence Northwardly, parallel with Main Street 21 feet; thence Eastwardly, parallel with the North line of said Pigeon Street, which is now West Lexington Avenue, 80 feet; thence Southwardly along Main street 21 feet to the place of beginning. Together with the West 1.25 feet of vacated South Main Street lying East of and adjacent to said Lot. Commonly known as 131 S Main St., Elkhart, IN 46514; and having a parcel number of: 06-05-406-029-012.
2. The above described real estate presently has a zoning classification of Central Business District under the Zoning Ordinance of the City of Elkhart
3. Petitioner desires to temporarily transform the unused vacant parcel into what is commonly referred to as a pocket park until a time when a suitable building can be developed. Pocket parks are generally small outdoor public spaces that are in walkable areas and encourage gathering and relaxation by providing a place to sit in the sun or shade. These small parks are placed in vacant or underutilized lots in urban areas and serve as a common place to eat lunch, listen to live music, or enjoy a conversation with friends, among other activities.
4. The petitioner desires to temporarily place two metal shade structures and one small kiosk/container within the pocket park. The shade structures will be custom built pergolas, locally designed and fabricated, to provide visual interest and shade for the public. The kiosk/container will also be a locally designed and built unit which features a secure access door, service window, and air conditioning, along with other amenities to provide a downtown vendor a potential lease opportunity for

providing information and/or serving prepackaged beverages and food, pending approval from the Health Department.

5. Section 15, CBD Central Business District, of the Zoning Ordinance of the City of Elkhart requires the encouragement of a diversity of uses which contribute to the vitality of the downtown core. Supporting this ordinance are the permitted uses (Sec. 15.2) which include (A) Accessory Structures, (U) Public Parks, (W) Cafes and Catering, and (Y) Temporary Structures, as related to construction.
6. The vacant lot at 131 S Main St. was previously a poorly maintained three-story brick structure that was deemed unstable and required demolition. The City funded the demolition of the property approximately five years ago and, due to the property owner's unwillingness to reimburse the City for the demolition costs, a lien was placed on the property and, eventually, the City of Elkhart's Redevelopment Commission took possession. This appeal to the Zoning Ordinance reduces the hardship incurred by the requirements for temporary structures, as they relate to construction, by recognizing the temporary pocket park and proposed structures provide an asset to the downtown area.
7. 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:
  - a. *The approval will not be injurious to the public health, safety, morals and general welfare of the community.* The current state of the property is presently undeveloped and covered in non-turf grasses, scrub vegetation, and presents an unkempt and disregarded lot within the middle of Downtown Elkhart. The proposed changes create a safe public space for casual rest and enjoyment while improving the aesthetic of downtown.
  - b. *The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.* By transforming the vacant lot into a temporary pocket park, it is anticipated the adjacent properties will be impacted favorably due to transforming an unpleasing space into an asset for public use.
  - c. *The need for the variance arises from some condition peculiar to the property involved.* Since the City was forced to take possession of the property, it has garnered no genuine interest in development by a private entity. The temporary pocket park and proposed structures improve the vacant lot and provides a new public space, which is an asset to this corner in the downtown area for the short term, until a developer with the proper means shows interest.

- 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. (Financial considerations do not qualify).* The shade structures and kiosk/storage container are integral to the intended use and design of the project by providing vertical elements, shade, and onsite storage (and potential concessions).
- e. *The approval does not interfere substantially with the Comprehensive Plan.* The city's Comprehensive Plan outlines substantial investments into the downtown area encouraging a broad variety of businesses and desirable public spaces. This pocket park supports the city's plan by temporarily building a public space for rest, dining, conversation, or enjoying live entertainment. Parks are a permitted use within the CBD.

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: *Sandra Schreiber*

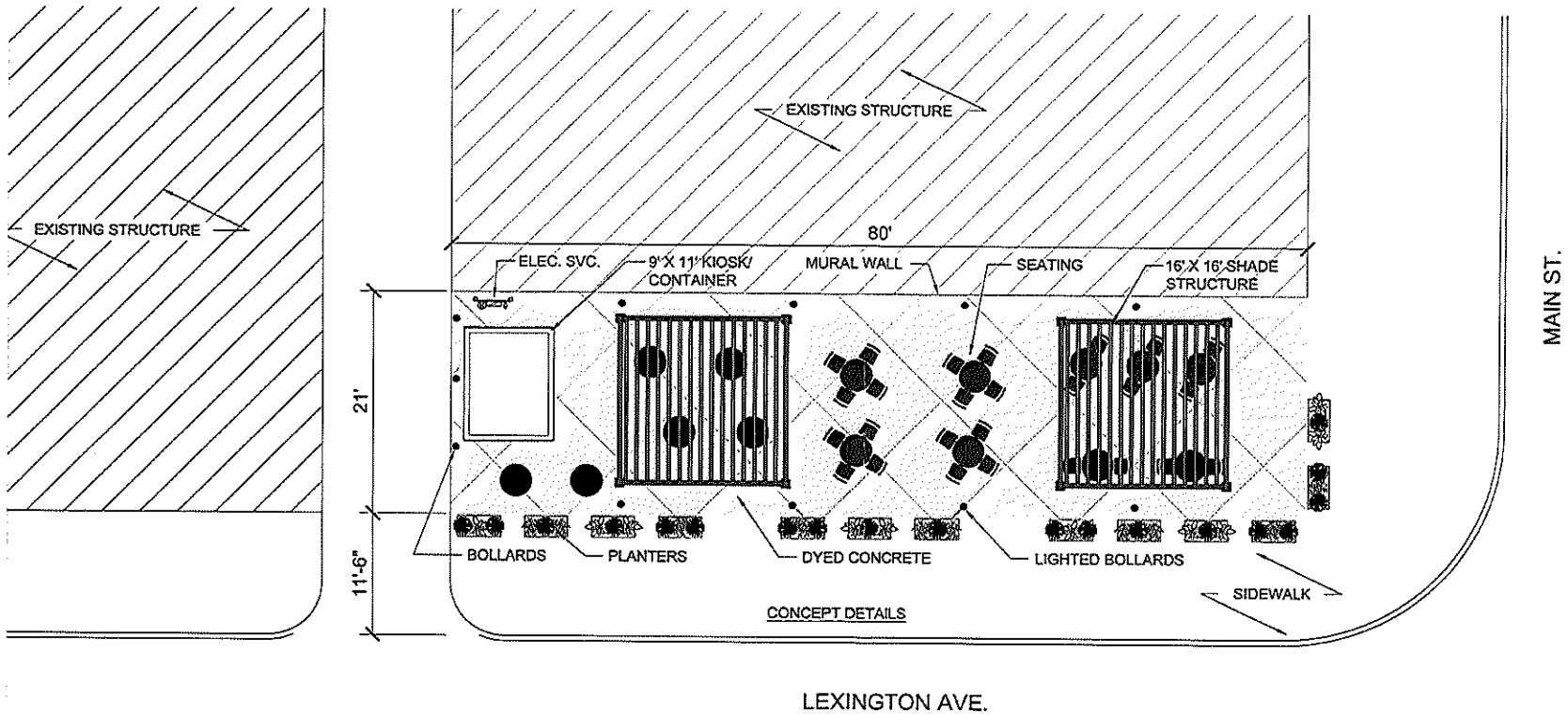
Printed Name of Property Owner: *Sandra Schreiber*

Contact Person: *JACOB WOLGANCO*

Relationship/Position: *CITY OF ELKHART, REDEVELOPMENT PROJECT SUPERVISOR*

Address: *201 S 2<sup>ND</sup> ST, ELKHART, IN 46516*





LEXINGTON AVE.



# PARK 131 - PLAN

SCALE: 3/32" = 1'-0"



## PARK 131 - KIOSK

DIGITAL REPRESENTATION OF CONTAINER KIOSK



## PARK 131 - PERGOLA

DIGITAL REPRESENTATION OF SHADE STRUCTURE