

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, JUNE 12, 2025 AT 6:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

THIS MEETING WILL ALSO BE HELD ELECTRONICALLY VIA WEBEX.

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2303 404 9779** as the meeting number and “**BZA2025**” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to hugo.roblesmadrigal@coei.org prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES APRIL 10, 2025**
4. **APPROVAL OF PROOFS OF PUBLICATION**

5. **NEW BUSINESS**

25-BZA-11 PETITIONER IS ELKHART COMMUNITY SCHOOLS
PROPERTY IS LOCATED AT 501 WEST LUSHER AVENUE

To vary from Section 26.10.D.1, General Location Standards, which states in part ‘All on premise signs shall be located no closer than five (5) feet from any right of way’ to allow for a free-standing sign to be two (2) feet from Lusher Avenue right of way, a variance of three (3) feet.

25-BZA-12 PETITIONER IS ELKHART COMMUNITY SCHOOLS
PROPERTY IS LOCATED AT 1 BLAZER BOULEVARD

To vary from Section 26.10.D.1, General Location Standards, which states in part ‘All on premise signs shall be located no closer than five (5) feet from any right of way’ to allow for a free standing sign to be one (1) feet from the Blazer Boulevard right of way, a variance of four (4) feet.

25-BZA-13 PETITIONER IS AMANDA LEAZENBY AND CORY BROCK
PROPERTY IS LOCATED AT 722 MAPLE ROW

To vary from the requirements found in Section 26.1.B.4 Accessory Structures in General Provisions which states, ‘on a corner lot, an accessory structure shall not be located closer to the side lot line nearest the intersecting street than the established building line along that street on the same side,’ to allow for a variance of eleven (11) feet.

To also vary from Section 26.1.B.8.A, Accessory Structures in General Provisions which requires a maximum of two (2) accessory buildings (not including a swimming pool or satellite dish) are allowed on each lot to allow for a variance of one (1) accessory building for a total of three (3) total accessory buildings on the lot.

25-BZA-14 PETITIONER IS JONARY PEREZ
PROPERTY IS LOCATED AT A714 MARKLE AVENUE

To vary from the requirements found in Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states in part ‘For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed,’ to allow for no public sidewalk.

6. **ADJOURNMENT**

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

LEGAL NOTICE #25-BZA-11

Hearing on proposed Developmental Variance #25-BZA-11

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana, on THURSDAY, JUNE 12, 2025, at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-11.

Petitioner: Elkhart Community Schools

Request: To vary from Section 25.10.D.1, General Location Standards, which states in part "All on premise signs shall be located no closer than five (5) feet from any right of way to allow for a free-standing sign to be two (2) feet from Lusher Avenue right of way, a variance of three (3) feet.

Location: 501 West Lusher Avenue

Zoning: R-2, One Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2303 404 9779 as the meeting number and "BZA2025" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to hugo.roblesmedial@coel.org prior to the meeting.

LEGAL DESCRIPTION:

TRACT III - Hawthorne School

Parcel "A". A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 654.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.65 feet; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building 2.79 feet to a nail for the beginning point of this description; thence south zero (0) degrees 3 minutes west 15 feet to a nail; thence north 89 degrees 57 minutes east 31.5 feet to a nail; thence zero (0) degrees 3 minutes west 65.33 feet to an iron stake; thence north 89 degrees 57 minutes west 14.33 feet to a nail; thence south zero (0) degrees 3 minutes west 28 feet to an iron stake; thence north 89 degrees 57 minutes west 97 feet to an iron stake; thence north zero (0) degrees 3 minutes east 128.33 feet to a nail; thence north 89 degrees 57 minutes east along the aforementioned southerly exterior wall of the existing school building and the westerly extension thereof, 79.83 feet to the place of beginning; containing 0.27 acres, more or less.

Parcel "B". A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 654.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.65 feet; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building 2.79 feet to a nail for the beginning point of this description; thence south zero (0) degrees 3 minutes west 15 feet to a nail; thence north 89 degrees 57 minutes east 31.5 feet to a nail; thence zero (0) degrees 3 minutes west 65.33 feet to an iron stake; thence north 89 degrees 57 minutes west 14.33 feet to a nail; thence south zero (0) degrees 3 minutes west 28 feet to an iron stake; thence north 89 degrees 57 minutes west 97 feet to an iron stake; thence north zero (0) degrees 3 minutes east 128.33 feet to a nail; thence north 89 degrees 57 minutes east along the aforementioned southerly exterior wall of the existing school building and the westerly extension thereof, 79.83 feet to the place of beginning; containing 700 square feet.

Parcel "C". A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 654.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.65 feet; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building 2.79 feet to a nail for the beginning point of this description; thence south zero (0) degrees 3 minutes west 15 feet to a nail; thence north 89 degrees 57 minutes east 31.5 feet to a nail; thence zero (0) degrees 3 minutes west 65.33 feet to an iron stake; thence north 89 degrees 57 minutes west 14.33 feet to a nail; thence south zero (0) degrees 3 minutes west 28 feet to an iron stake; thence north 89 degrees 57 minutes west 97 feet to an iron stake; thence north zero (0) degrees 3 minutes east 128.33 feet to a nail; thence north 89 degrees 57 minutes east along the aforementioned southerly exterior wall of the existing school building and the westerly extension thereof, 79.83 feet to the place of beginning; containing 773.97 square feet.

Parcel "D". An easement of ingress and egress in, over and through the following described tract, to wit:

A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 654.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.65 feet for the beginning point of this description; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building 2.79 feet to a nail; thence south zero (0) degrees 3 minutes west 15 feet to a nail; thence north 89 degrees 57 minutes east 31.5 feet to a nail; thence zero (0) degrees 3 minutes west 65.33 feet to an iron stake; thence north 89 degrees 57 minutes west 14.33 feet to a nail; thence south zero (0) degrees 3 minutes west 28 feet to an iron stake; thence north 89 degrees 57 minutes west 97 feet to an iron stake; thence north zero (0) degrees 3 minutes east 128.33 feet to a nail; thence north 89 degrees 57 minutes east along the aforementioned southerly exterior wall of the existing school building and the westerly extension thereof, 79.83 feet to the place of beginning.

Parcel "E". An easement of ingress and egress in, over and through the following described tract to wit:

A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East, in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and

LEGAL NOTICE #25-BZA-12

Hearing on proposed Developmental Variance #25-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, JUNE 12, 2025, at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-12.

Petitioner: Jonary Perez

Request: To vary from the requirements found in Section 26.7.C.7.P.2.(a), Pedestrian Access, which states in part "For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed, to allow for no public sidewalk.

Location: 714 Markle Avenue

Zoning: R-2, One Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2303 404 9779 as the meeting number and "BZA2025" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to hugo.roblesmedial@coel.org prior to the meeting.

LEGAL DESCRIPTION:

Tracts Numbered Sixteen (16) and Seventeen (17) as the Lots are known and designated on the recorded Plat of Smole Subdivision in Concord Township, Elkhart County, Indiana; recorded in Plat Book 2, page 202, in the Office of the Recorder of Elkhart County, Indiana.

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

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

Dated at Elkhart, Indiana this 27th day of May 2025, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 30, 2025 HSPAXLP

**LEGAL NOTICE
NOTICE OF TAX SALE AND EXPIRATION OF
REDEMPTION PERIOD**

To: Owners of Record:

Unknown Heirs or Devisees of Mario Colagrossi (Deceased)

In the Matter of:

Tax Sale Certificate No. 202400193

Parcel No. 20-05-05-331-00-00-012

Brief Legal Description: Fieldhouse Second Lot 54

Legal Description: Lot Number Fifty-four (54) as the same is known and designated on the recorded plat of Fieldhouse's Second Addition to the City of Elkhart, Indiana.

The above-described property, commonly known as Adj SE 129 North Third Street a/k/a Vacant Land, North Third Street, Elkhart, IN 46516, was offered for sale at the Elkhart County tax sale on October 8, 2024. Because the property did not sell, the Elkhart County Commissioners acquired a lien against the property on October 8, 2024, in the amount of \$28,718.39. The lien is documented on Tax Sale Certificate No. 202400193. On March 12, 2025, the Elkhart County Commissioners assigned and transferred Tax Sale Certificate No. 202400193 to the City of Elkhart, Indiana for the benefit of the Department of Redevelopment.

Pursuant to Indiana Code 6-1.1-25-4.6, the City of Elkhart may file a petition for a tax deed, any time in the three (3) months following the expiration of the redemption period. The City of Elkhart intends to file a petition for tax deed on July 11, 2025 or thereafter, but no later than October 8, 2025.

Any person may redeem the property. The property has not been redeemed at this time. The components of the amount required to redeem the property include the amount of judgment for taxes, special assessments, penalties, and costs establishing the minimum bid at the tax sale (\$28,718.39), plus such taxes, special assessments, penalties and interest which have accrued since the date of sale, which may be in the form of reimbursements to the City of Elkhart, Indiana, Department of Redevelopment for such additional taxes or special assessments on the property that were paid by the City, subsequent to the lien and before redemption, plus interest. The City of Elkhart is also entitled to reimbursement for costs described in Indiana Code 6-1.1-25-4(e), including title search, mailing and publication costs, if any.

The City of Elkhart, Indiana, Department of Redevelopment, is entitled to receive a deed for the property if it is not redeemed before the expiration of the redemption period, calculated as one hundred twenty (120) days after the date on which the Elkhart County Commissioners assigned the lien to the City of Elkhart, Department of Redevelopment. The redemption period expires on July 10, 2025. If the property is not redeemed, the owner of record at the time the tax deed is issued may have a right to the tax sale surplus, if any.

This Legal Notice is issued by the City of Elkhart, Indiana, Department of Law for the benefit of the Department of Redevelopment, 229 South Second Street, Elkhart, Indiana 46516, hspaxlp

LEGAL NOTICE #25-BZA-13

Hearing on proposed Developmental Variance #25-BZA-13

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana, on THURSDAY, JUNE 12, 2025 at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-13.

Petitioner: Amanda Leazerby and Cory Brock

Request: To vary from the requirements found in Section 26.1.B.4 Accessory Structures in General Provisions which states, "on a corner lot, an accessory structure shall not be located closer to the side lot line nearest the intersecting street than the established building line along that street on the same side," to allow for a variance of eleven (11) feet.

To also vary from Section 26.1.B.5.A, Accessory Structures in General Provisions which requires a maximum of two (2) accessory buildings (not including a swimming pool or satellite dish) are allowed on each lot to allow for a variance of one (1) accessory building for a total of three (3) total accessory buildings on the lot.

Location: 722 Maple Row

Zoning: R-2, One Family Dwelling District

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

LEGAL NOTICE #25-BZA-12

Hearing on proposed Developmental Variance #25-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, JUNE 12, 2025, at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-12.

Petitioner: Elkhart Community Schools

Request: To vary from Section 26.10.D.1, General Location Standards, which states in part "All on premise signs shall be located no closer than five (5) feet from any right of way to allow for a free-standing sign to be one (1) foot from the Blazer Boulevard right of way, a variance of four (4) feet.

Location: 1 Blazer Boulevard

Zoning: R-3, Two Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2303 404 9779 as the meeting number and "BZA2025" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to hugo.roblesmedial@coel.org prior to the meeting.

LEGAL DESCRIPTION:

TRACT I

A part of the South half (S 1/2) of section 4, Township Thirty 37 North, Range 5 East, in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the intersection of the West line of said section with the centerline of Division Street as said street is platted and used in said City, thence North 76 degrees 35 minutes East along the centerline of said Division Street, 1275 feet to a point on the East face of the mudwall of the East abutment of this Division Street Bridge over the Elkhart River; thence North 13 degrees 25 minutes West along the face of said mudwall, 5.75 feet to the centerline of said Division Street Bridge, said point being the Westerly end of Blazer Boulevard as the same is laid out and used in said city; thence North 76 degrees 35 minutes East along the centerline of said Blazer Boulevard, 1.15 feet to a point of curvature; thence Southeast along the centerline of said Blazer Boulevard, along a curve bearing right with a degree of 20 degrees 52 minutes and an angle of intersection of 85 degrees, a distance of 311.5 feet to the point of tangent of said curve; thence South 33 degrees 25 minutes East along the centerline of said Blazer Boulevard, 100.03 feet to a point of curvature; thence Southeast along the centerline of said Blazer Boulevard, along a curve bearing right with a degree of 15 degrees and an angle of intersection of 64 degrees 51 minutes, a distance of 432.23 feet to the point of tangent of said curve; thence North 13 degrees 16 minutes West, a distance of 30 feet to a cut on the Southerly edge of a concrete sidewalk at a point of tangent on the Northerly right-of-way line of said Blazer Boulevard; thence Boulevard, along a curve bearing right with a radius of 352 feet, said curve being concave with 80 feet Northerly from the last above described centerline curve of said Blazer Boulevard, a distance of 8.12 feet; thence North Zero degrees 43 minutes West, 20.35 feet to the Southeast corner of the existing Elkhart central High School Swimming Pool Building for the beginning point of this description; thence South 89 degrees 17 minutes West, a distance of 152 feet; thence North Zero degrees 43 minutes West, a distance of 24 feet; thence South 89 degrees 17 minutes West, a distance of 8 feet; thence South 12 degrees 48 minutes 52 seconds West, a distance of 10.05 feet; thence North 75 degrees 59 minutes 34 seconds West, a distance of 10 feet; thence South 15 degrees 12 minutes 1 second West, a distance of 8.67 feet to a point on a curve having a radius of 948.83 feet, the bearing and distance to the center of said curve being North 15 degrees 12 minutes 1 second East, a distance of 248.83 feet; thence Northwest along said curve, a distance of 98.05 feet to a point on said curve, the bearing and distance to the center of said curve being North 37 degrees 46 minutes 48 seconds East, a distance of 248.83 feet; thence North 37 degrees 46 minutes 48 seconds East, a distance of 23.41 feet; thence North 89 degrees 17 minutes East, a distance of 1.33 feet; thence North Zero degrees 43 minutes West, a distance of 44.83 feet; thence South 89 degrees 17 minutes West, a distance of 4 feet; thence North 89 degrees 43 minutes West, a distance of 123.17 feet; thence North 89 degrees 17 minutes East, a distance of 4 feet; thence North Zero degrees 43 minutes West, a distance of 10 feet; thence South 89 degrees 43 minutes West, a distance of 2 feet; thence South 89 degrees 17 minutes West, a distance of 52 feet; thence North Zero degrees 43 minutes East, a distance of 1 foot; thence North 89 degrees 17 minutes East, a distance of 1.33 feet; thence North 89 degrees 17 minutes West, a distance of 49.05 feet; thence South 89 degrees 17 minutes West, a distance of 29.83 feet; thence North Zero degrees 43 minutes West, a distance of 1 foot; thence North 89 degrees 17 minutes East, a distance of 1.33 feet; thence North Zero degrees 43 minutes West, a distance of 238.99 feet; thence South 89 degrees 17 minutes West, a distance of 1.33 feet; thence North Zero degrees 43 minutes West, a distance of 24 feet; thence South 89 degrees 17 minutes West, a distance of 11.52 feet; thence North Zero degrees 43 minutes East, a distance of 44.33 feet; thence North 89 degrees 17 minutes East, a distance of 12 feet; thence North Zero degrees 43 minutes East, a distance of 1.33 feet; thence North 89 degrees 17 minutes East, a distance of 151.76 feet; thence North 89 degrees 43 minutes West, a distance of 151.76 feet; thence North 89 degrees 17 minutes East, a distance of 2.48 feet; thence North Zero degrees 43 minutes West, a distance of 49.66 feet; thence North 89 degrees 17 minutes East, a distance of 106.03 feet; thence South Zero degrees 43 minutes East, a distance of 3.33 feet; thence South Zero degrees 43 minutes East, a distance of 10.50 feet; thence North 89 degrees 17 minutes East, a distance of 128.33 feet; thence North Zero degrees 43 minutes West, a distance of 1.33 feet; thence North Zero degrees 52 minutes 42 seconds West, a distance of 16.62 feet; thence North 89 degrees 17 minutes East, a distance of 12.65 feet to a point on a curve having a radius of 85 feet, the bearing and distance to the center of said curve being South Zero degrees 43 minutes East, a distance of 85 feet; thence Southeast along said curve, a distance of 87.13 feet to a point, the bearing and distance to the center of said curve being South Zero degrees 43 minutes West, a distance of 151.76 feet; thence North 89 degrees 17 minutes East, a distance of 85 feet; thence South 58 degrees Zero minutes 51 seconds West, a distance of 24.68 feet; thence South Zero degrees 43 minutes East, a distance of 19.34 feet; thence North 89 degrees 17 minutes East, a distance of 39.11 feet to a point on a curve having a radius of 450 feet, the bearing and distance to the center of said curve being South 62 degrees 42 minutes 21 seconds West, a distance of 450 feet; thence Southeast along said curve bearing right, a distance of 208.73 feet to a point, the bearing and distance being South 89 degrees 17 minutes West, a distance of 450 feet; thence South 89 degrees 17 minutes West, a distance of 65.28 feet; thence South Zero degrees 43 minutes East, a distance of 103.80 feet; thence North 89 degrees 17 minutes East, a distance of 65.28 feet; thence South Zero degrees 43 minutes East, a distance of 177 feet; thence South 89 degrees 17 minutes West, a distance of 33.33 feet; thence South Zero degrees 43 minutes East, a distance of 67.16 feet; thence South 89 degrees 17 minutes West, a distance of 100 feet; thence South Zero degrees 43 minutes East, a distance of 19.42 feet; thence South 89 degrees 17 minutes West, a distance of 51.73 feet; thence South Zero degrees 44 minutes 31 seconds East, a distance of 19.80 feet to the place of beginning.

TRACT II

Part of Section 36, Township 38 North, Range 4 East, Elkhart County, Indiana, more particularly described as follows: That part of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) and that part of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section 36, which lies between the centerline of California road, and a line which is parallel to the North line of said Southwest Quarter (SW

ordinarily described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 554.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.85 feet; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building 2.79 feet to a nail for the beginning point of this description; thence south zero (0) degrees 3 minutes west 15 feet to a nail; thence north 89 degrees 57 minutes east 31.5 feet to a nail; thence south zero (0) degrees 3 minutes west 65.33 feet to an iron stake; thence north 89 degrees 57 minutes west 14.33 feet to a nail; thence south zero (0) degrees 3 minutes west 28 feet to an iron stake; thence north 89 degrees 57 minutes west 97 feet to an iron stake; thence north zero (0) degrees 3 minutes east 123.33 feet to a nail; thence south 89 degrees 57 minutes east along the aforementioned southerly exterior wall of the existing school building and the westerly extension thereof, 79.83 feet to the place of beginning, containing 0.27 acres, more or less.

Parcel 'B'. A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 554.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.85 feet; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building and the westerly extension thereof, 100.50 feet to a nail; thence north zero (0) degrees 3 minutes east 38.50 feet to a nail for the beginning point of this description; thence north 89 degrees 57 minutes west 28 feet to the easterly exterior wall of the westerly part of said existing school building; thence north zero (0) degrees 3 minutes east along said exterior wall 25 feet to a corner of said building; thence south 89 degrees 57 minutes east along an exterior wall of said building and the easterly extension thereof, 28 feet to a nail; thence south zero (0) degrees 3 minutes west 25 feet to the place of beginning, containing 700 square feet.

Parcel 'C'. A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 554.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.85 feet; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building and the westerly extension thereof, 100.50 feet to a nail; thence north zero (0) degrees 3 minutes east 68.60 feet; thence south 89 degrees 57 minutes east 43.15 feet; thence south zero (0) degrees 3 minutes west 15 feet for the beginning point of this description; thence south 89 degrees 57 minutes east along an exterior wall of said building and the westerly extension thereof 18 feet to an exterior corner of said building; thence north zero (0) degrees 3 minutes east along the westerly exterior wall of the easterly part of said building 44 feet to an exterior corner of said building; thence north 89 degrees 57 minutes west along an exterior wall of said building 13 feet; thence south zero (0) degrees 3 minutes west along an exterior wall of said building 13.1 feet; thence north 89 degrees 57 minutes west along a westerly extension thereof, 56 feet; thence south zero (0) degrees 3 minutes west 30.90 feet to the place of beginning, containing 673.97 square feet.

Parcel 'D'. An easement of ingress and egress in, over and through the following described tract, to wit:

A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 554.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.85 feet; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building 2.79 feet to a nail; thence south zero (0) degrees 3 minutes west 15 feet to a nail; thence north 89 degrees 57 minutes east 31.5 feet to a nail; thence north zero (0) degrees 3 minutes east 28 feet; thence south 89 degrees 57 minutes east 201.46 feet to the aforementioned westerly line of Compton Avenue; thence north 1 degree 26 minutes west 25.01 feet to the place of beginning.

Parcel 'E'. An easement of ingress and egress in, over and through the following described tract to wit:

A part of the Northeast quarter (1/4) of Section 17, Township 37 North, Range 5 East, in the City of Elkhart, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter (1/4) section, said point being the intersection of the centerlines of Sixth Street and Lusher Avenue; thence due east along the north line of said section 554.48 feet; thence south 1 degree 26 minutes east along the westerly line of Compton Avenue 231.85 feet; thence north 89 degrees 57 minutes west 230.50 feet to the southeasterly exterior corner of the existing Hawthorne Elementary School building; thence north 89 degrees 57 minutes west along the southerly exterior wall of the easterly part of said building 67.50 feet to the southeasterly exterior corner of the easterly part of said building for the beginning point of this description; thence north 89 degrees 57 minutes west 33 feet to a nail; thence north zero (0) degrees 5 minutes east 68.60 feet; thence south zero (0) degrees 3 minutes west 18 feet; thence north 89 degrees 57 minutes west 28.15 feet; thence south zero (0) degrees 5 minutes west 38.60 feet; thence south 89 degrees 57 minutes east 18 feet to the westerly exterior wall of the easterly part of said building; thence south zero (0) degrees 3 minutes west along said building 15 feet to the place of beginning.

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 May 2025, by the City of Elkhart, Board of Zoning Appeals.

HSPAXLP

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 May 2025, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 30, 2025 HSPAXLP

LEGAL NOTICE NOTICE OF TAX SALE AND EXPIRATION OF REDEMPTION PERIOD

To: Owners of Record:

Unknown Heirs or Devisees of Mario Colagrossi (Deceased)

In the Matter of:

Tax Sale Certificate No. 202400193

Parcel No. 20-06-05-331-040-000-012

Brief Legal Description: Fieldhouse Second Lot 54

Legal Description: Lot Number Fifty-four (54) as the same is known and designated on the recorded plat of Fieldhouse's Second Addition to the City of Elkhart, Indiana.

The above-described property, commonly known as Adj Sec 123 North Third Street &/a Vacant Land, North Third Street, Elkhart, IN 46516, was offered for sale at the Elkhart County Tax Sale on October 8, 2024. Because the property did not sell, the Elkhart County Commissioners acquired a lien against the property on October 8, 2024. In the amount of \$28,718.39. The lien is documented on Tax Sale Certificate No. 202400193. On March 12, 2025, the Elkhart County Commissioners assigned and transferred Tax Sale Certificate No. 202400193 to the City of Elkhart, Indiana for the benefit of the Department of Redevelopment.

Pursuant to Indiana Code 6-1.1-26-4.6, the City of Elkhart may file a petition for a tax deed, any time in the three (3) months following the expiration of the redemption period. The City of Elkhart intends to file a petition for tax deed on July 11, 2025 or thereafter, but no later than October 8, 2025.

Any person may redeem the property. The property has not been redeemed at this time. The components of the amount required to redeem the property include the amount of judgment for taxes, special assessments, penalties, and costs establishing the minimum bid at the tax sale (\$28,718.39), plus such taxes, special assessments, penalties and interest which have accrued since the date of sale, which may be in the form of reimbursement to the City of Elkhart, Indiana, Department of Redevelopment for such additional taxes or special assessments on the property that were paid by the City, subsequent to the lien and before redemption, plus interest. The City of Elkhart is also entitled to reimbursement for costs described in Indiana Code 6-1.1-25-2(b), including title search, mailing and publication costs, if any.

The City of Elkhart, Indiana, Department of Redevelopment, is entitled to receive a deed for the property if it is not redeemed before the expiration of the redemption period, calculated as one hundred twenty (120) days after the date on which the Elkhart County Commissioners assigned the lien to the City of Elkhart, Department of Redevelopment. The redemption period expires on July 10, 2025. If the property is not redeemed, the owner of record at the time the tax deed is issued may have a right to the tax sale surplus, if any.

This Legal Notice is issued by the City of Elkhart, Indiana, Department of Law for the benefit of the Department of Redevelopment, 229 South Second Street, Elkhart, Indiana 46516.

hspaxlp

LEGAL NOTICE #25-BZA-13

Hearing on proposed Developmental Variance #25-BZA-13

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on THURSDAY, JUNE 12, 2025 at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-13.

Petitioner: Amanda Leazentzy and Cory Brock

Request: To vary from the requirements found in Section 26.1 B.4 Accessory Structures in General Provisions which states, "on a corner lot, an accessory structure shall not be located closer to the side lot line nearest the intersecting street than the established building line along that street on the same side," to allow for a variance of eleven (11) feet.

To also vary from Section 26.1 B.8.A, Accessory Structures in General Provisions which requires a maximum of two (2) accessory buildings (not including a swimming pool or satellite dish) are allowed on each lot to allow for a variance of one (1) accessory building for a total of three (3) total accessory buildings on the lot.

Location: 722 Maple Row

Zoning: R-2, One Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to <http://coel.webex.com>, enter 2303 04 9779 as the meeting number and "BZA2025" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to hugo.roberts@coel.org prior to the meeting.

LEGAL DESCRIPTION:

PARCEL I: TWENTY-TWO FEET BY PARALLEL LINES FROM OFF THE WEST SIDE OF LOT FORTY-SIX (46) AND TWENTY-TWO FEET BY PARALLEL LINES FROM OFF THE EAST SIDE OF LOT FORTY-SIX (46) OF NORTH ELKHART, AN ADDITION TO THE CITY OF ELKHART; SAID PLAT BEING RECORDED IN PLAT BOOK 1, PAGE 124, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

PARCEL II: THE WEST FORTY-FOUR FEET OF LOT NUMBERED FORTY-SIX (46) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTH ELKHART, AN ADDITION TO THE CITY OF ELKHART; SAID PLAT BEING RECORDED IN PLAT BOOK 1, PAGE 124, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

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

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

Dated at Elkhart, Indiana this 27th day of May 2025, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 30, 2025

HSPAXLP

said City, thence North 76 degrees 35 minutes East along the centerline of said Division Street, 1275 feet to a point on the East face of the

PAGE TWO

midway of the East face of said Division Street, 1275 feet to a point on the East face of the Elkhart River; thence North 53 degrees 55 minutes East along the face of said midwall, 575 feet to the centerline of said Division Street Bridge; said point being the Westerly end of Blazer Boulevard as the same is laid out and shown in said division North 70 degrees 35 minutes East along the centerline of said Blazer Boulevard, 1.15 feet to a point of curvature; thence Southeast along the centerline of said Blazer Boulevard, along a curve bearing right with a degree of 20 degrees 52 minutes and an angle of intersection of 65 degrees, a distance of 311.5 feet to the point of tangent of said curve, thence South 53 degrees 25 minutes East along the centerline of said Blazer Boulevard, 100.03 feet to a point of curvature, thence Southeast along the centerline of said Blazer Boulevard, along a curve bearing left with a degree of 15 degrees and an angle of intersection of 64 degrees 51 minutes, a distance of 432.23 feet to the point of tangent of said curve; thence North 13 degrees 16 minutes West, a distance of 1.33 feet to a corner on the Southerly edge of a concrete sidewalk at a point of tangent on the Northerly right-of-way line of said Blazer Boulevard, thence Boulevard, along a curve bearing right with a radius of 352 feet, said curve being concentric with and 30 feet Northerly of the last above described centerline curve of said Blazer Boulevard, a distance of 8.12 feet, thence North Zero degrees 43 minutes West, 55 feet to the Southeast corner of the existing Elkhart County High School Swimming Pool Building for the beginning point of this description; thence South 89 degrees 17 minutes West, a distance of 152 feet; thence North Zero degrees 43 minutes West, a distance of 24 feet; thence South 89 degrees 17 minutes West, a distance of 8 feet; thence North 12 degrees 48 minutes 32 seconds West, a distance of 10.05 feet; thence North 75 degrees 59 minutes 12 seconds West, a distance of 10 feet; thence South 15 degrees 12 minutes 1 second West, a distance of 8.67 feet to a point on a curve having a radius of 248.83 feet, the bearing and distance to the center of said curve being North 15 degrees 12 minutes 1 second West, a distance of 8.67 feet to a point on a curve having a radius of 248.83 feet, the bearing and distance along said curve, a distance of 60.05 feet to a point on said curve, the bearing and distance to the center of said curve being North 37 degrees 45 minutes 46 seconds East, a distance of 243.83 feet; thence North 37 degrees 46 minutes 46 seconds East, a distance of 29.41 feet; thence North 89 degrees 17 minutes East, a distance of 1.33 feet; thence North Zero degrees 43 minutes West, a distance of 44.83 feet; thence South 89 degrees 17 minutes West, a distance of 4 feet; thence North Zero degrees 43 minutes West, a distance of 123.17 feet; thence North 89 degrees 17 minutes East, a distance of 4.33 feet; thence North Zero degrees 43 minutes West, a distance of 2.45 feet; thence North 89 degrees 17 minutes West, a distance of 1.33 feet; thence North Zero degrees 43 minutes West, a distance of 1.06 feet; thence North 89 degrees 17 minutes East, a distance of 1.33 feet; thence North Zero degrees 43 minutes West, a distance of 1.33 feet; thence North 89 degrees 17 minutes East, a distance of 151.76 feet; thence North Zero degrees 43 minutes West, a distance of 151.76 feet; thence North 89 degrees 17 minutes East, a distance of 2.45 feet; thence North Zero degrees 43 minutes West, a distance of 49.65 feet; thence North 89 degrees 17 minutes East, a distance of 106.08 feet; thence North Zero degrees 43 minutes East, a distance of 3.34 feet; thence North 89 degrees 17 minutes East, a distance of 3.34 feet; thence North Zero degrees 43 minutes West, a distance of 0.50 feet; thence North 89 degrees 17 minutes East, a distance of 128.33 feet; thence North Zero degrees 43 minutes West, a distance of 1.33 feet; thence North Zero degrees 43 minutes West, a distance of 1.33 feet; thence North Zero degrees 52 minutes 42 seconds West, a distance of 16.62 feet; thence North 89 degrees 17 minutes East, a distance of 12.65 feet to a point on a curve having a radius of 85 feet, the bearing and distance to the center of said curve being South Zero degrees 43 minutes East, a distance of 85 feet; thence Southeast along said curve bearing right, a distance of 87.13 feet to a point, the bearing and distance to the center of said curve being South 50 degrees Zero minutes 51 seconds West, a distance of 85 feet; thence South 58 degrees Zero minutes 51 seconds West, a distance of 24.83 feet; thence South Zero degrees 43 minutes East, a distance of 19.34 feet; thence North 89 degrees 17 minutes East, a distance of 39.11 feet to a point on a curve having a radius of 450 feet, the bearing and distance to the center of said curve being South 62 degrees 42 minutes 21 seconds West, a distance of 450 feet; thence Southeast along said curve bearing right, a distance of 208.73 feet to a point, the bearing and distance being South 89 degrees 17 minutes West, a distance of 450 feet; thence South 89 degrees 17 minutes West, a distance of 66.28 feet; thence South Zero degrees 43 minutes East, a distance of 103.80 feet; thence North 89 degrees 17 minutes East, a distance of 66.28 feet; thence South Zero degrees 43 minutes East, a distance of 177 feet; thence South 89 degrees 17 minutes West, a distance of 33.33 feet; thence South Zero degrees 43 minutes East, a distance of 18.18 feet; thence South 89 degrees 17 minutes West, a distance of 100 feet; thence South Zero degrees 43 minutes East, a distance of 19.42 feet; thence South 89 degrees 17 minutes West, a distance of 51.73; thence North Zero degrees 44 minutes 31 seconds East, a distance of 13.80 feet to the place of beginning.

TRACT II

Part of Section 35, Township 38 North, Range 4 East, Elkhart County, Indiana, more particularly described as follows: That part of the East half (E 1/2) of the Southwest Quarter (SW 1/4) and that part of the West half (W 1/2) of the Southwest Quarter (SW 1/4) of Section 35, which lies between the centerline of California Road, and a line which is parallel to the North line of said Southwest Quarter (SW 1/4) and 1049.60 feet North of the Southwest corner of the East half (E 1/2) of said Southwest Quarter (SW 1/4).

EXCEPTING:

Beginning at the Southwest corner of the East half (E 1/2) of said Southwest Quarter (SW 1/4), thence North along the half quarter section line, 370 feet to a point, thence East parallel to the North line of said quarter section, 589.33 feet to a point; thence South parallel to the said half quarter section line, 357 feet more or less to the center line of California Road; thence West upon and along the centerline of California Road, 570 feet more or less to the point of beginning.

ALSO EXCEPTING:

Beginning at a point which is 1825.18 feet East and 600.50 feet North of the Southwest corner of the East half (E 1/2) of Southwest Quarter (SW 1/4), thence East parallel to the North line of said Southwest Quarter (SW 1/4) Section, 828 feet more or less to a point on the East line of the West half (W 1/2) of the Southwest Quarter (SW 1/4) said Section 35; thence South upon and along said East line, 722 feet more or less to the centerline of California Road; thence West upon and along the centerline of California Road, 830 feet more or less to a point, thence North parallel to the said half quarter section line, 752 feet more or less to the point of beginning.

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 May 2025, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: May 30, 2025

HSPAXLP

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

Buy It. Sell It. Find It. CLASSIFIED.

BOARD OF ZONING APPEALS

-MINUTES-

Thursday, April 10, 2025 - Commenced at 6:00 P.M. & adjourned at 7:01 P.M.

City Council Chambers – Municipal Building

MEMBERS PRESENT

Doug Mulvaney
Ron Davis
Janet Evanega Rieckhoff
Phalene Leichtman
Dan Boecher

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Carla Lipsey

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES FOR FEBRUARY 13, 2025

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

APPROVAL OF PROOFS OF PUBLICATION

Davis makes motion to approve; Second by Boecher. Voice vote carries.

OPENING STATEMENT

Welcome to the April 10, 2025 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the Board. If no decision is made, the petition will be set for another hearing.

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

OLD BUSINESS

25-UV-03 PETITIONER IS JEREMY STONE

PROPERTY IS LOCATED AT 640 EAST JACKSON BOULEVARD

To vary from Section 15.2 Permitted Uses in the CBD, Central Business District, to allow for auto sales at 640 E. Jackson Boulevard.

Marnocha states that the Board asked her if a condition could be added with a time limit. She then indicates that it is possible to do so with a time limit. For example, the Board can impose a condition of approval that is valid until a specific date. Marnocha notes that the challenge lies in the enforcement aspect. If the Board were to approve it for a year, they would then need to revisit the decision and attempt to close the business. That is why, although it can be done, it ventures into an area that the Board might not want to engage in.

Evanega Rieckhoff calls the petitioner forward.

Jeremy and Beverly Stone, located at 53812 Homeland Road, appear in person as the petitioners. Beverly expresses that it's great to hear that their request is possible and acknowledges that there is an element to it. Additionally, she mentions that she understands the overall outlook for downtown Elkhart. Beverly expresses some disappointment at the thought that the sunset clause may not be approved. She emphasizes their desire to be good partners, hoping the Board will grant them the opportunity to run the business for a specific duration before ultimately relocating. She insists they are committed to being good partners with the City, whether that involves maintaining the business there or collaborating with the City in the future. She reiterates their dedication to keeping the business operational and making it as aesthetically pleasing as possible. She states that the property will not look as it did before, noting that they are investing money, improvements, and time to ensure the building no longer resembles a junkyard. All they want, Beverly says, is the opportunity to get going. She says they want to seize the chance to get it started, get their name out there, and then proceed from there.

Michael Chlebek, located at 21390 Cheri Lane, appears in person on behalf of the petitioner. Chlebek says that having the opportunity to start helps build rapport and relationships. It would not be a deterrent if they had to move after a year or two because they would be able to build those relationships. They should have the opportunity when they feel like they have gone through all the proper channels. He says they secured the business loan, developed a business plan, and obtained title insurance. The business plan was for a car lot. Chlebek expresses disappointment that they are before the Board but understands the City's direction. He then says at the end of the day, they want to partner with the City. They do not want to run a business without adhering to the sunset clause and be at odds with the City. However, considering everything they have done, they want at least the opportunity to get started there.

Evanega Rieckhoff asks for questions from the Board.

Mulvaney asks Chlebek what day they closed on the property.

Chlebek says that in May 2024, they worked to get the utilities turned on, but there was an issue with the water main that had to be repaired, which took about a month to resolve.

Beverly says that, under the current understanding, the variance lapsed because utilities were off for 18 months, and they had spoken with the water department. She mentions that they have records indicating the water department visited on September 12, 2024, but there was an issue with the City's water main. She explains that they would have restored the utilities sooner if it hadn't been for all the necessary repairs. Beverly states that they were unaware and had been in discussions with the City, but no one informed them about the variance lapse. She claims they asked the City numerous times what had changed and what the timeline was. She points out that water and utility services were not mentioned.

Davis asks Jeremy whether the businesses will solely do auto sales or also auto repair.

Jeremy says that, depending on the time frame, it will mostly be sales and perhaps some light repairs, but he does not intend to have inventory that will require extensive repairs. He then states that he will not advertise to handle a large number of repairs.

Evanega Rieckhoff asks Jeremy if he has a repair person on Staff.

Jeremy answers yes, but just for small things. He says he does not want it to be a repair shop waiting for vehicles to be fixed.

Boecher asks Jeremy if he has any plans for aesthetic improvements to the site.

Jeremy says they are going to redo the entire interior, and the majority of the exterior has already been completed. He says he had halted that recently because of recent holdups.

Beverly says they will paint, do some landscaping, and refresh everything because, as it stands, it doesn't look great to people who have driven by.

Evanega Rieckhoff opens for public comments to speak in favor. Seeing none, she opens for opposition.

Mike Huber, the City of Elkhart's Development Services Director, located at 229 S. Second St., appears in person to oppose the petition. Huber states that the City of Elkhart is pro-business and that he does not oppose the petitioner's desire to own and start a business. He appreciates the petitioner's intention to establish a business in Elkhart and looks forward to potential partnership opportunities in their business endeavors. Huber then raises several concerns about the City's development services. The first concern relates to safety. Significant changes have occurred, particularly at the Jackson intersection, due to the addition of medians. The ingress and egress of that parcel, arguably at the busiest intersection in Elkhart, is vital for businesses that require vehicular access. The additional traffic that may arise in that specific area, especially concerning Johnson and Jackson Street ingress and egress, presents real safety issues. Secondly, Huber discusses the compatibility of the proposed use. The site is part of the River District Implementation Plan, developed for the City as part of the River District's growth. The proposed use aligns with the plan's objectives; however, the plan is firmly centered on enhancing pedestrian walkability and prioritizing pedestrian safety over vehicles. The proposed use would contradict those principles. Consequently, there are concerns regarding the negative impacts on other investors who have made investments based on the City's commitment to upholding core planning principles as development progresses in the River District. The prior staff analysis referenced multiple compatible alternatives that could be developed in that location. The City supports the development of any of those alternative uses on the property, and the economic development team is ready to assist the petitioners. Lastly, Huber expresses support for Marnocha's earlier comments regarding enforcement and the issue of setting a precedent. He notes that until recently, the City was unaware that a sunset clause was permissible, and therefore, it has not been granted previously. Approving this request could set a precedent that the Board should be cautious about establishing. Huber acknowledges that the petitioner may comply with the sunset clause. Still, future petitioners might not be as compliant, leading to enforcement challenges for the City to handle in the future. For these reasons, he would not support the proposed use in the suggested location.

Beverly states that she would like to ask a couple of questions about the things Huber mentioned. She notes that regarding her question about traffic, she understands it's a busy corner, and any of the businesses Huber listed in the proposal would generate far more traffic than a used auto sales lot. Thus, she does not see how placing another business there would make a difference. Additionally, concerning pedestrian safety, she mentions they would not be making any changes to the sidewalks, emphasizing that they would ensure ample room for pedestrians. Beverly then explains that regarding enforcement, the idea of the sunset clause was presented to them by the City, and they were unaware that it was a possibility. It was discussed in some of their initial meetings with the City and was brought up again at the last BZA meeting, where they were asked to hold off to see if it was permissible.

Seeing none, she closes the public portion of the meeting and calls Staff forward.

STAFF ANALYSIS

The petitioner is requesting a use variance to allow the property to be used for auto sales. The current zoning of the Central Business District does not permit auto-oriented land uses which includes auto sales.

Based on assessor records, the building was built around 1968 and is approximately 1914 square feet over one level. The building was originally used as a gas station and repair shop. Over the last several decades the site had been known as Dick Choler Cars. After Choler cars closed the subsequent businesses operated for several years before closing and utilities to the site shut off in March 2023.

The request comes to us based on a complaint and an investigation by zoning Staff that observed a new business at the location after seeing activity and cars parked around the building. The building had recently been purchased.

Staff reached out to the new owner and asked to meet with them to understand the desired use of the property. Staff met with the owner/petitioner in January 2025 and heard their plans for the site. Staff explained the allowable uses and what uses are permitted and more importantly, also covered the non-conforming use regulations found in the zoning ordinance (See Figure 1 below). Staff relayed that the use had been abandoned for more than one (1) year and that the owners would need to file in order for the use to resume.

The primary way Staff determines whether or not a non-conforming use has lapsed is with active utility usage. Based on no water or sewer activity for 18 months, Staff determined the use had lapsed. Water service was turned off on March 15, 2023 and reestablished on September 16, 2024.

The new owners/petitioner did not understand the limitations of the current zoning and were under the assumption that based on the previous use as a used car lot they could again operate a used car lot. Unfortunately, the new property owner did not do the sufficient due diligence before purchasing the property.

The property is located in CBD zoning district. The purpose of the Central Business District is to encourage a diversity of uses which together contributes to the vitality of the downtown core. The district recognizes the unique character of downtown and its function as a center of business, government, finance, residential, and social activity in the community. Land uses and building design are integral to the image and theme of the Central Business District.

Some examples of CBD uses are drug stores, live/work units, medical offices, multi-family residential dwellings, offices, restaurants and retail sales. The Development Conditions for the district shall comply with Type I and Type II Design Standards as specified in Section 24. Business activity must be conducted wholly within a completely enclosed building, except for legally permitted outdoor eating areas and sidewalk sales. Where businesses in this district are adjacent to residentially zoned or used property, all service areas, including but not limited to, loading docks and doors, dumpsters, etc. shall be screened.

The other concern staff has with this request is the property is located at the eastern bookend of the River District. The River District Plan, authored by Jeff Speck focused on the goal of establishing a pedestrian, walkable urban area. The primary uses outlined in the plan to achieve those goals were office, housing, retail, dining, entertainment, hospitality, schools, recreation and worship. The City has expended tremendous resources and has supported the vision of the Speck plan and others to reimagine downtown Elkhart.

The City supports redevelopment activity that falls in line with the River District Plan and the current permitted uses found in the CBD section of the ordinance. Surrounding the property is a mix of commercial and residential uses. The Staff cannot support the request.

STAFF RECOMMENDATION

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

1. The approval will be injurious to the public health, safety, morals or general welfare of the community because the proposed use is inconsistent with the purpose of the district and is more intense than the permitted CBD uses;
2. The use and value of the area adjacent to the property will be affected in a substantially adverse manner because the proposed use is not in keeping with the purpose of the CBD district intended in part to function as the center of business, government, finance, residential and social activity in the community as well as not in keeping with the vision of the River District Plan;
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 CBD section of the zoning ordinance could be established on this site;
4. The request does not comply with the Comprehensive Plan which calls for the area to be developed with mixed uses.

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

Leichtman asks Trotter if she has heard more developments are coming to that area and asks which investor is having issues with the petitioner's request.

Trotter answers that the people who responded were within the 300-foot range and were the adjacent property owners to the west.

Leichtman asks Trotter if those investors have plans for improvements on their properties.

Trotter says Leichtman would have to refer to Huber for that answer.

Huber states that he regularly meets with the developer monthly and mentions knowing that this person applied for funding but was unsuccessful in securing the necessary funds, which caused them to scale back the number of buildings planned for construction in the first phase. Nonetheless, Huber anticipates that the investor will begin the development process within the next 12 months.

Leichtman asks Huber if that would include housing and retail.

Huber states that it would primarily be residential but also include mixed-use.

Leichtman asks when the City would see construction underway.

Huber notes that it would take approximately one to two years, depending on the building's size. A building like the one proposed by the developers could be constructed in a total of 12 to 15 months; however, there is a lead-up to the process, making it realistically 18 months away.

Boecher asks Trotter how many letters were sent out, and those returned, and the responses of those letters.

Trotter says 17 letters were mailed, with one returned, containing unfavorable comments. The comments raised concerns regarding a car lot in the river district, traffic control, and poor entrance and exit accessibility.

Evanega Rieckhoff calls for a motion.

Leichtman asks...(unintelligible, off mic).

Leichtman states that she would like to approve the petitioner's request but wants to add the condition of a timeline, if anyone else feels the same.

Leichtman asks Marnocha if she would have to add a timeline.

Marnocha answers yes.

Leichtman says she would add a condition of December 2026, which is 18 months.

Leichtman asks whether Marnocha could assist in creating the condition.

Evanega Rieckhoff states that Leichtman has included the condition in her motion, so a second is now required.

Mulvaney says...(unintelligible, off mic).

Leichtman makes a motion to approve 25-UV-03 and adopt the petitioner's documents and presentation, as the finding of fact in the present petition, and adopt the following conditions: A time limit of December 2026 for the petitioner to return to the Board and request a continuation to run an auto-dealership; Second, by Davis.

Davis – Yes

Mulvaney – No

Leichtman – Yes

Boecher – Yes

Evanega Rieckhoff – No

Motion carries.

NEW BUSINESS

25-BZA-06 PETITIONER IS UNITY CHURCH OF GOD IN CHRIST INC PROPERTY IS LOCATED AT 630 WEST WOLF AVENUE

To vary from Section 26.10.D – Table 1, which limits the area of a sign for a place of worship to 32 square feet for a place of worship to allow for a non-conforming existing sign to be refaced with a total area of 33.75 square feet, a variance of 1.75 square feet.

Evanega Rieckhoff calls the petitioner forward.

Crystal Welsh, located at 303 River Race Drive, appears in person on behalf of the petitioner. Welsh states that, as the Staff mentioned, there was an existing sign with letters that are inserted into the circular crate and can be changed in and out. A couple of years ago, the sign face was replaced. It retained the same size and location. However, a message board was added to it. Welsh remarks that at the time, city staff noticed the change in the sign, reached out to the church, and initiated discussions, which have continued since then. To her knowledge, Welsh notes that there has not been a complaint about the sign itself. It has been operating without any complaints or concerns from the neighbors. Therefore, she wishes to clarify the situation and seek approval to allow

the petitioner to continue using the sign. Welsh adds that Annetta James, representing the church, is present and available to answer questions from the Board as well.

Mulvaney states that there has been discussion...(unintelligible, off mic).

Evanega Rieckhoff says that begging for forgiveness is not the greatest way to conduct business.

Welsh states that, unfortunately, contractors can have a poor reputation, and when businesses and community members assume that the contractor they hire will adhere to regulations, they often find themselves at a disadvantage.

Evanega Rieckhoff says that the church is beautiful and that the sign is fine, but wonders if the sign is kept on at night.

Welsh answers yes.

Evanega Rieckhoff asks Welsh if the church owns the house near the property and whether the people mind the light from the sign.

Annette James, located at 57967 Kreighbaum Street, appears in person as the petitioner. James says the people living at that house have never complained.

Evanega Rieckhoff asks for questions from the Board.

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

STAFF ANALYSIS

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

The subject property is occupied by the Unity Church of God in Christ Inc and is requesting a proposed EMC sign to showcase current programs and events at the church to the public. The site does pose some practical difficulties due to the building placement at less than 10 feet from the West Wolf Street property line leaving little room for a sign or to set the sign farther back which would be blocked by the building or neighboring properties as it would allow a greater height by right.

The request comes to us based on a complaint and an investigation by zoning staff starting in 2023, that observed a new sign at the location after the previous changeable message board sign was altered with a new electric sign. At the time of installation of the sign the contractor did not obtain the proper approval in the form of a sign permit for the signage which prevented Staff from having a conversation about the requirements for signage. Due to the previous sign being non-conforming, to bring the sign into conformity with the City a variance was needed.

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

STAFF RECOMMENDATION

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

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the conversion to a digital (LED) face will not be injurious so long as the recommended conditions are required and met;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the conversion to a digital (LED) face, if property dimmed, can result in less light trespass onto adjacent properties;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;

4. Special conditions and circumstances do exist which are particular to the land involved and which are not applicable to other lands or structures in the same district as the sign is preexisting;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it places constraints on the visibility of the building/sign;
6. The special conditions and circumstances does result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

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

1. Movement, including video, flashing, and scrolling, is prohibited.
2. Message sequencing, where content on one message is related to content on the next message, is prohibited.
3. The minimum time duration of each message shall be 10 seconds.
4. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
5. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
6. Light trespass shall not exceed one-tenth (0.1) foot candles as measured at the property line.
7. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
8. No sign message may depict, or closely approximate, official traffic control signage.

Anthony-Petter says 43 letters were mailed with one returned in favor with no comment.

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

Evanega Rieckhoff asks Anthony-Petter whether he has spoken to the petitioner about the listed conditions and if they agree to them.

Anthony-Petter says yes.

Evanega Rieckhoff calls for a motion.

Davis makes a motion to approve 25-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 adopt all conditions listed in the staff report; Second by Davis.

Davis – Yes

Mulvaney – Yes

Leichtman – Yes

Boecher – Yes

Evanega Rieckhoff – Yes

Motion carries.

25-BZA-07 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT 1701 STERLING AVENUE

To vary from Section 7.4, Yard Requirements in the R-4 District which requires a twenty five (25) foot front yard setback to allow for the five (5) proposed buildings at a zero (0) foot setback, a variance of twenty five (25) feet. To also vary from Section 7.4, Yard Requirements, Lot Size which requires 2,500 sq.ft. per unit where 62,500 sq.ft is required and 56,715 sq.ft. is provided a variance of 5,785 sq.ft.

Evanega Rieckhoff calls the petitioner forward.

Huber, located at 229 South Second Street, appears in person as the petitioner. He states that he wants to focus on the development variances, which pertain to the ability to site the buildings on the property. Huber notes that he had a completely different site plan and wants to mention that both the architect and developer are online for any specifics regarding the design. He explains that the variances are necessary due to a 60-foot easement at the back of the property. Because of that easement, Huber mentions that they have had to be creative in locating the buildings within the property. He praises the architects for their diligent work in this regard. Although the use of the property is not an issue tonight, the discussion centers on the developmental challenges posed by the site's unique characteristics. Huber emphasizes that part of what drives projects like these is housing studies indicating that single-family homes, townhouses, and duplex units are in demand. He points out there is an absorption of over 700 new units, specifically for this type of project. He clarifies that the proposal includes 44 units, underscoring the demand and shortage in the market. He stresses the importance of such projects.

Evanega Rieckhoff asks for questions from the Board.

Evanega Rieckhoff asks Huber if the 44 units are for all buildings.

Huber says yes.

Evanega Rieckhoff states that she drove by where the proposed buildings will go, and she says she was surprised by how narrow that space is. She then says the parking in the plans looks adequate for what's being built, but she's unsure where it's going.

Evanega Rieckhoff asks Huber if it's going underneath the electrical or is in front of it

Huber says he would defer to the architect when it comes to the specifics related to the layout and the parking.

Mulvaney asks Huber if the buildings will be townhouse style.

Huber answers yes.

Evanega Rieckhoff states that it is a townhouse style, and there is adequate housing, but it looks like it's in the back, but she was not quite sure, but she says it's not important for her findings.

Trotter states that the parking, based on the submitted site plan, is located within or under the 60-foot easement, with a few parking spaces on the shorter building directly behind it. However, the buildings could not be placed in that area, so the parking is directly located under the easement. Parking could be an issue, but the parking area is located to the rear, so most spaces are not visible from the street.

Andy Myszak, located at 903 Broadway Street, appears via WebEx on behalf of the petitioner. Myszak says that Trotter is correct. All the parking is located under the 60-foot easement, below the overhead power lines.

Evanega Rieckhoff states that her only other comment is that she hopes there will be excellent soundproofing at the back of those houses since it's very close to the railroad.

Myszak says it's a requirement that has to be met.

Evanega Rieckhoff opens for public comments to speak in favor. Seeing none, she opens for opposition.

Scott Norwood, who lives at 1708 Sterling Avenue, appears in person to oppose the petition. Norwood states that he is directly across the street from the project and has observed its progress but has several concerns. His first concern is water runoff resulting from the loss of green space, a valuable asset that helps prevent flooding throughout the City. He emphasizes that green space is essential. Norwood notes that even though an engineer claims a pipe will handle a certain amount of water, storms must be taken into account. Having participated in large building projects in Fort Lauderdale and Miami, he believes this should be a concern as the area continues to develop. There is a need for more space for people, which is true; however, the City should also strive to preserve green spaces. The second issue is that Sterling Avenue becomes one of Elkhart's racetracks in the summertime. He states that there are ninja motorcycles that travel at unbelievable speeds, which isn't a significant concern now due to the low population in Sterling. However, the expectation is that the population will increase, along with young people who will have children and want to use bicycles, among other things. This raises the issue of increased traffic, and it is also a main thoroughfare for industrial vehicles and other businesses in the area, which is another matter that requires consideration. Lastly, Norwood expresses concern about the fire department's ability to respond effectively during a fire. Norwood says he wonders if it will jump from one building to another. These may seem like minor issues, but they could lead to more significant problems in the future. In the last storm, they had snapped the telephone poles like they were toothpicks. Norwood understands that the power company goes to great lengths to engineer its power lines to prevent them from falling, which is why it informs the community that it can't build at a specific location. Norwood says he trusts that the engineers have everything figured out. However, he states that as development continues, it will require the City to incur the expense of adding larger pipes to manage runoff as more concrete and asphalt are used. Norwood's initial thought when the building was being demolished was that they would put in another business, something that would create jobs and have a lesser impact.

Evanega Rieckhoff states that the two concerns are green space and flooding issues, and invites Huber back to the podium to address these concerns.

Huber notes that the project is located next to Sterling Park, a significant green space park. He also wants to mention that the project must undergo the standard technical review process to ensure that it is working with Public Works to manage any onsite water retention adequately and use the appropriate stormwater drains. Huber says they will be held to the same standards as every other project that's developed in the City of Elkhart.

Evanega Rieckhoff asks Huber whether the park will remain.

Huber confirms that the park is staying.

Huber states that in terms of vehicle speed, he believes that adding people and increasing density will help calm traffic. He says that if the area is less populated because it encourages speeding, then adding more eyes on the road will help alleviate the concerns. Regarding the fire, the spacing between the buildings meets the standard building spacing for any development. The zero lot line is being pushed out to the end of the property line. Row houses are typically construction types, and the buildings have typical firewall requirements.

Evanega Rieckhoff closes the public portion of the meeting and calls Staff forward.

STAFF ANALYSIS

The request before the Board is to allow the new infill residential buildings to be built at a zero (0) foot setback and to vary the lot area requirement. The R-4 district front yard setback is twenty-five feet and the lot area requirement is based on a formula - 2,500 square feet for each unit proposed for a total lot area requirement is 62,500 square feet where 56,715 square feet is provided a variance of 5,785 square feet.

In 2018 the City initiated a master planning effort for the Sterling East Neighborhood. A part of that report was an inventory of housing. In the analysis of the housing stock for the neighborhood, it noted there existed a lack of housing variety and affordability – the Missing Middle. Examples of Missing Middle housing types are two, three and four unit buildings, small apartment buildings, courtyard apartments, townhouses and small mixed use buildings. The proposed development is a medium to higher density development – a type of courtyard apartment. Of note, the plan called for the location of higher density residential along Sterling and the railroad. This project is in keeping with that plan.

The Elkhart City Redevelopment Commission is working with a developer to build residential infill apartment buildings along Sterling Avenue. The plan calls for five (5) new buildings to be built at a zero (0) foot setback. Historically the buildings that were constructed along Sterling were cited close to or at the front property line – this redevelopment project is in keeping with the historic development pattern along Sterling.

The need for the variance is due in part to the 60-foot electrical easement that runs along the rear of the property. That easement prevents any construction or building under or within that area. Thus reducing significantly the lot area for redevelopment.

The second variance is for the lot area. The variance is needed because the lot area is slightly smaller than required. The formula is based on the number of proposed units – 25. The ordinance requires 2,500 square feet of land for every proposed unit. As this is a

redevelopment project site and not greenfield development, some measure of flexibility and relief is warranted. This is an urban area, adjacent to a city park and in keeping with the master plan for the neighborhood. Staff recommends approval of this request.

STAFF RECOMMENDATION

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

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the proposed setback mirrors the historical setback for that portion Sterling. The lot area variance is not significant and is not out of character for a residential redevelopment project with this density;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed development activates vacant land and is in keeping with the Sterling East Neighborhood Plan;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land. The 60-foot utility easement existing on the west portion of the land greatly reduces the land area for development;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property – the easement impacts the project and would reduce the number of units permitted to be built on the site requiring the structures to be moved closer to the property line and the lot area is insignificant in relation to the overall area of the parcel;
6. The special conditions and circumstances do not result from any action or inaction by the applicant, as the project is being developed in keeping with the Sterling East Neighborhood Plan;
7. This property does not lie within a designated flood area.

Trotter says 27 letters were mailed with one returned not in favor with no comment.

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

Evanega Rieckhoff asks Trotter if the property is low-income housing.

Trotter says no, it is working-class housing, and that the number Huber had mentioned earlier is the average family income of about \$56,000. This would mean people like teachers and such who are working-class people.

Evanega Rieckhoff calls for a motion.

Mulvaney makes a motion to approve 25-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 Davis.

Davis – Yes

Mulvaney – Yes

Leichtman – Yes

Boecher – Yes

Evanega Rieckhoff – Yes

Motion carries.

25-BZA-08 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT 1641 STERLING AVENUE

To vary from Section 7.4, Yard Requirements in the R-4 District which requires a twenty five (25) foot front yard setback to allow for the three (3) proposed buildings at a zero (0) foot setback, a variance of twenty five (25) feet. To also vary from Section 7.4, Yard Requirements, Lot Size which requires 2,500 sq.ft. per unit where 45,000 sq.ft is required and 37,014 sq.ft. is provided a variance of 7,986 sq.ft.

Case combined with 25-BZA-07

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 request before the Board is to allow the new infill residential buildings to be built at a zero (0) foot setback and to vary the lot area requirement. The R-4 district front yard setback is twenty-five feet and the lot area requirement is based on a formula - 2,500 square feet for each unit proposed for a total lot area requirement is 45,000 square feet where 37,014 square feet is provided a variance of 7,986 square feet.

In 2018 the City initiated a master planning effort for the Sterling East Neighborhood. A part of that report was an inventory of housing. In the analysis of the housing stock for the neighborhood, it noted there existed a lack of housing variety and affordability – the Missing Middle. Examples of Missing Middle housing types are two, three and four unit buildings, small apartment buildings, courtyard apartments, townhouses and small mixed use buildings. The proposed development is a medium to higher density development – a type of courtyard apartment. Of note, the plan called for the location of higher density residential along Sterling and the railroad. This project is in keeping with that plan.

The Elkhart City Redevelopment Commission is working with a developer to build residential infill apartment buildings along Sterling Avenue. The plan calls for three (3) new buildings to be built at a zero (0) foot setback. Historically the buildings that were constructed along Sterling were cited close to or at the front property line – this redevelopment project is in keeping with the historic development pattern along Sterling.

The need for the variance is due in part to the 60-foot electrical easement that runs along the rear of the property. That easement prevents any construction or building under or within that area. Thus reducing significantly the lot area for redevelopment.

The second variance is for the lot area. The variance is needed because the lot area is slightly smaller than required. The formula is based on the number of proposed units – 18. The ordinance requires 2,500 square feet of land for every proposed unit. As this is a redevelopment project site and not greenfield development, some measure of flexibility and relief is warranted. This is an urban area, adjacent to a city park and in keeping with the master plan for the neighborhood.

Staff recommends approval of this request.

STAFF RECOMMENDATION

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

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the proposed setback mirrors the historical setback for that portion Sterling. The lot area variance is not significant and is not out of character for a residential redevelopment project with this density;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed development activates vacant land and is in keeping with the Sterling East Neighborhood Plan;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land. The 60-foot utility easement existing on the west portion of the land greatly reduces the land area for development;

5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property – the easement impacts the project and would reduce the number of units permitted to be built on the site requiring the structures to be moved closer to the property line and the lot area is insignificant in relation to the overall area of the parcel;
6. The special conditions and circumstances do not result from any action or inaction by the applicant, as the project is being developed in keeping with the Sterling East Neighborhood Plan;
7. This property does not lie within a designated flood area.

Trotter says 28 letters were mailed with two returned not in favor with one comment.

The not in favor comment reads as follows:

“Do not want any low-income housing in my area. We have many run-down properties in the area now. I don’t want to live near another Washington Gardens.”

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

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 25-BZA-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; Second by Davis.

Davis – Yes

Mulvaney – Yes

Leichtman – Yes

Boecher – Yes

Evanega Rieckhoff – Yes

Motion carries.

ADJOURNMENT

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

Janet Evanega Rieckhoff, President

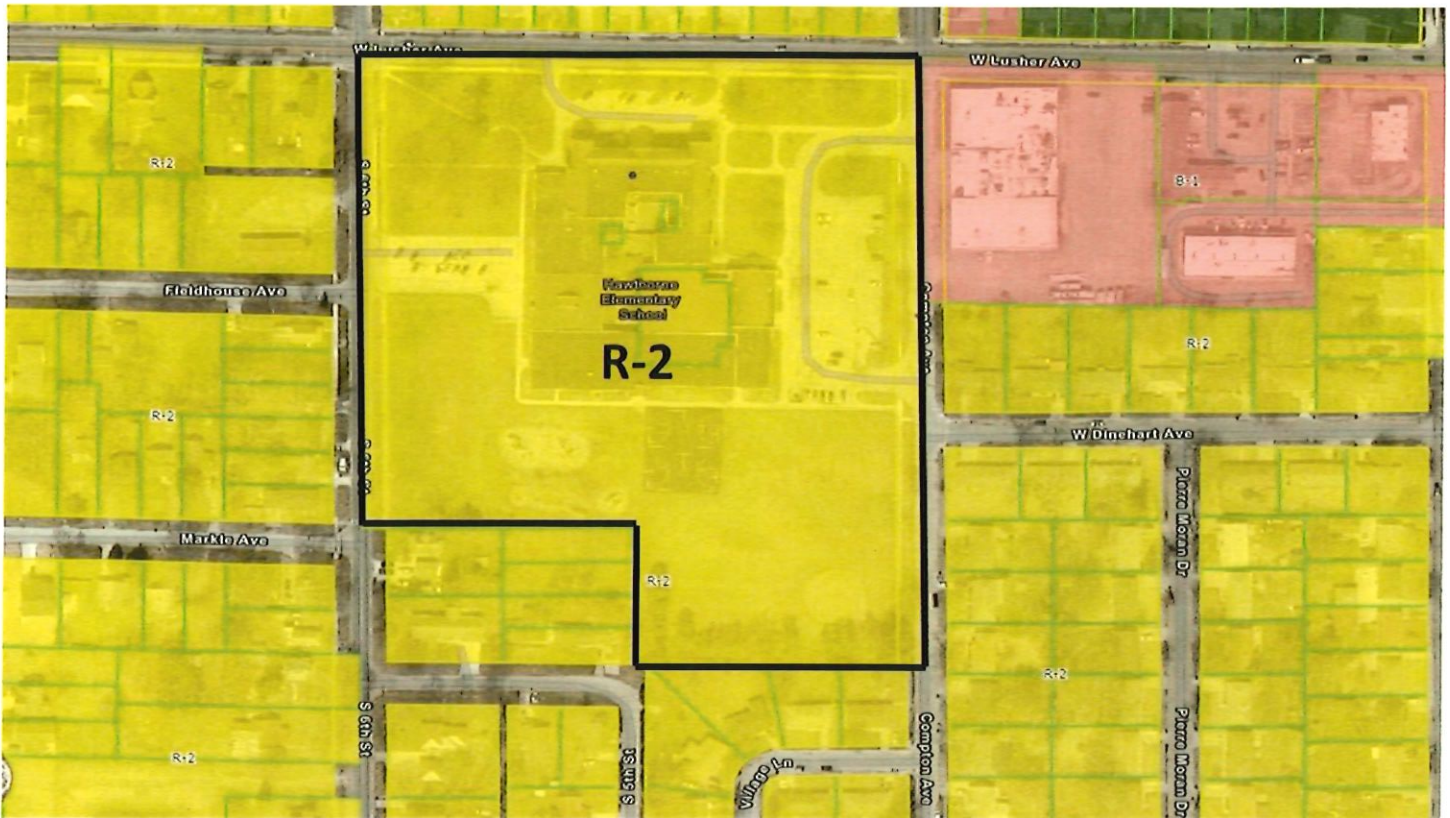
Phalene Leichtman, Vice-President



Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-11
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	June 12, 2025
<u>Petitioner:</u>	Elkhart Community Schools
<u>Site Location:</u>	501 West Lusher Avenue
<u>Request:</u>	To vary from Section 26.10.D.1, General Location Standards, which states in part 'All on premise signs shall be located no closer than five (5) feet from any right of way' to allow for a free-standing sign to be two (2) feet from West Lusher Avenue right of way, a variance of three (3) feet.
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 11.57 Acres
<u>Thoroughfares:</u>	South 6 th Street and West Lusher Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	The property is surrounded by residential uses zoned R-2.
<u>Applicable Sections of the Zoning Ordinance:</u>	Enumerated in request.
<u>Comprehensive Plan:</u>	The Comprehensive Plan calls for this area to be developed with a mix of low-density residential uses.



Staff Analysis

The petitioner is requesting a Developmental Variance to vary from Section 26.10.D.1, General Location Standards, to allow for a sign to be located closer than five (5) feet from any right of way' to allow for a free-standing sign to be two (2) feet from Lusher Avenue right of way, a variance of three (3) feet to vary from the requirements.

The subject property is occupied by the Elkhart Community Schools and is requesting a proposed EMC sign to showcase current programs and events at the school to the public. The site does pose some practical difficulties due to the use of the existing sign base placement less than 5 feet from the Lusher Avenue property line leaving little room for a sign or to set the sign farther back.

The request comes to us based on a request from the sign contractor who was hired by Elkhart Community Schools to replace its changeable message board signs with a new electric sign as part of a Community School multi campus' wide signage update. Due to the previous sign being non-conforming, to bring the new sign into conformity with the city a variance was needed.

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

Recommendation

The Staff recommends **approval** of the developmental variance to vary from the requirement found in Section 26.10.D.1, General Location Standards, based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the conversion to a digital (LED) face will not be injurious so long as the recommended conditions are required and met;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the sign meets the size development standards for the street but not the location;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district as the non-conforming sign base is preexisting and is being used for the new sign;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because it places constraints on the visibility of the building/sign;
6. The special conditions and circumstances **does not** result from an action or inaction by the applicant;
7. This property **does not** lie within a designated flood hazard area.

Conditions

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

1. Movement, including video, flashing, and scrolling, is prohibited.
2. Message sequencing, where content on one message is related to content on the next message, is prohibited.
3. The minimum time duration of each message shall be 10 seconds.
4. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
5. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
6. Light trespass shall not exceed one-tenth ((0.1) foot candles as measured at the property line.
7. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
8. No sign message may depict, or closely approximate, official traffic control signage.

Photos





PETITION #: 25-BZA-11

FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Elkhart Community Schools

Mailing Address: 2722 California Rd Elkhart IN 46514

Phone #: [REDACTED] Email: tgianesi@elkhart.k12.in.us

Contact Person: Professional Pecuniaries & Garry Potts

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: Hawthorne Early Learning Center 501 W Lusher Ave

Zoning: R-2

Present Use: school Proposed Use: school

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): Garry Potts

SIGNATURE(S): [Signature] DATE: 5/1/2025

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

May 1, 2025

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Developmental Variance
501 W Lusher Avenue

The undersigned appellant respectfully shows the Board:

1. I, Anthony Gianesi, am the COO of Elkhart Community Schools, owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:

SEE EXHIBIT A

2. The above described real estate presently has a zoning classification of R-2 District under the Zoning Ordinance of the City of Elkhart.
3. Appellant presently occupies the above described property in the following manner: school.
4. Appellant desires to remove and replace the freestanding signs, identified as Sign 1 located along Lusher Avenue. It will utilize the existing sign's foundation. The sign will be 6' overall height and 8'-3" wide. The sign update is part of a larger sign update for the Elkhart Community School's campuses. This sign will include a 24 sq ft electronic message center
5. The Zoning Ordinance 26.10(D) (Table 1) of the City of Elkhart allows one free-standing sign per frontage and at 5' setback to be no more than 48 sq ft in size if it has an integrated message board for an educational institution. Sign 1 will require a variance to allow for the Integrated Message Board.
6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. The strict adherence to the zoning ordinance would result in a sign design that would create legibility problems due to smaller font sizes on the message board.
7. Using the appropriate developmental standards from the previous page, address each standard. You cannot answer simply Yes or No; you must state why this is true (the reasons for your answer).

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community. *The approval will improve motorist wayfinding and provide important school information resulting in improved public health, safety, morals and general welfare of the community.*

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. *The sign represents an investment in the campus and an improvement to the campus aesthetics. These investments generally result in an increased value in the area.*

3. Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance. *The variance request is the minimum relief necessary to allow for sufficient visibility of these freestanding signs.*

4. Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district. *This is an educational use in a residentially-zoned district.*

5. The strict application of the terms of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance. (Financial considerations do not qualify). *The strict application of the terms of this Ordinance would result in a sign that does not allow for sufficient wayfinding for citizens of the community.*

6. The special conditions and circumstances do not result from any action or inaction by the applicant. *The special conditions of the amount of school being in a residential area are not the result of action or inaction by the applicant.*

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

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

Signature of Property Owner: 

Printed Name: Gary P Potts II

Contact Person: Gary Potts

Address: 

Phone Number where you can be reached: 

Email: 



BUSINESS OFFICE
PHONE: 574-262-5563

ELKHART COMMUNITY SCHOOLS
J.C. RICE EDUCATIONAL SERVICES CENTER
2720 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5500

April 15, 2025

Hawthorne Early Learning Center
501 Lusher Ave
Elkhart, IN 46517

Phone: 574-262-5563

Email: tgianesi@elkhart.k12.in.us

RE: Hawthorne Early Learning Center @ 501 Lusher Ave, Elkhart, IN 46517

I, Anthony J. Gianesi, acknowledge Hayes Design Group and their agent Professional Permits to act on our behalf and execute all necessary municipal documents specific to the signage for the above referenced properties. This authorization is limited to building, electrical, and sign permit applications and related documents.

If you have any questions, please feel free to contact me with any questions.

Sincerely,

Signed: _____

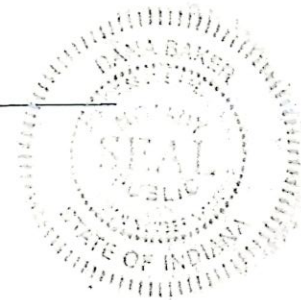
Date: 4/15/2025

Sworn to before me this 15th day of April in the year 2025.

Dana Baker
Printed Name of Notary Public

Dana Baker
Signature of Notary Public

My Commission Expires 5/14/2028



WHERE LEARNING HAS NO LIMITS

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Garry Probst, 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
501 W. Lusk Ave Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 1st day of May, 2025.

Printed: Gary Platt

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

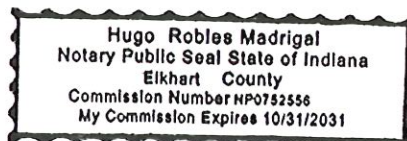
Printed: Carey P. Ross

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Gary Potts, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 1 day of May, 2025.



My Commission Expires:

10/31/31

Printed: Hugo Robles Madrigal

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

Hawthorne Early Learning Center

Design Prepared by



Hayes
Design
Co.

Approved by _____

Client Approval:

Approval Date:

Site Address _____

501 Lusher Ave.
Elkhart, IN 46517

Account Representative _____

Edward Hayes

Designer _____

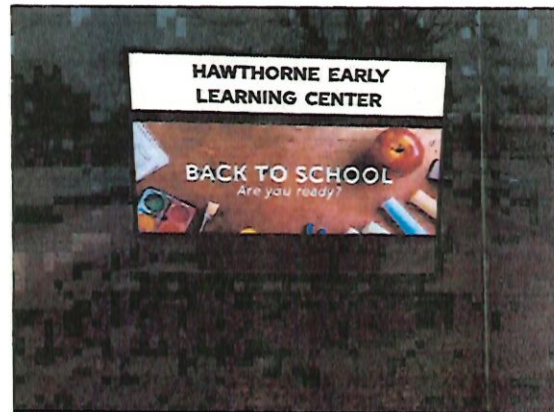
R. Wheat

Date _____

February 14, 2025



Existing




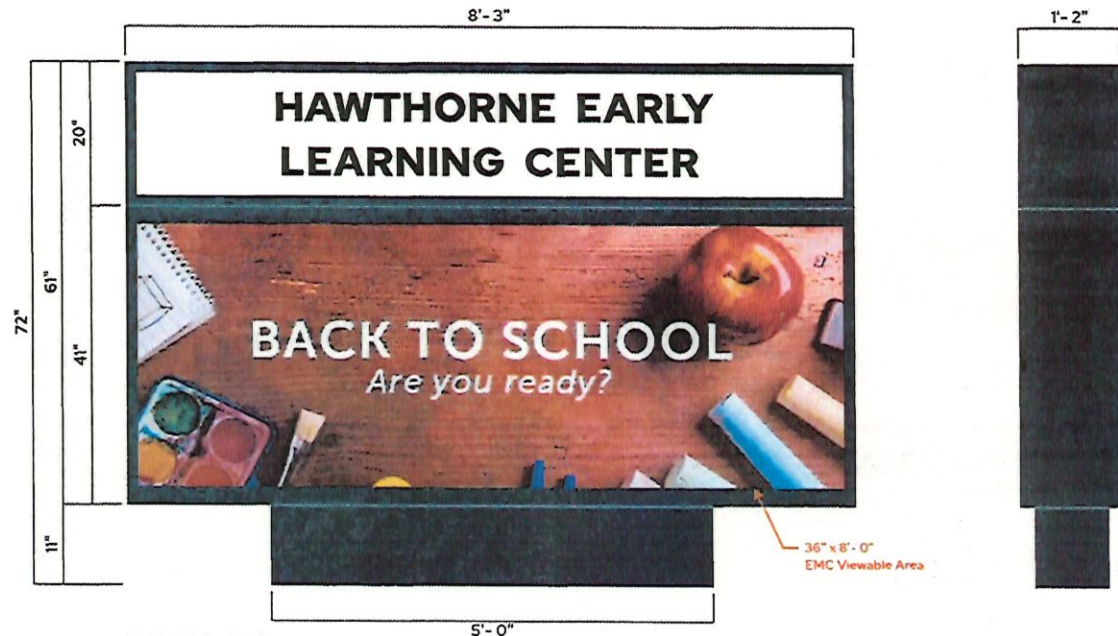
Nighttime Example



Proposed

A

 Hayes Design Co.	250211-00 Date: 02.14.25 Sales Rep: Edward Hayes Designer: R. Wheat	Landlord Approval _____ Date _____ Client Approval _____ Date _____		Project Project Name: Hawthorne Early Learning Center Address: 501 Lusher Ave. Elkhart, IN 46517	Page 2
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Scale: 3/4" = 1'- 0"
SQ FT: 41.94

End view

Specifications	Color / Finish
1. Full color 10mm Watchfire EMCs (36" x 8'-0" viewing area).	Exact color TBD
2. D/F Illuminated top cabinet painted TBD.	White
3. Lexan faces w/ digitally printed/cut vinyl graphics.	
4. Aluminum skirt painted TBD.	

*Vector school logo & colors needed before manufacturing.

*Primary electric to be within 5'- 0" of sign.
*All illuminated signs manufactured for 120V.
*This sign to be wired in accordance to NEC.

 Hayes Design Co.	250211-00 Date: 02.14.25 Sales Rep: Edward Hayes Designer: R. Wheat	Landlord Approval Date:	Client Approval Date:	Project Project Name: Hawthorne Early Learning Center Address: 501 Lusher Ave. Elkhart, IN 46517	Page 3



Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-12
<u>Petition Type:</u>	Development Variance
<u>Date:</u>	June 12, 2025
<u>Petitioner:</u>	Elkhart Community Schools
<u>Request:</u>	To vary from Section 26.10.D.1, General Location Standards, which states in part 'All on premise signs shall be located no closer than five (5) feet from any right of way' to allow for a free standing sign to be one (1) feet from the Blazer Boulevard right of way, a variance of four (4) feet.
<u>Site Location:</u>	1 Blazer Boulevard
<u>Existing Zoning:</u>	R-3, Two-Family Dwelling District
<u>Size:</u>	+/- 87.88 Acres
<u>Thoroughfares:</u>	Blazer Boulevard
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	The property is surrounded by residential uses zoned R-2, One Family Dwelling District and R-3, Two Family Dwelling District.
<u>Applicable Sections of the Zoning Ordinance:</u>	Enumerated in request.
<u>Comprehensive Plan:</u>	The Comprehensive Plan calls for this area to be developed with institutional uses.



Staff Analysis

The petitioner is requesting a Developmental Variance to vary from Section 26.10.D.1, General Location Standards, to allow for a sign to be located closer than five (5) feet from any right of way' to allow for a free-standing sign to be one (1) foot from the Blazer Boulevard right of way, a variance of four (4) feet to vary from the requirements.

The subject property is occupied by the Elkhart Freshman Academy for the Elkhart Community Schools. They are requesting a proposed EMC sign to showcase current programs and events at the school to the public. The site does pose some practical difficulties due to the use of the existing sign base placement less than one (1) foot from the Blazer Boulevard property line leaving little room for a sign or to set the sign farther back.

The request comes to us based on a request from the sign contractor who was hired by Elkhart Community Schools to replace its changeable message board signs with a new electric sign as part of a Community School multi campus' wide signage update. Due to the previous sign being non-conforming, to bring the new sign into conformity with the city a variance was needed.

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

Recommendation

The Staff recommends **approval** of the developmental variance to vary from the requirement found in Section 26.10.D.1, General Location Standards, based on the following findings of fact:

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the conversion to a digital (LED) face will not be injurious so long as the recommended conditions are required are met;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the sign meets the size development standards for the street but not the location. Signs for institutional uses are common ways of relaying messages to the public and parents;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district as the non-conforming sign base is preexisting and is being used for the new sign;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because the area between the parking area and the property line is fixed;
6. The special conditions and circumstances **does not** result from an action or inaction by the applicant as the sign is existing and will be replaced with a new sign;
7. This property **does** lie within a designated flood hazard area, however the impact to the SFHA will be minimal as there was an existing sign at the current location and the new sign structure will not create flood barriers or increase flood hazard areas.

Conditions

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

1. Movement, including video, flashing, and scrolling, is prohibited.
2. Message sequencing, where content on one message is related to content on the next message, is prohibited.
3. The minimum time duration of each message shall be 10 seconds.
4. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
5. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
6. Light trespass shall not exceed one-tenth ((0.1) foot candles as measured at the property line.
7. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
8. No sign message may depict, or closely approximate, official traffic control signage.

Photos



PETITION #: 25-BZA-18

FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Elkhart Community Schools

Mailing Address: 2720 California Rd Elkhart IN 46514

Phone #: 574 262 5563 Email: tgianesi@elkhart.k12.in.us

Contact Person: Professional Parents of Garry Pitts

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: Elkhart Freshman Division 1 Blazer Blvd

Zoning: P-3

Present Use: School Proposed Use: same

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): Garry Pitts

SIGNATURE(S): [Signature] DATE: 5/1/2025

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

May 1, 2025

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Developmental Variance
1 Blazer Boulevard

The undersigned appellant respectfully shows the Board:

1. I, Anthony Giansesi, am the COO of Elkhart Community Schools, owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:

SEE EXHIBIT A

2. The above described real estate presently has a zoning classification of R-2 District under the Zoning Ordinance of the City of Elkhart.
3. Appellant presently occupies the above described property in the following manner: school.
4. Appellant desires to remove and replace the freestanding signs, identified as Sign 1 located along Lusher Avenue. It will utilize the existing sign's foundation. The sign will be 6' overall height and 8'-3" wide. The sign update is part of a larger sign update for the Elkhart Community School's campuses. This sign will include a 24 sq ft electronic message center
5. The Zoning Ordinance 26.10(D) (Table 1) of the City of Elkhart allows one free-standing sign per frontage and at 5' setback to be no more than 48 sq ft in size if it has an integrated message board for an educational institution. Sign 1 will require a variance to allow for the Integrated Message Board.
6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. The strict adherence to the zoning ordinance would result in a sign design that would create legibility problems due to smaller font sizes on the message board.
7. Using the appropriate developmental standards from the previous page, address each standard. You cannot answer simply Yes or No; you must state why this is true (the reasons for your answer).

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community. *The approval will improve motorist wayfinding and provide important school information resulting in improved public health, safety, morals and general welfare of the community.*

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. *The sign represents an investment in the campus and an improvement to the campus aesthetics. These investments generally result in an increased value in the area.*

3. Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance. *The variance request is the minimum relief necessary to allow for sufficient visibility of these freestanding signs.*

4. Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district. *This is an educational use in a residentially-zoned district.*

5. The strict application of the terms of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance. (Financial considerations do not qualify). *The strict application of the terms of this Ordinance would result in a sign that does not allow for sufficient wayfinding for citizens of the community.*

6. The special conditions and circumstances do not result from any action or inaction by the applicant. *The special conditions of the amount of school being in a residential area are not the result of action or inaction by the applicant.*

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

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

Signature of Property Owner: 

Printed Name: Garry P. Potts II

Contact Person: Garry P. Potts II

Address: 58171 Dragonfly Ct Orland w 40561

Phone Number where you can be reached: 574 229 0635

Email: gpotts@professionalpermut.com



BUSINESS OFFICE

PHONE: 574-262-5563

ELKHART COMMUNITY SCHOOLS

J.C. RICE EDUCATIONAL SERVICES CENTER
2720 CALIFORNIA ROAD • ELKHART, IN 46514
PHONE: 574-262-5500

April 15, 2025

Elkhart Freshman Division
1 Blazer Blvd
Elkhart, IN 46516

Phone: 574-262-5563

Email: tgianesi@elkhart.k12.in.us

RE: Elkhart Freshman Division @ 1 Blazer Blvd, Elkhart, IN 46516

I, Anthony J. Gianesi, acknowledge Hayes Design Group and their agent Professional Permits to act on our behalf and execute all necessary municipal documents specific to the signage for the above referenced properties. This authorization is limited to building, electrical, and sign permit applications and related documents.

If you have any questions, please feel free to contact me with any questions.

Sincerely,

Signed: _____

Date: _____

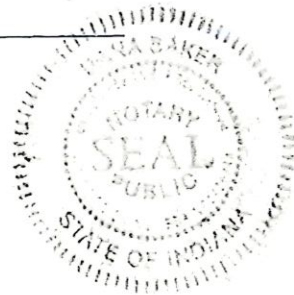
4.15.2025

Sworn to before me this 15th day of April in the year 2025.

Dana Baker
Printed Name of Notary Public

Dana Baker
Signature of Notary Public

My Commission Expires 5/14/2028



WHERE LEARNING HAS NO LIMITS

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Garry P. Potts 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 1 Blazer Blvd Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 1st day of May, 2025.

Printed: Garry P. Potts

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

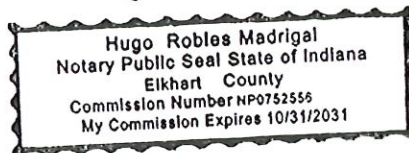
Printed: Garry P. Potts

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Garry Potts, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 1 day of May, 2025.



My Commission Expires:

10/31/31

Printed: Hugo Robles Madrigal

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

Elkhart Freshman Division

Design Prepared by



Hayes
Design
Co.

Approved by _____

Client Approval:

Approval Date:

Site Address _____

1 Blazer Blvd.
Elkhart, IN 46516

Account Representative _____

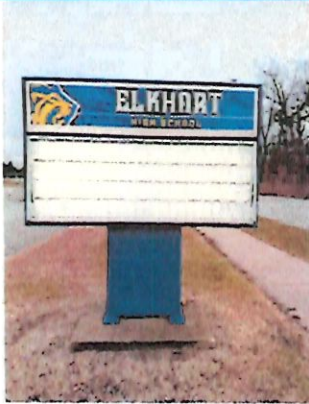
Edward Hayes

Designer _____

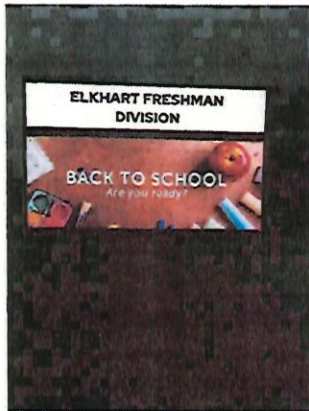
R. Wheat

Date _____

February 13, 2025



Existing



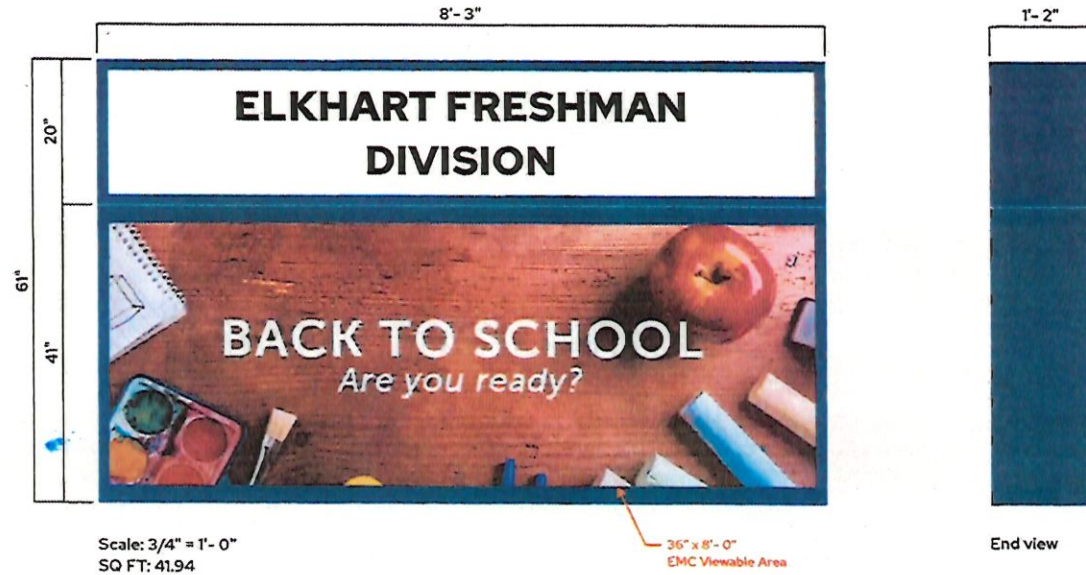
Nighttime Example



Proposed

A

 Hayes Design Co.	250207-00 Date: 02.13.25 Designer: Edward Hayes Designer: R. Wheat	Landlord Approval Date: Client Approval Date:		Project Project Name: Elkhart Freshman Division Address: 1 Blazer Blvd. Elkhart, IN 46516	Page 2
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Specification	Color / Finish
1. Full color 10mm Watchfire EMCs (36" x 8'-0" viewing area).	Exact color TBD
2. D/F Illuminated top cabinet painted TBD.	Exact color TBD
3. Lexan faces w/ digitally printed/cut vinyl graphics.	Exact color TBD

*Vector school logo & colors needed before manufacturing.

*Final survey of base to determine if it can be reused.

*Primary electric to be within 5'-0" of sign.

*All illuminated signs manufactured for 120V.

*This sign to be wired in accordance to NEC.

 Hayes Design Co.	250207-00 Date: 02.13.25 Signed By: Edward Hayes Designer: R. Wheat	Landlord Approval	Date		Project	Contract Name: Elkhart Freshman Division Address: 1 Blazer Blvd. Elkhart, IN 46516	Page
		Client Approval	Date			3	



Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-13
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	June 12, 2025
<u>Petitioner:</u>	Amanda Leazenby and Cory Brock
<u>Site Location:</u>	722 Maple Row
<u>Request:</u>	<p>To vary from the requirements found in Section 26.1.B.4 Accessory Structures in General Provisions which states, ‘on a corner lot, an accessory structure shall not be located closer to the side lot line nearest the intersecting street than the established building line along that street on the same side,’ to allow for a variance of eleven (11) feet.</p> <p>To also vary from Section 26.1.B.8.A, Accessory Structures in General Provisions which requires a maximum of two (2) accessory buildings (not including a swimming pool or satellite dish) are allowed on each lot to allow for a variance of one (1) accessory building for a total of three (3) total accessory buildings on the lot.</p>
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 0.33 Acre
<u>Thoroughfares:</u>	Maple Row and Myrtle Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	The property is surrounded by residential uses zoned R-2.
<u>Applicable Sections of the Zoning Ordinance:</u>	Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is seeking to vary from the standards found in Section 26.1.B.4 and 8 which limits the location of an accessory structure on a corner lot no closer to the street than the primary structure and to also vary from the regulation that limits the number of accessory structures to two (2) per lot to allow for a third to be placed on the property.

The single-family dwelling is located at the intersection of Maple Row and Myrtle Street. The property has an inground pool and sits on two platted lots. The primary structure (house) and the inground pool sit on the western lot, which is at the corner of Maple Row and Myrtle. It is not uncommon for home owners to want to enjoy the pool as much as possible during the small number of months the pool can be used. And the construction of a covered structure (cabana) is within the scope of accessory features found on a property with a pool.

The home has a detached garage and small shed which are both, by definition, considered accessory structures. The third accessory structure was cited by zoning enforcement for construction of an accessory structure without obtaining permits. The petitioner is seeking a variance to finish the construction of the accessory structure (cabana) which sits directly adjacent to the privacy fence that runs along Myrtle Street forward of the homes building setback.

The property also has a play structure/outdoor gym and a trellis that were not counted as accessory structures as a part of the variance but staff wanted the members to understand how the request was developed for the board.

Staff recommends approval of this variance.

Recommendation

The Staff recommends **approval** of the developmental variances to vary from the requirements found in Section 26.1.B.4 Accessory Structures in General Provisions which states, 'on a corner lot, an accessory structure shall not be located closer to the side lot line nearest the intersecting street than the established building line along that street on the same side,' to allow for a variance of eleven (11) feet, to also vary from Section 26.1.B.8.A, Accessory Structures in General Provisions which requires a maximum of two (2) accessory buildings (not including a swimming pool or satellite dish) are allowed on each lot to allow for a variance of one (1) accessory building for a total of three (3) total accessory buildings on the lot 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 cabana 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 cabana is behind a privacy fence and this type of structure is commonly found on properties with pools;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do** exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the property had an existing inground pool and the property owner desires to utilize the outdoor area of the property to take full advantage of the amenity during the warm months with the cabana;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because without some measure of relief the cabana would not be permitted;
6. The special conditions and circumstances **do** result from any action or inaction by the applicant because the property owner started construction without the necessary permits or approvals;
7. This property **does not** lie within a designated flood area.

Photos



PETITION #: 25-BZA-13

FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Amanda Leazenby & Cory Brock

Mailing Address: [REDACTED]

Phone #: [REDACTED]

Contact Person: Amanda Leazenby

Mailing Address: [REDACTED]

Phone #: [REDACTED]

Subject Property Address: 722 Maple Row

Zoning: _____

Present Use: TRN Proposed Use: SFR

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): Amanda Leazenby &

SIGNATURE(S): [Signature] [Signature] DATE: 5/2/25

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

DATE: 5/2/25

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Developmental Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Amanda Leazenby, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:
(See attached accurate legal description and common address)
2. The above described real estate presently has a zoning classification of "Residential" under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above described property in the following manner: main residence.
4. Petitioner desires to finish the construction of a backyard cabana. This currently violates the zoning ordinance by the cabana extending past the residence towards Myrtle St. It also violates the zoning ordinance by the number of additional structures on the property.
5. The Zoning Ordinance of the City of Elkhart has specific requirements and special conditions for corner lots. The cabana is in violation of 26.1, B, 4 which covers setbacks from property lines as well as 26.1 8a which addresses the number of accessory structures on a lot.
6. Strict adherence to the Zoning Ordinance requirements creates a hardship due to the unique layout of our backyard and the fixed location of our in-ground pool. The pool was installed in a location that maximizes usable space and maintains safe distances from utilities and property lines, leaving limited options for accessory structures. Because of this existing configuration, complying with existing standards would either place the cabana too far from the pool to serve its intended purpose – providing shade, storage, and safety – or would require placement in an impractical or unusable portion of the yard. The hardship isn't self-created, but rather results from the fixed position of the pool and the natural constraints of our lot. Granting a variance would allow for reasonable use of our property in a manner consistent with the surrounding neighborhood while maintaining the spirit and intent of the zoning ordinance.
7. WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested developmental variance.
 - a) The approval will not be injurious to the public health, safety, morals and general welfare of the community. This structure is within the fenced in property and is meant to be a sunshade.
 - b) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. Our neighbors are aware of the cabana under construction and have no issues with it. It does not impede upon anyone's property or views.

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

The intent and purpose of these Zoning Ordinances is to promote orderly development, protect property values, ensure safety, and preserve neighborhood character—while allowing reasonable use of private property. Granting a variance for a backyard cabana aligns with these goals when the structure:

1. **Supports reasonable use of the property** – A cabana is a common amenity that enhances enjoyment of a residential backyard without fundamentally changing the use of the land.
2. **Does not harm neighbors or the community** – If the cabana is designed to be visually compatible, not too close to property lines, and not used for commercial or nuisance purposes, it won't negatively impact neighbors' rights or property values.
3. **Maintains the spirit of the zoning code** – While the cabana may technically violate a setback or height rule, it may still honor the broader purpose of those rules—such as, ensuring privacy, and maintaining aesthetics—especially if it's modestly scaled and well-placed.
4. **Does not set a dangerous precedent** – If the variance is granted it still respects the zoning framework without undermining its overall integrity.

- d) Special conditions and circumstances DO NOT exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district.
- e) The strict application of the terms of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance.
- f) The special conditions and circumstances do not result from any action or inaction by the applicant. (N/A)
- g) In designated flood hazard areas, the variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing laws or ordinances." (N/A)

Signature of Property Owner: _____

Printed Name: AMANDA LEAZENBY

Signature of Second Property Owner: _____

Printed Name: CORY BROCK

Contact Name: AMANDA LEAZENBY

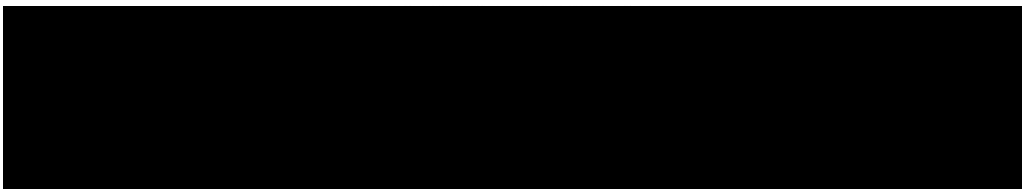


Exhibit "A"

File No. 511001791

PARCEL I: TWENTY-TWO FEET BY PARALLEL LINES FROM OFF THE WEST SIDE OF LOT FORTY-FIVE (45) AND TWENTY TWO FEET BY PARALLEL LINES FROM OFF THE EAST SIDE OF LOT FORTY-SIX (46) OF NORTH ELKHART, AN ADDITION TO THE CITY OF ELKHART; SAID PLAT BEING RECORDED IN PLAT BOOK 1, PAGE 124, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.




PARCEL II: THE WEST FORTY-FOUR FEET OF LOT NUMBERED FORTY-SIX (46) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTH ELKHART, AN ADDITION TO THE CITY OF ELKHART; SAID PLAT BEING RECORDED IN PLAT BOOK 1, PAGE 124, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION
Amanda Leazenby & Cory Brock

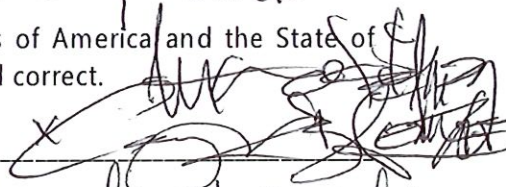
I, _____, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

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 722 Maple Row Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 2 day of May, 2025.


Printed: Amanda Leazenby
& Cory Brock

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

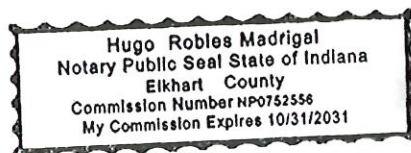

Printed: Amanda Leazenby
& Cory Brock

STATE OF INDIANA)

) SS:

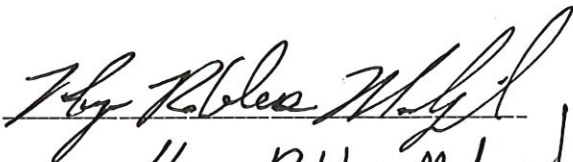
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Amanda Leazenby and Cory Brock, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 2 day of May, 2025

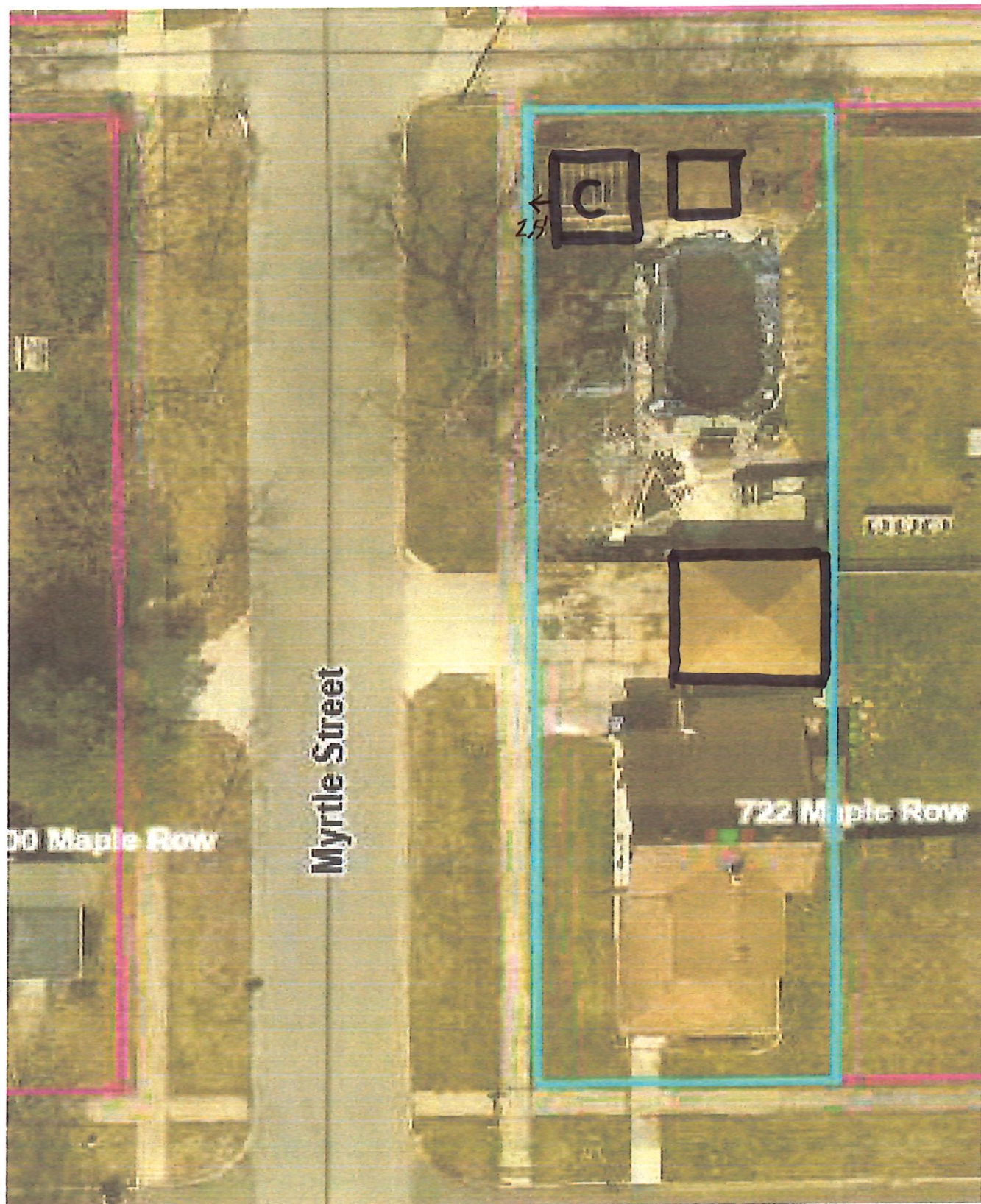


My Commission Expires:

10/31/31


Printed: Hugo Robles Madrigal

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

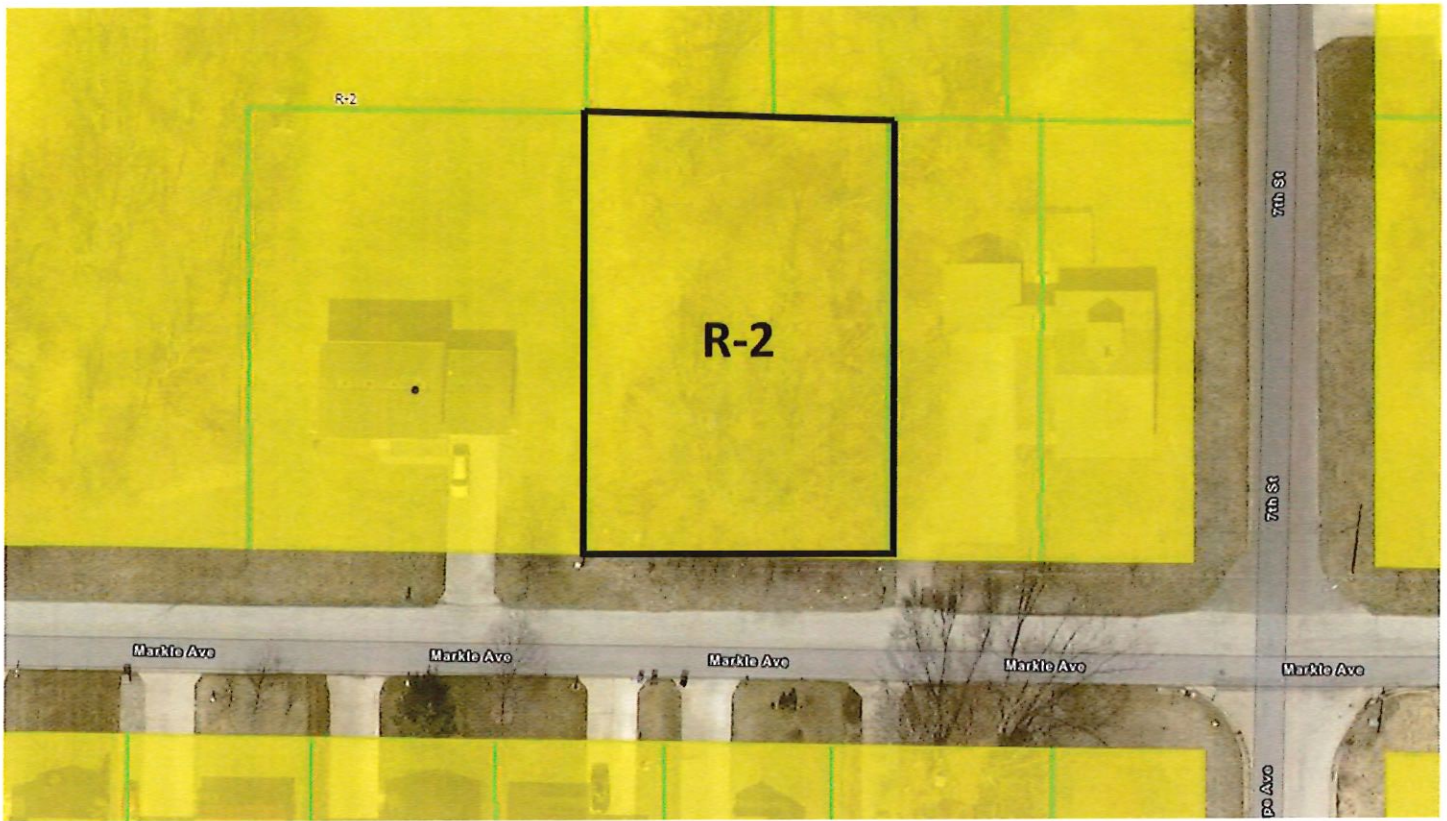




Staff Report

Planning & Zoning

<u>Petition:</u>	25-BZA-14
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	June 12, 2025
<u>Petitioner:</u>	Jonary Perez
<u>Site Location:</u>	714 Markle Avenue
<u>Request:</u>	To vary from the requirements found in Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states in part 'For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed,' to allow for no public sidewalk.
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 0.16 Acre
<u>Thoroughfares:</u>	South 7 th Street and Markle Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	The property is surrounded by residential uses zoned R-2.
<u>Applicable Sections of the Zoning Ordinance:</u>	Enumerated in request.
<u>Comprehensive Plan:</u>	The Comprehensive Plan calls for this area to be developed with a mix of low-density residential uses.



Staff Analysis

The petitioner wishes to vary from the requirements found in Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states in part 'For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed,' to allow for no public sidewalk.

The petitioner built a home, which was completed earlier this year, on one of the last remaining vacant tracts of land within the Smole Subdivision south of West Lusher Avenue; there are two or three vacant lots remaining throughout the subdivision. This subdivision was established in the mid 1950's with the majority of the homes being built into the 2000's. The site that is part of the request is along Markle Avenue where no adjacent sidewalks currently exist. The nearest comply sidewalk is along West Lusher Ave, which is two blocks up and South 6th Street one block over to the east. The city began to place a focus on enforcing its ordinance on sidewalk in 2021 with installing sidewalk on infill lots when built on with many of the most recent homes constructed around 2021.

Staff recognizes the concerns posed by the petitioner in their submittal material around the lack of sidewalks in the neighborhood and along Markle Avenue. However, this circumstance is not unlike many other circumstances in the city where development has occurred over time – even this subdivision is evidenced where sidewalks exist in some areas and not others. Sidewalks provide a designated place for pedestrians and allow for the separation of pedestrians from automobile traffic. Part of living in a more urban area include the urban elements which include sidewalks.

In building on the work of Aspire Elkhart, the installation of sidewalks in our neighborhood connects with the four pillars of the initiative for Public Safety, Infrastructure, Quality of Place, and Neighborhoods in which the city is working hard to develop across the city among city departments. The connecting of neighborhoods with sidewalks is part of a bigger plan of bringing improvement and increasing walkability to the local school.

Staff recommends denial of this variance.

Recommendation

The Staff recommends **denial** of the developmental variance to vary from the requirements found in Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states in part 'For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed,' to allow for no public sidewalk 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 it is necessary to establish standards regulating off street parking, pedestrian movement and in part for the enhancement of the community;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the new home is in an area of the subdivision with no existing sidewalk system;
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 not** exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the public sidewalk in question could have been installed at the time of construction;
5. The strict application of the terms of this Ordinance **not will** result in practical difficulties in the use of the property because the public sidewalk in question could have been installed at the time of construction;
6. The special conditions and circumstances **do** result from any action or inaction by the applicant because the petitioner chose not to install the sidewalk and file for relief from the requirement;
7. This property **does not** lie within a designated flood area.

Photos



PETITION #: 25-132A-14

FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): X Jonathan Perez

Mailing Address: [REDACTED]

Phone #: [REDACTED]

Contact Person: Jonathan Brown

Mailing Address: [REDACTED]

Phone #: [REDACTED]

Subject Property Address: 714 Markle Ave Elkhart, IN 46516

Zoning: R2

Present Use: New Residential Home Proposed Use: New Residential Home

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): Jonathan Brown

SIGNATURE(S): [Signature]

X

Jonathan Perez

DATE: -25

STAFF USE ONLY:

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

- ☒ One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- ☒ A completed Petition form signed by the legal owner of record (or approved representative). *Not the owner*
- ☐ If any person other than the legal owner or the legal owner's attorney files the appeal, *- need* written and signed authorization from the property owner must be supplied.
- ☒ A full and accurate legal description of the property. *- need*
- ☒ 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: April 8, 2025

To: Board of Zoning Appeals

Re: Developmental Variance City of Elkhart Indiana

From: Contact Person - Jonathan Brown, dba JC Brown & Associates, LLC

1. I, Jonathan Brown, builder and contact person for the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:

Smole Subdivision Lot 16 and 17, also known as 714 Markle Avenue

2. The above-described real estate presently has a zoning classification of R2, one family Dwelling District under the Zoning Ordinance of the City of Elkhart.

3. The builder recently constructed and sold a three-bedroom home at the above described address.

4. Petitioner desires to waive the zoning requirement for a sidewalk in front of the property.

5. The Zoning Ordinance of the City of Elkhart is in Section 26 O (i i a) "Pedestrian Access"

The ordinance states "For new construction on vacant land both a public sidewalk and the required designated pedestrian connections shall be installed. The sidewalk must be constructed with a minimum five (5) foot landscaped green space (tree lawn) between the curb and the outside edge of the sidewalk. Street trees must be planted at intervals of not less than 40 feet apart."

6. The submitted and approved site plan for the building permit did not have a sidewalk indicated. The builder was informed that a sidewalk had to be installed when an occupancy permit was requested in mid-January 2025 in order "close" on the house.

7. Standards that must be considered for a Developmental Variance

1. Approval will not be injurious to the community.

2. The property value of the homes in the area adjacent to this property will be improved due to new construction.

3. It seems that wording in Section 26 of the Zoning Sidewalk Ordinance relates to commercial, industrial and large residential development properties. Building affordable new homes on inner city in-fill lots benefits the community.

4. Again, section 26 seems to relate to large residential developments. Depending on the lot, the cost of a sidewalk where there are none will/can add

thousands of dollars to the sale price which could make a difference in a sale.

5. Markle Avenue is an older neighborhood and there are no sidewalks on either side of the street for approximately six blocks between 6th Street and Oakland Avenue. This particular site appears to have an electric pole and pedestal at the west property line a few feet into the public right of way that would need to be relocated.

6. This house is sold, so there will not be any monetary issues with the buyer. If the builder had prior knowledge of details of this ordinance I would have increased the price three to four thousand dollars to cover the expense of installing a sidewalk.

7. Not applicable in this case.

Wherefore, Petitioner prays and respectfully request a hearing on this appeal and that after such hearing, the Board grant the requested developmental ordinance.

Signature of Property Owner ^x Jonanys Perez

Printed Name ^x Jonanys Perez

Second Property Owner _____

Printed Name _____

Contact Person Jonathan Brown

Address [REDACTED]

Phone [REDACTED] E-mail [REDACTED]

2
Permit #: 24-1540

Building Permit

New Structures - Residential (1 or 2 Family Dwellings)

FAILURE TO COMPLY WITH THE FOLLOWING INSTRUCTIONS WILL CONSTITUTE VIOLATION OF THE BUILDING CODE OF THE CITY OF ELKHART, INDIANA:

- 1) This notice of permit must be posted in a conspicuous place on the street side of the job site and must remain until completion of the work.
- 2) The Building Department must be notified as soon as all work has been completed and the building is ready for occupancy. Occupancy will not be permitted until a Certificate of Occupancy has been issued and signed by the Building Commissioner.

THE ISSUANCE OF THIS PERMIT IN NO WAY RELEASES THE RECIPIENT FROM THE RESPONSIBILITY OF COMPLYING WITH THE REQUIREMENTS OF THE ZONING ORDINANCES AND BUILDING CODES OF THE STATE OF INDIANA AND THE CITY OF ELKHART, INDIANA.

ISSUED TO: JC BROWN & ASSOCIATES LLC

FOR: Construct one-story single-family home three bedrooms. One and a half full basement. 1008 Sq feet living space on first floor. 1008 sq feet unfinished basement. 480 sq feet. Two car garage.

LOCATED AT: 714 MARKLE

Permit Issuance Date: August 2, 2024

Permit Expiration Date: August 1, 2025

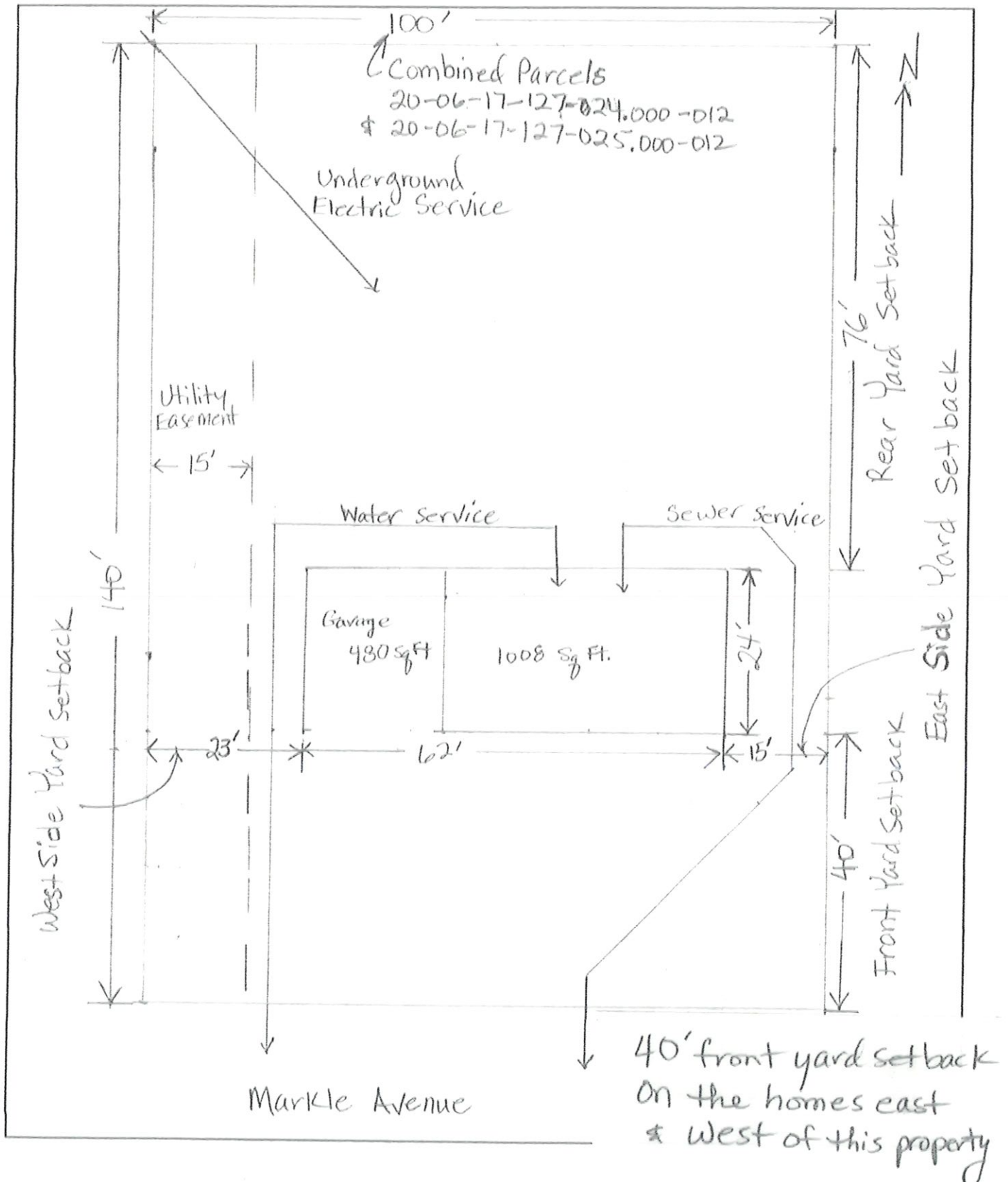
Permit Issued By: Hugo Robles Madrigal

FOR INSPECTIONS: Schedule your inspection(s) through your CivicGov Citizen Portal Account or call (574)294-5474 ext. 1009 to speak with the Building Inspector, Paul Goodwin.



WATER • WASTE WATER • STORMWATER
SOLUTIONS

JOB _____
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE _____
SCALE _____



Zoning Clearance Application - New Structure

Property Owner Information:

Owner's Name: Jonathan Brown

Owner's Phone #: [REDACTED] Owner's Email Address:

Is Owner the Applicant? ☒ Yes ☐ No

Property Information:

Property Address: 06-17-127-024-012

of Units:

of Stories:

Zoning Use of Property: Present: Single Family Residence ▼ > Proposed: Single Family Residence ▼ >

Description of Work Information:

Type of Proposed Structure: New Structure - Residential ▼ >

Structure Height: 15 FT

Structure Width: 24 FT

Structure Length: 62 FT

Total Square Feet of Work: 1488

Description of Work:

Construct one-story single-family home. Three bedrooms, one and a half bathrooms. full basement. 100 sq ft living space on first floor. 1008 sq ft unfinished basement. 480 sq ft two car garage.

Contractor Information:

Name/Company Name: Jonathan Brown

Phone #: [REDACTED] Email Address: [REDACTED]

NOTICE: THE PROPERTY OWNER/CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR CONSTRUCTION OVER ANY PUBLIC AND PRIVATE EASEMENT. WHENEVER MAJOR IMPROVEMENTS ARE MADE TO A BUILDING OR STRUCTURE OR A NEW USE, PARKING/LOADING FACILITIES SHALL CONFORM TO THE EXISTING ZONING ORDINANCE. A SEPARATE BUILDING PERMIT APPLICATION MAY BE REQUIRED PRIOR TO STARTING WORK. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 365 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

CERTIFICATE OF OCCUPANCY REQUIREMENTS: All new construction and substantial improvements to an existing property require a valid Certificate of Occupancy prior to occupancy of a building. The following inspections are required: Structural, Electrical, Heating, Ventilation, Air Conditioning, Plumbing, and Zoning (paving & landscaping must be complete and the address displayed). The signature of the Building Commissioner and Zoning Administrator are also required for the final Certificate of Occupancy. Final approval to occupy a building is **NOT GRANTED** until the Certificate of Occupancy is issued by the Building Department. Occupancy of a building without a Certificate of Occupancy may result in the issuance of substantial daily fines. It is the responsibility of the property owner or their representative to contact the Building Department to request a Certificate of Occupancy. The Building Department staff will contact the Planning & Zoning Department staff for a zoning inspection. It is the responsibility of the property owner or their representative to see that all the inspections listed above have been completed. By applying for this Zoning Clearance, if the undersigned is not the property owner of record, the undersigned representative assumes the responsibility to inform the property owner(s) of these requirements. A copy of this form is given to the undersigned representative, and one is retained in the records of the Office of Planning & Development. I have read the above statement and understand the requirements for a Certificate of Occupancy. I further understand that it is my responsibility to inform the property owner(s) of these requirements.

Jonathan Brown

07/25/2024

SIGNATURE OF OWNER OR AUTHORIZED AGENT*

DATE

*IF NOT THE OWNER, RELATIONSHIP TO OWNER

To Be Completed By Office Staff:

Zoning Permit #: Z24-0416

Required Setbacks: Front

Rear

R Side

L Side

Staff Comments:

Approved as presented

Staff Signature: Jason Ughetti

Date: 07/30/2024