City of Elkhart

INSTRUCTIONS AND FILING PROCEDURE FOR SPECIAL EXCEPTIONS

The Board of Zoning Appeals shall consider petitions only for such special exceptions as are specifically enumerated in the Zoning Ordinance and, as to each special exception that is granted, may impose such conditions on the approval exercise of such special exception as the Board may deem advisable. Special Exceptions must be heard first by the Plan Commission who then makes a recommendation to the Board of Zoning Appeals. The BZA makes its own independent final decision.

A complete Special Exception Petition (see page 2) must be filed with the Planning & Zoning Department located at the Permit Center at 229 S. Second Street, Elkhart, Indiana. **Petitions must be filed no later than the filing deadline dates as shown below** on the Plan Commission calendar, and with all required signatures in permanent ink.

2026 CITY OF ELKHART PLAN COMMISSION CALENDAR

File by Date	Meeting Date
Wednesday, November 26, 2025	Monday, January 5, 2026
Friday, December 26, 2026	Monday, February 2, 2026
Friday, January 30, 2026	Monday, March 2, 2026
Friday, February 27, 2026	Monday, April 6, 2026
Friday, March 27, 2026	Monday, May 4, 2026
Friday, April 24, 2026	Monday, June 1, 2026
Friday, May 29, 2026	Monday, July 6, 2026
Friday, June 26, 2026	Monday, August 3, 2026
Friday, July 31, 2026	**Tuesday, September 8, 2026**
Friday, August 28, 2026	Monday, October 5, 2026
Friday, September 25, 2026	Monday, November 2, 2026
Friday, October 30, 2026	Monday, December 7, 2026
Wednesday, November 25, 2026	Monday, January 4, 2027

All meetings are held at 1:45 p.m. in the Council Chambers, 2nd floor, City Municipal Building on the 1st Monday of each month unless indicated in **bold**.

APPLICANT CHECKLIST – SPECIAL EXCEPTION PETITION

A complete Special Exception Petition must contain the following information:

1. _____ **A Special Exception appeal letter patterned after the sample form on page 4** and including such data and/or information necessary for a clear understanding of the situation by the Board of Zoning Appeals. The petition must address and discuss each of the **applicable standards (see page 3)** that the Board must use to make a decision. Please include any other pertinent data that will assist the Board in determining whether or not the approval of the Special Exception request will be in the best interest of the City of Elkhart.

2. _____ A completed **Petition form (see pages 5 & 6)** signed by the legal owner of record of the property that is the subject of the Petition. **The owner(s) of record at the time the petition is filed shall be considered the applicant and must sign the petition.** If the petition is filed by any person other than the legal owner or the owner's attorney, written authorization of the legal owner authorizing the person to act as the owner's agent for petition purposes must be filed with the petition. If the applicant is not an individual, the name(s) and title(s) of the person(s) who are authorized to execute legal documents for the applicant shall be supplied. Land Contract Purchasers or Renters cannot bring petitions without authorization from the owner of record.

3. _____ A full and accurate legal description of the property for which the special exception is being requested. **The abbreviated version shown on a tax form is NOT an acceptable legal description.** A full legal description may be found on the recorded deed or possibly on a certified survey. If the legal description is in a Word or PDF format, please email it to Carla.Lipsey@coei.org.

4. _____ One (1) to scale drawing of the property, measuring 11" x 17" or smaller showing the dimensions of the property, buildings, yard setbacks, parking layouts, distances to adjoining buildings, and any other information that is pertinent to your petition. If drawing is larger than 11" x 17", 12 copies of the site plan must be provided.

5. _____ *When changes to a building are involved*, the plans for the proposed special exception must be provided and scaled to proportion.

6. _____ Any supplemental information you wish to provide to the Plan Commission and BZA.

7. _____ A filing fee in the amount listed in Section 29.12 of the Zoning Ordinance. The Permit Center accepts Visa, MC, and Discover credit cards, cash or a check made payable to the City of Elkhart.

*Special Exception Fees are based on the **proposed** zoning use*

$200.00	Residential (One & Two Family)
$300.00	Multi-Family, Business & Manufacturing

Failure to meet any of the above requirements will result in your application not being accepted by the Planning Department staff until such time as said requirements are met.

SPECIAL EXCEPTION PROCEDURE

Petitions for Special Exceptions are reviewed by the Planning Department staff prior to the public hearing and decision of the Plan Commission. After the hearing the Commission will send their recommendation (do pass or do not pass) to the public hearing and final decision of the Board of Zoning Appeals.

You or your designation representative must be present at both meetings to make a presentation and answer any questions that may arise. The presentation must include sufficient evidence relating to the **three standards listed below** (as well as any other information you feel is pertinent to your petition) to persuade the Commission and Board to grant your request.

After you have completed your presentation, public comments are heard for or against your petition.

You may be allowed to respond to any comments or answer any questions which may arise concerning your petition; this is at the discretion of the Commission Chairman or Board Chairman.

Standards that must be considered for a Special Exception: Section 29.7 of the City of Elkhart Zoning Ordinance mandates that **"No** special exception shall be granted by the Board of Zoning Appeals unless the Board specifically finds that:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located."

The Planning Department staff will consider these standards when making a recommendation to the Plan Commission and Board of Zoning Appeals. You **must** address the above three standards within the body of your appeal letter (see page 4).

Notice of the public hearings are prepared by the Planning Department staff and published in the newspaper 10 days prior to both meetings. Please refer to the Plan Commission calendar (see page 1) for filing deadlines and the meeting location, time and dates. The Plan Commission recommendations are sent to the Board of Zoning Appeals for hearing and final action. Please refer to the BZA calendar (see page 7) for the meeting location, time and dates.

Note: Any Special Exception that is granted must be implemented within 12 months or the Special Exception shall be null and void.

THIS IS NOT A FILL-IN FORM.
It is a sample form to be used as a guide when preparing your appeal letter to the Plan Commission and Board of Zoning Appeals

DATE:

TO: Plan Commission & Board of Zoning Appeals
City of Elkhart, Indiana

RE: Special Exception Request

The undersigned petitioner respectfully shows the Plan Commission and Board of Zoning Appeals:

1. I, *(insert property owner(s) name(s),* am the owner of the following described real estate located within the City of Elkhart, _____ Township, Elkhart County, State of Indiana, to-wit:

   Attach the accurate legal description and common address - a tax key number is not a legal description.

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

3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner: *(Explain)*.

4. Petitioner desires to (*Explain the proposed special exception use in detail*).

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

6. Explain why this property is suited to the special exception use being requested.

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

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

Signature of Property Owner: _____

Printed Name: _____

Second Property Owner: _____

Printed Name: _____

Contact Person: _____

Name: _____

Address: _____

Phone Number where you can be reached: _____

Email: _____

EXAMPLE

PETITION #: _____ **FILING FEE: $**_____

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE: SPECIAL EXCEPTION

Property Owner(s): _____

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: _____

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: _____

Zoning: _____

Present Use: _____ Proposed Use: _____

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): _____

SIGNATURE(S): _____ DATE: _____

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: _____

AFFIDAVIT IN SUPPORT OF SPECIAL EXCEPTION PETITION

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 special exception 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 _____ Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the _____ day of _____, 20_____.

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: _____

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared _____, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this _____ day of _____, 20_____.

_____

Printed: _____

My Commission Expires:

_____

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

2026 CITY OF ELKHART BOARD OF ZONING APPEALS CALENDAR

File by Date	Meeting Date
Friday, December 5, 2025	Thursday, January 8, 2026
Friday, January 2, 2026	Thursday, February 12, 2026
Friday, February 6, 2026	Thursday, March 12, 2026
Friday, March 6, 2026	Thursday, April 9, 2026
Thursday, April 2, 2026	Thursday, May 14, 2026
Friday, May 1, 2026	Thursday, June 11, 2026
Friday, June 5, 2026	Thursday, July 9, 2026
Thursday, July 2, 2026	Thursday, August 13, 2026
Friday, August 7, 2026	Thursday, September 10, 2026
Friday, September 4, 2026	Thursday, October 8, 2026
Friday, October 2, 2026	Thursday, November 12, 2026
Friday, November 6, 2026	Thursday, December 10, 2026
Friday, December 4, 2026	Thursday, January 14, 2027

All meetings are held at 6:00 p.m. in the Council Chambers, 2nd floor, City Municipal Building on the 2nd Thursday of each month unless indicated in **bold**.