

AGENDA
CITY OF ELKHART BOARD OF ZONING APPEALS
THURSDAY, SEPTEMBER 10, 2026 AT 6:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

This meeting can also be accessed electronically via Teams.

To join, go to <https://teams.microsoft.com/join/219408143693404?p=yzJx3C3zJ8yUPjZSJjs>, enter **219 408 143 693 404** as the meeting number and “**2hQ2MW6s**” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhartin.gov prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES AUGUST 13, 2026**
4. **APPROVAL OF PROOFS OF PUBLICATION**

5. **OLD BUSINESS**
None

6. **NEW BUSINESS**

26-BZA-10 PETITIONER IS SRE INDIANA 1M, LLC
PROPERTY IS LOCATED AT 3008 MOBILE DR

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

26-BZA-19 PETITIONER IS RICHARD & KATHLEEN COLLINS
PROPERTY IS LOCATED AT 2619 GREENLEAF BLVD

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.

26-REV-02 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT 1701 PRAIRIE ST

A request by the City of Elkhart to revoke special exception 95-X-26 approved on March 14, 1995. The special exception allowed a sheltered living home facility for the rehabilitation of substance abusers. To also revoke special exception 75-X-09 approved on June 12, 1975, for use as an institution for children.

The property is now being used as a single family dwelling and no longer being used for either special exception use.

26-UV-21 PETITIONER IS VICTOR MEZA
PROPERTY IS LOCATED AT 2625 WARREN ST

To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

26-BZA-20 PETITIONER IS ALLEN & DONNA ZAVATSKY
PROPERTY IS LOCATED AT 217 HAINES DR

To vary from Section 4.4, Yard Requirements in the R-1 District, which requires front setbacks and rear setbacks located along a river or stream to be the established setbacks. The established setbacks at this location are 50’8” feet in the front and 57’7” feet in the rear; the requested setbacks are 35 feet in the front and 42 feet in the rear, a variance of 15’8” feet in front and 15’7” feet in the rear.

26-BZA-21 PETITIONER IS 28247 JAMI LLC
PROPERTY IS LOCATED AT 2824 JAMI ST

To vary from Section 26.4.A.6, Fence Requirements, which states in part that, ‘No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard, to allow for a six (6) foot chain link fence in the front yard, a variance of two (2) feet.

26-UV-23 PETITIONER IS ESTELA SANDOVAL

PROPERTY IS LOCATED AT 2319 S MAIN ST

To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the B-1 District.

26-BZA-17 PETITIONER IS GARRICK AND TRICIA LANKFORD

PROPERTY IS LOCATED AT 12 MELROSE MANOR

To vary from Section 4.4, Yard Requirements in the R-1, One Family Dwelling District, which requires rear setbacks located along a river or stream to be the established setback. The established setback at this location is 64'9" (current rear setback is 48'6"). The requested setback for the home after an addition is 36'6" feet in the rear, a variance of 28.3 feet.

7. **STAFF ITEMS**
8. **ADJOURNMENT**

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

BOARD OF ZONING APPEALS MEMBERS

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

BOARD OF ZONING APPEALS

-MINUTES-

**Thursday, August 13, 2026 - Commenced at 6:01 P.M. & adjourned at 6:47 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Janet Evanega Rieckhoff
Phalene Leichtman
Rochali Newbill
Dave Osborne – *temporary appointee*

MEMBERS ABSENT

Ann Linley*

**Ann Linley attempted to join via Teams, but the sound was not working; she was not able to call her attendance or cast any votes.*

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Raen Levendoski

ELECTION OF OFFICERS

Evanega Rieckhoff nominates Rochali Newbill as Board Secretary and calls for a vote. Voice vote carries.

APPROVAL TO AMEND AGENDA

Eric Trotter, Assistant Director for Planning, states that staff is requesting 26-UV-19 for 1125 Thornton Street be tabled until the September meeting.

Evanega Rieckhoff asks if they have to vote on it. Trotter states that they have to vote on the request to table and on the amended agenda.

Leichtman makes a motion to modify the agenda and Table 26-UV-19; Second by Osborne. Voice vote carries.

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

APPROVAL OF MINUTES FOR JULY 9, 2026

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

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the August 13, 2026 meeting of the Elkhart City Board of Zoning Appeals.

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

The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the board. If no decision is made, the petition will be set for another hearing. If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision no later than 30 days after the decision is made. That appeal must be filed in an appropriate court, not with the Board. 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. If you think you may potentially want to appeal a decision of this Board you must give this Board a written

appearance before the hearing. If you are here in person, a sign-in sheet is provided which will act as an appearance. You must sign the sheet if you want to speak and you must sign this sheet want to appeal our decision. A written petition that is set for the hearing tonight satisfies that requirement for the petitioner. Because the rules on appeal are statutory, and specific on what you can do, the Board recommends that 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.

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

DRAFT

OLD BUSINESS

None.

NEW BUSINESS

26-UV-18 PETITIONER IS MARY AND PETER GRABER

PROPERTY IS LOCATED AT 3030 BENHAM AVE

Trotter presents.

The request is to vary from Section 6.2, Permitted Uses in the R-3, Two-Family Dwelling District to allow for the structure at 3030 Benham Avenue to be used for the purpose of providing 24-hour residential care and support for individuals on an ongoing basis – as a single residential unit.

Evanega Rieckhoff calls the petitioner forward.

Peter Graber, 6 Swanson Manor, appears in person. They started the process in 2005, when their daughter Emily who has cerebral palsy and other developmental issues, uses a wheelchair. They knew that she would eventually need to live on her own away from them, so they decided to build a home that they could live in with her, that had space for a caregiver to live in the home that later could be used as a home for a number of people like her. The common term is group home; technically it is not a group home, which is a special designation with the Division of Family and Social Services. It's a Supported Living Home, meaning the residents that live there each have a lease in the property, they share as roommates in that lease, and ADEC staff or whatever agency is working with them provides support for them to live independently. So, not quite living independently, but in a supported way where they couldn't live independently if they were by themselves. So that each person doesn't have to have a caregiver living with them, they can share a caregiver by living together in a setting like this. That was the idea when they started out, and they thought they had everything in place with the zoning and the permits and the way it was built, but as it turns out they did not. They are petitioning for allowance to use the property in this format, which is how it is already being used. There are currently seven residents, and there will be an eighth soon. There are eight bedrooms and three common areas in the house. They hope to be able to have this go through. It doesn't increase the number of people living there from the time they lived there, because they had family members, caregivers, and other people living there. The house is built for that, and the only issue is parking, but since none of the residents drive they're okay there.

Evanega Rieckhoff asks for questions from the Board.

Newbill asks about how many cars they can park there. Graber states that there are four garage spaces that are open, and more spaces in the driveway. Right now, Emily's van is parked in the garage and the staff members that come to work there park in the driveway. There is another van that the residents use parked in the garage.

Newbill states he is very familiar with the property, as he lives just around the corner, and it's well kept. Evanega Rieckhoff also states that the property is very nice.

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

STAFF ANALYSIS

The petitioner is requesting a use variance to allow for an existing structure to be used for the purpose of providing 24-hour residential care and support for individuals on an ongoing basis – as a single residential unit. The current living arrangement of 8 people in a sheltered living home type scenario is not a permitted use as referenced in R-3, Two-Family Dwelling District Section 6.2 Permitted Uses.

This request was brought to the attention of the Zoning staff when the landowner applied for rental registration. The home on Benham provides 24-hour care for residents in a permanent living situation. The adult child of the petitioner and seven (7) other individuals share living accommodation as a single-family unit. Care is provided with care providers coordinated through ADEC. The residents also share care givers within the home. This dwelling has and will maintain the appearance of a detached single-family dwelling.

Google street view of 3030 Benham



The dwelling was constructed in 2006. On the main level there are four (4) bedrooms and four (4) bedrooms on the lower level with a total six (6) full bathrooms. The home is equipped with an elevator and two living areas; one on the main and one on the lower level. The property also has a second, smaller kitchen area in the lower level as well.

The dwelling is in a mature neighborhood with adjacent structures ranging in age from 20 to 70 years old. This home, which is sited on the east side of Benham Avenue, shares a parcel size similar to that of its neighboring properties, approximately one-half acre. To the east of the dwelling, is land owned by the Elkhart Water Utility which houses a water tower supplying drinking water to the city. The west side of Benham is occupied by the campus of the Anabaptist Mennonite Biblical Seminary.

The current zoning ordinance does not have a use category that fits this specific type of living situation. The closest current comparison would be a Sheltered Living Home. The definition of Sheltered Living Home emphasizes a third party providing the care for the facility and individuals living in the dwelling rather than just providing support services to the residents living in the home.

This request offered the staff an opportunity to find the best fit in the zoning ordinance for an existing use. The appearance of the dwelling and operation of the home provide for a favorable and continued situation in this neighborhood. This process will allow the petitioner to bring the use into compliance.

Staff supports the request. The board is being asked to approve the use variance associated with this project.

STAFF RECOMMENDATION

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

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because the structure will be 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 majority of surrounding uses are residential and are residential structures;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action this residential use on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because providing for a specific guideline of this use is not easily achieved with both adjacent structures used residentially and an ownership of the dwelling as a private landowner not the managed care organization;

6. The special conditions and circumstances do result from any action or inaction by the applicant because the property owner actively applied for a rental registration in efforts to bring the property into compliance;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

None.

Trotter states there were eight letters mailed with 2 returned in favor with one comment: "This will be an asset to the community."

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

Leichtman asks about what happens with an ownership change. Trotter states that the use variance would stay with the property.

Evanega Rieckhoff calls for a motion.

Leichtman makes a motion to approve 26-UV-18 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, there are no conditions; Second by Newbill.

Leichtman – Yes

Newbill – Yes

Osborne – Yes

Evanega Rieckhoff – Yes

Motion carries.

26-BZA-18 PETITIONER IS GRANT STREET LLC PROPERTY IS LOCATED AT 2223 GRANT ST

Kyle Anthony-Petter, Planner II, presents.

The request is 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.

Evanega Rieckhoff calls the petitioner forward.

Mike Shedivy, 2223 Grant St, appears in person. They just finished new construction there, and there's a requirement then to put in a sidewalk. Grant Street is about a half mile long street, and on that half mile long street, no other lots are going to be constructed going forward, so the whole street is built out. There are no sidewalks on any of the other properties on that section of Grant Street, on either side. His property is in the middle, so if he put in a sidewalk it would literally go nowhere. There are large growth trees and utilities that are along the roadway there that he would have to look at relocating. Shedivy asks for a variance to not put in a sidewalk and to match the other 30 properties on that half mile strip of Grant Street.

Evanega Rieckhoff asks for questions from the Board.

Newbill asks why this property wasn't grandfathered in. Leichtman states that she believes it's part of the new UDO stuff.

Evanega Rieckhoff agrees and states that in the new UDO they're looking at having sidewalks, and sidewalks are a great thing.

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 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 Bay View Subdivision south of East Bristol Street; there are two or three vacant lots remaining throughout the subdivision. This subdivision was established in the 1950's with most of the homes being built in the late 1950's. The site that is part of the request

is along Grant Street where no adjacent sidewalks currently exist. The nearest public sidewalk is along Grant Street on the west side of Osolo Road.

Staff recognize the concerns posed by the petitioner in their submittal material around the lack of sidewalks in the neighborhood and along Grant Street. 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 designated places 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 neighborhoods with sidewalks is part of a bigger plan of bringing improvement and increasing walkability.

Staff recommend denial of this variance.

STAFF 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 public sidewalk is part of the public infrastructure within the City;
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 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 hazard area.

CONDITIONS

Board condition added.

Anthony-Petter states there were 26 letters mailed with 2 mailed responses in favor with comments.

Evanega Rieckhoff asks for clarification on if they were in favor of the petitioner. Anthony-Petter confirms.

The mailed comments were: “I am in favor of no sidewalks. The installation of a sidewalk would interfere with the trees next to the road and would also cut into the landscape hedges and water supply connection and sewer at our property. We do not wish to have a sidewalk installed on our side of the street,” and “There are no other sidewalks on the street between Osolo Road and Bristol Street. It would look out of place to add them to this one area only.”

There were also two phone calls received in favor with the following comments: “The rest of the block does not have sidewalks, it would look weird for one of the houses only to have one,” and “Does not want a sidewalk, it would have to remove trees and landscaping, the water line may be affected.”

Evanega Rieckhoff confirms that she drove through the area and there were no other sidewalks, and it is a beautiful green area. She asks the property owner if their property is close to the eagles nest in that area, and he states that their property is that property.

Leichtman asks if there are any plans set in motion for sidewalks to go in from the City right now. Anthony-Petter says that he is currently not aware of anything in that area at this moment.

Leichtman asks in the past when they've had these variance requests come to the Board, don't they put conditions in where the property owners are financially responsible when City installs a sidewalk. Evanega Rieckhoff states she doesn't think that's accurate.

Trotter states that the condition was that the property owners would not object when the City put in a sidewalk. Evanega Rieckhoff agrees.

Newbill asks if the property owner pays for the material and the City pays for the labor. Trotter states that in that circumstance, it would be a municipal project.

Newbill asks how many other vacant lots are close to this lot. Anthony-Petter states that the vacant lots are on East Bristol, not Grant Street. Evanega Rieckhoff asks Shedivy if they're the last ones to build there. Shedivy confirms off-mic.

Evanega Rieckhoff states the last time they did this, what they said was that the petitioners would not object if the City was going to pay for and put in sidewalks. Staff confirms. Evanega Rieckhoff isn't sure why they would need to do that, and asks staff if they would feel more comfortable if they did.

Trotter states that the reality is that they'll see more of these month by month. Evanega Rieckhoff acknowledges and states they will take them case-by-case, but her question still stands – does staff feel more comfortable with a condition if the Board agrees with the petitioner. Trotter states it doesn't make him feel better, but it is one way to address the situation that when the time comes that the municipality decides to do a public infrastructure project, that this homeowner would not object to that activity going through their public right-of-way.

Evanega Rieckhoff calls for a motion.

Osborne makes a motion to approve 26-BZA-18 and adopt the petitioner's documents and presentation as the Board's findings of fact in the present petition with no conditions; Second by Newbill.

The Board asks how they would bring it up for another vote if they want the condition.

Maggie Marnocha, Board Attorney, states that they have a motion and a second, they vote on that, and if it does not pass, they can have another motion with a condition.

Leichtman – No
Newbill – No
Osborne – Yes
Evanega Rieckhoff – No

Motion rejected.

Leichtman makes a motion to approve 26-BZA-18 and adopt the petitioner's documents and presentation as the Board's findings of fact in the present petition with the following conditions: if the municipality ever wants to do a sidewalk project there will be no objection from the owner; Second by Newbill.

Leichtman – Yes
Newbill – Yes
Osborne – Yes
Evanega Rieckhoff – Yes

Motion carries.

Leichtman asks if they need to have the petitioner agree to the terms. Evanega Rieckhoff states she doesn't think so.

STAFF ITEMS

Marnocha presents a request for reconsideration of a petition the Board heard at the last meeting. Marnocha would like to bring to the Board's attention that in the rules of procedure and the explanation that is given at the very beginning of the meeting. A petitioner can file a motion for a rehearing in two cases – first, if they want to allege that the Board's action was illegal, or second, if they are alleging that they discovered additional material following the hearing. This is the second reason that the petitioner addressed in their motion.

As they may remember, the people who came and spoke against the petition brought a number of pictures, diagrams, all of that. The petitioner was not privy to those items; the Board had them but the petitioner did not. After the hearing, the petitioner filed a Public Records Request, received those items, and that's when they discovered that they had actual photographs and diagrams that dispute what was presented. They're asking for a rehearing, they have to present the same petition, staff will have to go through and make a recommendation or any conditions, and they would be able at that time to present the additional information that they realized after the hearing. If the people who were opposed, they could have filed a petition opposing it and the petitioner would have had all of that information ahead of time, but they didn't.

Mr. Lankford, one of the petitioners, provided a number of things in his motion. Those can only be considered as far as if the Board is willing to grant the motion for the rehearing. None of those things are going to apply to the vote if the Board does give them a rehearing, unless the petitioners then present those documents. Those were sent to the Board only with regard to will the Board agree to the rehearing or not. No one is allowed to speak on it here. The only decision the Board will be making is yes they will rehear or no they will not.

Leichtman asks if it will be added on next month or today. Marnocha states it will not be heard today, it will be scheduled for the next meeting. Evanega Rieckhoff states it will have to be public. Marnocha confirms it will be Noticed exactly the same, the publication and everything.

Evanega Rieckhoff asks if what they get next month will include the rehearing documents. Marnocha says no, what they get next month will be the exact same petition as was submitted before, but at the hearing they can present all of these things. They will know what's being presented against them and be able to present their rebuttal.

Newbill states it sounds like they're starting all over. Marnocha confirms that it will be a totally new rehearing of the same petition.

Evanega Rieckhoff asks Staff to meet with Lankford before the meeting and try to get them to come up with something that the neighbors are going to agree with. Marnocha states that yes, they can.

Marnocha states they are not going to discuss the petition, the Board just needs to vote on the rehearing.

Newbill makes a motion to grant the rehearing of 26-BZA-17 for 12 Melrose Manor; Second by Leichtman.

Leichtman – Yes

Newbill – Yes

Osborne – Yes

Evanega Rieckhoff – Yes

Motion carries.

Trotter introduces the new planner, Chris Godlewski and states the Board will be seeing him more often in the future than they see Trotter. The Board welcomes Godlewski.

ADJOURNMENT

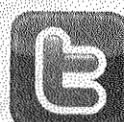
Newbill makes motion to adjourn; Second by Leichtman. All are in favor and meeting is adjourned.

President or Vice-President

Secretary

The Elkhart Truth

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**STATE OF INDIANA
IN THE ELKHART
SUPERIOR COURT
COUNTY OF ELKHART
CASE NO:
20D06-2606-MI-000221**

**IN RE THE NAME CHANGE
OF MINOR:
Baylie Sue Riffle
Minor Child**

Erin Doncilovic
Mother, Person Filing

**NOTICE OF PETITION FOR
CHANGE OF NAME**

Notice is hereby given that
Petitioner, Erin Doncilovic, as
self-represented litigant, filed
Verified Petition to change the
name of Baylie Sue Riffle to
Baylie Sue Doncilovic.

Petition will be scheduled for
hearing in the Elkhart County
Court Complex on September
22, at 1:45 p.m. Any person has
the right to appear at the hearing
and to file written objections on
or before the hearing date.

Date: June 15, 2026

/s/Patricia Pickens
Clerk, Elkhart Superior Court

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LEGAL NOTICE #26-BZA-10

Hearing on proposed Developmental Variance #26-BZA-10

NOTICE is hereby given that the City of Elkhart Board of Zoning Appeals will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **THURSDAY, SEPTEMBER 10, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-10.

Petitioner: SRE Indiana 1M, LLC

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

Location: 3008 Mobile Drive

Zoning: M-1, Limited Manufacturing District

This meeting can also be accessed via Teams.

To join, go to:

<https://teams.microsoft.com/join/219408143693404?p=yJx3C3zJ8yUPJZSJs>, enter **219 408 143 693 404** as the meeting number and "2hQ2MW6s" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

TRACT I: A part of the East half of the Southwest Quarter of Section 20, Township 38 North, Range 5 East, situate in Osolo Township, Elkhart County, State of Indiana, and being more particularly described as follows:

Beginning at a stone at the Southeast corner of the Southwest Quarter of the aforementioned Section; thence due North along the East line of said Quarter Section, a distance of 1664 feet to the place of beginning of this description; thence North 89 degrees 35 minutes West, a distance of 639.28 feet to the East right of way line of Mobile Drive; thence South 0 degrees 3 minutes East along the East line of said Street, a distance of 309.23 feet to the Northwest corner of a tract of land heretofore conveyed to Cauffman Products, Inc.; thence South 89 degrees 35 minutes East, 639.28 feet to the East line of the aforesaid Quarter Section; thence due North along the East line of said Quarter Section, a distance of 306.95 feet to the place of beginning. (Being 3008 Mobile Dr, Elkhart IN)

TRACT II: A part of the Southwest Quarter of Section 20, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, being more particularly described as follows:
Commencing at the Southeast corner of said Quarter Section; thence due North 922.97 feet; thence North 89 degrees 35 minutes West, 319.45 feet to the place of beginning of this description; thence continuing North 89 degrees 35 minutes West, 344.45 feet; thence North 0 degrees 3 minutes West 434 feet; thence South 89 degrees 35 minutes East, 344.82 feet; thence South 434 feet to the place of beginning.

ALSO Rights and benefits of an Easement for ingress and egress as set out in the Warranty Deed dated December 31, 1965 and recorded January 18, 1966 in Deed Record 265, page 381 in the Office of the Recorder of Elkhart County, Indiana. (Being 110 Windsor Avenue, Elkhart IN)

TRACT III: A part of the Southwest Quarter of Section 20, Township 38 North, Range 5 East, situate in Osolo Township, Elkhart County, State of Indiana, described as follows:
Commencing at a stone marking the Southeast corner of the Southwest Quarter of said Section 20; thence due North along the East line of the Southwest Quarter of said Section 20, a distance of 922.97 feet to a point in the centerline of Windsor Street, as the said street is known and designated on the recorded Plat of Lake Drive Subdivision; thence North 89 degrees 35 minutes West along the centerline of said Windsor Street extended Westwardly, a distance of 165.45 feet to a point; thence due South parallel with the East line of the Southwest Quarter of said Section 20, a distance of 263.1 feet to an iron stake; thence South 89 degrees 28 minutes East a distance of 165.46 feet to an iron stake; thence due North parallel with the East line of the Southwest Quarter of said Section 20, a distance of 263.44 feet to the place of beginning.

Also, a part of the Southwest Quarter of Section 20, Township 38 North, Range 5 East, situate in Osolo Township, Elkhart County, State of Indiana, described as follows:

Commencing at a stone marking the Southeast corner of the Southwest Quarter of said Section 20; thence due North along the East line of the Southwest Quarter of said Section 20, a distance of 922.97 feet to a point in the centerline of Windsor Street, as the said street is known and designated on the recorded Plat of Lake Drive Subdivision; thence North 89 degrees 35 minutes West along the centerline of said Windsor Street extended Westwardly, a distance of 168.17 feet to a point; thence South 0 degrees 3 minutes East, a distance of 262.76 feet to an iron stake; thence South 89 degrees 28 minutes East, a distance of 167.94 feet to an iron stake; thence due North parallel with the East line of the Southwest Quarter of said Section 20, a distance of 263.1 feet to the place of beginning. (Being 103 East Windsor Ave, Elkhart IN)

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.

**ELKHART COUNTY SHERIFF'S DEPARTMENT
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE
AND ALL INTERESTED PARTIES**

NOTICE OF SHERIFF'S SALE

Sheriff's File Number:

Date of Sale: September 23, 2026 at 10:30 AM.

Goshen News

Judgment to be Satisfied:

By virtue of a certified copy of a decree to me directed from the Clerk of Elkhart Superior Court 2 of Elkhart County, Indiana, in Cause No. 20D05-2403-MF-000054

Plaintiff: Citibank, N.A., not in its individual capacity, but solely as owner trustee of the New Residential Mortgage Loan Trust 2019-1

Defendant: Rhonda Phillips, OneMain Financial Group, LLC f/k/a OneMain Financial Services, Inc. f/k/a OneMain Financial of Indiana, Inc. f/k/a Springleaf Financial Services of Indiana, Inc. f/k/a American General Financial Services, Inc. and Indiana Housing & Community Development Authority

required me to make the sum as provided for in said Decree with interest and cost, I will expose at public sale to the highest bidder, at the hour of 10:30 AM of said day listed above, at www.zeusauction.com, the fee simple of the whole body of Real Estate in Elkhart County, Indiana.

Lots Numbered One Hundred One (101), One Hundred Two (102), One Hundred Three (103) and One Hundred Four (104) as the said Lots are known and designated on the recorded Plat of RIVERDALE, a Subdivision in Concord Township: said Plat being recorded in Plat Book 3 page 29 in the Office of the Recorder of Elkhart County, Indiana.

More commonly known as 57839 Yukon St, Elkhart, IN 46516-6401

Parcel No. 20-06-14-352-015.000-009

Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisal laws. This Notice shall also represent service of Notice of Sale of the above-described real estate upon the owners, pursuant to requirements of IC 32-29-7-3.

/s/ Matthew S. Love
MATTHEW S. LOVE, Plaintiff Attorney Jeff A. Siegel, Sheriff
Attorney # 18762-29
FEIWELL & HANNOY, P.C.
8415 Allison Pointe Blvd., Suite 400
Indianapolis, IN 46250
(317) 237-2727

Concord
Township

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

NOTICE

FEIWELL & HANNOY, P.C. IS A DEBT COLLECTOR.

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

NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a decree to me directed from the Clerk of the Superior Court of Elkhart County, Indiana, in Cause No. 20D02-2602-MF-000031 wherein Wells Fargo Bank, N.A. was Plaintiff, and Bryan L. Good and Navy Federal Credit Union were Defendants, requiring me to make the sum as provided for in said Decree with interest and cost, I will expose at public online sale to the highest bidder on the 23 day of September, 2026, at the hour of 10:30am, with a closing time of 11:30am, or as soon thereafter as is possible, at www.zeusauction.com, the fee simple of the whole body of Real Estate in Elkhart County, Indiana.

A part of the Northwest Quarter (NW ¼) of Section 35, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at an iron pin in the concrete pavement marking the Northwest corner of said Northwest Quarter (NW ¼); thence South 89 degrees 40 minutes 00 seconds East along the North line of said Northwest Quarter (NW ¼) a distance of 1530.41 feet to a cross cut in the concrete bridge deck marking the Northeast corner of a parcel of land conveyed to Harold G. and Lois E. Wiggins and recorded in the Office of the Recorder of Elkhart County in Warranty Deed Record Volume 280, Page 505, said cross also being the point of beginning of this description; thence South 05 degrees 41 minutes 00 seconds East along the East line of said Wiggins parcel and the centerline of the Yellow Creek a distance of 73.28 feet; thence South 34 degrees 07 minutes 00 seconds East along the East line of said Wiggins parcel and the centerline of the Yellow Creek a distance of 374.16 feet; thence North 89 degrees 40 minutes 00 seconds West parallel with the North line of said Northwest Quarter (NW ¼) of Section 35 a distance of 219.83 feet to a rebar; thence North 17 degrees 12 minutes 00 seconds West a distance of 400.00 feet to a p.k. nail on the North line of said Northwest Quarter (NW ¼); thence South 89 degrees 40 minutes 00 seconds East along said North line and the centerline of County Road #26 a distance of 121.00 feet to the point of beginning.

LESS AND EXCEPTING THE FOLLOWING:

A part of the Northwest Quarter (NW ¼) of Section 35, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, being more particularly described as follows:

Commencing at a County Monument marking the Northeast corner of the Northwest Quarter (NW ¼) of said Section 35; thence South 89 degrees 34 minutes 06 seconds East (assumed bearing) along the North line of the Northwest Quarter (NW ¼) of said Section 35 and the centerline of County Road #26, a distance of 1409.41 feet to the Northwest corner of a parcel of land conveyed to Jim and Kathy Tor-



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**STATE OF INDIANA
IN THE ELKHART
SUPERIOR COURT
COUNTY OF ELKHART
CASE NO:
20D06-2606-MI-000221**

**IN RE THE NAME CHANGE
OF MINOR:
Baylie Sue Riffle
Minor Child**

**Erin Doncilovic
Mother, Person Filing**

**NOTICE OF PETITION FOR
CHANGE OF NAME**

Notice is hereby given that
Petitioner, Erin Doncilovic, as
self-represented litigant, filed
Verified Petition to change the
name of Baylie Sue Riffle to
Baylie Sue Doncilovic.
Petition will be scheduled for
hearing in the Elkhart County
Court Complex on September
22, at 1:45 p.m. Any person has
the right to appear at the hearing
and to file written objections on
or before the hearing date.

Date: June 15, 2026

**/s/Patricia Pickens
Clerk, Elkhart Superior Court**

**SEEKING MBE/WBE SUB-CONTRACTORS R. Yoder
Construction, Inc. an EEO Employer is seeking qualified MBE/
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National Guard - Elkhart Readiness Center Modernization. Bid
Date: September 9, 2026, EST 9:00 am EST. Anyone interested in
bidding on this project should call: 574-773-3502 or email:
estimating@ryoderconstruction.com for plans and specifications.**

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peals will meet in the Council Chambers on the second floor of the
Municipal Building, 229 South Second Street, Elkhart, Indiana on
THURSDAY, SEPTEMBER 10, 2026, at 6:00 P.M. concerning the fol-
lowing request:

A public hearing will be conducted on a Developmental Variance Peti-
tion #26-BZA-10.

Petitioner: SRE Indiana 1M, LLC

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

Location: 3008 Mobile Drive

Zoning: M-1, Limited Manufacturing District

This meeting can also be accessed via Teams.
To join, go to:
<https://teams.microsoft.com/join/219408143693404?p=yzJx3C3zJ8yUPJZSJs>, enter **219 408 143 693 404** as the meeting number and
"2hQ2MW6s" as the password. Attendees may preregister or enter
during the meeting. Comments and questions may be submitted to
raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:

TRACT I: A part of the East half of the Southwest Quarter of Section
20, Township 38 North, Range 5 East, situate in Osolo Township,
Elkhart County, State of Indiana, and being more particularly de-
scribed as follows:

Beginning at a stone at the Southeast corner of the Southwest
Quarter of the aforementioned Section; thence due North along the
East line of said Quarter Section, a distance of 1664 feet to the place
of beginning of this description; thence North 89 degrees 35 minutes
West, a distance of 639.28 feet to the East right of way line of Mobile
Drive; thence South 0 degrees 3 minutes East along the East line of
said Street, a distance of 309.23 feet to the Northwest corner of a
tract of land heretofore conveyed to Cauffman Products, Inc., thence
South 89 degrees 35 minutes East, 639.28 feet to the East line of the
aforesaid Quarter Section; thence due North along the East line of
said Quarter Section, a distance of 306.95 feet to the place of begin-
ning. (Being 3008 Mobile Dr, Elkhart IN)
TRACT II: A part of the Southwest Quarter of Section 20, Township
38 North, Range 5 East, Osolo Township, Elkhart County, Indiana,
being more particularly described as follows:
Commencing at the Southeast corner of said Quarter Section; thence
due North 922.97 feet; thence North 89 degrees 35 minutes West,
319.45 feet to the place of beginning of this description; thence con-
tinuing North 89 degrees 35 minutes West, 344.45 feet; thence North
0 degrees 3 minutes West 434 feet; thence South 89 degrees 35
minutes East, 344.82 feet; thence South 434 feet to the place of be-
ginning.

ALSO Rights and benefits of an Easement for ingress and egress as
set out in the Warranty Deed dated December 31, 1965 and recorded
January 18, 1966 in Deed Record 265, page 381 in the Office of the
Recorder of Elkhart County, Indiana. (Being 110 Windsor Avenue,
Elkhart IN)

TRACT III: A part of the Southwest Quarter of Section 20, Township
38 North, Range 5 East, situate in Osolo Township, Elkhart County,
State of Indiana, described as follows:
Commencing at a stone marking the Southeast corner of the South-
west Quarter of said Section 20; thence due North along the East line
of the Southwest Quarter of said Section 20, a distance of 922.97 feet
to a point in the centerline of Windsor Street, as the said street is
known and designated on the recorded Plat of Lake Drive Subdivi-
sion; thence North 89 degrees 35 minutes West along the centerline
of said Windsor Street extended Westwardly, a distance of 330.27
feet to a point, said point being the place of beginning of this descrip-
tion; thence continuing North 89 degrees 35 minutes West along the
centerline of said Windsor Street extended Westwardly, a distance of
165.45 feet to a point; thence due South parallel with the East line of
the Southwest Quarter of said Section 20, a distance of 263.1 feet to
an iron stake; thence South 89 degrees 28 minutes East a distance of
165.46 feet to an iron stake; thence due North parallel with the East
line of the Southwest Quarter of said Section 20, a distance of 263.44
feet to the place of beginning.

Also, a part of the Southwest Quarter of Section 20, Township 38
North, Range 5 East, situate in Osolo Township, Elkhart County,
State of Indiana, described as follows:

Commencing at a stone marking the Southeast corner of the South-
west Quarter of said Section 20; thence due North along the East line
of the Southwest Quarter of said Section 20, a distance of 922.97 feet
to a point in the centerline of Windsor Street, as the said street is
known and designated on the recorded Plat of Lake Drive Subdivi-
sion; thence North 89 degrees 35 minutes West along the centerline
of said Windsor Street extended Westwardly, a distance of 495.72
feet to a point, said point being the place of beginning of this descrip-
tion; thence continuing North 89 degrees 35 minutes West along the
centerline of said Windsor Street extended Westwardly, a distance of
168.17 feet to a point; thence South 0 degrees 3 minutes East, a dis-
tance of 262.76 feet to an iron stake; thence South 89 degrees 28
minute East, a distance of 167.94 feet to an iron stake; thence due
North parallel with the East line of the Southwest Quarter of said Sec-
tion 20, a distance of 263.1 feet to the place of beginning. (Being 103
East Windsor Ave, Elkhart IN)

Arguments for and against the granting of the above designated peti-
tion 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 25th day of August 2026, by the City of
Elkhart, Board of Zoning Appeals.

Publication Date: August 28, 2026

Sheriff's File Number:
Date of Sale: September 23, 2026 at 10:30 AM.
Goshen News
Judgment to be Satisfied:
By virtue of a certified copy of a decree to me directed from the Clerk
of Elkhart Superior Court 2 of Elkhart County, Indiana, in Cause No.
20D05-2403-MF-000054

Plaintiff: Citibank, N.A., not in its individual capacity, but solely as
owner trustee of the New Residential Mortgage Loan Trust 2019-1

Defendant: Rhonda Phillips, OneMain Financial Group, LLC f/k/a
OneMain Financial Services, Inc. f/k/a OneMain Financial of Indiana,
Inc. f/k/a Springleaf Financial Services of Indiana, Inc. f/k/a American
General Financial Services, Inc. and Indiana Housing & Community
Development Authority

required me to make the sum as provided for in said Decree with in-
terest and cost, I will expose at public sale to the highest bidder, at
the hour of 10:30 AM of said day listed above, at
www.zeusauction.com, the fee simple of the whole body of Real Es-
tate in Elkhart County, Indiana.

Lots Numbered One Hundred One (101), One Hundred Two (102),
One Hundred Three (103) and One Hundred Four (104) as the said
Lots are known and designated on the recorded Plat of RIVERDALE,
a Subdivision in Concord Township: said Plat being recorded in Plat
Book 3 page 29 in the Office of the Recorder of Elkhart County, Indi-
ana.

More commonly known as 57839 Yukon St, Elkhart, IN 46516-6401

Parcel No. 20-06-14-352-015.000-009

Together with rents, issues, income and profits thereof, said sale will
be made without relief from valuation or appraisal laws. This No-
tice shall also represent service of Notice of Sale of the above-de-
scribed real estate upon the owners, pursuant to requirements of IC
32-29-7-3.

/s/ Matthew S. Love
MATTHEW S. LOVE, Plaintiff Attorney Jeff A. Siegel, Sheriff
Attorney # 18762-29
FEIWELL & HANNOY, P.C.
8415 Allison Pointe Blvd., Suite 400
Indianapolis, IN 46250
(317) 237-2727

Concord
Township

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

**NOTICE
FEIWELL & HANNOY, P.C. IS A DEBT COLLECTOR.**

**TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE
AND ALL INTERESTED PARTIES
NOTICE OF SHERIFF'S SALE**

By virtue of a certified copy of a decree to me directed from the Clerk
of the Superior Court of Elkhart County, Indiana, in Cause No. 20D02-
2602-MF-000031 wherein Wells Fargo Bank, N.A. was Plaintiff, and
Bryan L. Good and Navy Federal Credit Union were Defendants, re-
quiring me to make the sum as provided for in said Decree with in-
terest and cost, I will expose at public online sale to the highest bid-
der on the 23 day of September, 2026, at the hour of 10:30am, with a
closing time of 11:30am, or as soon thereafter as is possible, at
www.zeusauction.com, the fee simple of the whole body of Real Es-
tate in Elkhart County, Indiana.

A part of the Northwest Quarter (NW ¼) of Section 35, Township 37
North, Range 5 East, Concord Township, Elkhart County, Indiana,
more particularly described as follows:

Commencing at an iron pin in the concrete pavement marking the
Northwest corner of said Northwest Quarter (NW ¼); thence South 89
degrees 40 minutes 00 seconds East along the North line of said
Northwest Quarter (NW ¼) a distance of 1530.41 feet to a cross cut in
the concrete bridge deck marking the Northeast corner of a parcel of
land conveyed to Harold G. and Lois E. Wiggins and recorded in the
Office of the Recorder of Elkhart County in Warranty Deed Record
Volume 280, Page 505, said cross also being the point of beginning of
this description; thence South 05 degrees 41 minutes 00 seconds
East along the East line of said Wiggins parcel and the centerline of
the Yellow Creek a distance of 73.28 feet; thence South 34 degrees
07 minutes 00 seconds East along the East line of said Wiggins par-
cel and the centerline of the Yellow Creek a distance of 374.16 feet;
thence North 89 degrees 40 minutes 00 seconds West parallel with
the North line of said Northwest Quarter (NW ¼) of Section 35 a dis-
tance of 219.83 feet to a rebar; thence North 17 degrees 12 minutes
00 seconds West a distance of 400.00 feet to a p.k. nail on the North
line of said Northwest Quarter (NW ¼); thence South 89 degrees 40
minutes 00 seconds East along said North line and the centerline of
County Road #26 a distance of 121.00 feet to the point of beginning.

LESS AND EXCEPTING THE FOLLOWING:

A part of the Northwest Quarter (NW ¼) of Section 35, Township 37
North, Range 5 East, Concord Township, Elkhart County, Indiana, be-
ing more particularly described as follows:

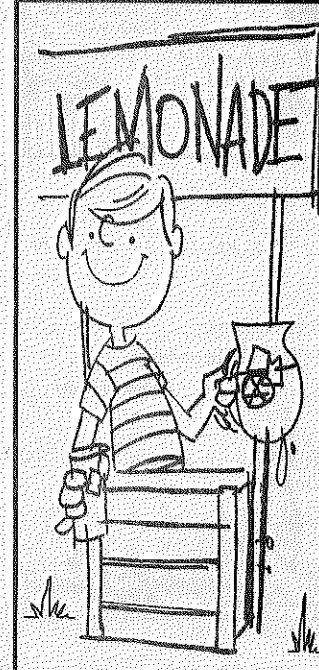
Commencing at a County Monument marking the Northeast corner of
the Northwest Quarter (NW ¼) of said Section 35; thence South 89
degrees 34 minutes 06 seconds East (assumed bearing) along the
North line of the Northwest Quarter (NW ¼) of said Section 35 and
the centerline of County Road #26, a distance of 1409.41 feet to the
Northwest corner of a parcel of land conveyed to Jim and Kathy Tor-
mey as described and recorded in the Office of the Recorder of
Elkhart County in Instrument #91 001721; thence South 17 degrees
06 minutes 06 seconds East along the Westerly Line of said Tormey
parcel, a distance of 20.97 feet to the South right of way line of said
County Road #26 and the point of beginning of this description;
thence continuing South 17 degrees 06 minutes 06 seconds East
along the Westerly line of said Tormey parcel, a distance of 10.49
feet; thence South 89 degrees 34 minutes 06 seconds East parallel
with and 30.00 feet South of as measured at right angles to the North
line of the Northwest Quarter (NW ¼) of said Section 35, a distance of
114.68 feet to the Easterly line of said Tormey parcel; thence North 05
degrees 35 minutes 06 seconds West along the Easterly line of said
Tormey parcel, a distance of 10.06 feet to the South right of way line
of said County Road #26; thence North 89 degrees 34 minutes 06
seconds West along the South right of way line of said County Road
#26, being parallel with and 20.00 feet South of as measured at right
angles to the North line of the Northwest Quarter (NW ¼) of said Sec-
tion 35, a distance of 116.79 feet to the point of beginning of this de-
scription.

More commonly known as: 23720 County Road 26, Elkhart, IN 46517
Parcel No. 20-06-35-126-001.000-009

Together with rents, issues, income, and profits thereof, said sale will
be made without relief from valuation or appraisal laws.
"Subject to all liens, encumbrances and easements of record not oth-
erwise extinguished in the proceedings known as Cause 20D02-2602-
MF-000031 in the Superior Court of the County of Elkhart, Indiana."

Attorney for Plaintiff: Stephanie A. ReinhartJeff A. Siegel
ATTORNEY NO. 25071-06 Sheriff of Elkhart County
MDK Legal
P.O. Box 165028 Concord Township
Columbus OH 43216-5028
23720 County Road 26
Street Address

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



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LEGAL NOTICE #26-REV-02

Hearing on proposed Revocation #26-REV-02

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, SEPTEMBER 10, 2026 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Revocation Petition #26-REV-02.

Petitioner: City of Elkhart

Request: A request by the City of Elkhart to revoke special exception 95-X-26 approved on March 14, 1995. The special exception allowed a sheltered living home facility for the rehabilitation of substance abusers. To also revoke special exception 75-X-09 approved on June 12, 1975, for use as an institution for children. The property is now being used as a single-family dwelling and no longer being used for either special exception use.

Location: 1701 Prairie Street

Zoning: R-2, One-Family Dwelling District

This meeting can also be accessed via Teams.
To join, go to:
<https://teams.microsoft.com/join/219408143693404?pwd=JxJx3C3zJ8YUjPMZJsJr219408143693404> as the meeting number and
"2hQ2MW6s" as the password. Attendees may preregister or enter
during the meeting. Comments and questions may be submitted to
raen.levendoski@cityofelkhart.in.gov prior to the meeting.

LEGAL DESCRIPTION:
TRACT 1
A PART OF LOTS 310, AND 311 AS THE SAID LOTS ARE KNOWN
AND DESIGNATED ON THE RECORDED PLAT OF A. F. WOLF'S
SUNNYSIDE ADDITION TO THE CITY OF ELKHART, INDIANA;
SAID PLAT BEING RECORDED IN DEED RECORD 71, PAGE 573,
IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, IN-
DIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 311
IN SAID ADDITION; THENCE WEST ALONG THE SOUTH LINE OF
CLEVELAND AVENUE, A DISTANCE OF 116.00 FEET RECORDED,
117.66 FEET MEASURED; THENCE SOUTH, PARALLEL WITH THE
WEST LINE OF SAID LOT, A DISTANCE OF 62.75 FEET; THENCE
EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOTS, AND
CLEVELAND AVENUE, A DISTANCE OF 116.00 FEET RECORDED,
117.66 FEET MEASURED; THENCE NORTH ON THE WEST LINE
OF PRAIRIE STREET, AND THE EAST LINE OF SAID LOT 311, A
DISTANCE OF 62.75 FEET, TO THE POINT OF BEGINNING CON-
TAINING 0.17 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL
RIGHTS OF WAY AND EASEMENT OF RECORD.

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 25th day of August 2026, by the City of Elkhart. Board of Zoning Appeals.

Publication Date: August 28, 2020

TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE
AND ALL INTERESTED PARTIES
NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a decree to me directed from the Clerk of the Superior Court of Elkhart County, Indiana, in Cause No. 20D02-2603-ME-000045 wherein PHH Mortgage Corporation was Plaintiff

2023-09-18 06:58:58 AM Eastern Standard Time
and Brenda K. Price, FKA Brenda K. Mason, The United States of America, Secretary of Housing and Urban Development, Michiana Physical Medicine, Midland Credit Management, Inc. and Mariner Finance were Defendants, requiring me to make the sum as provided for in said Decree with interest and cost, I will expose at public online sale to the highest bidder on the 23 day of September, 2026, at the hour of 10:30am with a closing time of 11:30am, or as soon thereafter as is possible, at www.zeusauction.com, the fee simple of the whole body of Real Estate in Elkhart County, Indiana.

Commencing at a stone at the Southeast corner of said Section 36; thence North 27°23' feet to a cross cut in Elkhart County Highway No. 45; thence North 49° 06' West, 161.22 feet to a cross cut in said Elkhart County Highway No. 45; thence North 49° 37' West, 1281.07 feet to a cross cut in said Elkhart County Highway No. 45; thence North 50° 04' West, 876.56 feet to a cross cut in said Elkhart County Highway No. 45; thence North 55° 21' East, a distance of 200 feet to a spike set in the centerline of Elkhart County Highway No. 17; thence North 55° 21' East along the centerline of said Elkhart County Highway No. 17, 118.25 feet to a spike set in said County Road No. 17, being the place of beginning of land here described; thence North 37° 36' West, 198 feet to an iron stake; thence North 54° 33' East, 143.45 feet to an iron stake; thence South 37° 52' East, 200.0 feet to a spike set in the centerline of said Elkhart County Highway No. 17; thence South 55° 21' West, along the centerline of said Elkhart County Highway No. 17, to the place of beginning of this tract. Being a part of a tract in the Northeast Quarter of Section 36, Township 37 North, Range 5 East.

More commonly known as: 59927 County Road 117, Gosheri, IN 46528
Parcel No. 20-06-36-204-006.000-009
Together with rents, issues, income, and profits thereof, said sale will be made without relief from valuation or appraisal laws.
"Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause 20D02-2603 MF-000045 in the Superior Court of the County of Elkhart, Indiana."

Attorney for Plaintiff: Stephanie A. ReinhartJeff A. Siegel
ATTORNEY NO. 25071-06 Sheriff of Elkhart County
MDK Legal
P.O. Box 165028 Concord Township
Columbus OH 43216-5028
59927 County Road 117
Street Address

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

LEGAL NOTICE #26-UV-21

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, SEPTEMBER 10, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-21.

Petitioner: Victor Meza

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Publication Date: August 28, 2026

Publication Date: August 28, 202

ELKHART COUNTY SHERIFF'S DEPARTMENT
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE
AND ALL INTERESTED PARTIES

Hearing on proposed Use Variance #26-UV-21

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, SEPTEMBER 10, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-21.

Petitioner: Victor Meza

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Lot Numbered 131 as shown on the plat of Kenwood Addition recorded March 28, 1888 in the Office of the Recorder of Elkhart County, Indiana in Deed Record 73, page 309.

LEGAL DESCRIPTION:
 Lot Numbered 12 and the East Half of Lot Numbered 11, in Melrose

More commonly known as 125 Kenwood Ave, Elkhart, IN 46516-441

Parcel No. 20-06-04-252-014.000-012

Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisement laws. This No.

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 25th day of August 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: August 28, 2026

LEGAL NOTICE #26-BZA-21

Hearing on proposed Developmental Variance #26-BZA-21

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, SEPTEMBER 10, 2026 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-21.

Petitioner: 28247 JAMI LLC

Request: To vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard, to allow for a six(6) foot chain link fence in the front yard, a variance of two (2) feet.

Location: 2824 Jami Street

Zoning: M-1, Limited Manufacturing District

This meeting can also be accessed via Teams.

To join, go to:

<https://teams.microsoft.com/meet/219408143693404?p=yzJx3C3zJ8yUPjZSJJs>, enter **219 408 143 693 404** as the meeting number and **"2hQ2MW6s"** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhartin.gov prior to the meeting.

LEGAL DESCRIPTION:

Parcel B as the said parcel is known and designated on the recorded Platt of Replat Northwest Portion of Sachs' Industrial Park in Cleveland Township, Elkhart County, Indiana; said plat being recorded December 4, 2012, in Plat Book 34, page 32 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 25th day of August 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: August 28, 2026

LEGAL NOTICE #26-BZA-17

Hearing on proposed Developmental Variance #26-BZA-17

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, SEPTEMBER 10, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-17.

Petitioner: Garrick and Tricia Lankford

Request: To vary from Section 4.4, Yard Requirements in the R-1, One Family Dwelling District, which requires rear setbacks located along a river or stream to be the established setback. The established setback at this location is 64'9" (current rear setback is 48'6"). The requested setback for the home after an addition is 36'6" feet in the rear, a variance of 28.3 feet.

Location: 12 Melrose Manor

Zoning: R-1, One-Family Dwelling District

This meeting can also be accessed via Teams.

To join, go to:

<https://teams.microsoft.com/meet/219408143693404?p=yzJx3C3zJ8yUPjZSJJs>, enter **219 408 143 693 404** as the meeting number and **"2hQ2MW6s"** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhartin.gov prior to the meeting.

LEGAL DESCRIPTION:

Lot Numbered 12 and the East Half of Lot Numbered 11, in Melrose Manor Addition, as per plat thereof, recorded in Plat Book 4, page 5, in the Office of the Recorder of Elkhart County, Indiana, together with the West 5-foot strip of land that lies between Lots 12 and 13 of Melrose Manor Addition

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 25th day of August 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: August 28, 2026

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 25th day of August 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: August 28, 2026

LEGAL NOTICE #26-BZA-20

Hearing on proposed Developmental Variance #26-BZA-20

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, SEPTEMBER 10, 2026 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-20.

Petitioner: Allen & Donna Zavatsky

Request: To vary from Section 4.4, Yard Requirements in the R-1 District, which requires front setbacks and rear setbacks located along a river or stream to be the established setbacks. The established setbacks at this location are 50'8" feet in the front and 57'7" feet in the rear; the requested setbacks are 35 feet in the front and 42 feet in the rear, a variance of 15'8" feet in the front and 15'7" feet in the rear.

Location: 217 Haines Drive

Zoning: R-1, One-Family Dwelling District

This meeting can also be accessed via Teams.

To join, go to:

<https://teams.microsoft.com/meet/219408143693404?p=yzJx3C3zJ8yUPjZSJJs>, enter **219408143693404** as the meeting number and **"2hQ2MW6s"** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhartin.gov prior to the meeting.

LEGAL DESCRIPTION:

Lot Numbered 39 in Haines' Lexington Landing, an Addition to the City of Elkhart, as per plat thereof, recorded in Plat Book 16, page 57 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 25th day of August 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: August 28, 2026

ELKHART COUNTY SHERIFF'S DEPARTMENT
TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE
AND ALL INTERESTED PARTIES

NOTICE OF SHERIFF'S SALE

Sheriff's File Number:

Date of Sale: September 23, 2026 at 10:30 AM.

Goshen News

Judgment to be Satisfied:

By virtue of a certified copy of a decree to me directed from the Clerk of Elkhart Superior Court 2 of Elkhart County, Indiana, in Cause No. 20D02-2506-MF-000146

Plaintiff: Freedom Mortgage Corporation

Defendant: Kim A. McIntire and Summit Account & Computer Services, Inc.

required me to make the sum as provided for in said Decree with interest and cost, I will expose at public sale to the highest bidder, at the hour of 10:30 AM of said day listed above, at www.zeusauction.com, the fee simple of the whole body of Real Estate in Elkhart County, Indiana.

Lot Numbered 131 as shown on the plat of Kenwood Addition recorded March 28, 1888 in the Office of the Recorder of Elkhart County, Indiana in Deed Record 73, page 309.

More commonly known as 125 Kenwood Ave, Elkhart, IN 46516-4416

Parcel No. 20-06-04-252-014.000-012

Together with rents, issues, income and profits thereof, said sale will be made without relief from valuation or appraisal laws. This Notice shall also represent service of Notice of Sale of the above-described real estate upon the owners, pursuant to requirements of IC 32-29-7-3.

/s/ BRYAN K. REDMOND

BRYAN K. REDMOND, Plaintiff Attorney

Jeff A. Siegel, Sheriff

Attorney # 22108-29

FEIWELL & HANNOY, P.C.

8415 Allison Pointe Blvd., Suite 400

Indianapolis, IN 46250

Concord

Township

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

NOTICE

FEIWELL & HANNOY, P.C. IS A DEBT COLLECTOR.

A PART OF LOTS 310, AND 311 AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF A. F. WOLF'S SUNNYSIDE ADDITION TO THE CITY OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN DEED RECORD 71, PAGE 573, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 311 IN SAID ADDITION; THENCE WEST ALONG THE SOUTH LINE OF CLEVELAND AVENUE, A DISTANCE OF 116.00 FEET RECORDED, 117.66 FEET MEASURED; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID LOT, A DISTANCE OF 62.75 FEET; THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOTS, AND CLEVELAND AVENUE, A DISTANCE OF 116.00 FEET RECORDED, 117.66 FEET MEASURED; THENCE NORTH ON THE WEST LINE OF PRAIRIE STREET, AND THE EAST LINE OF SAID LOT 311, A DISTANCE OF 62.75 FEET, TO THE POINT OF BEGINNING CONTAINING 0.17 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENT OF RECORD.

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 25th day of August 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: August 28, 2026

TO THE OWNERS OF THE WITHIN DESCRIBED REAL ESTATE
AND ALL INTERESTED PARTIES
NOTICE OF SHERIFF'S SALE

By virtue of a certified copy of a decree to me directed from the Clerk of the Superior Court of Elkhart County, Indiana, in Cause No. 20D02-2603-MF-000045 wherein PHH Mortgage Corporation was Plaintiff, and Brenda K. Price, FKA Brenda K. Mason, The United States of America, Secretary of Housing and Urban Development, Michiana Physical Medicine, Midland Credit Management, Inc. and Mariner Finance were Defendants, requiring me to make the sum as provided for in said Decree with interest and cost, I will expose at public online sale to the highest bidder on the 23 day of September, 2026, at the hour of 10:30am with a closing time of 11:30am, or as soon thereafter as is possible, at www.zeusauction.com, the fee simple of the whole body of Real Estate in Elkhart County, Indiana.

Commencing at a stone at the Southeast corner of said Section 36; thence North 2723 feet to a cross cut in Elkhart County Highway No. 45; thence North 49° 06' West, 161.22 feet to a cross cut in said Elkhart County Highway No. 45; thence North 49° 37' West, 1281.07 feet to a cross cut in said Elkhart County Highway No. 45; thence North 50° 04' West, 876.56 feet to a cross cut in said Elkhart County Highway No. 45; thence North 55° 21' East, a distance of 200 feet to a spike set in the centerline of Elkhart County Highway No. 17; thence North 55° 21' East along the centerline of said Elkhart County Highway No. 17, 118.25 feet to a spike set in said County Road No. 17, being the place of beginning of land here described; thence North 37° 36' West, 198 feet to an iron stake; thence North 54° 33' East, 143.45 feet to an iron stake; thence South 37° 52' East, 200.0 feet to a spike set in the centerline of said Elkhart County Highway No. 17; thence South 55° 21' West, along the centerline of said Elkhart County Highway No. 17, to the place of beginning of this tract. Being a part of a tract in the Northeast Quarter of Section 36, Township 37 North, Range 5 East.

More commonly known as: 59927 County Road 117, Goshen, IN 46528

Parcel No. 20-06-36-204-006.000-009

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

"Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause 20D02-2603-MF-000045 in the Superior Court of the County of Elkhart, Indiana."

Attorney for Plaintiff: Stephanie A. ReinhartJeff A. Siegel

ATTORNEY NO. 25071-06 Sheriff of Elkhart County

MDK Legal

P.O. Box 165028 Concord Township

Columbus OH 43216-5028

59927 County Road 117

Street Address

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

LEGAL NOTICE #26-UV-21

Hearing on proposed Use Variance #26-UV-21

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, SEPTEMBER 10, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-21.

Petitioner: Victor Meza

Request: To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon and accessory retail sales.

Location: 2625 Warren Street

Zoning: R-2, One-Family Dwelling District

This meeting can also be accessed via Teams.

To join, go to:

<https://teams.microsoft.com/meet/219408143693404?p=yzJx3C3zJ8yUPjZSJJs>, enter **219 408 143 693 404** as the meeting number and **"2hQ2MW6s"** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to raen.levendoski@cityofelkhartin.gov prior to the meeting.

LEGAL DESCRIPTION:

LOT NUMBERED 163 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF THE SECOND HAZEL PARK ADDITION TO THE CITY OF ELKHART AS PER PLAT THEREOF RECORDED JULY 1, 1908 IN PLAT BOOK 1, PAGE 5 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO, THE EAST ONE-HALF (E1/2) OF THE VACATED ALLEY LYING WEST OF AND ADJACENT TO SAID LOT.

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

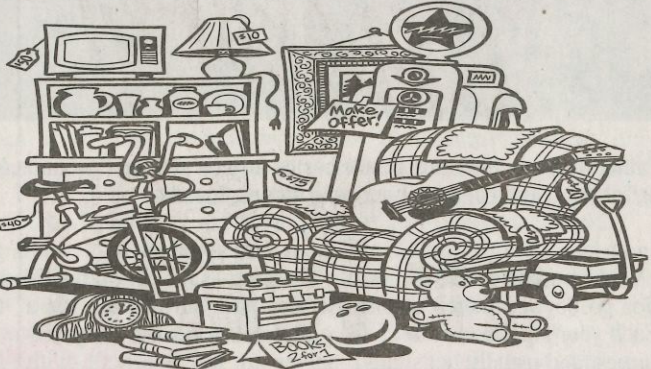
PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing.

Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 25th day of August 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: August 28, 2026

TOO MUCH CLUTTER?
HAVE A GARAGE SALE!
ADVERTISE IN CLASSIFIEDS TODAY!





Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-10
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	September 10, 2026
<u>Petitioner:</u>	SRE Indiana 1M, LLC
<u>Site Location:</u>	3008 Mobile Drive
<u>Request:</u>	To vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard' to allow for a seven (7) foot chain link fence (six (6) foot fence and one (1) foot 3-strand barbless wire fence) in the front yard, a variance of three (3) feet.
<u>Existing Zoning:</u>	M-1, Limited Manufacturing District
<u>Size:</u>	+/- 4.52 Acres
<u>Thoroughfares:</u>	Mobile Drive
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

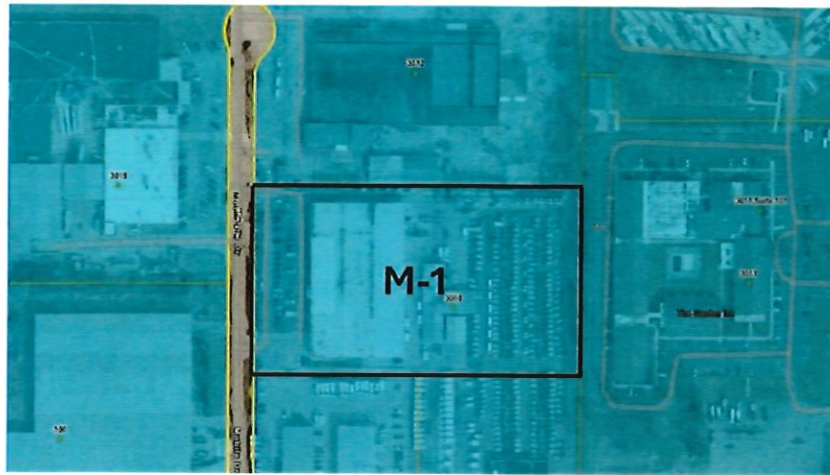
The property is surrounded by industrial uses M-1, Limited Manufacturing District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

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

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

A permit for the fence was submitted on January 7, 2026, with staff letting the applicant know that the fence did not meet development standards for fencing in the front yard on January 8, 2026. The applicant then filed with the board on March 17, 2026. The petition was tabled to have the petitioner secure more detailed information regarding location of property lines in relation to fence placement.

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the fence will be built and installed in a professional manner;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because a fence is a typical element found in industrial districts. The fence location should not affect the use and value of an adjacent property;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** as the proposed fence is to be installed on the subject property in a front yard;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because the proposed fence provides for some measure of security and would otherwise greatly limit the amount of outside storage for finished product without the fence;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant as the fence has not yet been installed;
7. This property **does not** lie within a designated flood hazard area.

Conditions

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

1. Petitioner shall coordinate with Public Works and Utilities Department the cleaning, reshaping and reconstruction of the street side swale.
2. Petitioner shall also coordinate with Public Works and Utilities Department confirmation that water service valve is located outside the fenced area.
3. Proposed fence shall not be placed within three (3) feet of the fire hydrant.

Photos



Looking East @ South entrance drive from Mobile Drive



Looking East down south access lane to rear of the property



Looking East down north access lane to rear of the property

PETITION #: 26-BZA-10

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): SRE Indiana 1M, LLC

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Paul Macumber

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 3008 Mobile Drive, Elkhart, Indiana 46514

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

Present Use: Manufacturing Proposed Use: Manufacturing

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Paul Macumber SRE Indiana 1M, LLC Representative

SIGNATURE(S): [Signature] DATE: 3-17-26

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Ram Levendoski DATE: 3/17/26

SRE INDIANA 1M, LLC



March 5, 2026

**RE: Designated Representative – Developmental Variance Forms
Regarding Permit Issued for Fence Construction at:
3008 Mobile Drive
Elkhart, IN 46514**

To Whom it May Concern:

SRE Indiana 1M, LLC owner of 3008 Mobile Drive, Elkhart, IN 46514 designate Paul Macumber as the designated representative to represent SRE Indiana 1M, LLC for the matters pertaining to the fence project developmental variance described in denied permit Application A26-0037.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Schindler', with a horizontal line extending to the right.

Richard Schindler

President of Casaporta Equity Inc., its Manager

Appeal Letter to the Board of Zoning Appeals

City of Elkhart, Indiana – Request for Developmental Variance

Board of Zoning Appeals

City of Elkhart

229 S 2nd St.

Elkhart, IN 46516

Dear Members of the Board,

I am writing to formally appeal for a developmental variance regarding the property located at 3008 Mobile Drive, Elkhart, IN 46514, within the city limits of Elkhart, IN. Due to unique circumstances affecting this lot, I am requesting relief from certain zoning requirements that present a hardship and prevent reasonable development of the site.

The specific variance I am seeking pertains to SS 151.228, Fence Requirements, Section (A) General Provisions; All Districts. (cited in the denial of permit application A26-0037, item (1): "No fences, other than split rail, wrought iron, or open picket fences (with forty percent (40%) open spacing between pickets) not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard."

While I understand that the current zoning regulations are intended to maintain neighborhood standards, they impose significant constraints in this situation due to safety concerns. The lack of an adequate barrier separates the public from entering potential hazards associated with active manufacturing and shipping operations. This poses risks to individuals who may unknowingly or unintentionally enter these areas, as well as to the facilities themselves due to potential unauthorized entries into hazardous situations. Human safety is the main concern driving this request.

Granting this variance will allow Medix Specialty Vehicles to erect a six-foot, 9-gauge galvanized chain link fence, plus one foot of three-strand barbless wire (climb preventative), which will enhance the property's safety for the public and contribute positively to the safety of the surrounding area and the City of Elkhart. This variance will not negatively affect adjacent properties or residents, will not cause increased flood heights, and will, in fact, create greater public safety. Furthermore, under good faith assumption, it will not cause additional public expense, create a nuisance, or conflict with current laws or ordinances.

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

Thank you for your time and attention to this matter.

Best regards,

Paul Macumber

Owner, Patriot Fence LLC

Designated Representative

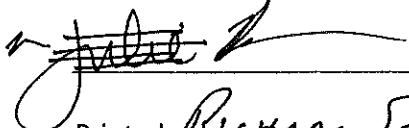


AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Richard Schindler, 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 3008 Mobile Drive Elkhart, Indiana. 46514
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 11 day of March, 2026.

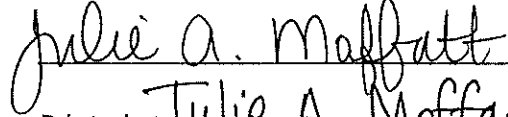

Printed: RICHARD SCHINDLER

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: _____

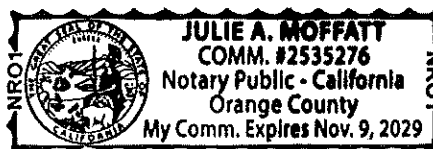
California
STATE OF ~~INDIANA~~)
San Clemente
COUNTY OF ~~ELKHART~~)
Orange

Before me the undersigned, a Notary Public in and for the State of California, personally appeared Richard Schindler, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 11 day of March, 2026


Printed: Julie A. Moffatt

My Commission Expires:

11/9/2029



Notary Public in and for the State of California
Resident of Orange County, California

Addressing the Board of Development regarding concerns about the measurements of the existing fence, please see attached. There are three separate dimensions we have considered: (1) the distance from the center of the road to the fence at Mobile Drive on the south side; (2) the distance from the center of the road where the new fence will be installed; and (3) the distance of the new fence at Forest River, measured from the center of the road.

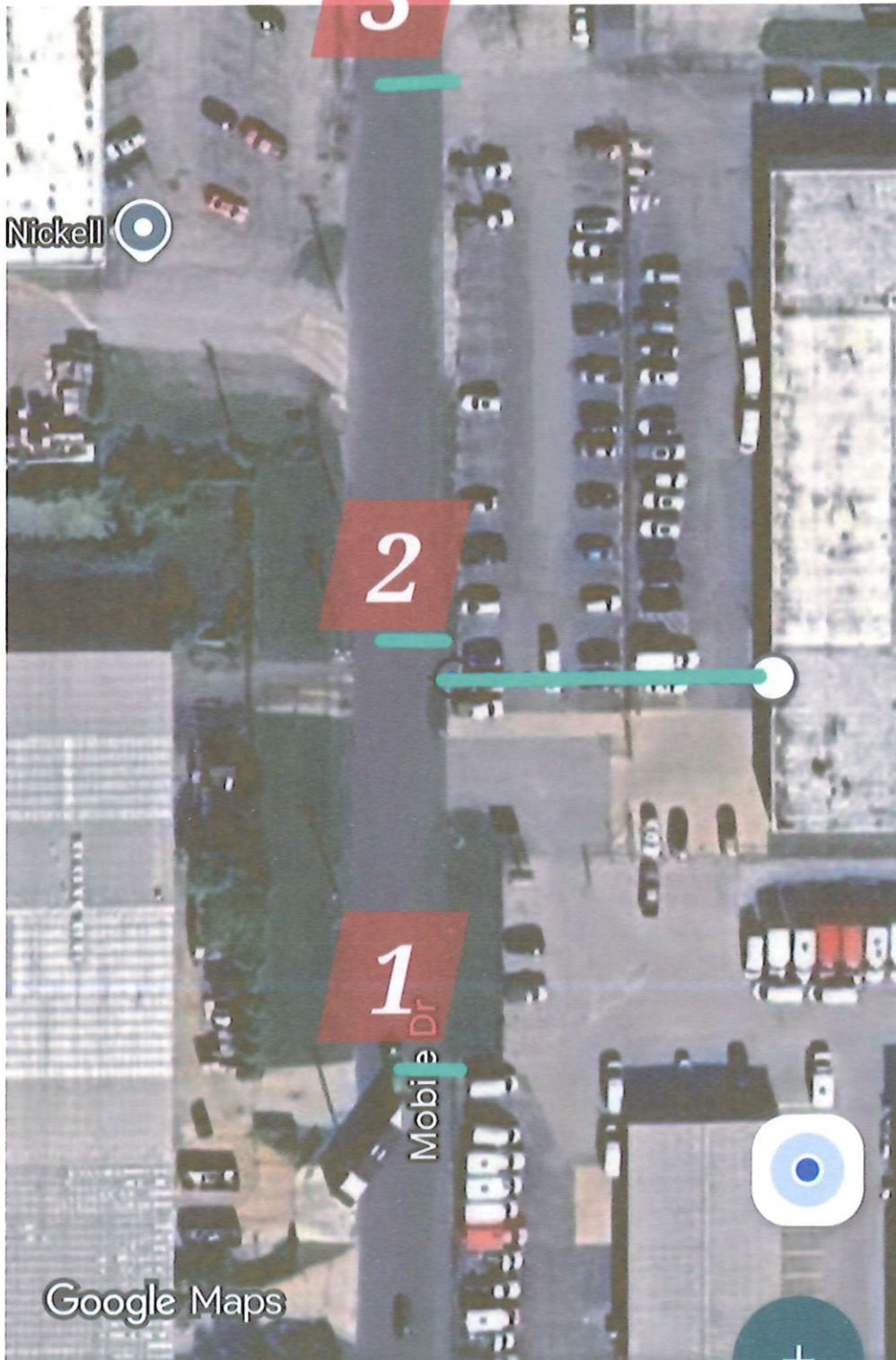
For the south side, the (1) post is currently set at 25 feet from the center of the road. The (3) post, which is part of the Forest River fence, is positioned 27 1/2 feet from the center of the road. For the New install fence for Medix, the desired measurement is 28 feet from the center line of the road, or 120 feet from the building and close just inside the Forrest River Corner post. These measurements are important to ensure compliance and clarity as the project moves forward. This will allow Medix to construct a directional Parking lot to allow a more fluid movement of traffic and create a safer environment in general as well as better security for the premises.



Measure distance



Tap Add point to trace path



125 ft

Add point

To Whom it May Concern,

The property at 3008 Mobile Drive is a property Kyle Petter and I have previously discussed. I was going to take some pictures so we could discuss the proper route to take. Unfortunately, the Thanksgiving snowstorm interfered with this. I will head out and photograph the sight today and send pictures in. I submitted the permit only because recently I seen that Forest River had extended their 6ft fence with barbwire around their parking lot which is the adjoining property to the North which we were going to attach our fence to. The fence we're submitting to install is in line with the fence from the north and south buildings of 3008 Mobile drive. (Light blue line on the drawing) There is already 6ft chain-link +barb there. We're asking to move the fence line or install new if preferred. As we are aware of the sharps requirements, New Material would be 6ft Knuckle/Knuckle commercial Chainlink plus 1 ft of barbless tension wire as a climb preventative/deterrent. If the tension wire is not allowed. Medix is fine with 6ft chainlink only as well.

If a variance submittal is required. If you could guide me to the forms, I would gladly appreciate it.

Regardless our intention is to be in good standing and compliance with the City of Elkhart.

Thank You for Your Time.

Best Regards,
Paul Macumber
Owner
Patriot Fence LLC



Search here



Restaurants

Medix Specialty
Vehicles
Recently Viewed

Shopping

Coffee

Mobile Dr

Mobile Dr

Mobile

20ft container
gate

20ft container
gate

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Elkhart County, IN



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Map

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Parcel Property

Address Labels



Parcel Owner Labels



Parcel Tax Bill ID

Labels



Parcel State ID Labels



Parcels Latest Sale

☒ Environmental Layers

Elevation Contours

County Regulated
DrainBest Available Flood
HazardClassified Forest
Wildlands

Ponding Soils



Soil (NRCS)



Hydrography



Basemap 2011

☐ Wetlands☐ Utility Layers☒ Imagery Layers

Aerials 2025



Aerials 2023



Aerials 2021



Aerials 2019



Aerials 2017



Aerials 2015

☐ Esri Basemap Layers[Restore Layer Defaults](#)

Identify

Clear Selection(s)

More

<<

Toolbar Options



50 m

100 ft

243084.08, 2360471.24

Powered by Esri



Parcel ID

20-02-20- Alternate02-20-327-

Owner SRE

Levendoski, Raen

From: Anthony-Petter, Kyle
Sent: Thursday, September 3, 2026 9:34 AM
To: Levendoski, Raen
Subject: Fw: EXTERNAL: Variance pictures for 3008 mobile drive.

From: Paul Macumber [REDACTED]
Sent: Tuesday, September 1, 2026 9:24 AM
To: Anthony-Petter, Kyle <Kyle.Anthony-Petter@cityofelkhartin.gov>; Paul Macumber <patriotfencellc@outlook.com>
Subject: EXTERNAL: Variance pictures for 3008 mobile drive.

Caution: This email originated from outside of the organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Kyle,

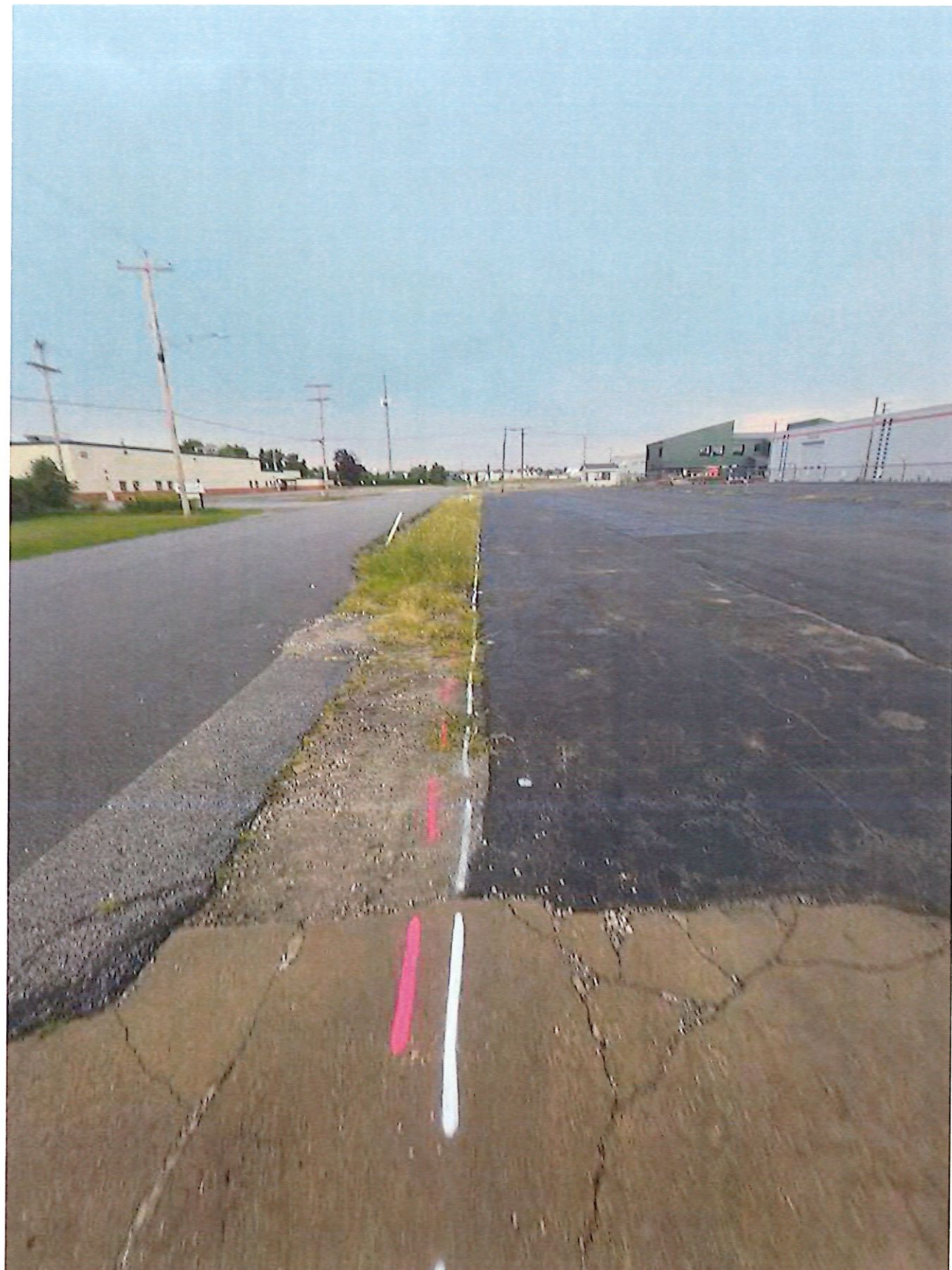
I've attached the pictures of 121.4 ft from Southwest corner of building and of 121.8 ft from Northwest corner of building. Measured with solid tape parallel with north and south building edges (perpendicular to building face). The pink is the line boundary errored to medix property. Paint was marked to inside of line. As well as the white line. The white line will be the farthest out fence will be installed if variance is given any barb arms for barbles wire will be vertical and gates will operate manually to the inside of fence line. I have also included pictures of closest points of contact with fire hydrant and access cap.

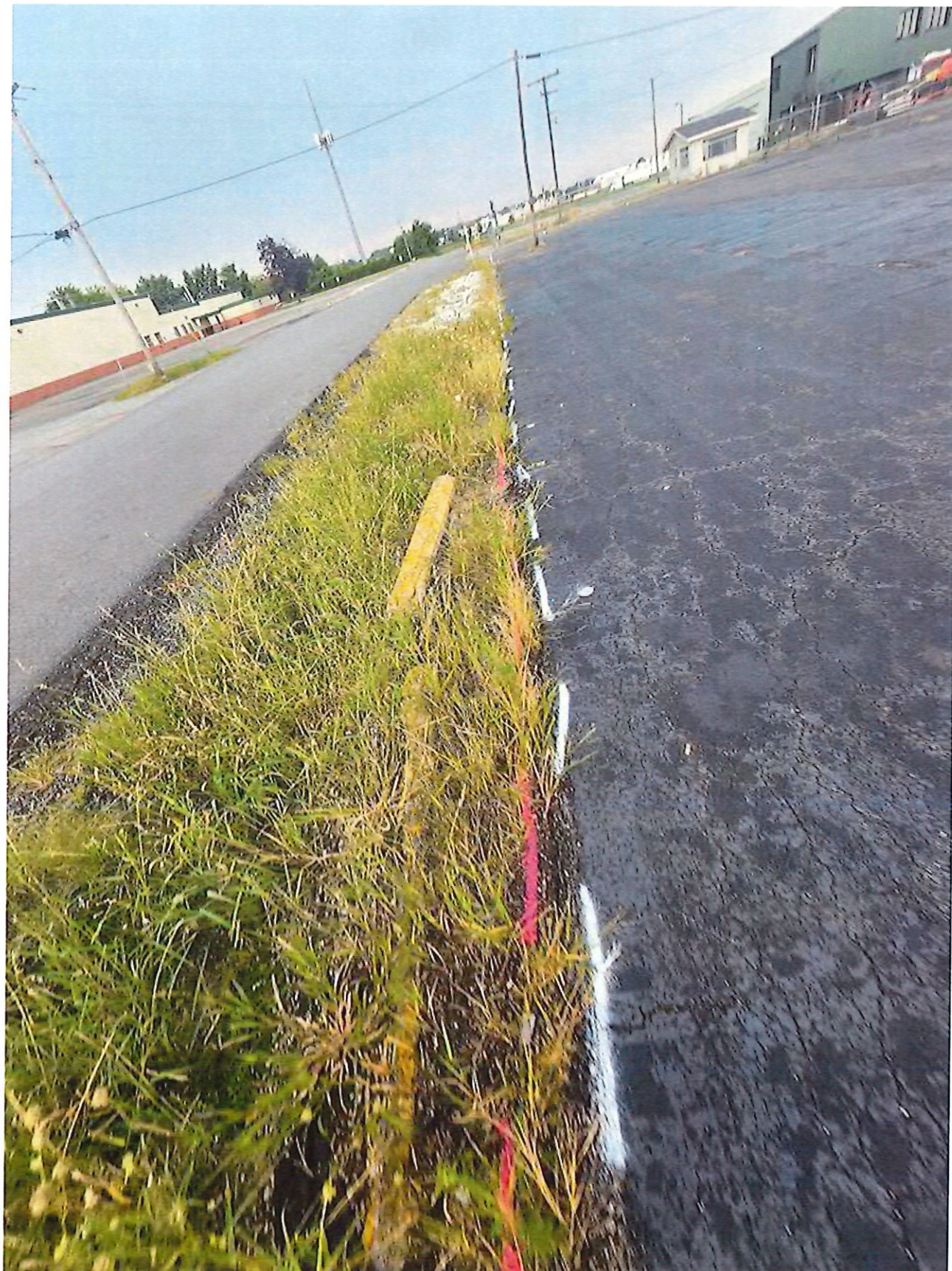
Please call with any questions.

Best Regards,
Paul Macumber
Patriot Fence LLC
[REDACTED]

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[1000039733.jpg](#) [1000039710.jpg](#) [1000039732.jpg](#)

Sent via the Samsung Galaxy S24 Ultra, an AT&T 5G smartphone
Get [Outlook for Android](#)









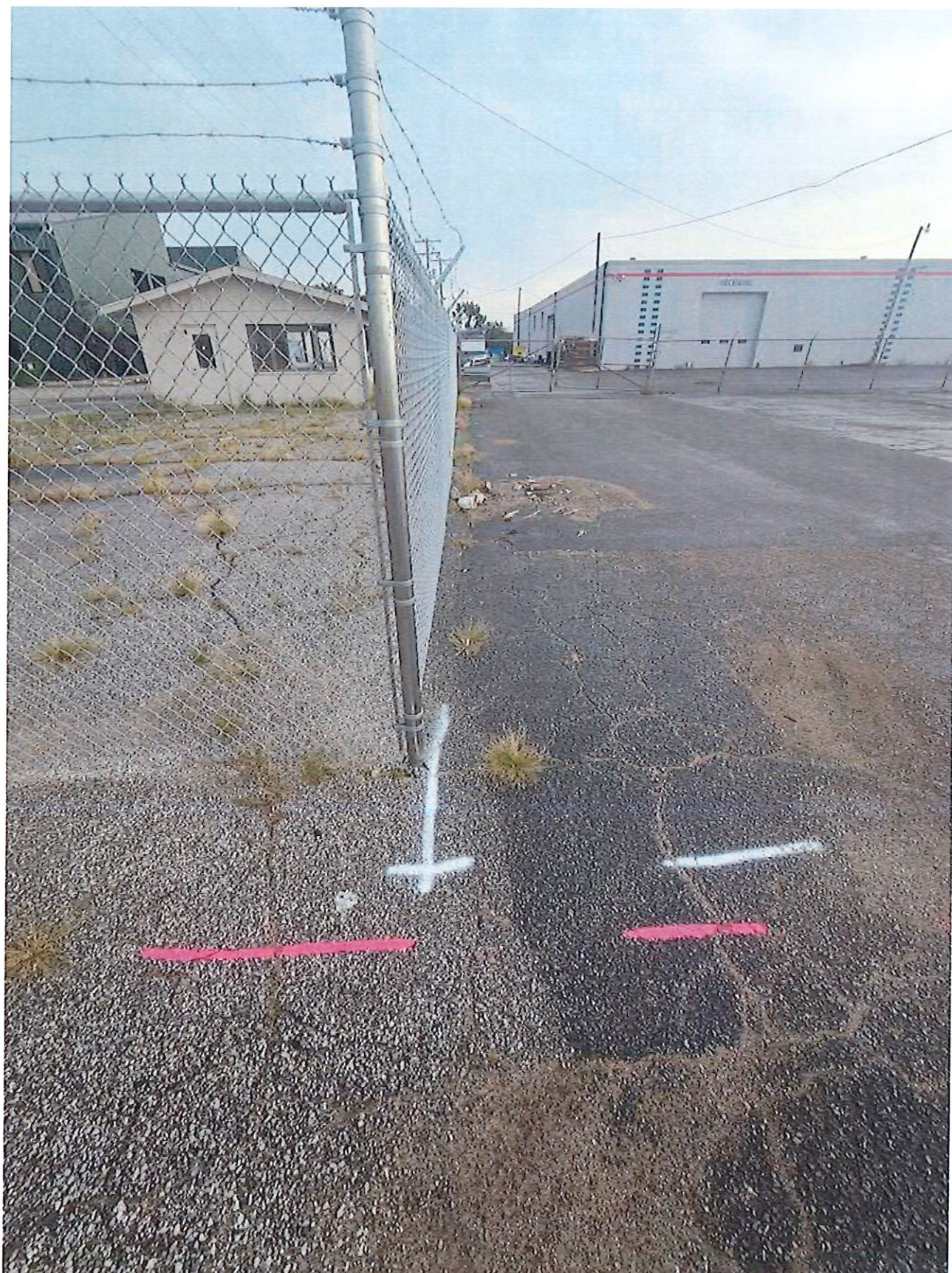














Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-19
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	September 10, 2026
<u>Petitioner:</u>	Richard & Kathleen Collins
<u>Site Location:</u>	2619 Greenleaf Boulevard
<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-1, One-Family Dwelling District
<u>Size:</u>	+/- 0.58 Acre
<u>Thoroughfares:</u>	Greenleaf 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-1, One-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 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 land within the Broadmoor Subdivision south of East Bristol Street; there are zero vacant lots remaining throughout the subdivision, due to the location along the river homes are torn down and rebuilt and enlarged over time. This subdivision was established prior to 1940 and is a longstanding mature residential development.

The site that is part of the request is along Greenleaf Boulevard where currently no adjacent sidewalks exist. The nearest compliant sidewalk to the west is along Greenleaf Boulevard at the intersection of Osolo Road. The emphasis on sidewalk construction is a focus of the administration which in part improves the quality of place by providing the public infrastructure to reduce the potential for car pedestrian crashes, promotes physical activity and improved social connection by providing designated places for pedestrians. The recent development of Greenleaf Place Phase II Subdivision in the 3400 block of Greenleaf Boulevard is providing sidewalks as a part of the development. The first house has been built at 3406 Greenleaf Boulevard with sidewalks.

Staff recognize the concerns posed by the petitioner in their submittal material around the lack of sidewalks in the neighborhood and along Greenleaf Boulevard. However, this circumstance is not unlike many other neighborhoods in the city where development has occurred over time – even this subdivision is evidenced where sidewalks exist in some areas and not others. 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.

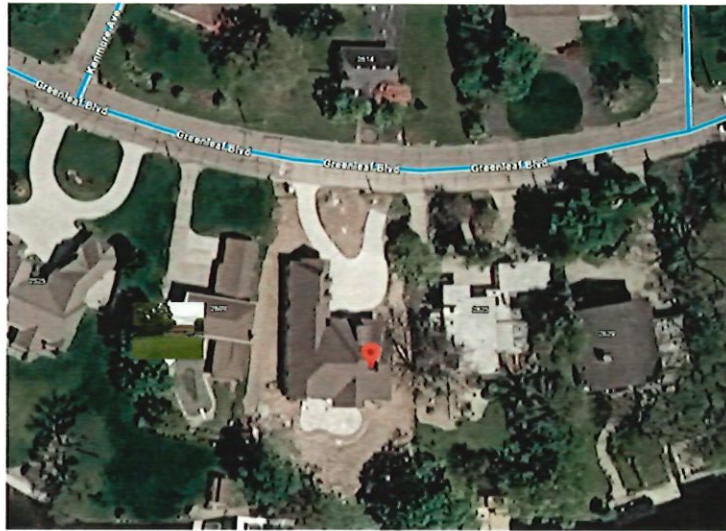
Staff recommend **denial** of this variance.

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 public sidewalk is part of the public infrastructure within the City;
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 **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



Overhead view of petitioners newly constructed home



North side of petitioner's property looking east down Greenleaf

PETITION #: 26-BZA-19

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): RICHARD & KATHLEEN COLLINS

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: RICHARD COLLINS

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2619 GREENLEAF BLVD.

Zoning: R-1

Present Use: NEW CONSTRUCTION Proposed Use: 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): RICHARD R. COLLINS

SIGNATURE(S): [Signature] 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: Raen Leuendostki DATE: 7/13/26

Legal Description

Lot 21, Broadmore, Sect 34, Township 38 North, Range 5 East, Osolo Township,
Elkhart County, Indiana.

Tax I.D.# 20-02-34-376-019.000-027

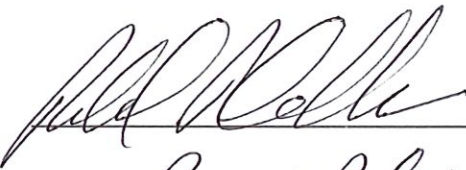
Recorded April 15, 1919-Office of the Recorder Elkhart County Plat Book #1, pages
166 and 167

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

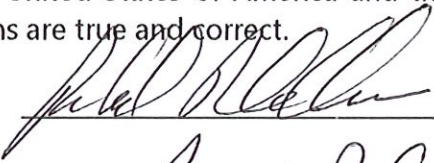
I, R.R. COLLINS, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

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 2619 GREENLEAF BLVD. Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 13TH day of JULY, 2026.


Printed: RICHARD R COLLINS

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: RICHARD R COLLINS

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Richard Collins, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 13 day of July, 2026.

Aimee Louderback

Printed: Aimee Louderback

My Commission Expires:

12/13/2026



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

Date: July 12, 2026
To: Board of Zoning Appeals
City of Elkhart, Indiana

Reference: Residential Construction Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

I, Richard R. Collins and my wife Kathleen D. Collins, are the owners and future residents of the newly constructed home at 2619 Greenleaf Blvd., in the City of Elkhart, Osolo township, Elkhart County, State of Indiana, per attached legal description.

The above described property is zoned ~~R~~-1, One Family Dwelling district under the Zoning Ordinance of The City of Elkhart.

The newly constructed house on this site is to be our home.

I desire a variance from the current zoning requirement that calls for the construction of a sidewalk.

The current Zoning Ordinance of the City of Elkhart is in Section 26 O (i i a), Pedestrian Access. It states for new construction on vacant land a public sidewalk and the required designated pedestrian connections shall be installed. The sidewalk must be constructed with a minimum of a five foot landscaped greenspace (tree lawn) between the curb and the outside edge of the sidewalk. Street trees must be planted at intervals of not less than forty feet apart.

The submitted and approved site plan for the building permit, (#24-2875 see attached), did not have a sidewalk in the plan. We were informed just recently of this zoning requirement and need to address this issue prior to closing on our house. There are no sidewalks in this area going east for miles and going west, the nearest sidewalk would be over one half mile away. Without an existing sidewalk to determine a location and show the construction specs for width etc., there is no way to comply with this requirement without doing potential damage to the area residents. Should I randomly determine a sidewalk location on my property I could do great harm to my neighbor's property when they have to attach their sidewalk to mine. Their trees and landscaping locations, along with the utility poles, could prove to be an expensive modification for them to meet my location. A comprehensive plan is required for this district which can deal with all these variables.

The 7 standards to be considered for Development Variance.

1. The approval will be in harmony with the existing community, there are no existing sidewalks in this area.
2. The property values in the area have been improved with the construction of this house.

3. This ordinance appears to relate more to large residential and commercial developments and is not well suited to individual home sites where there are no sidewalks.
4. This area has no sidewalk systems and for me to arbitrarily install an unconnected piece of sidewalk could do great damage to my neighbors, when in the future they have to attach to mine.
5. I would be required to build a sidewalk even though the other properties in this district, miles to the east and over a half a mile to the west, do not have sidewalks.
6. I have not acted in any way to impact this situation. I believed the building permit covered all of these items when we began this project.
7. N/A

Wherefore, Petitioners pray and respectfully request a hearing on this appeal and that after such hearing, the Board grants the requested use variance.

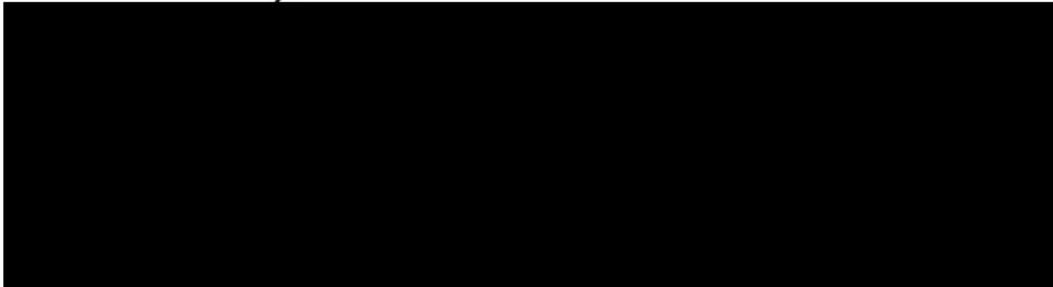
Signature of property owner Richard R. Collins

Printed Name RICHARD R. COLLINS

Second Property Owner Kathleen D. Collins

Printed Name Kathleen D. Collins

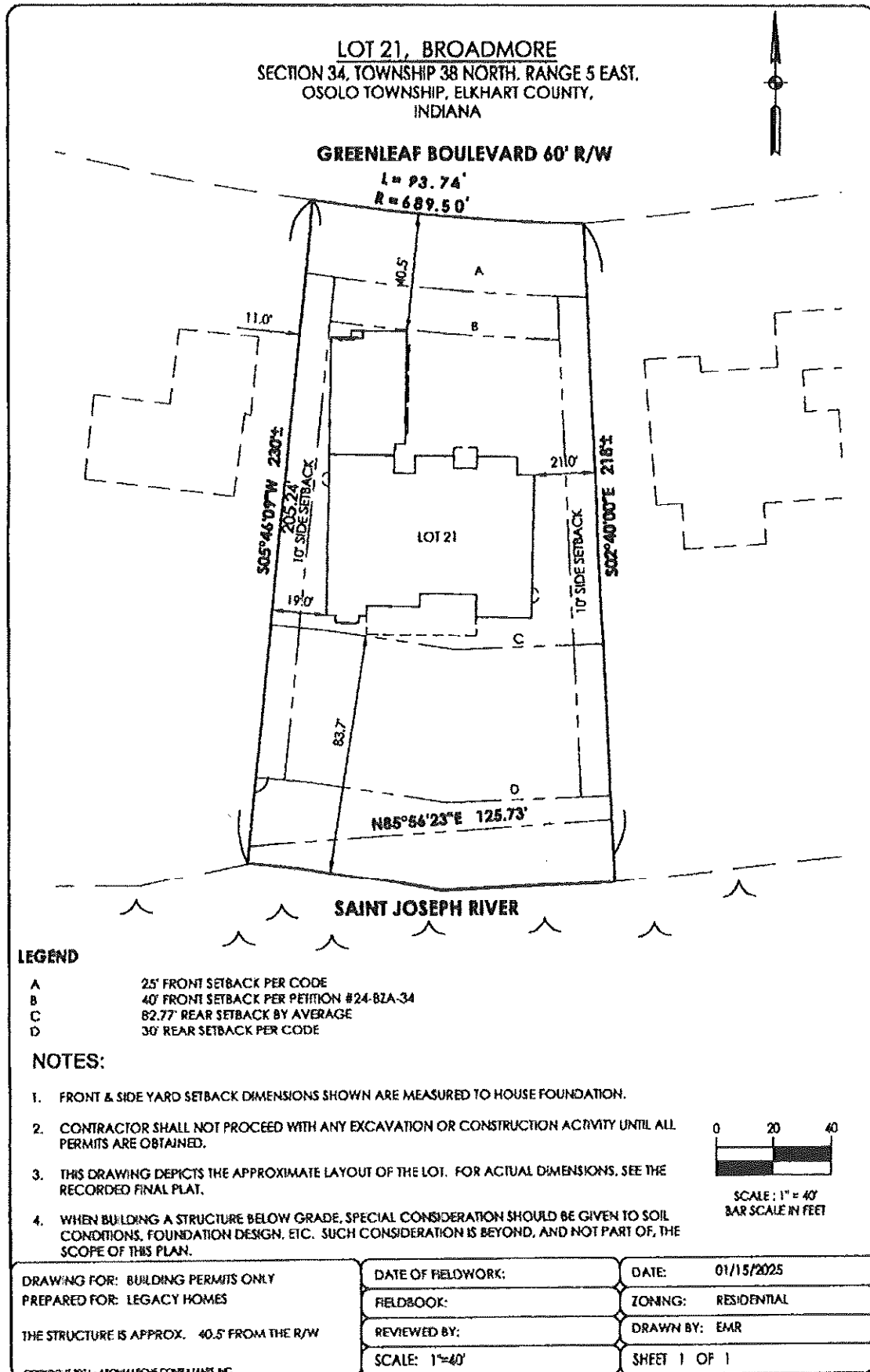
Contact Person RICHARD R. COLLINS



Thank you for your time and consideration.

Best regards,

Richard R. Collins
Richard R. Collins





City of Elkhart

229 S. Second St., Elkhart, Indiana 46516
Phone: 574.294.5471

Rod Roberson
Mayor

Tim Vistine
Building Commissioner

Inspection Report

Inspection Date: June 22, 2026

Inspected By: Paul Goodwin

RE Property Address: 2619 GREENLEAF BLVD

Permit Number: 24-2875

Permit Type: Building Permit

Permit Use: New Structures - Residential (1 or 2 Family

Dwellings)

Inspection Type: (B) Final Inspection

Inspection Status: Pass

Comments: Final Approved

Contractor: Legacy Homes

Property Owner: Richard & Kathleen Collins



Staff Report

Planning & Zoning

<u>Petition:</u>	26-REV-02
<u>Petition Type:</u>	Revocation of 95-X-26, 75-X-09
<u>Date:</u>	September 10, 2026
<u>Petitioner:</u>	City of Elkhart
<u>Site Location:</u>	1701 Prairie Street
<u>Request:</u>	A request by the City of Elkhart to revoke 95-X-26 which was approved December 14, 1995 to grant a special exception to allow sheltered living home facilities for the rehabilitation of substance abusers.
<u>Previous BZA Action:</u>	95-X-26 – Special exception to allow sheltered living home facilities for the rehabilitation of substance abuser, 1701 and 1711 Prairie Street 75-X-09– Special exception to allow the property to be used as an institution for children
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 0.16 Acres
<u>Thoroughfares:</u>	Prairie Street and West Cleveland 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 low-density residential 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 low density residential uses.



Staff Analysis

Staff is requesting the Board of Zoning Appeals revoke the special exception granted by this body in 1995 which approved a sheltered living home at 1701 Prairie Street.

On December 14, 1995, the Board of Zoning Appeals approved a special exception for 1701 Prairie Street. The request granted a special exception to allow sheltered living home facilities for the rehabilitation of substance abusers, case number 95-X-26. In 1975, the Mennonite Board of Missions requested a special exception for an institute for children. This request was approved with conditions.

Earlier this year, staff noticed the home being marketed as a rehabbed one family dwelling. Staff also was familiar with some of the homes in that block used as group homes for social service agencies in the past. In looking at the property transfer records for the property, it was noted the property had changed hands and was now in the name of an individual rather than the organization. Staff then reached out to the social service agency for verification of ownership and to relay to them that the special exception was only good for them and cannot be transferred.

The special exceptions from 1995 and 1975 will need to be revoked as the special exception is not consistent with the current development plan with the new use.

The zoning ordinance outlines the circumstances for when a previous approval may be revoked. The BZA may revoke a variance whenever one or more of the following exists:

1. The BZA determines that the variance was obtained by the applicant by fraudulent or misleading statements;
2. That there has not been compliance with any requirement contained in the variance;
3. That circumstances have materially changed since a variance was granted so that, if the sanction is not imposed, public health, safety or welfare will be adversely affected.

Staff have determined that circumstances have materially changed for the property as the property is now being used as a single family dwelling.

Recommendation

The Staff recommends approval of revocation for case number 95-X-26 that permitted a special exception to allow sheltered living home facilities for the rehabilitation of substance abuser and 75-X-09 that permitted and institution for children based on the fact the circumstances have materially changed and the need for the previous use variance is no longer valid as the property is now being used as a single family dwelling.

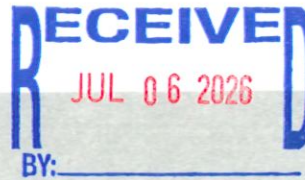
Photos



Looking at the front of 1701 Prairie Street



OAKLAWN



Toward Health and Wholeness

June 30, 2026

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

Re: 1701 and 1711 Prairie Street

To Whom It May Concern:

Please be advised that Oaklawn Psychiatric Center no longer owns the property at 1701 Prairie Street. The property has been sold.

Oaklawn still owns the property at 1711 Prairie Street and continues to use it as approved by the special exception from 1995.

Please let me know if you have any questions.

Thank you,

Kimberly Pendzinski, CFO
Oaklawn Psychiatric Center, Inc.

cc: Eric Trotter

Goshen Campus
PO Box 809
330 Lakeview Drive
Goshen, Indiana 46527
574-533-1234

Elkhart Campus
2600 Oakland Avenue
Elkhart, IN 46517
574-533-1234

South Bend Campus
415 E. Madison Street
Building 200
South Bend, IN 46617
574-283-1234

Mishawaka Campus
1411 Lincolnway West
Mishawaka, IN 46544
574-259-5666

*24/7 Emergency
Access Center*
574-533-1234
Toll free: 800-282-0809

info@oaklawn.org
oaklawn.org

Rod Roberson
Mayor

Michael Huber
Director of Development Services



Development Services
Community Development
Economic Development
Planning Services
Redevelopment
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.970.1165

July 14, 2026

Giovani Castillo De Lucio
2718 Page Avenue
Elkhart, IN 46517

RE: 1701 Prairie Street Special Exception Revocation Notice

Mr. Castillo De Lucio:

Public tax records indicate you are the current owner of 1701 Prairie Street. Oaklawn, as the previous owner, was granted a special exception to provide a *Home or facility for the rehabilitation of alcoholics and substance abusers*. Upon request, Oaklawn provided our office with a letter indicating they no longer own that property.

This letter serves as notice the City of Elkhart is seeking revocation of the special exception granted for 1701 Prairie Street. The revocation hearing will be scheduled for public hearing in September 2026.

In 1995, the City of Elkhart's Board of Zoning Appeals granted final approval of a special exception for the above reference property for the purpose of providing a *Home or facility for the rehabilitation of alcoholics and substance abusers*. As the special exception is valid only for Oaklawn, the 1995 board approval will be presented to the Board of Zoning Appeals for revocation.

You do not need and are not required to take any action. However, if you object to the revocation action sought for your property, you will need to file a formal objection with the Board of Zoning Appeals.

Should you have any questions, I may be reached at 574.294.5471, extension 3151.

Sincerely,



Eric Trotter
Assistant Director for Planning
Development Services Department

June 16, 2026

Oaklawn Elkhart
2600 Oakland Avenue
Elkhart, IN 46517

RE: 1701 and 1711 Prairie Street Use Inquiry

To Whom It May Concern:

In 1995, the City of Elkhart's Board of Zoning Appeals granted final approval of a special exception for the above reference properties for the purpose of providing a *Home or facility for the rehabilitation of alcoholics and substance abusers*. It has come to our attention and based on property tax records; it appears that Oaklawn no longer owns the properties. If the properties have changed hands, we request that you please notify the Board of Zoning Appeals in writing as the special exception that was granted is only valid for your organization.

Thank you for your prompt attention in this matter.

Should you have any questions, I may be reached at 574.294.5471, extension 3151.

Sincerely,

Eric Trotter
Assistant Director for Planning
Development Services Department

95-X-26: Mennonite Board of Missions on behalf of the Elkhart Housing Partnership has filed a petition to grant a special exception to allow sheltered living home facilities for the rehabilitation of substance abusers, in an R-3 zone, at 1701 and 1711 Prairie Street

Greg Sundin read the staff report and recommendation for approval of the special exception request with the following conditions:

1. The homes must be operated by a state licensed care provider.
2. The homes must be supervised at all times that patient(s) are in residence by a qualified employee or employees of the care provider.

Mr. Sundin read a memo from Paul Eash, Corporate Counsel. (See attached).

88 letters were mailed; 4 returned in favor; 9 returned opposed; Comments against: feel this will be a detriment to the neighborhood and most felt that the residents would be active drug users.

Public hearing open.

Phil Dumouchel, Elkhart Housing Partnership, represented the petition. Mr. Dumouchel gave a brief background on how the property was received and the funding that has been obtained to improve the property.

Sandy Kauffman, Oaklawn, stated that the residents in these homes will have to be committed to sobriety. They must be willing to give up their habits. There is not a facility in Elkhart for substance abuser and because of that the clients that need the services have to go to South Bend, or elsewhere for treatment.

Mr. Denman asked how many people will be in the homes and will children be there/

Mr. Kauffman stated that the maximum would be 20 people. Children would be on the premises on a short term basis if there is no where else for them or the custodial parent to go.

Mr. Fairchild asked what the average length of stay would be?

Mr. Kauffman stated 2 months.

Rosetta Andrews, 150 Cleveland Avenue, spoke in opposition of the petition. There are several families in the area with small children and this would not be a good environment for these families.

Mr. Bean stated that the zoning is correct for the area and would not be surprised if a different use, rooming house, or apartment building did not go in. This would be a good use.

Robert Scott , 150 Wolf Avenue, stated that he was not in favor of the petition and felt that this type of housing should go into neighborhoods on the other side of town.

Staff Items. . .

1996 Board of Zoning Appeals Calendar

Motion to approve (Bean/Thomas).

Motion carried unanimously.

Motion to adjourn 10:10 P.M.

Motion carried unanimously.

Fred Denman
Fred Denman, Chairman

Regular Meeting of Board of Zoning Appeals
June 12, 1975

The meeting was called to order by President Hupp at 7:00 p.m. (EST) in the Council Chambers on the second floor of the Municipal Building, Elkhart, Indiana.

Other board members present were Ned Conley, Robert Lieberenz, Earl Poorbaugh and Leroy Robinson, comprising a complete board. William Neal was present as Acting Zoning Administrator.

A motion was made, seconded (Poorbaugh/Lieberenz) and carried to approve the minutes of the regular meeting of May 15, 1975 as delivered.

Another motion was made, seconded (Poorbaugh/Conley) and carried to approve the minutes of the special meeting of May 29, 1975 as delivered.

Six items were on the agenda for public hearing.

Case 75-X-9: This item was handled first at the request of the attorney for the petitioners. The Mennonite Board of Missions requesting special exception to use their property at 1701 Prairie as an institution for children.

The secretary made proof of publication of the notice of hearing of said meeting in The Elkhart Truth on said date. Motion to accept same (Poorbaugh/Conley) carried.

The board was reminded that it must make the four findings of fact as required in Section 15.7-4 of Ordinance #2164.

Attorney Paul Pressler was present on behalf of the petitioners. He introduced Mr. Ron Gunden, head of Youth Village near Union, Michigan; Mr. Gene Duffin, probation officer; Rev. Thomas Kuhn, assistant pastor of Trinity United Methodist Church; Ms. Vivian Vetter of Presbyterian Church; and Don Munn representing Oaklawn.

Mr. Gunden explained that he operates a camp for young children who are separated from their homes and families for a 3-month period. During that time counselors meet with parents, but sometimes the kids are not quite ready to go home. The group home at 1701 Prairie will be used for these kids. Camps similar to Youth Village are conducted near Colorado Springs; Henderson, Nebraska; and Kansas City.

Mr. Duffin advised that eight of the worst kids on probation were sent to Youth Village, and five of the eight were "turned around". Eighteen others started there last week for the entire summer. However, if they were here in Elkhart, they could work more closely with them. These boys are under jurisdiction of the State, and some have been to Boys' School.

Pastor Kuhn is concerned with rehabilitation. He advised that the president of their United Women's Society was present, and they have assumed partial support of this cause.

Mrs. Vetter advised that the Presbyterian women have supported several probation projects.

Mr. Munn advised he will be living just a few blocks from the house in question. He believes a home of this type is really needed as there are not enough alternatives available for the youths.

Mr. Pressler advised that he helped establish the home on Morton Avenue and there have been no complaints. They plan to meet with the neighbors to discuss any problems that may arise in this new area which seems to be ideal with the facilities at Pierre Moran Park so close and other Mennonite Mission Board properties nearby. However, the offices will soon be moved to the Greencroft facilities. It is an integrated neighborhood which should cause the boys to feel more at home. The Welfare Department will also have jurisdiction. Plans are to house eight boys plus two house parents.

No one was present in opposition, and the public hearing was closed.

Mr. Neal reported that 29 letters were sent out with six being returned in favor and six opposed. The Plan Commission could not make a recommendation since their vote was 3 to 3. The staff report recommended approval subject to six conditions.

A letter was read from Mr. George White of First National Bank supporting the home. Mr. Munn advised that there would be no question concerning school transfers since some of the boys may be bussed to school as is done in a foster home situation.

The board members proceeded to consider the information brought forth at the public hearing.

Upon motion duly made by Earl Poorbaugh, seconded by Leroy Robinson and carried by a vote of 5 to 0, the following findings of fact and decision were adopted by the Board of Zoning Appeals:

(1) That the operation of an institution for children at 1701 Prairie Street is necessary for the public convenience at that location;

(2) That such facilities are so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(3) That the use of such facilities at the proposed location will not cause substantial injury to the value of other property in the neighborhood in which they are to be located;

(4) That such facilities shall conform to the applicable regulations of the R-3 district in which they are to be located.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that the petition of Mennonite Board of Missions to use property located at 1701 Prairie Street as an institution for children in an R-3 district be granted and approved subject to the following conditions:

1. That live-in supervisors shall be provided.
2. That a maximum of ten (10) children, including children of the houseparents, reside at the hosue at any one time.
3. That all other applicable standards and regulations of state and local governmental agencies shall be met.
4. That no signs advertising the institution be located on the premises.
5. That the Board of Zoning Appeals shall review any changes in the plans.
6. That if this special exception activity is discontinued for a period of six (6) months, the special exception shall be void.

Case 75-BZA-13: Kenneth L. Hudkins requesting permission to vary the front yard requirement by 14.5 feet at 1504 Krau Street.

The secretary made proof of publication of the notice of hearing of said meeting in The Elkhart Truth on said date. Motion to accept same (Poorbaugh/Conley) carried.

The board was reminded that it must make the five findings of fact as required in Section 15.4-1 of Ordinance #2164.

Mr. Hudkins was present and explained that he wants to improve the property as it has been repossessed. He wants to enclose the front porch which will bring the house out five feet closer to Krau Street. He intends to live there himself.

There were no remonstrators present, and the public hearing was closed.

Mr. Neal reported that four letters were sent out with one being returned in favor and none opposed. The staff report recommended approval of the 14.5 foot variance. It has been difficult to determine the established building line in this block since the setbacks vary.

The board members proceeded to consider the information brought forth at the public hearing.

Upon motion duly made by Robert Lieberenz, seconded by Ned Conley and carried by a vote of 5 to 0, the following findings of fact and decision were made by the Board of Zoning Appeals:

(1) That the granting will not be injurious to the public health, safety, morals, and general welfare of the community.

(2) That the use or value of the area adjacent to the property included in the variance will not be adversely affected;

(3) That the need for the variance arises from some condition peculiar to the property involved and does not exist in similar property in the same zone;

(4) That the strict application of the terms of the ordinance will constitute an unusual and unnecessary hardship as applied to the property for which a variance is sought;

August 14, 2006

Mr. Gregory A. Hartzler
Yoder, Ainley, Ulmer, and Buckingham, LLP
P.O. Box 575
130 North Main Street
Goshen, IN 46527

**RE: Zoning Verification – Oaklawn Properties, 1701 and 1711
Prairie Street**

Dear Mr. Hartzler:

This letter addresses your inquiry regarding zoning classifications for the Oaklawn Properties at 1701 and 1711 Prairie Streets. Our research reveals the following:

The Oaklawn properties located at 1701 and 1711 (06-08-431-021 and 06-08-431-022 respectively) are zoned R-2, One family Dwelling District. In 1995 a 'special exception' was granted with conditions that allowed the properties to be used as a "Home or facility for the rehabilitation of alcoholics and substance abusers."

I hope this information is sufficient for you to proceed. If you have any other questions, please feel free to contact me at 574-294-5471, extension 123.

Sincerely,

Eric Trotter
Senior Planner



Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-21
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	September 10, 2026
<u>Petitioner:</u>	Victor Meza
<u>Site Location:</u>	2625 Warren Street
<u>Request:</u>	To vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow for Dog Grooming Salon.
<u>Previous BZA Action:</u>	96-UV-24 to allow the expansion of a non conforming accessory structure in an M-1 district
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 0.20 Acres
<u>Thoroughfares:</u>	Warren Street and East Hively Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by low-density residential zoned R-2.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting to vary from Section 5.2, Permitted Uses in the R-2, One-Family Dwelling District to allow the property at 2625 Warren Street to be used for a Dog Grooming Salon.

The homeowner is requesting board action to use a portion of their house as a dog grooming salon. Dog grooming is not listed by use or definition in the current zoning ordinance. Pet stores, animal hospitals and kennels are found in the B-3 and B-2 districts of the zoning ordinance respectively. Staff look at the pet grooming request as a service business; less intense than a pet store, kennel and animal hospital, all of which are located along busier streets and typically a higher volume business. The proposed grooming business is accessory to the primary use, which is a residential structure.

The petitioner is seeking permission to operate a dog grooming service which will entail hair grooming and bathing. An area of retail sales for pet supplies is also planned. Retail sales and grooming are proposed to operate in the living room of the home and bathing of the animals will exist primarily in the garage.

Based on assessor records, the house is 1,116 square feet, built in 1969. Business hours will be during the day with approximately four to five clients per day and by appointment only. Pick up and drop off parking will occur in the driveway.

The petitioner and his wife are the owners and occupants of the home and the operators of the proposed dog grooming salon. It is anticipated that two (2) additional employees will be added as the business grows and expands. The owner/operator currently owns one (1) vehicle. The petitioner indicated a maximum of three (3) customer vehicles could patronize the business at any one time. This would have the potential of up to six (6) vehicles on site at any one time in the future.

The petitioner assures staff that the animals that come to the business will be contained in the interior of the home. There will be no outdoor kenneling, no overnight boarding, and no exterior alterations changes to the residential appearance to the property.

Warren Street is not currently designated as a major thoroughfare. The development of the Hively Avenue overpass will have an impact in this neighborhood as the reorganization of roads and intersections will establish a traffic signal at Warren and Hively where one does not currently exist.

The petitioner's property sits approximately 130' north of the intersection of Warren and Hively. Additionally, the construction associated with the overpass project will impact a portion of Warren Street. The petitioner's property will be impacted by the shifting of the travel lane seven (7) feet closer to the home within the right of way from a distance from the house of approximately 42 feet reduced to 35 feet after construction.

The site is surrounded by low density residential uses; a Dog Grooming Salon would typically have little to no impact on the adjacent residential properties. However, the pending reconstruction of Warren Street within the right of way shrinks the available space to park additional vehicles within the approach to the driveway. It appears to staff that the petitioner may be left with only sufficient room to park two (2) cars outside the right of way. The petitioner is requesting up to 4 to 6 vehicles with the future growth of the business.

Additionally, the home is proposed to have a significant portion of the structure occupied by a business and with potential future growth of the business this would change the nature of the home from a residential use to more of a business use.

Staff recommend **Denial** of this variance.

Recommendation

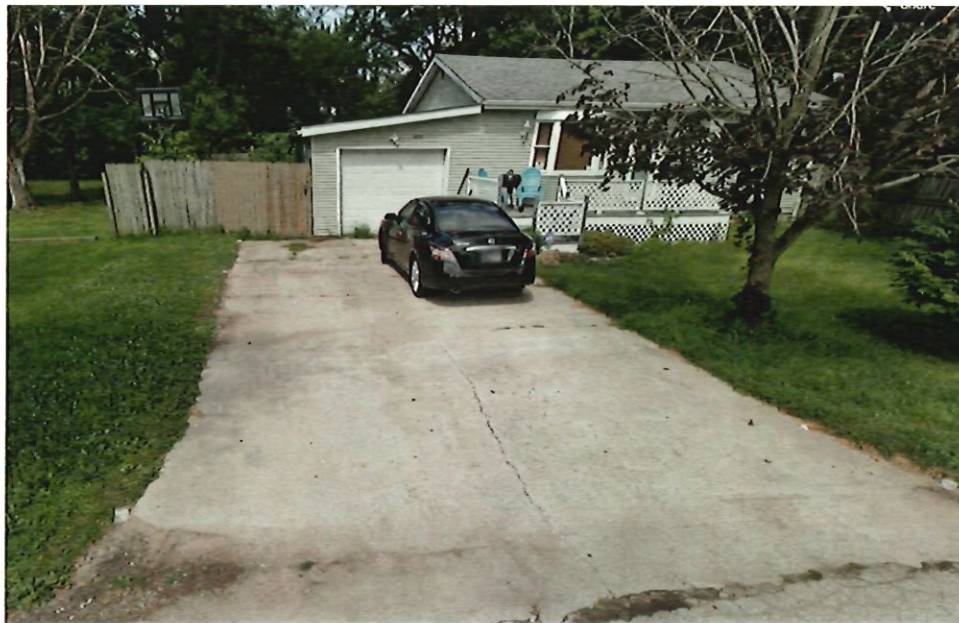
The Staff recommends **denial** of the use variance for a Dog Grooming Salon based on the following findings of fact:

1. The approval **will be** injurious to the public health, safety, morals or general welfare of the community because the proposed use as a dog grooming salon does not have ample parking for the proposed business operation and the intensity of the proposed and future business with additional employees will change the character of the structure from residential to business;
2. The use and value of the area adjacent to the property **will be** affected in a substantially adverse manner because the use is a high impact that will create a situation where the business use can not be properly contained on the property;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
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 home based dog grooming salon's can exist on larger parcels with ample room for parking and ample space for business use in the dwelling;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because establishing a lesser intense use on the site can better fit a smaller business operation;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant as the proposed use planned can not be contained on site while operating safe and efficiently;
7. This property **does not** lie within a designated flood hazard area.

Conditions

1. None

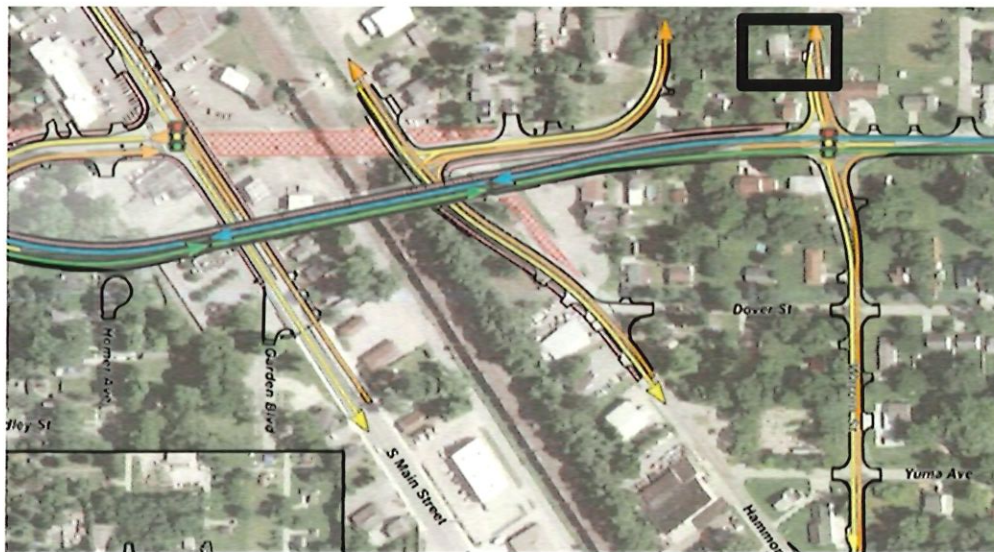
Photos



Looking West from Warren @ Petitioners Home



Looking North on Warren St with Petitioners home in view



Site in question relevant to Hively Plans

PETITION #: 26-UV-21

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: ^{USE} ~~DEVELOPMENTAL~~ VARIANCE

Property Owner(s): Victor Meza

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: Victor Meza

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 2625 Warren St

Zoning: R-2 one-family residential

Present Use: R-2 Proposed Use: R-2

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): Victor Meza

SIGNATURE(S): [Signature] DATE: 7-28-2026

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Raen Leuendowski DATE: 7/28/26

WARRANTY DEED

File No.: 692201404

THIS INDENTURE WITNESSETH, that Carina Barron Alvino (Grantor) CONVEY(S) AND WARRANT(S) to Victor Meza and Celia C Meza, as joint tenants with rights of survivorship and not tenants in common (Grantee) for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Elkhart County in the State of Indiana, to wit:

For APN/Parcel ID(s): 20-06-15-158-019.000-012

LOT NUMBERED 163 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF THE SECOND HAZEL PARK ADDITION TO THE CITY OF ELKHART AS PER PLAT THEREOF RECORDED JULY 1, 1908 IN PLAT BOOK 1, PAGE 5 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

ALSO,

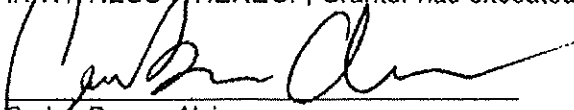
THE EAST ONE-HALF (E1/2) OF THE VACATED ALLEY LYING WEST OF AND ADJACENT TO SAID LOT.

Property: 2625 Warren Street, Elkhart, IN 46516

Subject to all current real estate taxes and assessments and all subsequent taxes and assessments.

Subject to all easements, covenants, conditions, and restrictions of record.

IN WITNESS WHEREOF, Grantor has executed this deed this 7 day of October, 2022.


Carina Barron Alvino

USE

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Victor Meza 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 2625 Warren St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 28 day of July, 2026.

[Signature]

Printed: Victor Meza

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

[Signature]

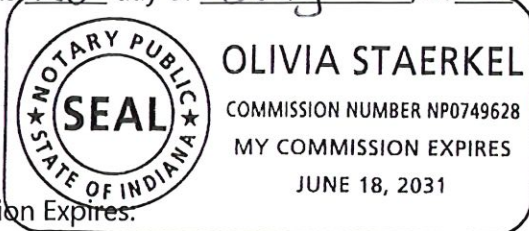
Printed: Victor Meza

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Victor Meza, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 28 day of July, 2026.



My Commission Expires:

June 18, 2031

[Signature]

Printed: Olivia Staerkel

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

PETITION TO THE CITY OF ELKHART BOARD OF ZONING APPEALS

RE: Use Variance Petition

Property Address: 2625 Warren Street, Elkhart, Indiana

Property Owner: Victor Meza

Business: Pretty Paws Furry Salon LLC

Current Zoning: R-2 One-Family Residential District

Variance Requested:

To vary from **Section 5.2, Permitted Uses**, to allow an **appointment-based indoor dog grooming salon with accessory retail sales** within the existing residence.

Dear Members of the Board of Zoning Appeals,

My name is **Victor Meza**, and together with my wife and business partner, **Yassani Meza**, we respectfully request approval of a Use Variance to allow us to operate **Pretty Paws Furry Salon LLC** as an appointment-based indoor dog grooming salon with accessory retail sales from our home located at **2625 Warren Street**.

We understand that pet grooming is not listed as a permitted use within the R-2 Residential District, and we respectfully request relief from Section 5.2 of the Zoning Ordinance.

Our goal is simple.

We want to create a small, professional grooming salon that serves local pet owners while preserving the residential appearance of our property and being respectful of our neighbors.

This proposal is not intended to create a high-traffic commercial business.

It is intended to allow a low-impact, appointment-based service that operates entirely inside the existing residence.

Existing Property

The property currently consists of:

- Single-family residence
- Existing driveway

- Existing off-street parking
- Existing fenced yard

We do not intend to construct a commercial building or significantly change the residential appearance of the property.

Proposed Business

Pretty Paws Furry Salon LLC will provide:

- Full-service grooming
- Bathing
- Haircuts
- Nail trimming
- Ear cleaning
- De-shedding treatments
- Specialty spa services
- Creative grooming
- Breed-specific grooming

The proposal also includes a **small accessory retail area** that will offer:

- Grooming products
- Pet apparel
- Leashes
- Collars
- Toys
- Boutique bows and bow ties
- Grooming accessories

The retail area is intended only as an accessory use for existing grooming customers. It will not operate as a standalone pet store.

Business Operations

The business will operate:

- Primarily by appointment
- Approximately 10 grooming appointments per day
- Two to three employees
- Indoor grooming only
- No outdoor grooming
- No outdoor kennels
- No outdoor play areas
- No breeding
- No overnight boarding

Customer arrivals will be scheduled throughout the day to minimize traffic and avoid congestion.

Property Improvements

As part of this project, we are committed to making significant improvements to the property, including:

- New landscaping
- Decorative mulch beds
- New flowers and shrubs
- Improved front porch
- New white privacy fencing
- Improved parking layout
- Exterior maintenance
- Continued investment in the appearance of the property

These improvements will enhance the neighborhood while maintaining the home's residential character.

The Required Standards

1. Public Health, Safety and General Welfare

The proposed use will not be injurious to the public health, safety, morals, or general welfare.

All grooming activities will occur indoors within the existing structure.

Animals will remain inside except for normal customer drop-off and pick-up.

The business will operate by appointment, reducing vehicle traffic and eliminating customer congestion.

Waste will be handled properly and removed regularly.

The property will comply with all applicable health, licensing, and safety regulations.

2. Effect on Neighboring Properties

The proposed use will not adversely affect nearby property values or neighborhood character.

The residence will continue to look like a home.

There will be:

- no commercial storefront,
- no outdoor displays,
- no outdoor kennels,
- no outdoor animal runs,

- no loud outdoor activities.

The proposed boutique retail area is accessory to the grooming business and will only serve grooming customers.

Our goal is to improve the appearance of the property while remaining a good neighbor.

3. Condition Peculiar to the Property

This property possesses characteristics that make it uniquely suited for this type of low-impact use.

The property includes:

- existing off-street parking,
- safe vehicle access,
- adequate lot size,
- an owner-occupied residence,
- indoor work areas,
- a fenced yard,
- and sufficient space to accommodate customer visits without disrupting neighboring properties.

In addition, the property is located within an area that has experienced significant public investment through the Hively Avenue transportation improvements and is surrounded by a mixture of residential, industrial, manufacturing, and transportation-related uses. This creates a transitional setting where a carefully managed, appointment-based indoor business is compatible with the surrounding area.

4. Unnecessary Hardship

Strict application of the zoning ordinance prevents the property from being used for a very limited commercial use that can operate with minimal impact on surrounding properties.

This request is not based on financial hardship.

Rather, it is based on the property's physical characteristics, location, existing parking, and its compatibility with the surrounding area.

Approval would allow reasonable use of the property while preserving its residential appearance and protecting neighboring properties.

5. Comprehensive Plan

Approval of this request supports responsible small business development while preserving neighborhood character.

The proposal encourages:

- reinvestment in an existing home,

- property maintenance,
- local entrepreneurship,
- beautification,
- and continued owner occupancy.

The request represents an appropriate transition between residential living and the changing character of the surrounding area without altering the overall residential appearance of the neighborhood.

Our Commitment

If this variance is approved, we voluntarily commit to the following:

- Appointment-based scheduling
- Indoor grooming only
- No outdoor kennels
- No outdoor play areas
- No overnight boarding
- Residential appearance maintained
- On-site customer parking
- Continued landscaping and property maintenance
- Compliance with all City, County, and State regulations

Closing Statement

Pretty Paws Furry Salon LLC represents our family's dream of building a professional business while continuing to invest in the neighborhood we call home.

We are committed to operating responsibly, maintaining the appearance of our property, respecting our neighbors, and providing a valuable service to the residents of Elkhart.

We believe this proposal satisfies the standards required for a Use Variance because it is compatible with the surrounding area, preserves the residential character of the property, and will have minimal impact on neighboring homes.

For these reasons, we respectfully request that the Board of Zoning Appeals approve our petition.

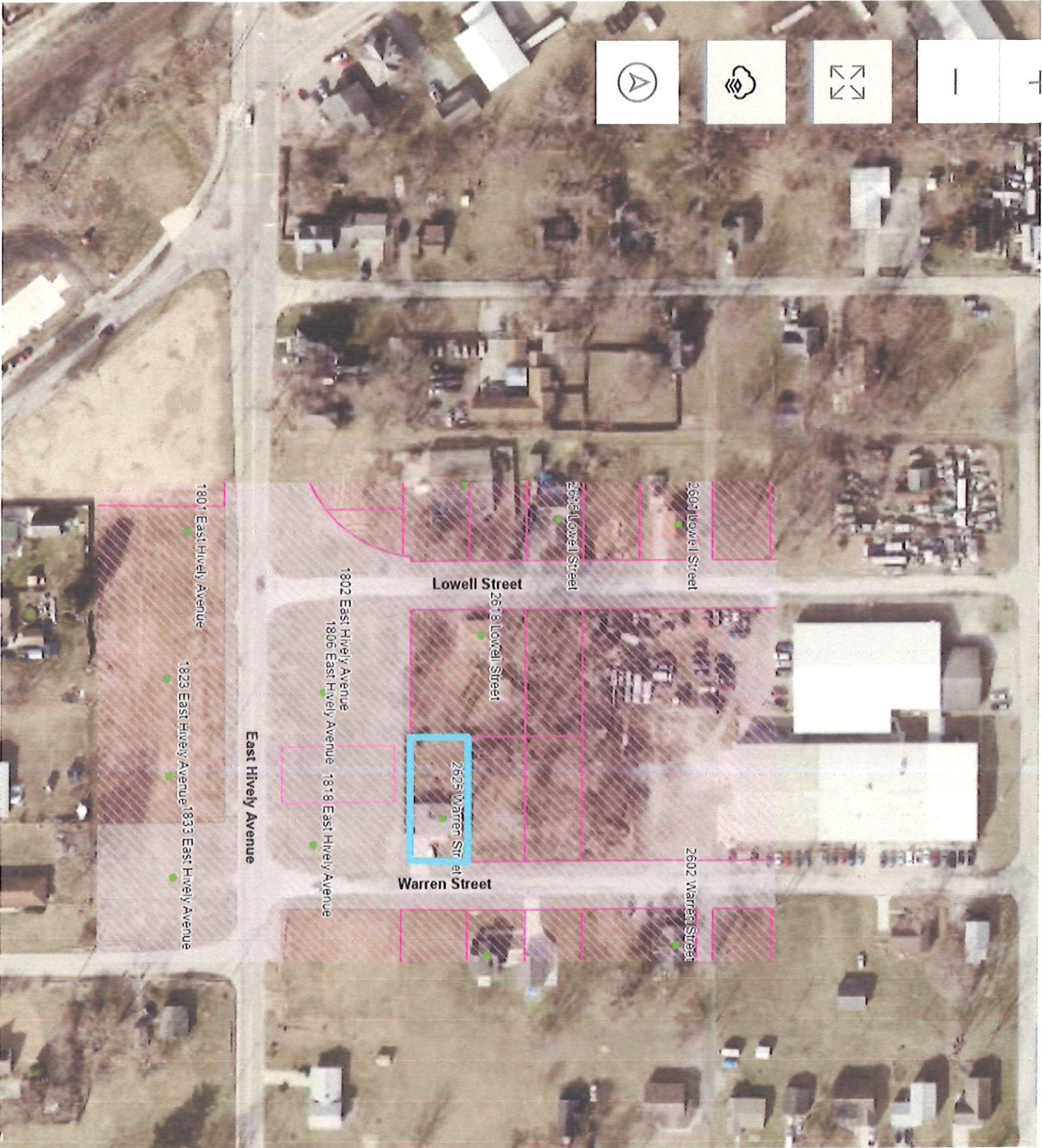
Thank you for your time, your consideration, and your service to the City of Elkhart.





2625 Warren Street

Warren Street



1801 East Hively Avenue

1823 East Hively Avenue 1833 East Hively Avenue

East Hively Avenue

1802 East Hively Avenue
1806 East Hively Avenue 1818 East Hively Avenue

Lowell Street

2606 Lowell Street

2618 Lowell Street

2625 Warren Street

Warren Street

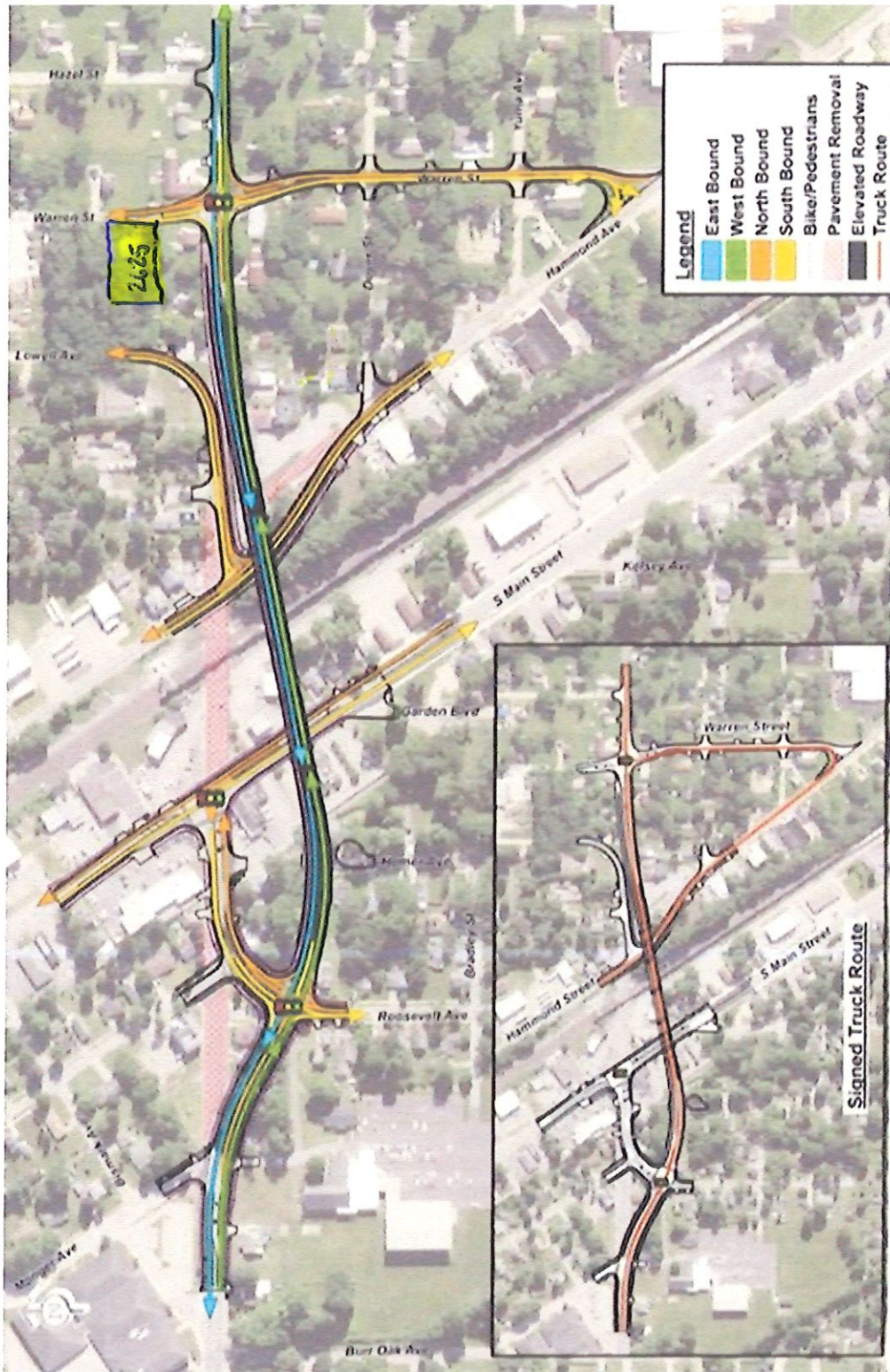
2602 Warren Street



City of Elkhart Zoning

Planning & Zoning: [click here](#) for zoning info
574-782-5476









Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-20
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	September 10, 2026
<u>Petitioner:</u>	Allen & Donna Zavatsky
<u>Site Location:</u>	217 Haines Drive
<u>Request:</u>	To vary from Section 4.4, Yard Requirements in the R-1 District, which requires front setbacks and rear setbacks located along a river or stream to be the established setbacks. The established setbacks at this location are 50'8" feet in the front and 57'7" feet in the rear; the requested setbacks are 35 feet in the front and 42 feet in the rear, a variance of 15'8" feet in front and 15'7" feet in the rear.
<u>Existing Zoning:</u>	R-1, One-Family Dwelling District
<u>Size:</u>	+/- 0.44 Acre
<u>Thoroughfares:</u>	Haines Drive
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

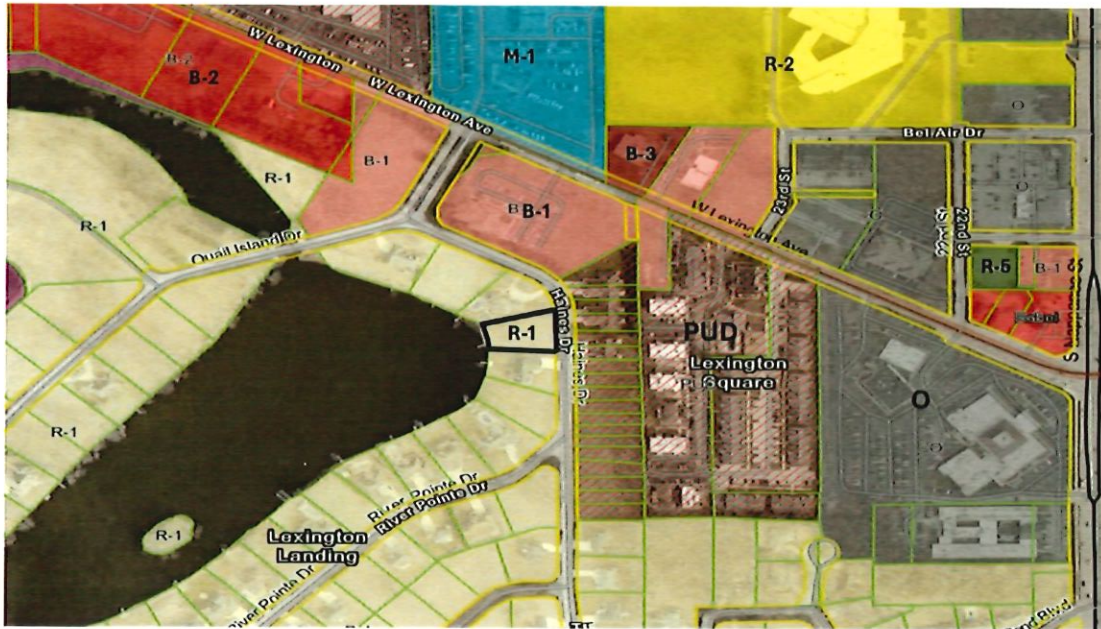
The property is in a residential development. Properties to the north and south are residential and vacant zoned R-1; property to the east is zoned PUD and is being developed as single family attached housing.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner wishes to vary the requirements of Section 4.4, Yard Requirements, where the front yard average established setback is 50'8" feet and 57'7" feet in the rear, to allow the construction of a single-family residence at a front yard setback of 35 feet and 42 feet in the rear, a variance of 15'8" feet in front and 15'7" feet in the rear yard.

The petitioner is proposing to build a new single-family dwelling on a river front lot in the 200 block of Haines Drive. The proposed home does not meet the setback requirements because of the configuration of the home, a front and rear yard variance is required. This type of variance is not that uncommon for lots along the river where the new home is a more contemporary layout – in this case an L-shaped ranch.

The lot, by the zoning ordinance development standards has two front yards – the street frontage and the river front side of the property. The ordinance requires the setbacks to be calculated for the front and rear (for river front lots) be established by determining the average for that part of the neighborhood. This method for determining setbacks helps to protect the adjacent property owners' views to the river. Which is why most people live on the river – the view.

The lot is also located within the 500-year flood zone. Staff strongly encourage development within this zone to follow the more restrictive development standards as the intervals of major flooding incidents in urban areas increase. Meeting these more rigorous standards provides an additional layer of protection for the home.

Within the last seven years, there have been three similar variances along the river side of Haines Drive and River Pointe Drive. Most often, the homeowner will want to maximize the view of the river and to also not block the view of other surrounding properties and a variance is typically required. The proposed L-shaped home configuration is also common for waterfront parcels where the property owner wishes to maximize the number of rooms in the home having water views.

The scale of home is not out of character for the neighborhood and may in fact be desirable in terms of property values. Given the constraints of the established setback, it will not allow a home of this scale to be built without some measure of relief.

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because both the front and rear setbacks are similar to adjacent properties;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the proposed house will have a significant setback in both the front and rear yards;
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 established setbacks create a hardship on this plot of land;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because it limits the scale of housing on the lot;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the setbacks were established by neighboring properties;
7. This property **does** lie within the 500 year flood hazard area. The development of a single family dwelling will have little impact on the flood designation. The petitioner will build home to meet the 100 year flood development requirements (two (2) foot above BFE) which will provide additional protection for the structure in the event of a flood event.

Photos



217 Haines Drive



Looking from Quail Island Dr. across bay at vacant lot



Looking North from Haines Drive – property in question is in background on left



Looking South on Haines Drive around bend of road – property in question is in background

PETITION #: 26-BZA-20

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): ALLEN & DONNA ZAVATSKY

Mailing Address: _____

Phone #: _____

Email: _____

Contact Person: TODD MEIER (TEAM CONSTRUCTION)

Mailing Address: _____

Phone #: _____

Email: _____

Subject Property Address: 217 HAINES DR, ELKHART

Zoning: R-1

Present Use: VACANT LOT

Proposed Use: NEW SINGLE FAMILY 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): TODD A. MEIER

SIGNATURE(S): Todd A. Meier

DATE: 7-22-26

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____

Area: _____

RECEIVED BY: Raen Levendoski

DATE: 7/29/24

Levendoski, Raen

From: Allen Z [REDACTED]
Sent: Thursday, July 30, 2026 11:38 AM
To: Levendoski, Raen
Subject: EXTERNAL:

Caution: This email originated from outside of the organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

ck....

Yesterday 3:19 PM

YES, I give permission for Todd at Team Construction to submit all variance forms needed...
Thank You, Allen Zavatsky

Delivered



Date: 7-29-26

To: Board of Zoning Appeals
City of Elkhart, Indiana.

RE: Developmental Variance

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

1. We, Allen and Donna Zavatsky are the owner of the following described real estate located within the City of Elkhart, Cleavland Township, Elkhart County, State of Indiana, to -wit": Lot 39, Haines Lexington Landing
2. The above-described real estate presently has a zoning classification of R-1, in the 2nd District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner proposes to occupy the above-described property in the following manner: It will be our primary residence.
4. Petitioner desires to place the house on the property to satisfy R-1 zoning requirements, however it will be placed outside of the average front and rear setbacks that have been established by the placement of other homes on Haines Dr and adjoining River Point.
5. The Zoning Ordinance of the City of Elkhart requirements are found in Section 4.4
6. Strict adherence to the "Established Average Setback Requirements" will be very difficult do to the minimum square foot requirements of the homeowner's association. Additionally, the proposed location for the house uses the existing contour of the property very nicely eliminating the need for any changes to existing slopes. The layout of the home also creates a nice transition from the curved street on the lot to the north to the straight part of the street moving south. Placing the home at the front set back indicated will place the basement (walkout level) at as high an elevation as the lot would allow and roughly matches the front setback of the home at 221 Haines, in fact slightly behind. Our set rear setback is based on a covered deck and not the foundation, it appears the set rear setback from 221 Haines was taken from foundation and not the end of their steps from the deck.

Standards for consideration:

1. The placement of the home will have no adverse bearing on public health, safety, morals or general welfare of the community. Placement of the home does not block the enjoyable view for any neighboring homeowners and the site plan and floor plans have been approved by the homeowner's association to further substantiate this statement.
2. As stated above the adjacent areas will not be impacted adversely because it will not block an "enjoyable view" of their neighbors and the homeowner's association has the same sentiment based on the approval of the floor plans and the site plan proposed.
3. Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance evidenced by the variance approval for the neighboring lot to the south (221 Haines drive.)
4. The requirements of the homeowner's association and the desire to place the basement of the home as high as possible, as it relates to flood plain concerns, creates special circumstances are/may not applicable to other lots in the district (along the same and adjoining streets.)
5. Strict application to the "average setback requirements" would not allow the enjoyment of the property by the homeowner. The same enjoyments that are shared by other property owners in the district, on the same and adjoining streets.
6. These special conditions exist based on the required size of the home, contours and location of the lot and were not a result of any action or inaction on the part of the homeowner.
7. The elevation placement of the house will not change or alter any flood hazard situation. We plan to place the top of the foundation wall at 18" to 22" above the curb at the front of the garage. That height will place the basement floor height approximately 248" above the water's edge and relatively the same elevation as other homes on the street and in the area. A certificate for base elevation for flood plain protection will be obtained.

Continued next page

Further supporting information.

Many factors are in play with regard to placement of the home on this lot; size of home required by the Homeowner's Association (2200 SF on main level), the level of the basement floor relative to "Flood Plain Protection" elevation, unincumbered sight lines for neighboring homeowners for enjoyment of the river, the depth of the lot only being 155' on the south side and finally the desires and wishes of the property owner. Please refer to the "3 Lot combined site plan" drawing submitted with the application. The footprint of the home makes a genuinely nice transition on the street side from the radius of the street, leaving nice open green space on the north side and the setback of our garage is slightly back from the neighboring home to the south so to not block the view of their home as you approach from the street. The neighboring homes have unobstructed views of the river. The proposed height of the top of the basement wall (22" above the curb) would put our basement floor height at the same height or slightly above the neighbor at 221 Haines Dr.

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

Signature of Property owner Allen Zavatsky

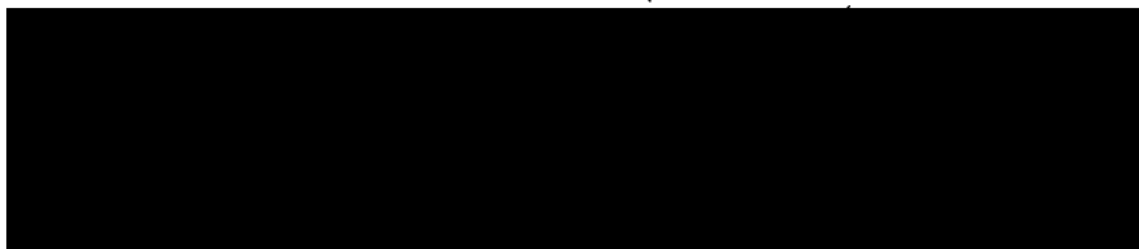
Printed Name ALLEN ZAVATSKY

Second Property owner Donna Zavatsky

Printed Name DONNA ZAVATSKY

Contact Person Todd Meier

Name TODD MEIER - TEAM CONSTRUCTION



2024-05079

ELKHART COUNTY RECORDER
KAALA BAKER
FILED FOR RECORD ON
04/01/2024 10:04 AM
AS PRESENTED

TAX ID NUMBER(S)
State ID Number Only 20-05-01-454-007.000-006

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Karolina K. Kordik

CONVEY(S) AND WARRANT(S) TO

Allen Zavatsky and Donna Zavatsky, Husband and Wife, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Elkhart County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 28th day of March, 2024.

Karolina K. Kordik
Karolina K. Kordik

DISCLOSURE FEE PAID

DULY ENTERED FOR TAXATION

SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

Apr 01 2024

PATRICIA A. PICKENS, AUDITOR

01349

10.00

MTC File No.: 24-5006.(UD)

Page 1 of 3

DM

KK

State of IN, County of Elkhart ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Karolina K. Kordik who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 20th day of March, 2024.

My Commission Expires:

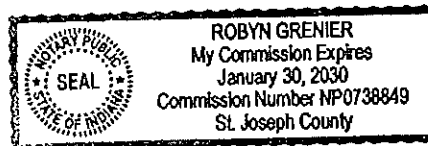
Signature of Notary Public

Commission No.

Printed Name of Notary

Notary Public County and State of Residence

This instrument was prepared by:
Andrew R. Drake, Attorney-at-Law
Meridian Title Corporation
1120 W. Oak Street, Ste. 250, Zionsville, IN 46077



Property Address:
Vacant Lot 39 Haines Drive
Elkhart, IN 46514

Grantee's Address and Mail Tax Statements To:

5412 Bridgwood Ct
Elkhart, IN 46514

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Andrew R. Drake

MTC File No.: 24-5006 (UD)

Page 2 of 3

EXHIBIT A

Lot Numbered 39 in Haines' Lexington Landing, an Addition to the City of Elkhart, as per plat thereof, recorded in Plat Book 16, page 57 in the Office of the Recorder of Elkhart County, Indiana.

MTC File No.: 24-5006 (UD)

Page 3 of 3

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

ALLEN & DONNA

I, ZAVATSKY, 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 217 HAINES DR Elkhart, Indiana.
NE
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 27th day of July, 2026.

Allen Zavatsky
Printed: ALLEN ZAVATSKY

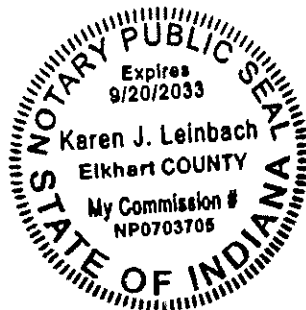
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Donna Zavatsky
Printed: DONNA ZAVATSKY

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)



Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Allen Zavatsky and Donna Zavatsky, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 27th day of July, 2027.

Karen J. Leinbach
Printed: Karen J. Leinbach

My Commission Expires:

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

315 W. Jefferson Blvd.
South Bend, IN 46601
T 574.232.8700
F 574.251.4440
abonmarche.com

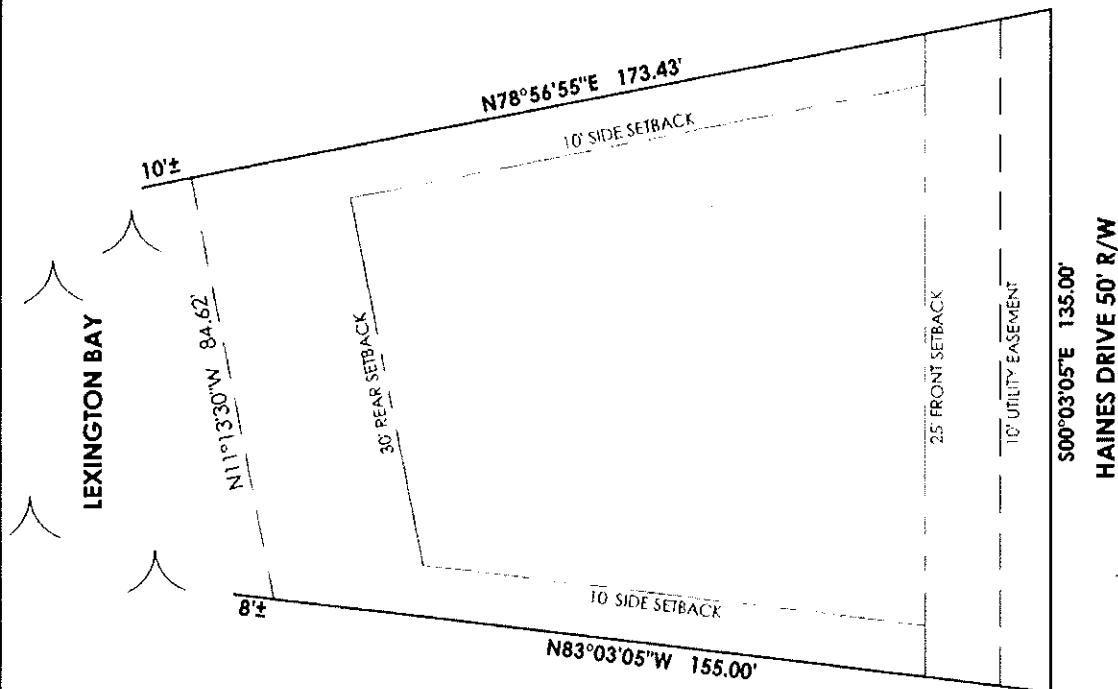
Benton Harbor
Grand Haven
Grand Rapids
Kalamazoo
Fort Wayne

Goshen
Hobart
Lafayette
South Bend
Valparaiso

Engineering - Architecture - Land Surveying

LOT 39, HAINES' LEXINGTON LANDING
SECTION 16, TOWNSHIP 38 NORTH, RANGE 4 EAST,
CLEVELAND TOWNSHIP, ELKHART COUNTY,
INDIANA

17,722 SQ. FT.
(0.41 ACRES)



NOTES:

1. FRONT & SIDE YARD SETBACK DIMENSIONS SHOWN ARE MEASURED TO HOUSE FOUNDATION.
2. CONTRACTOR SHALL NOT PROCEED WITH ANY EXCAVATION OR CONSTRUCTION ACTIVITY UNTIL ALL PERMITS ARE OBTAINED.
3. THIS DRAWING DEPICTS THE APPROXIMATE LAYOUT OF THE LOT. FOR ACTUAL DIMENSIONS SEE THE RECORDED FINAL PLAT.
4. WHEN BUILDING A STRUCTURE BELOW GRADE, SPECIAL CONSIDERATION SHOULD BE GIVEN TO SOIL CONDITIONS, FOUNDATION DESIGN, ETC. SUCH CONSIDERATION IS BEYOND, AND NOT PART OF, THE SCOPE OF THIS PLAN.



SCALE: 1" = 30'
BAR SCALE IN FEET

DRAWING FOR: BUILDING PERMITS ONLY
PREPARED FOR: LEGACY HOMES

THE STRUCTURE IS APPROX. XX' FROM THE R/W
THE STRUCTURE IS APPROX. XX' FROM THE CURB

EXTRACTION FROM ABONMARCHE.COM

DATE OF FIELDWORK:

FIELDBOOK:

REVIEWED BY:

SCALE: 1" = 30'

DATE: 03/26/2025

ZONING: RESIDENTIAL

DRAWN BY: EMR

SHEET 1 OF 1

JOB NO. 25-0360-02



LEXINGTON LANDING

HOA ARCHITECTURAL REVIEW & APPROVAL REQUEST FORM

PLEASE COMPLETE THIS FORM AND RETURN WITH PLANS, DIAGRAMS AND NECESSARY ATTACHMENTS TO:



Thank you for your application. The Architectural Control Committee (ACC) exists to help ensure consistent application of design criteria and requirements included in the Covenants, Conditions, and Restrictions (CC&R's) and Architectural Specifications and Standards. All proposed exterior changes to homes and landscaping must be reviewed and approved by this committee prior to work commencing. Some examples include: changes to house color, installation of a new roof, addition of more living or garage space, patios & coverings, construction of fences, or significant changes to the landscaping in your yard. This committee also handles the approval of all new construction projects.

Important: Please complete & sign below to ensure your request includes all information required to process this request.

HOMEOWNER MUST INITIAL THE FOLLOWING BOXES INDICATING THAT THEY HAVE READ, UNDERSTAND, AND AGREE TO THE FOLLOWING:

1. ☒ No work is to begin until written approval is received from the ACC.
2. ☒ All requests must include site plan on separate sheet (lot size, location, setbacks)
3. ☒ Most requests take approximately 14 days to review, please plan accordingly.
4. ☒ Homeowners must contact ELKHART PERMIT CENTER for permit(s) & setback requirements. (229 S. 2ND ST. ELKHART, IN. 46516 ; 574/294-5471)

HOMEOWNER'S INFORMATION (PLEASE PRINT)

NAME: Allen and Donna Zavatsky APP DATE: 06/15/2026

ADDRESS: 

LOT #: 39 PHONE #: 

EMAIL ADDRESS: 

PERMIT (CIRCLE 1) ☒ YES or NO PROJECT DESCRIPTION: _____

New residential construction permit

Attach separate documents as needed for projects:

Site plan: This is necessary if you're completing construction / renovations; for example, a patio cover, or an addition.

Make sure the site plan shows dimensions & in some cases materials for the proposed project.

Physical Color samples: For colors attach a manufacturer's sample, indicating the manufacturer's name and proposed vendor's name.

New Construction Prints/Plans: Floor Plans with total floor square footages; Elevation views of each side of the house; These plans and views are standard on any new construction building plans.

Drawing for Yard work: Show what kind of trees / plants will be planted and where in your yard. You may want to provide a color photo of the home / yard with an overlay or drawing of what changes you'll make.

Attachments: Feel free to attach any additional information that may help the ACC approve your project.
(copy of plat, sketches, scale drawings, photos, catalog illustrations, architectural plans, sales pamphlets, etc.)

TO THE APPLICANT:

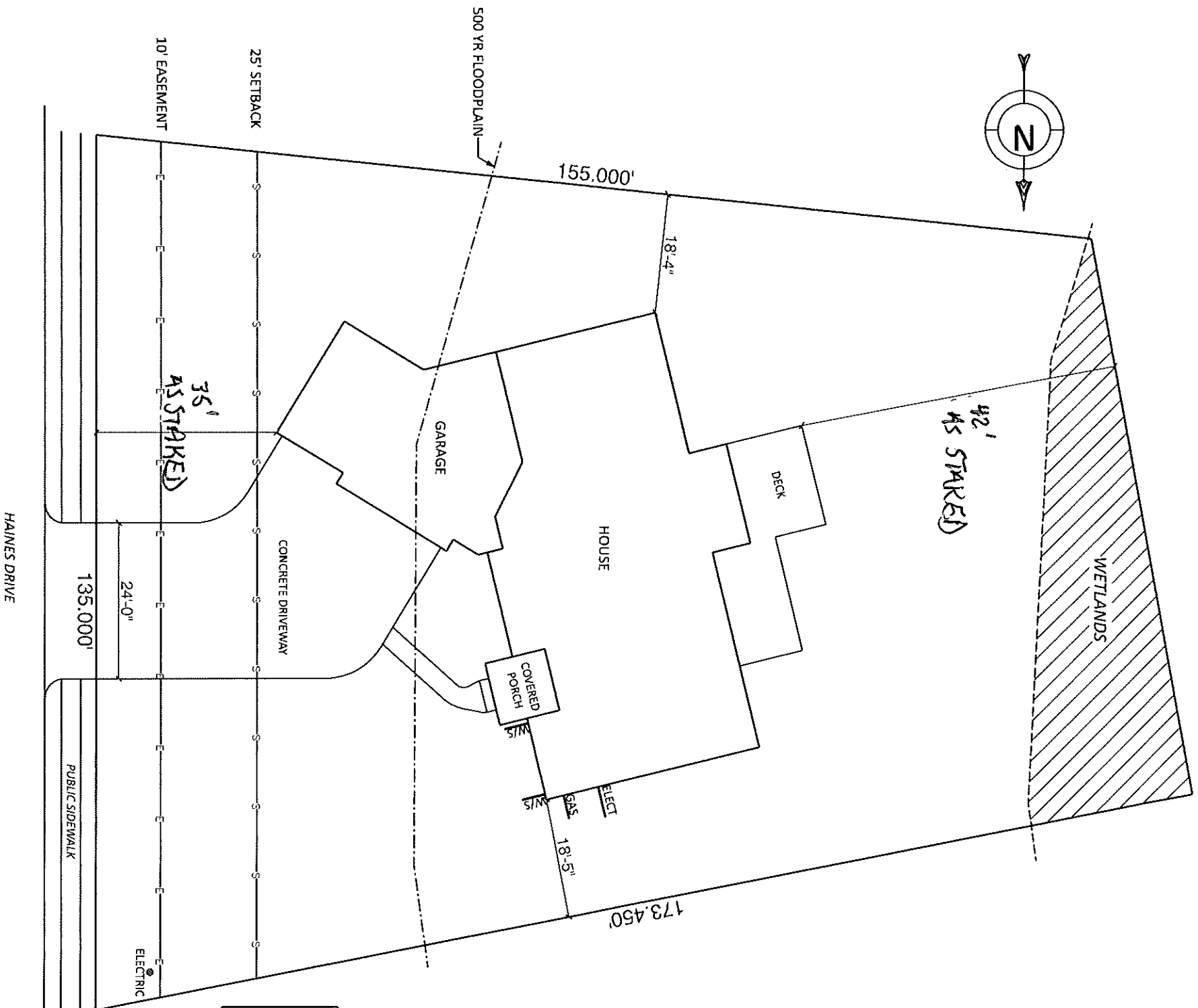
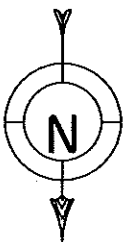
1. You understand and accept that compliance with the guidelines, protective covenants and approval by the Lexington Landing ACC review board do not necessarily constitute compliance with the provisions or building and zoning codes and laws of Elkhart City (the building ordinance of Elkhart City requires that you file plans with the building inspector). Further, nothing herein contained shall be construed as a waiver or modification of any said restriction and or requirement.
2. You understand and agree that no exterior alteration shall commence until written approval of the ACC has been returned to the applicant/homeowner. If unapproved alterations are made prior to receipt of the approved ACC application, or in addition to those outlined in the application description the homeowner may be required to return the property to its former condition at the sole expense of the homeowner. The homeowner may also be required to pay all legal expenses incurred.
3. You understand that the members of the ACC are permitted to enter upon the homeowner's property at any reasonable, prearranged time for the purpose of inspecting the proposed project site(s), while the project is in progress, and upon completion of the project, as necessary. Such entry does not constitute trespass.
4. You understand that any approval is contingent upon construction or alterations being completed in a workmanlike manner.
5. You understand that the alteration authority granted by this application may/will be revoked automatically if the alteration requested has not commenced within one hundred eighty (180) days of the approval date of this application and completed by the date specified by the ACC.
6. If you disagree with this decision, an appeal procedure is provided by the ACC. A verbal request for an appeal must be made within forty eight (48) hours of receipt of the ACC's decision, followed by submitting a written request within five (5) business days. If you have any questions or concerns about this application, contact the ACC at the address/phone listed above.

OWNER SIGNATURE: Todd Meier, for Allen Zavatsky DATE: 06/15/2026

DESIRED START DATE: 07/21/2026 ESTIMATED COMPLETION DATE: 01/30/2027

APPROVED

By Jon Krider at 7:51 am, Jun 29, 2026



NEIGHBORING SETBACKS			
203 Hanes Dr	Front 60'	Rear 48.8'	
211 Hanes Dr	Front 65'6"	Rear 46'	
221 Hanes Dr	Front 36'	Rear 52.1'	
302 River Point	Front 48.5'	Rear 86.1'	
306 River Point	Front 52.3'	Rear 65'	
310 River Point	Front 47.2'	Rear 51.1'	
314 River Point	Front 45.9'	Rear 54.6'	

LOT SIZE: 19,166 sqft

NOTES



1849 W. Lincoln Ave.
Carmel, IN 46038
317-528-3100

THIS DRAWING AND ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF TEAM CONSTRUCTION COMPANY, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. TEAM CONSTRUCTION COMPANY, INC. AND ITS SUBSIDIARIES SHALL NOT BE RESPONSIBLE FOR ANY REVISIONS OR CHANGES TO THIS DRAWING WITHOUT THE WRITTEN CONSENT OF TEAM CONSTRUCTION COMPANY, INC.

JOB NAME
ZAVATSKY

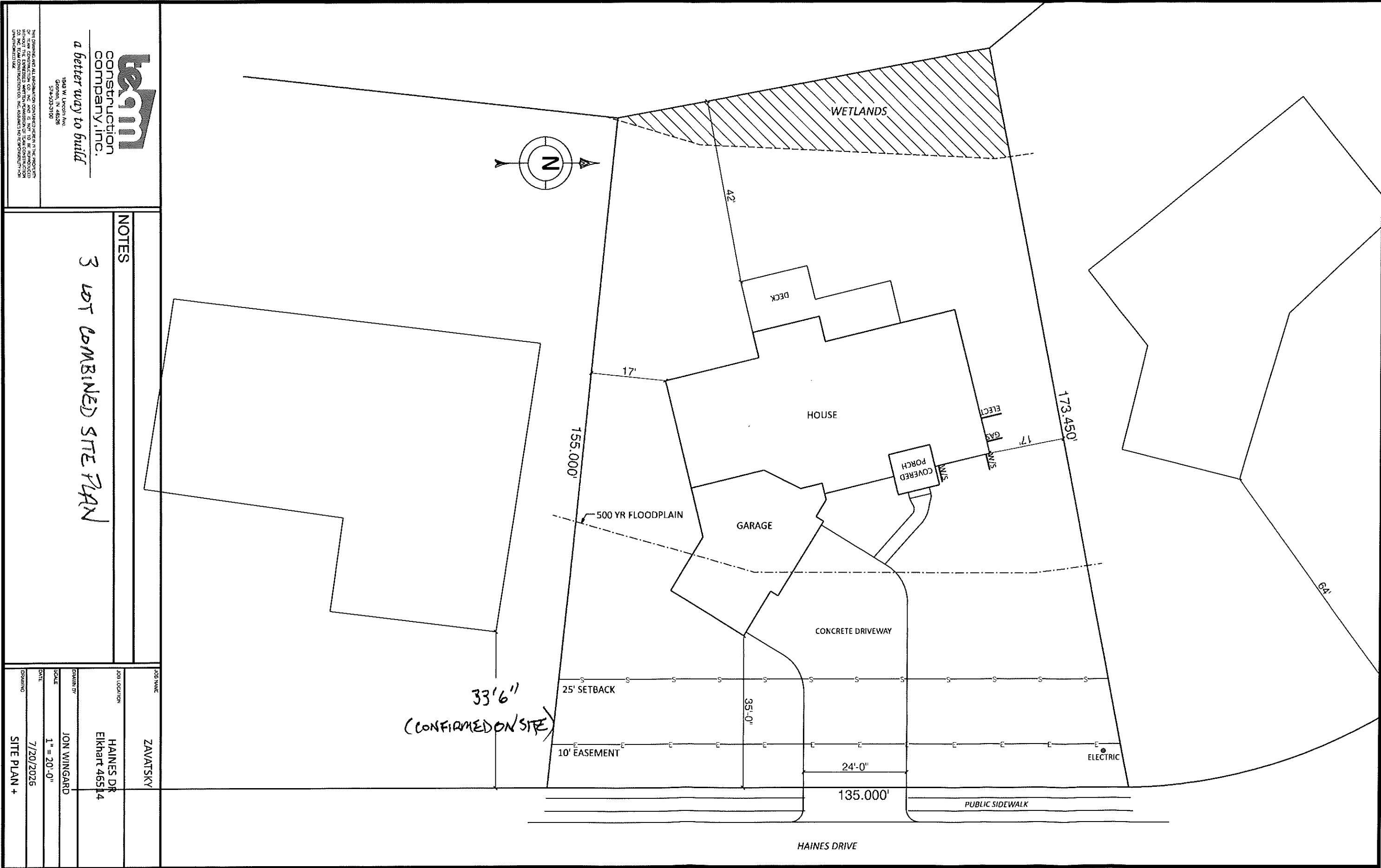
JOB LOCATION
HAINES DR
Elkhart 46514

DRAWN BY
JON WINGARD

SCALE
1" = 20'-0"

DATE
7/21/2026

DRAWING
SITE PLAN



NOTES

3 LOT COMBINED SITE PLAN



construction
company, inc.

a better way to build

1040 W. Lincoln Ave.
Lincoln, NE 68502
574-333-3100

THIS DRAWING AND ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY
OF TCCM CONSTRUCTION CO., INC. AND IS NOT TO BE REPRODUCED
OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC
OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY
ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE
WRITTEN PERMISSION OF TCCM CONSTRUCTION COMPANY, INC.

JOB NAME
ZAVATSKY

JOB LOCATION
HAINES DR
Elkhart 46514

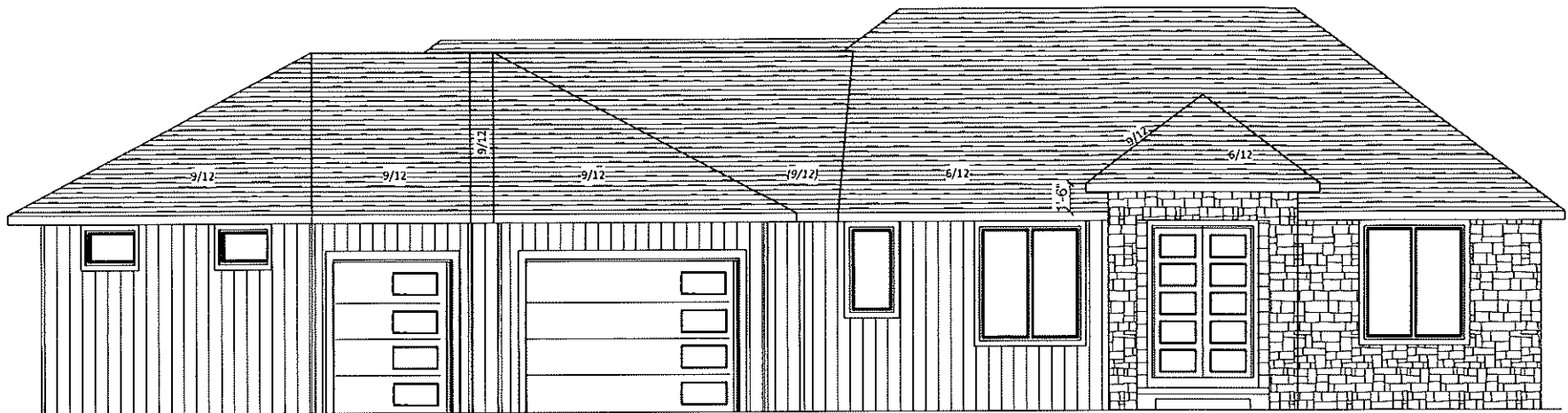
DRAWN BY
JON WINGARD

SCALE
1" = 20'-0"

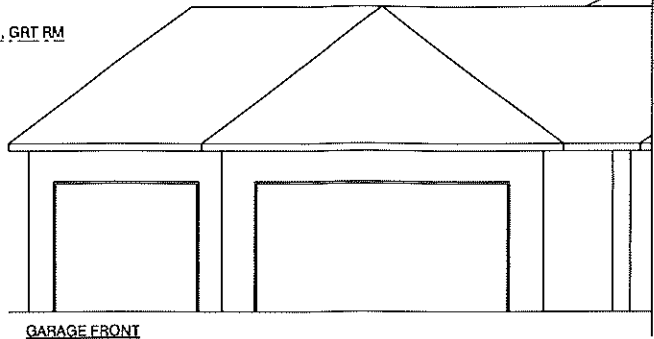
DATE
7/20/2026

DRAWING
SITE PLAN +

* ALL MAIN FLOOR WINDOW HEADER HEIGHTS TO BE 96" *



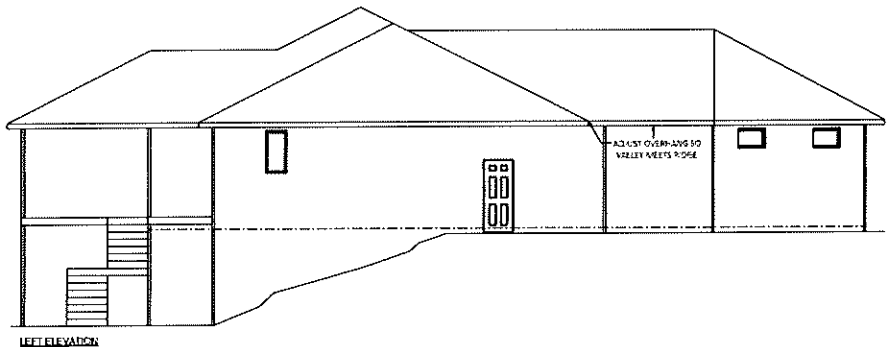
FRONT ELEV
SCALE: 1/4" = 1'-0"



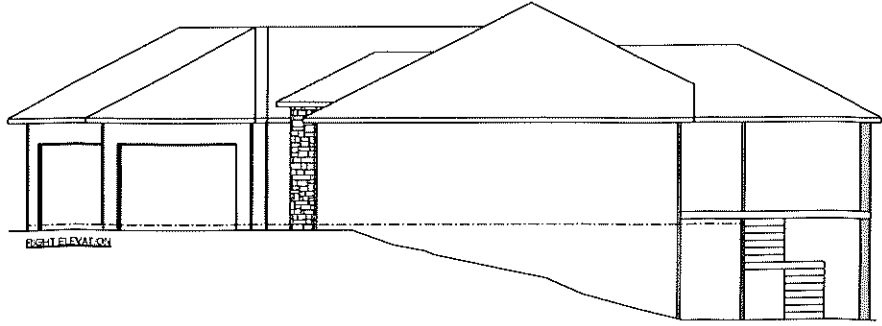
GARAGE FRONT



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

team
construction
company, inc.
a better way to build

1849 W. Lincoln Ave.
Goshen, IN 46526
574-533-3100

THESE DRAWINGS ARE THE PROPERTY OF TEAM CONSTRUCTION COMPANY, INC. AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE EXPRESS WRITTEN PERMISSION OF TEAM CONSTRUCTION COMPANY, INC. ANY VIOLATION OF THIS AGREEMENT WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

NOTES

OVERHANGS:
HIP ENDS... 16"
GABLE ENDS... 12"
TRIM:
WINDOWS... 3-1/2"
OHD... 5-1/2"

JOB NAME	ZAVATSKY
JOB LOCATION	HAINES DR Elkhart 46514
PLAN NAME	LEXINGTON
DRAWN BY	JON WINGARD
SCALE	
DATE	7/14/2026
DRAWING	ELEVATIONS



1849 W. Lincoln Ave.
Goshen, IN 46526
574-533-3100

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NOTES

- 2x6 EXT WALLS 24" O/C
- 2x4 INT/GARAGE WALLS 16" O/C
- 11-7/8" JOISTS
- * JOISTS AT LEAST 18" *
- * FROM RIM JOIST *
- 3-1/2" INT WINDOW & DOOR TRIM
- NORTH STAR 1000 WINDOWS
- 9' CEILINGS unless otherwise noted

SQUARE FOOTAGE

1st Floor	2200 sq ft
Basement (Finished)	1373 sq ft
Garage	817 sq ft
Covered Porch	86 sq ft
Deck	180 sq ft
Covered Deck	189 sq ft

JOB NAME

ZAVATSKY

JOB LOCATION

PLAN NAME

LEXINGTON

DRAWN BY

JON WINGARD

SCALE

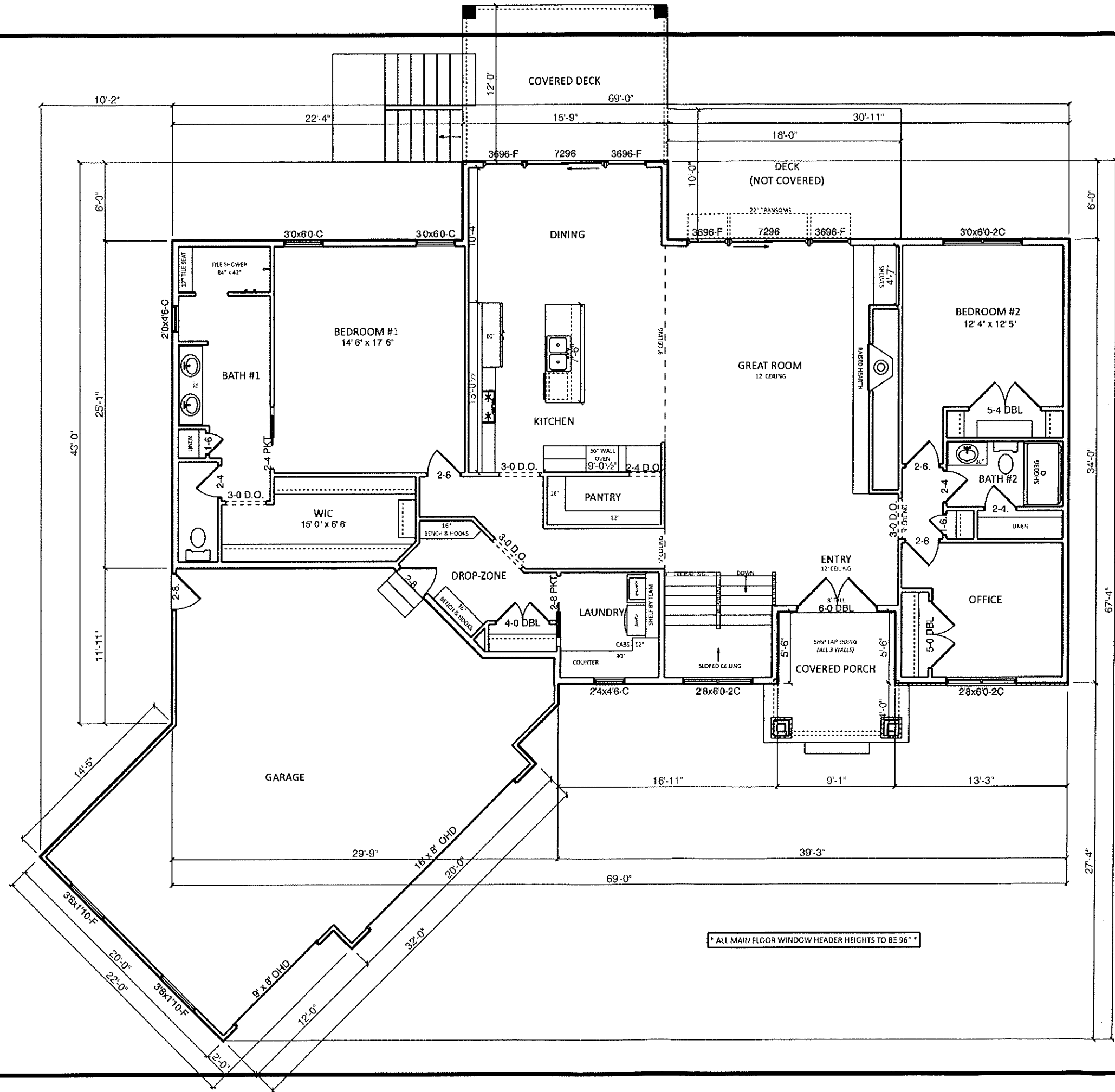
1/8" = 1'-0"

DATE

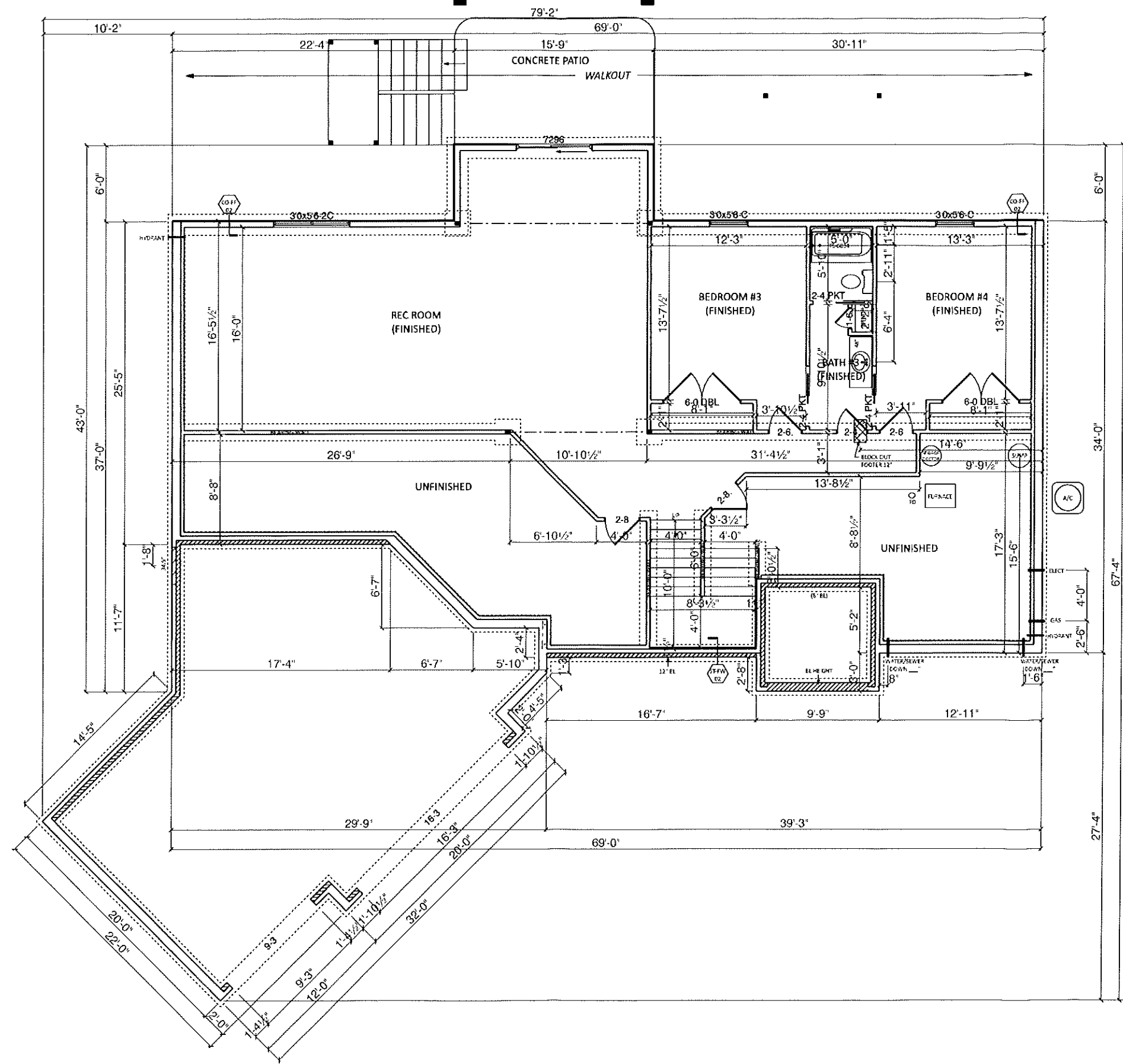
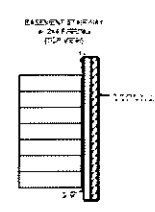
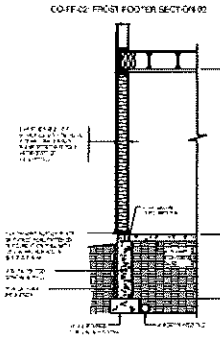
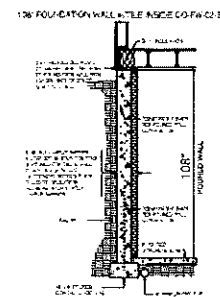
6/11/2026

DRAWING

1st FLOOR



* ALL MAIN FLOOR WINDOW HEADER HEIGHTS TO BE 96" *



team
construction
company, inc.
a better way to build
1849 W. Lincoln Ave.
Goshen, IN 46526
574-533-3100

THIS DRAWING IS THE PROPERTY OF TEAM CONSTRUCTION COMPANY, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. WITHOUT THE WRITTEN PERMISSION OF TEAM CONSTRUCTION COMPANY, INC. ANY VIOLATION WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

NOTES
108' POURED WALLS
BRICK LEDGE: 8'
12' @ OHD(S)

DETAILS
CO-FW-02-9: 9' WALLS w/ INT TILE
CO-FF-02: FROST FOOTER
ST-FW-02: 1.5' FIRING FOR STAIRS

JOB NAME	ZAVATSKY
JOB LOCATION	HAINES DR Elkhart 46514
PLAN NAME	LEXINGTON
DRAWN BY	JON WINGARD
SCALE	1/4"=1'-0"
DATE	7/14/2026
DRAWING	BASEMENT



Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-21
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	September 10, 2026
<u>Petitioner:</u>	28247 JAMI LLC
<u>Site Location:</u>	2824 Jami Street
<u>Request:</u>	To vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard, to allow for a six (6) foot chain link fence in the front yard, a variance of two (2) feet.
<u>Existing Zoning:</u>	M-1, Limited Manufacturing District
<u>Size:</u>	+/- 2.79 Acres
<u>Thoroughfares:</u>	Jami Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

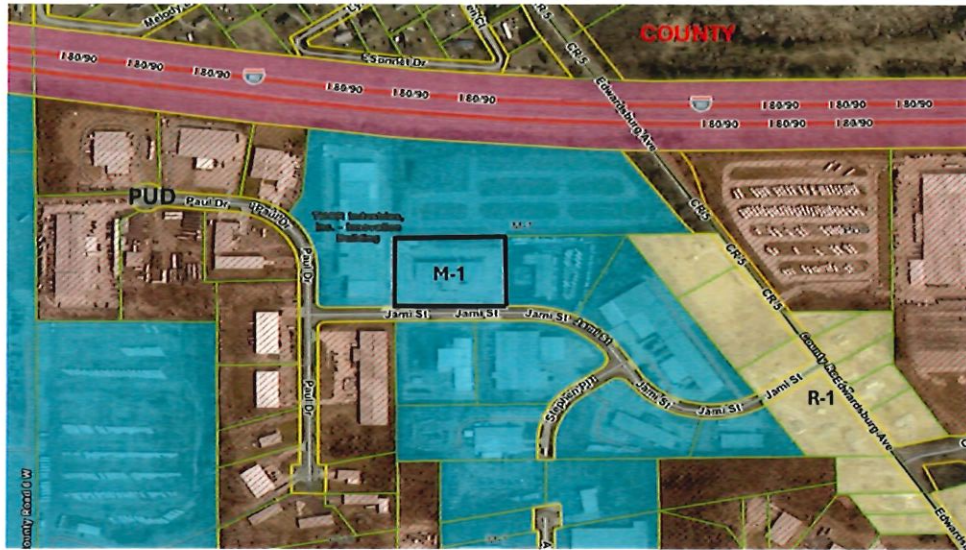
The property is surrounded by industrial uses M-1, Limited Manufacturing District and PUD, Planned Unit Development.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan for this area calls for the area to be developed as Industrial uses.



Staff Analysis

The petitioner is seeking to vary from Section 26.4.A.6, Fence Requirements, which states in part that, ‘No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard, to allow for a six (6) foot chain link fence in the front yard, a variance of two (2) feet.

The petitioner is seeking a variance to provide off hours storage and holding area in the front yard for trailer picking up after business hours. This holding area is meant to provide additional security at the facility and add separation from the public parking area from the manufacturing/shipping operation area in front of the building. The fence would be located behind the existing fence front (Jami Street) before connecting into an existing fence at the east side of the property.

The portion of the six (6) foot fence in the front yard of the building is why a developmental variance is required. There are similar fences already existing to the south of the property and across Jami Street that encloses materials. The area is zoned for manufacturing and some relief from fence height and placement requirements is not that out of line for the zoning district and this established industrial neighborhood.

The request for security and to separate the public and private areas is understood. This is a very common occurrence in industrial areas. Upon further investigation and a site visit by staff, there is outdoor storage placed in the front yard. And based on aerial photographs, the outdoor storage area has substantial area in the front yard and securing the material with a taller fence is not permitted by ordinance.

The staff recommend **approval** of this variance.

Recommendation

Staff recommends **approval** of the developmental variance to vary from Section 26.4.A.6, Fence Requirements, which states in part that, 'No fences, other than split rail, wrought iron, or open picket fences not to exceed four (4) feet in height, shall be permitted on any front yard or corner side yard, to allow for a six (6) foot chain link fence in the front yard, a variance of two (2) feet.

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

Photos



Looking North from Jami Street @ parking/building



Looking East on Jami – petitioner's property on left and neighbors fenced storage on right



Looking West on Jami – petitioner's property on right and neighbors fenced storage on left

PETITION #: 26-BZA-21

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): CHARLES MILUSLAGE, BRANDILYN MILUSLAGE, BRANDON LOTT

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: CHARLES MILUSLAGE

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2824 JAMI ST ELKHART, IN 46514

Zoning: M-1

Present Use: TRAILER MANUFACTURING Proposed Use: TRAILER MANUFACTURING

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): CHARLES MILUSLAGE

SIGNATURE(S) [Signature] DATE: 8/6/2024

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: Raen Luendowski DATE: 8/7/24

August 7, 2026

To Whom it May Concern:

As registered owner of the following property, I hereby authorize Charles Millslagle to handle any and all matters regarding variance petitions with the City of Elkhart.

- 2824 Jami St. Elkhart, IN 46514

Should you need any further information, please feel free to contact me at (574) 361-9859.

Thank you.



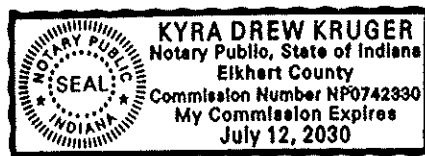
Brandilyn Millslagle
Member, 2824 Jami LLC

STATE OF INDIANA)

)SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Brandilyn Millslagle, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 7 day of Aug, 2026.


Printed: Kyra Drew Kruger

My Commission Expires:

July 12, 2030

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

Date: August 4th, 2026

To: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Developmental Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Charles Millslagle, Brandilyn Millslagle, and Brandon Lott, are the owners of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit:

Parcel B as the said parcel is known and designated on the recorded Platt of Replat Northwest Portion of Sach's Industrial Park in Cleveland Township, Elkhart County, Indiana; said plat being recorded December 4, 2012 in Plat Book 34, page 32 in the Office of the Recorder of Elkhart County, Indiana.

2824 Jami St. Elkhart, IN 46514

2. The above-described real estate presently has a zoning classification of M-1, Limited Manufacturing District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above-described property in the following manner:
Trailer Manufacturing
4. The petitioners have installed a chain link fence with a controlled access gate along the southeast side/front portion of the property. The fence is intended to provide security, control access to the manufacturing facility, and protect equipment, inventory, and business operations.
5. The Zoning Ordinance of the City of Elkhart requires M-1 Limited Manufacturing properties 158.03(I) under section 158.03(I) 7 comply 158.06. Fence requirements are contained in article 158.06(F)(4), which establishes standards for required screening, fences, and walls.

6. The strict adherence to the front-yard fence requirements of the City of Elkhart Zoning Ordinance would create an unusual hardship due to the unique characteristic and operational needs of this M-1 Manufacturing property.

The property is an active trailer manufacturing facility that requires a secure after-hours pick yard for our customers trailers. The existing 6-foot chain link fence and 10-foot-wide gate provide necessary security, controlled access, and protection of business assets while allowing safe trailer pickup outside of normal business hours.

Requiring removal or substantial modification of the existing fence would create a practical hardship by limiting the ability of the property to securely operate as an industrial manufacturing facility. A lower or less secure fence would not provide the same level of protection for our customers' trailers, equipment, inventory, and materials and would interfere with the efficient operation of the business.

The hardship is created by the unique use of the property as an industrial manufacturing facility with after-hours pickup operations to ensure timely deliveries for our customers of their trailers, not by a desire to avoid compliance with the ordinance. Drivers who pick up units come from several different states and can't always arrive before our business hours end. The requested variance represents the minimum relief necessary to allow the property to continue functioning safely and effectively while maintaining the intent of the zoning regulations.

7.

1. Approval of the variance will not be injurious to the public health, safety, morals, or general welfare of the community. The existing 6-foot chain link fence with a 10-foot-wide access gate improves safety by providing controlled access to the property and securing an after-hours trailer pickup yard. The fence helps prevent unauthorized entry, protects business property, and provides a safer environment for employees, customers, and the public.

2. The requested variance will not adversely affect surrounding properties. The property is in an M-1 Limited Manufacturing District and is used for trailer manufacturing. Security fencing is consistent with the industrial character of the area and supports the continued operation of the existing manufacturing use. The fence does not create a change in land use or negative impact neighboring industrial properties.

3. Granting the variance is consistent with the intent and purpose of the Zoning Ordinance because the property will continue to be used for a permitted M-1 manufacturing operation. The fence provides orderly site security, controlled access, and

protection of equipment and inventory while maintaining the industrial character intended for the district.

4. Special conditions exist due to the property's use as a trailer manufacturing facility with an after-hours pickup yard. The property requires controlled access and security measures to protect trailers, equipment, inventory, and customer pickup operations. These circumstances are unique to an active manufacturing operation and are different from many other properties within the district.

5. Strict application of the ordinance would limit the ability of this M-1 manufacturing property to provide reasonable security and controlled access commonly needed by industrial properties. The requested variance does not seek to expand the use of the property but allows the property to operate safely and efficiently in a manner consistent with other manufacturing uses.

6. The need for this variance did not result from any intentional action or inaction by the applicant. The fence was installed in good faith as a security improvement for an active M-1 Limited Manufacturing facility and after-hours trailer pickup yard. At the time of installation, the applicant was not aware that a variance was required for the fence location along Jami Street.

Upon learning that a variance was required, the applicant took steps to work with the City and seek approval through the proper Board of Zoning Appeals process. The request is being made to bring the existing security improvement into compliance while preserving the legitimate operational needs of the manufacturing facility.

7. The proposed variance does not involve construction or improvements that would increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing laws or ordinances.

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

Signature of Property Owner:



Printed Name:

CHARLES MILSLAGLE

Signature of Second Property Owner:



Printed Name:

Brandilyn Millslagle

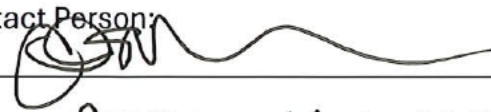
Signature of Third Property Owner:



Printed Name:

Brandon Lott

Contact Person:



Name: CHARLES MILLSLAGUE



Full Legal Description of the Property for Developmental Variance:

Parcel B as the said parcel is known and designated on the recorded
Platt of Replat Northwest Portion of Sach's Industrial Park in Cleveland Township, Elkhart
County, Indiana; said plat being recorded December 4, 2012 in Plat Book 34, page 32 in the
Office of the Recorder of Elkhart County, Indiana.

2824 Jami St. Elkhart, IN 46514

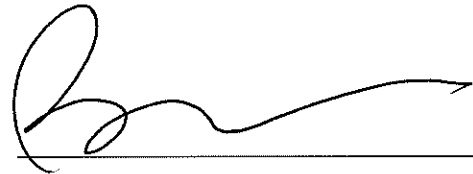
AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

BRANDILYN

I, MIUSLAGE, 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:

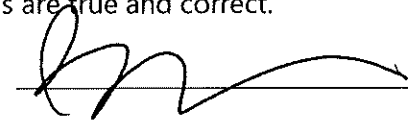
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 2824 JAMI ST Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 7 day of AUG, 2026.



Printed: BRANDILYN MIUSLAGE

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: BRANDILYN MIUSLAGE

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Brandilyn Miuslage, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 7 day of AUG, 2026.



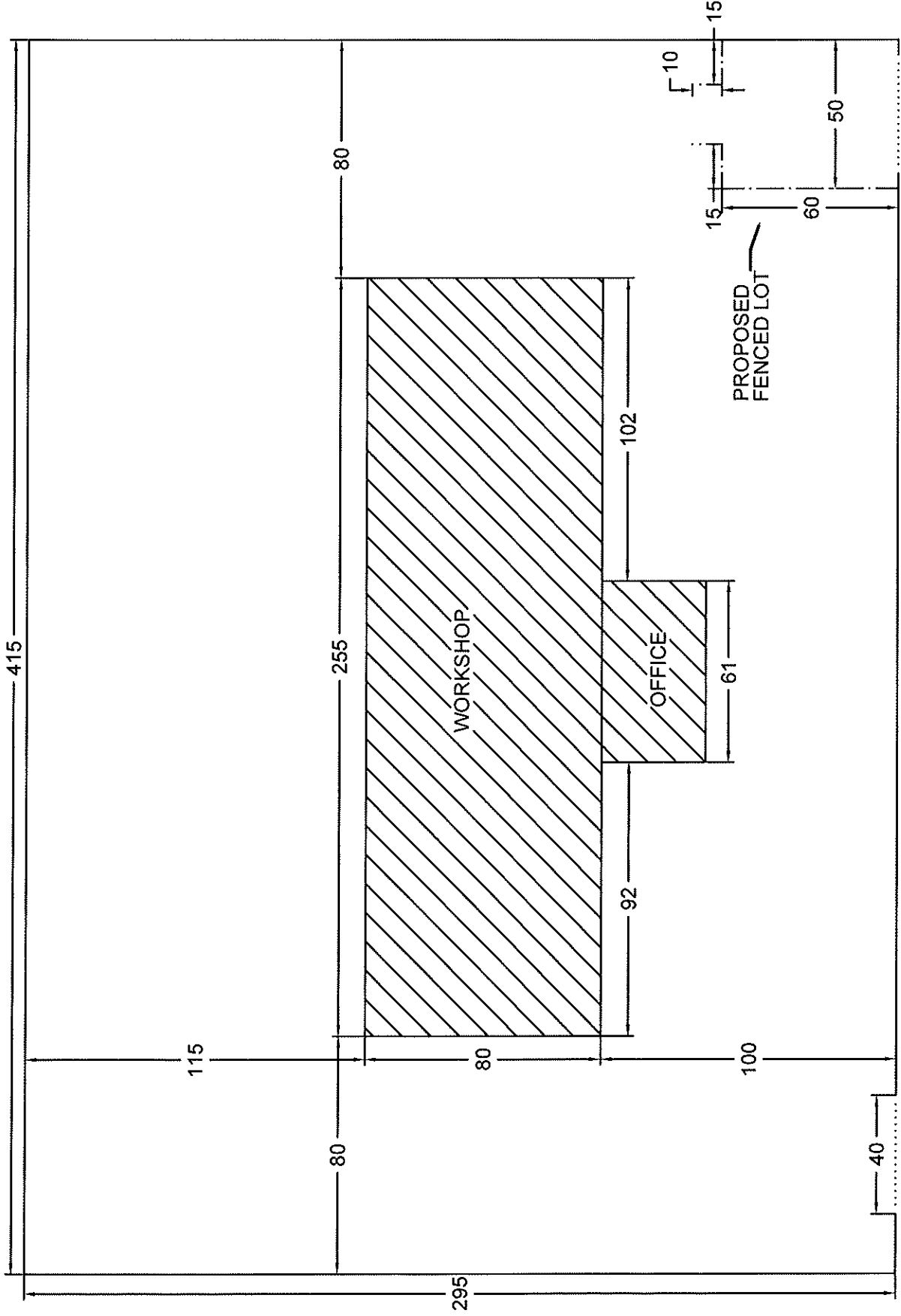
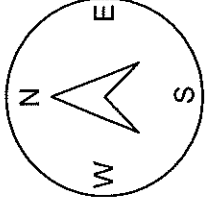
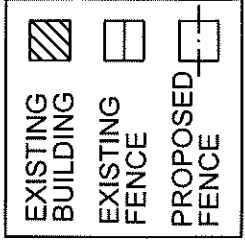
My Commission Expires:

July 12, 2030



Printed: Kyra Drew Kruger

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



JAMI ST



Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-23
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	September 10, 2026
<u>Petitioner:</u>	Estela Sandoval
<u>Site Location:</u>	2319 South Main Street
<u>Request:</u>	To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the B-1 District.
<u>Existing Zoning:</u>	B-1, Neighborhood Business District
<u>Size:</u>	+/- 0.29 Acres
<u>Thoroughfares:</u>	South Main Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by a mix of residential, commercial and manufacturing uses zoned R-2, Two Family Dwelling, B-1, Neighborhood Business District, M-1, Limited Manufacturing District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting a use variance to allow the property at 2319 South Main Street to allow for an existing structure to be used as a single-family dwelling. Section 11.2 Permitted Uses in the B-1, Neighborhood Business District does not permit single-family dwelling.

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

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

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals, or general welfare of the community because the use has existed for some time;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because this use is not uncommon along this portion of South Main Street and should not impact negatively surrounding uses or values;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a small measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action a single-family dwelling on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **would** result in practical difficulties in the use of the property because establishing a permitted B use could be achieved on this site. However, accommodating all necessary storm water requirements, buffering and providing for required off-street parking would be challenging and may require developmental variances;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the house and the zoning for the property have existed for some time;
7. This property **does not** lie within a designated flood hazard area.

Photos



Looking North from South neighbor's property - at petitioner's property



Looking South from North neighbor's property - at petitioner's property

PETITION #: 26-UV-23

FILING FEE: \$ 200.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Estela Sandoval

Mailing Address: _____

Phone #: _____

Email: _____

Contact Person: Franz Gonzalez

Mailing Address: _____

Phone #: _____

Email: _____

Subject Property Address: 2319 S Main St, Elkhart IN 46517

Zoning: B1

Present Use: Residential

Proposed Use: Residential R-1

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): Estela Sandoval

SIGNATURE(S): [Signature]

DATE: 08/05/2026

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____

Area: _____

RECEIVED BY: CARLA LIPSEY

DATE: 8/10/26

DATE: 08/05/2026

TO:

Board of Zoning Appeals

City of Elkhart, Indiana

RE: Use Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, **Estela Sandoval**, am the owner of the following described real estate located within the City of Elkhart, **Concord Township**, Elkhart County, State of Indiana, to-wit:

Legal Description:

Lot Numbered Nine (9) as the said Lot is known and designated on the recorded Plat of LONG'S ADDITION TO DINEHART PLACE in the City of Elkhart, Indiana; said Plat being recorded in Plat Book 1, page 39 in the Office of the Recorder of Elkhart County, Indiana.

Common Address:

2319 S Main Street, Elkhart IN 46517

2. The above described real estate presently has a zoning classification of **B-1 Business District** under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above described property in the following manner: **Residential dwelling**.
4. Petitioner desires to continue using the above described property as a **residential dwelling**, which violates the provisions of the Zoning Ordinance because residential use is not permitted within the B-1 zoning district.
5. The Zoning Ordinance of the City of Elkhart requires that properties zoned **B-1 Business District** be used only for permitted business uses (**Section 11.2**). Residential use is not listed as a permitted use in this district.
6. Strict adherence to the Zoning Ordinance requirements would create an unusual hardship because the property is already constructed, designed, and historically used as a **single-family residence**. The structure, lot configuration, and surrounding built environment are consistent with residential use and not suited for commercial operations. This hardship arises from a **non-financial condition peculiar to the property**, specifically its long-standing residential configuration within a business-zoned area.
7. Using the standards from page 3, Petitioner states:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community because residential use is low-impact, safe, and consistent with the existing structure and neighborhood character.
- The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the property has historically been residential, and continuing this use maintains neighborhood stability and appearance.
- The need for the variance arises from a condition peculiar to the property involved: the home was originally built as a residence, the lot is configured for residential living, and the structure does not meet typical commercial design or parking requirements.
- The strict application of the Ordinance's terms would constitute an unnecessary hardship because the property cannot reasonably be used for business purposes without major structural changes. The existing residential layout makes commercial use impractical and inconsistent with the building's design.
- The approval does not interfere substantially with the Comprehensive Plan because maintaining residential use supports neighborhood stability, preserves existing housing stock, and aligns with the City's goals of protecting established residential areas where appropriate.

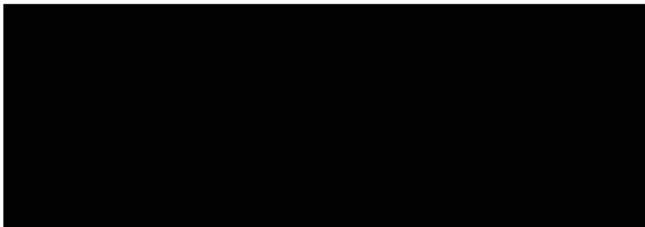
WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested use variance.

Signature of Property Owner: *Estela Sandoval*

Printed Name: **Estela Sandoval**

Contact Person:

Name: **Franz Gonzalez**



AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Estela, 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 2319 S Main Street Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 8 day of August, 2026

Estela Sanchez

Printed: Estela Sanchez

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.

Estela Sanchez

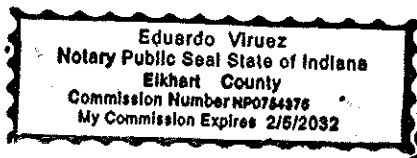
Printed: Estela Sanchez

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Estela Sanchez, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 08 day of August, 2026



My Commission Expires:

02-06-2032

Eduardo Viruez

Printed: Eduardo Viruez

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

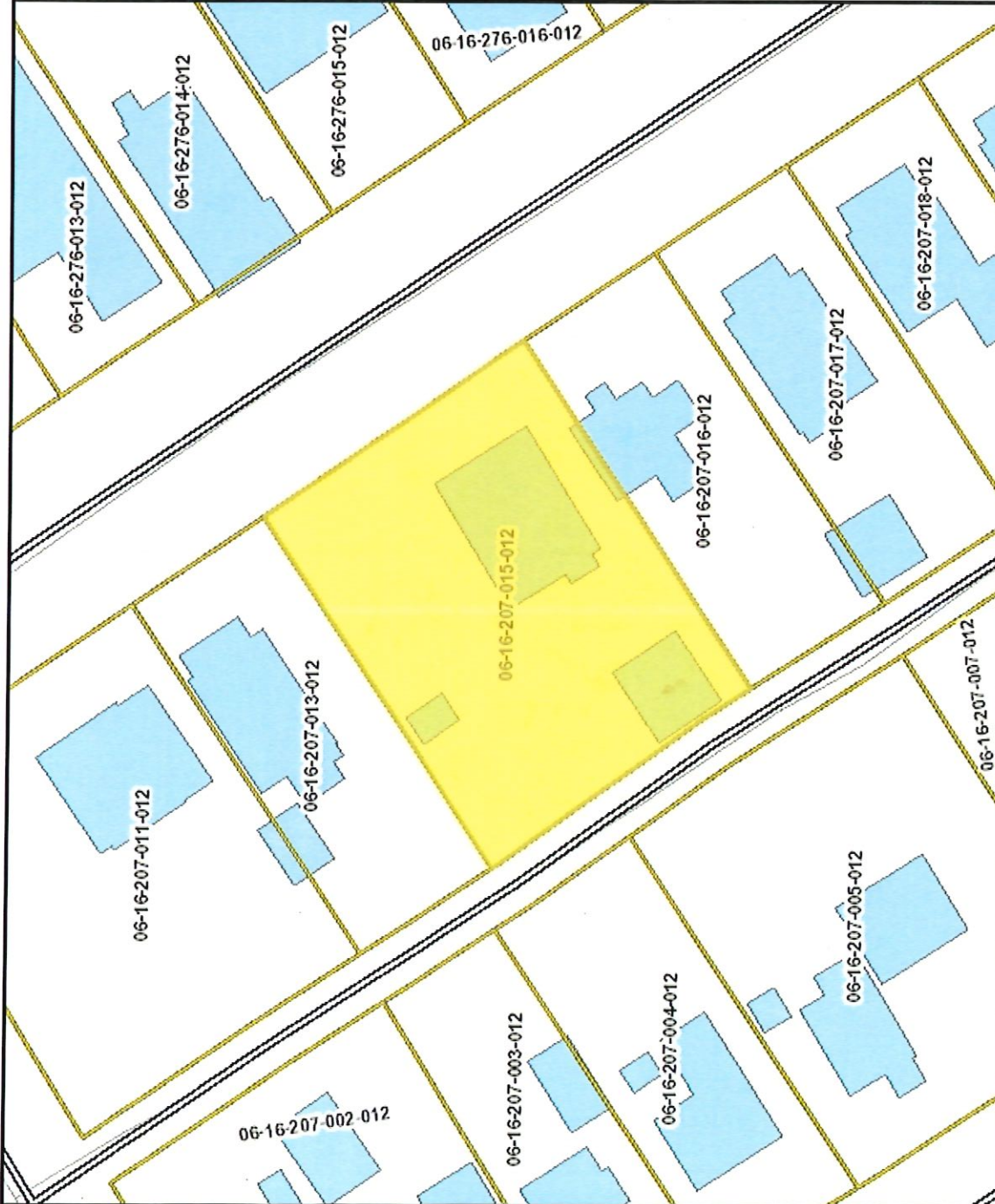
Michiana Regional GIS Website

txtSubTitle

Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge
- Major Roads
- 1
- 10
- Primary Roads
- Secondary Roads
- Local Roads
- Rivers
- Local Roads

1 inch = 37.50 feet



Michiana Area Council of Governments | Geographic Information System
Elkhart and St. Joseph Counties, IN

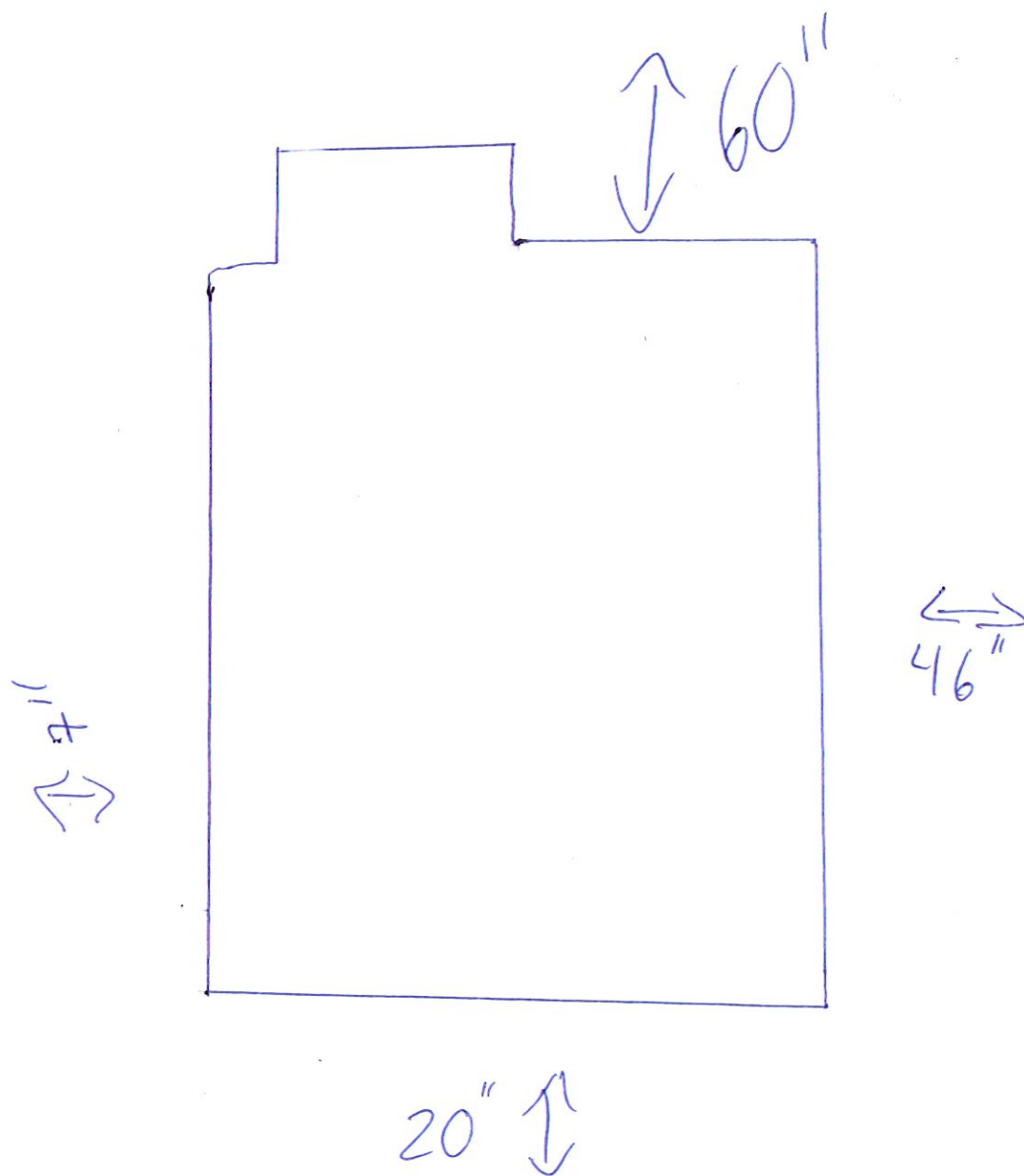
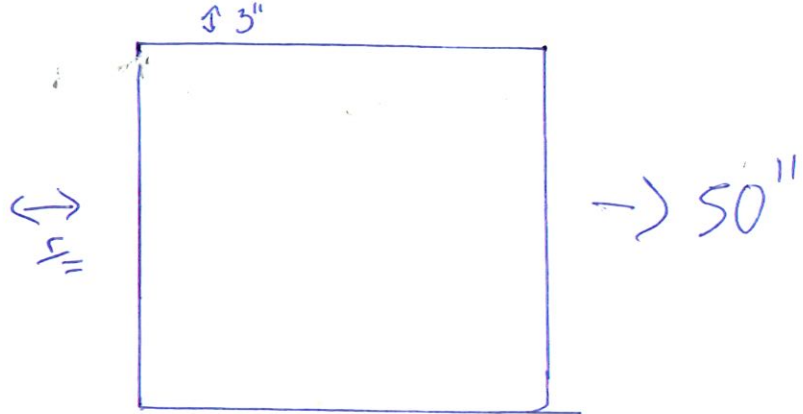


Date Printed: 8/5/2026

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Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-17-rehearing
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	September 10, 2026
<u>Petitioner:</u>	Garrick and Tricia Lankford
<u>Site Location:</u>	12 Melrose Manor
<u>Request:</u>	To vary from Section 4.4, Yard Requirements in the R-1, One Family Dwelling District, which requires rear setbacks located along a river or stream to be the established setback. The established setback at this location is 64'9" (current rear setback is 48'6"). The requested setback for the home after an addition is 36'6" feet in the rear, a variance of 28.3 feet.
<u>Existing Zoning:</u>	R-1, One-Family Dwelling District
<u>Size:</u>	+/- .35 Acres
<u>Thoroughfares:</u>	Melrose Manor
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

The subject property is surrounded by R-1 One-Family Dwelling District and the river to the north.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to develop with low density residential.



Staff Analysis

The petitioner wishes to vary the requirements of Section 4.4, Yard Requirements in the R-1, One Family Dwelling District, which requires rear setbacks located along a river or stream to be the established setback. The established setback at this location is 64'9" (current rear setback is 48'6"). The requested setback for the home after an addition is 36'6" feet in the rear, a variance of 28.3 feet.

This petition was heard at the July 11, 2026 BZA meeting and was denied. The petitioner appealed the BZA's decision and requested a rehearing of the petition. The request for rehearing was scheduled for the August 13, 2026 BZA meeting. The rehearing request was heard and granted. The petition is slated for rehearing at the September 10, 2026 BZA meeting.

The petitioner is proposing to reconstruct a portion of the structure facing the river. The portion includes a 2nd story structure that was damaged and removed approximately 2 years ago. Additionally, a portion of the 1st story structure at both the west and east ends of the home are planned for construction. The proposed additions and replacement of the 2nd story structure will extend the existing home closer to the river. Any constructed or reconstructed portions of the dwelling will require a developmental variance up to the 64'9" setback.

To meet the setback requirements for the river frontage and because of the configuration of the home, a rear yard variance is required. This type of variance is not uncommon for lots in established neighborhoods where older homes are added on and updated to more contemporary layouts.

The lot, by the zoning ordinance development standards has two front yards – the street frontage and the river front side of the property. The ordinance requires the setbacks be calculated for the front and rear (for river front lots) be established by determining the average for that part of the street. This method for determining setbacks helps to protect the adjacent property owners' views of the river. Which is why most people live on the river – the view. Most times, the homeowner will want to maximize the view of the river and to also not block the view of other surrounding properties, some sort of variance is required. Considering the view, the petitioner's dwelling has maintained a 2nd story structure for years until storm damage required the removal of the structure. The replacement of the 2nd story structure, albeit past the 12 month non conformance time for rebuilding, has occupied this space for many years and the bulk of the frontage of the home has been longstanding.

The scale of the addition is not out of character for the neighborhood and surrounding properties. Given the constraints of the established setback and longstanding presence of the bulk of the structure, a newly reconstructed home will not allowed to be built without some measure of relief.

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the addition will be built in a professional manner;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the proposed addition is as far away from the river as possible, and is replacing an existing portions of the structure;
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 established rear setback would preclude an addition commonly built addition to the original structure located on the property;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because the established rear yard setback has existed for decades;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because the setbacks were established by neighboring properties;
7. This property **does not** lie within a designated flood hazard area.

Photos



Looking North from Melrose Manor at petitioner's house

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

RE: Petition/ Motion for Rehearing of 26-BZA-17

To Whom It May Concern:

On July 22, 2026, I submitted a petition for rehearing of 26-BZA-17 on Sanders • Pianowski, LLP's letterhead. Although I am an attorney who practices law at Sanders • Pianowski, LLP, I am writing to clarify that I am representing myself in a personal capacity in this matter and Sanders • Pianowski, LLP is neither involved with, nor representing me in, this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'G. Lankford', written in a cursive style.

Garrick T. Lankford