

AGENDA
CITY OF ELKHART BOARD OF ZONING APPEALS
THURSDAY, OCTOBER 8, 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/297521537820071?p=noV5Dx8BVUycQ2cKJP>, enter **297 521 537 820 071** as the meeting number and **"Aa7rF7Bp"** 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 PROOFS OF PUBLICATION**
4. **APPROVAL OF 2027 CALENDAR**

5. **OLD BUSINESS**

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.

6. **NEW BUSINESS**

26-UV-19 PETITIONER IS BRENT FIFER

PROPERTY IS LOCATED AT 1125 THORNTON ST

To vary from the uses found in Section 19.2, Permitted Uses in the M-2, General Manufacturing 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 M-2 District.

To vary from the uses found in Section 4.2, Permitted Uses in the M-2, Heavy Manufacturing District to allow for the construction of two (2) accessory dwelling units.

To vary from Section 26.1.B.11, which states, 'No accessory structures shall be used for permanent or temporary habitation' to allow the accessory dwelling unit to be used for habitation."

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-BZA-22 PETITIONER IS CONSTRUCTION DESIGNS BY RODMAN INC C/O BRADLEY RODMAN

PROPERTY IS LOCATED AT 4908 ELKHART EAST BLVD

To vary from Section 26.2 C. Areas to be Landscaped, 'A reduction of landscaping standards from Elkhart East PUD E-3 development standards for the Retail and Commercial District Development Area. The required plant material for 1 acre of site area is: 28 total trees, 220 shrubs, ground cover with perennials and annuals, berms and street tree planting.' A variance of 2 trees from 28 to 26, 190 shrubs from 220 to 30, and to not install a berm.

26-BZA-23 PETITIONER IS DEAN MOORE C/O DEAN & MELODY MOORE

PROPERTY IS LOCATED AT 1765 E BEARDSLEY AVE

To vary from Section 26.1.B.8.a, which states in part, 'A maximum of two (2) accessory buildings is allowed on each lot', to allow for a total of three (3) accessory buildings, a variance of one (1) accessory buildings. This request is to replace a deteriorated tool shed (accessory structure).

26-BZA-24 PETITIONER IS LUIS RODRIGUEZ SANTIAGO

PROPERTY IS LOCATED AT 604 MARKLE AV

To vary from Section 5.4, Yard Requirements, for the front yard average established setback of fifty-four (54) feet, to allow for the enclosing of an existing porch at a front yard setback of zero (0) feet, a variance of fifty-four (54) feet.

26-UV-24 PETITIONER IS PATRICK INDUSTRIES, INC.

PROPERTY IS LOCATED AT 3621 S NAPPANEE ST

To vary from 18.2 Permitted Uses in the M-1, Limited Manufacturing District, to allow for a gas station and convenience store.

26-BZA-25 PETITIONER IS RYAN LANTZ
PROPERTY IS LOCATED AT 316 STATE ST

To vary from Section 6.4, Yard Requirements, which states a one-family dwelling may not be closer than 5 feet from the side yard lot line' to allow for a three (3) foot setback. A variance of two (2) feet is requested for an existing dwelling and attached deck.

To vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, 'an accessory structure shall not be located closer than five (5) feet to the rear lot line' to allow for a variance of four point six and (4.6) feet.

To vary from Section 26.1.B.8.a, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for four (4) accessory structures, a variance of two (2) structures.

To vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states 'A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.' To allow for the enclosed area of the swimming pool not to have a self-closing and self-locking fence.

To vary from Section 26.4.A.6 which states in part, 'No fences, other than split rail, wrought iron or open picket fences not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard' to allow for a five (5) foot fence with a seven-point six (7.6) foot gate installed to remain in the front yard. A front yard height variance of one (1) foot and three-point six (3.6) foot variance to remain for the same fence.

26-BZA-26 PETITIONER IS THE HILLTOP COMPANY LLC
PROPERTY IS LOCATED AT 121 S MAIN ST

To vary from Section 26.10.F.4 Off-Premises Signs, An off-premises sign shall only be permitted in B-3, Service Business District, M-1, Limited Manufacturing District and M-2, General Manufacturing District. The petitioner requests an off-premises wall sign in the CBD, Central Business District where off-premises signs are not permitted.

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

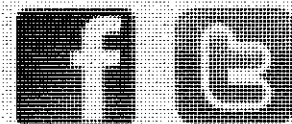
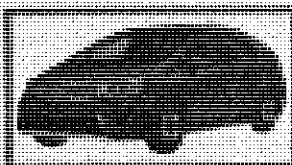
PLEASE REMEMBER TO USE THE MICROPHONE WHEN SPEAKING.
ERRORS IN THE MINUTES MAY RESULT FROM INAUDIBLE VOICES.

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

CLASSIFIEDS

Hours: Monday - Friday 9am-2pm EST



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Figure 6

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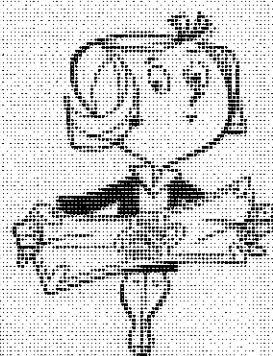
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姓名: 王 强 性别: 男 出生日期: 1990-01-01 身份证号: 110101199001010001
 姓名: 李 娜 性别: 女 出生日期: 1985-03-15 身份证号: 110101198503150002
 姓名: 张 伟 性别: 男 出生日期: 1978-05-20 身份证号: 110101197805200003
 姓名: 刘 芳 性别: 女 出生日期: 1992-07-08 身份证号: 110101199207080004
 姓名: 陈 明 性别: 男 出生日期: 1988-09-12 身份证号: 110101198809120005
 姓名: 赵 敏 性别: 女 出生日期: 1980-11-25 身份证号: 110101198011250006
 姓名: 孙 磊 性别: 男 出生日期: 1995-02-18 身份证号: 110101199502180007
 姓名: 周 婷 性别: 女 出生日期: 1982-04-03 身份证号: 110101198204030008
 姓名: 吴 昊 性别: 男 出生日期: 1975-06-10 身份证号: 110101197506100009
 姓名: 郑 琳 性别: 女 出生日期: 1990-08-22 身份证号: 110101199008220010
 姓名: 王 强 性别: 男 出生日期: 1990-01-01 身份证号: 110101199001010001
 姓名: 李 娜 性别: 女 出生日期: 1985-03-15 身份证号: 110101198503150002
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LEGAL NOTICE #26-BZA-25**Hearing on proposed Developmental Variance #26-BZA-25**

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, OCTOBER 8, 2026 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-25.

Petitioner: Ryan Lantz

Request: To vary from Section 6.4, Yard Requirements, which states a one-family dwelling may not be closer than 5 feet from the side yard lot line' to allow for a three (3) foot setback. A variance of two (2) feet is requested for an existing dwelling and attached deck.

To vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, 'an accessory structure shall not be located closer than five (5) feet to the rear lot line' to allow for a variance of four point six and (4.6) feet.

To vary from Section 26.1.B.8.a, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for four (4) accessory structures, a variance of two (2) structures.

To vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states 'A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.' To allow for the enclosed area of the swimming pool not to have a self-closing and self-locking fence.

To vary from Section 26.4.A.6 which states in part, 'No fences, other than split rail, wrought iron or open picket fences not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard' to allow for a five (5) foot fence with a seven-point six (7.6) foot gate installed to remain in the front yard. A front yard height variance of one (1) foot and three-point six (3.6) foot variance to remain for the same fence.

Location: 316 State Street

Zoning: R-3, Two-Family Dwelling District

This meeting can also be accessed via Teams.

To join, go to: <https://teams.microsoft.com/join/297521537820071?p=noV5Dx8BVUycQ2cKJP>, enter **297 521 537 820 071** as the meeting number and "Aa7rF7Bp" 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:

Lot Number Thirty-Three (33) in Beeson's Addition to the town (now city) of Elkhart, 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 21ST day of September, 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: September 25th, 2026

NOTICE TO QUALIFIED DESIGN-BUILD CONTRACTORS AND/OR TEAMS

Pursuant to Indiana Code 5-30, the City of Elkhart, Indiana, Department of Parks and Recreation, through a Technical Review Committee appointed by the Elkhart Parks and Recreation Board, will receive Combined Requests for Qualifications and Proposal Documents (D-B Proposals) for the following:

LUNDQUIST PARK RESTROOM FACILITY — DESIGN-BUILD — QUOTE PARKS #26-04

Project Summary: This project includes the design, permitting, demolition, and construction of a new, permanent, ADA-compliant, four-season public restroom facility at Lundquist Park, 100 N. Elkhart Ave, Elkhart, Indiana, replacing the existing restroom structure on that site. The building shall consist of 550 to 900 square feet of conditioned space, including a men's restroom, a women's restroom, and a storage room, together with exterior lighting, utility connections, concrete walkways connecting to the existing park path system, and site restoration and landscaping. The City has no preference between prefabricated, modular, and site-built construction. The total project budget, all-inclusive of design, permitting, demolition, construction, utility connections, site work, walkways, landscaping, bonding, and insurance, is \$320,000.00.

Combined Request for Qualifications and Proposal Documents shall be filed with: City of Elkhart, Department of Parks and Recreation Attn: Jamison Czarnecki, Parks Superintendent 229 South Second Street Elkhart, Indiana 46516 (574) 295-7275

Combined Request for Qualifications and Proposal Documents will be accepted at the above address during the hours of 8:00 A.M. to 5:00 P.M. (ET) on Monday October 19, 2026 (the "Deadline"). Each submission shall consist of a Qualitative Proposal and a separately sealed Price Proposal, submitted together as one package. Any Design-Build Qualification and Proposal Documents received after the Deadline will be returned to the design-build contractor and/or team unopened. The Technical Review Committee will thereafter review the Qualitative Proposals and issue written comprehensive scores. Price Proposals will be publicly opened at a subsequent Parks and Recreation Board meeting, upon not less than seven (7) days' written notice to all offerors, and the contract will be awarded to the design-build contractor or team offering the lowest price divided by its written composite qualifications score.

Questions regarding this solicitation must be submitted in writing no later than 5:00 P.M. (ET) on Friday, October 2, 2026. The Combined Request for Qualifications and Proposal Documents and Design Criteria Package may be obtained from the following sources: www.elkhartplanroom.com (download fee may apply) or viewed at City of Elkhart, Department of Parks and Recreation, 229 South Second Street, Elkhart, Indiana 46516.

CITY OF ELKHART BOARD OF PARKS AND RECREATION
BILL MURRAY, PRESIDENT

LEGAL NOTICE #26-BZA-24**Hearing on proposed Developmental Variance #26-BZA-24**

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, OCTOBER 8, 2026 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #26-BZA-24.

Petitioner: Luis Rodriguez Santiago

Request: To vary from Section 5.4, Yard Requirements, for the front yard average established setback of fifty-four (54) feet, to allow for the enclosing of an existing porch at a front yard setback of zero (0) feet, a variance of fifty-four (54) feet.

Location: 604 Markle Avenue

Zoning: R-2, One-Family Dwelling District

This meeting can also be accessed via Teams.

To join, go to: <https://teams.microsoft.com/join/297521537820071?p=noV5Dx8BVUycQ2cKJP>, enter **297 521 537 820 071** as the meeting number and "Aa7rF7Bp" 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:

Lot Numbered Seventeen (17) in Hillside View Subdivision to the City of Elkhart, as per plat thereof recorded in Plat Book 2, Page 36 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 21ST day of September, 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: September 25th, 2026

LEGAL NOTICE #26-UV-19**Hearing on proposed Use Variance #26-UV-19**

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, OCTOBER 8, 2026, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #26-UV-19.

Petitioner: Brent Fifer

Request: To vary from the uses found in Section 19.2, Permitted Uses in the M-2, General Manufacturing 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 M-2 District. To vary from the uses found in Section 4.2, Permitted Uses in the M-2, Heavy Manufacturing District to allow for the construction of two (2) accessory dwelling units. To vary from Section 26.1.B.11, which states, 'No accessory structures shall be used for permanent or temporary habitation' to allow the accessory dwelling unit to be used for habitation."

Location: 1125 Thornton Street

Zoning: M-2, General Manufacturing District

This meeting can also be accessed via Teams.

To join, go to:

<https://teams.microsoft.com/join/297521537820071?p=noV5Dx8BVUycQ2cKJP>, enter **297 521 537 820 071** as the meeting number and "Aa7rF7Bp" 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:

LOTS NUMBERED ONE HUNDRED FOUR (104) AND ONE HUNDRED FIVE (105) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF GATEWAY, A SUBDIVISION IN THE CITY OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 4, PAGE 8 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 21ST day of September, 2026, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: September 25th, 2026

LEGAL NOTICE #26-ANX-02**Hearing on proposed Annexation #26-ANX-02**

NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana, on **MONDAY, OCTOBER 5, 2026 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Annexation 26-ANX-02.

Petitioner: Synergy Gateway II, LLC

Request: As prescribed by Section 29.11.B, a request to annex 28505 County Road 20, land containing 10.262 acres.

Parcel number - 20-05-13-326-004.000-001 & 20-05-13-326-005.000-001

Location: 28505 County Road 20

Zoning: M-2, Heavy Manufacturing District

LEGAL DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 4 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST PART OF LOT 1 OF MIBCO MINOR SUBDIVISION
ALSO

A PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 4 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST PART OF LOT 1 OF MIBCO MINOR SUBDIVISION

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 Commission, 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 18th day of September 2026, by the City of Elkhart, Plan Commission.

NOTICE TO QUALIFIED DESIGN-BUILD CONTRACTORS AND/OR TEAMS

Pursuant to Indiana Code 5-30, the City of Elkhart, Indiana, Department of Parks and Recreation, through a Technical Review Committee appointed by the Elkhart Parks and Recreation Board, will receive Combined Requests for Qualifications and Proposal Documents (D-B Proposals) for the following:

EDITH PASLEY PARK RESTROOM FACILITY — DESIGN-BUILD — QUOTE PARKS #26-03

Project Summary: This project includes the design, permitting, and construction of a new, permanent, ADA-compliant, three-season public restroom facility at Edith Pasley Park, Elkhart, Indiana (north side of Cleveland Avenue, west of Sixth Street). The building shall include a men's restroom, a women's restroom, and a storage room, together with exterior lighting, utility connections, concrete walkways connecting to the existing park path system, and site grading, restoration, and landscaping. The City has no preference between prefabricated, modular, and site-built construction. The total project budget, all inclusive of design, permitting, construction, utility connections, site work, walkways, landscaping, bonding, and insurance, is \$180,000.00.

Combined Request for Qualifications and Proposal Documents shall be filed with: City of Elkhart, Department of Parks and Recreation Attn: Jamison Czarnecki, Parks Superintendent 229 South Second Street Elkhart, Indiana 46516 (574) 295-7275

Combined Request for Qualifications and Proposal Documents will be accepted at the above address during the hours of 8:00 A.M. to 5:00 P.M. (ET) on Monday October 19, 2026 (the "Deadline").

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible][illegible]

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2027 ELKHART CITY BOARD OF ZONING APPEALS CALENDAR

FILE BY DATE:

Friday, December 4, 2026

Thursday, December 31, 2026*

Friday, February 5, 2027

Friday, March 5, 2027

Friday, April 2, 2027

Friday, May 7, 2027

Friday, June 4, 2027

Friday, July 2, 2027

Friday, August 6, 2027

Friday, September 3, 2027

Friday, October 1, 2027

Friday, November 5, 2027

Friday, December 3, 2027

MEETING DATE:

Thursday, January 14, 2027

Thursday, February 11, 2027

Thursday, March 11, 2027

Thursday, April 8, 2027

Thursday, May 13, 2027

Thursday, June 10, 2027

Thursday, July 8, 2027

Thursday, August 12, 2027

Thursday, September 9, 2027

Thursday, October 14, 2027

Wednesday, November 10, 2027*

Thursday, December 9, 2027

Thursday, January 13, 2028

Note: All meetings are held in the Council Chambers, 2nd floor, City Municipal Building at 6:00p.m., the second Thursday of each month unless indicated with an asterisk (*). File By dates for the next month are a Friday unless indicated with an asterisk (*).

Reviewed and adopted by the City of Elkhart Board of Zoning Appeals at its regular meeting October 8, 2026.

President or Vice President

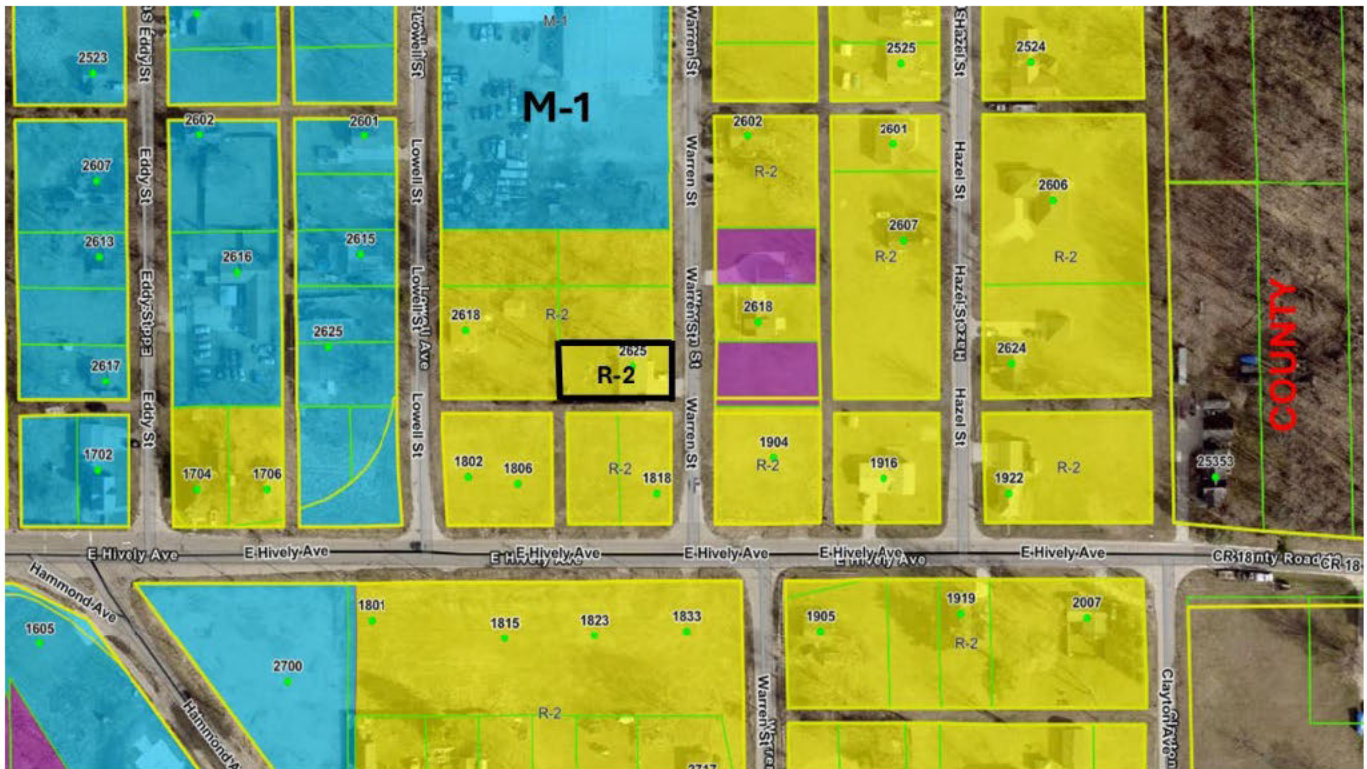
Secretary



Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-21
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	October 8, 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.
<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.
<u>Comprehensive Plan:</u>	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 petitioner 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 determine 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 petitioner is seeking permission to operate a dog grooming service which will entail hair grooming, bathing, and retail sales of pet supplies.

The proposed grooming business request would typically be treated as an accessory use to the primary residential use. The evidence from the staff site visit indicates a dominant use of the dwelling as a business, serving as the primary use. The entry area serves as customer seating and retail sales of pet supplies. The bedroom serves as the area to groom, and the garage serves as the area for bathing and temporary kenneling. Assessor records indicate the house is 1,116 square feet in size and was built in 1969.

Staff met with the petitioners on September 11th at the site. The purpose of the meeting was to discuss parking concerns as related to the current petition and conduct a walk-through of the house to better understand the current conditions of the property and business. The visit indicated only one bedroom, a kitchen, and a bathroom to be shared with the business, were the only areas dedicated for residential use. Less than 50% of the dwelling will remain residential and does not meet the definition of a Home Occupation, where the business should be incidental to the use of the dwelling in a residential setting. The petitioner had also indicated they will be moving out of the home and renting the livable area of the house to a family member.

The petitioners modified their request stating business hours will be by appointment only with approximately four to five clients per day. Pick up and drop off parking will occur in the driveway. The plan is for a maximum of two (2) employees. The owner/operator currently owns one (1) vehicle. The petitioner indicated a maximum of two (2) customer vehicles could patronize the business at any one time. This would have the potential of up to three (3) vehicles on site at any one time which includes residential and business use. The petitioner indicated they are still determining the location of the 3rd parking space.

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 feet 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, a distance from the house of approximately 42 feet reduced to 35 feet after construction. The current distance from the home to the right of way line is 25 feet. The allowable area for off street parking is the 25-foot portion of the driveway that is retained on private property.

The site is surrounded by low-density residential uses, and 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 further impacts the entering and exiting of 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, less a possible 3rd parking slot. The home is proposed to have a significant portion of the structure transitioned to a business versus keeping the residential nature of the structure with a subordinate 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:

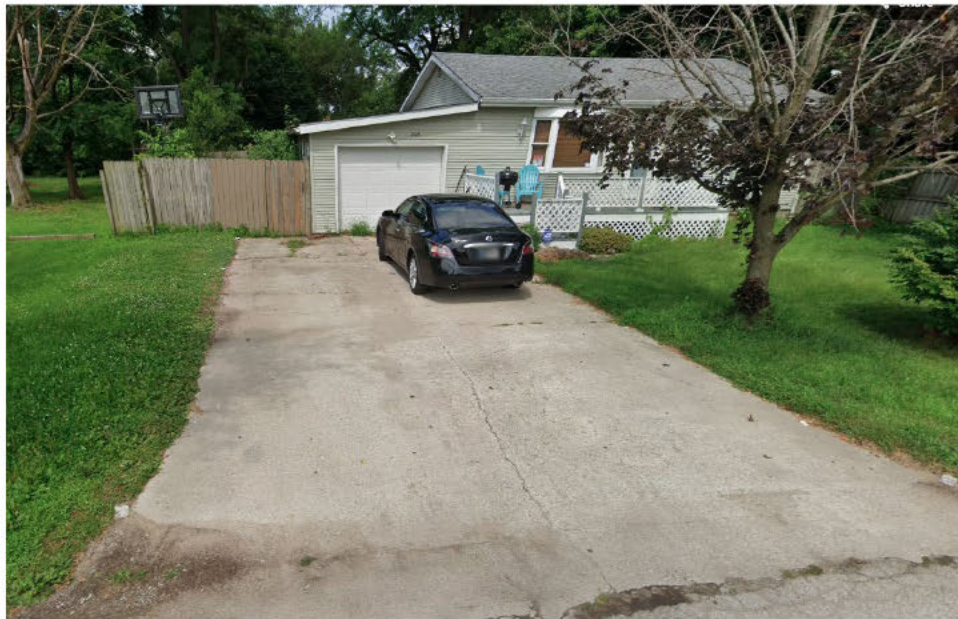
1. The approval **will be** injurious to the public health, safety, morals or general welfare of the community because the proposed petition as a dog grooming business will change the intensity of the dwelling from a primary residential use to a primary business use and affect the character of the neighborhood;
2. The use and value of the area adjacent to the property **will be** affected in a substantially adverse manner because the use is currently residential. Changing the nature of the property to a predominantly business use will affect the neighboring properties in a negative manner as the area has a large lot residential feel;
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 salons can exist on larger parcels with ample structures while having room for parking and space for business operations;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because establishing a lesser intense business use while maintaining a primary residential use meets the intent of the ordinance and better fits with the established neighborhood;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant as the proposed use planned cannot be contained on site while operating safely and efficiently;
7. This property **does not** lie within a designated flood hazard area.

Conditions

None

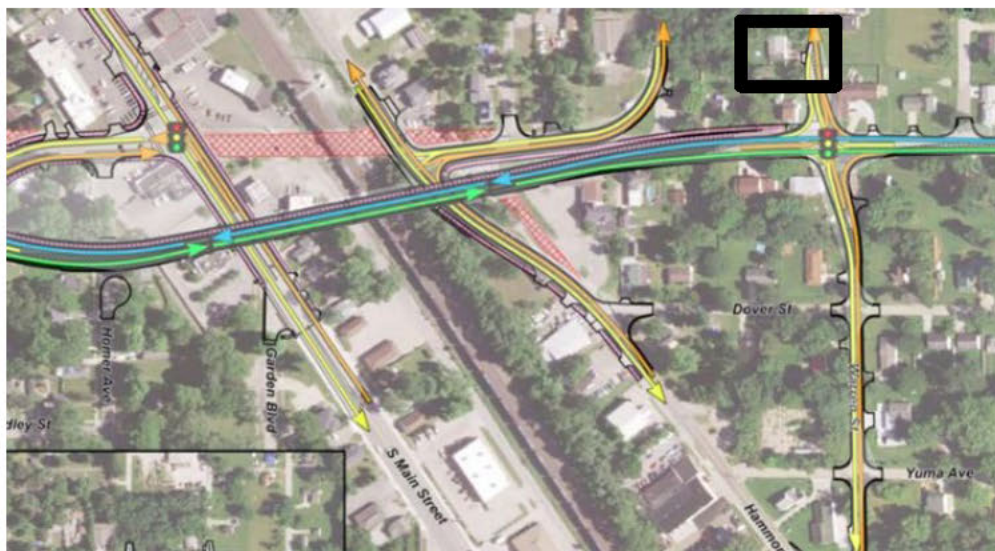
Photos



From Google Street View - Looking West from Warren @ Petitioners Home



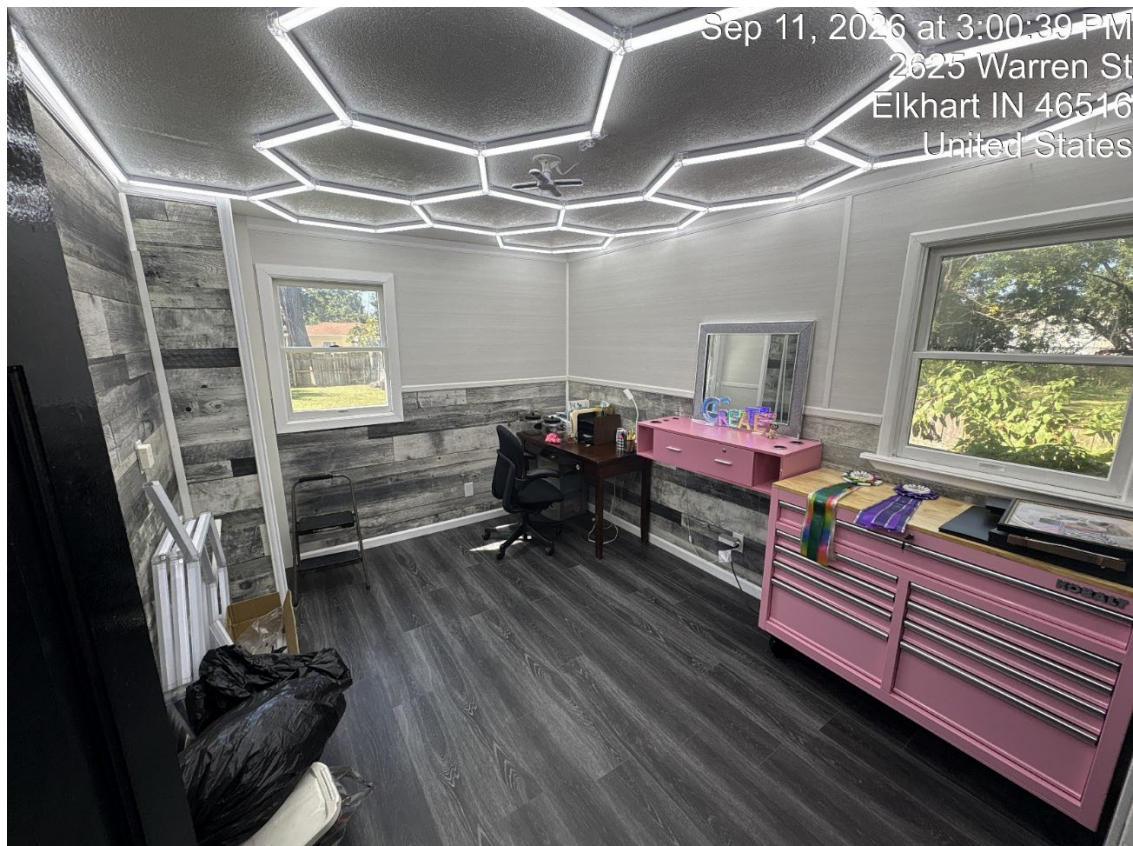
From Google Street View - Looking North on Warren St with Petitioners home in view



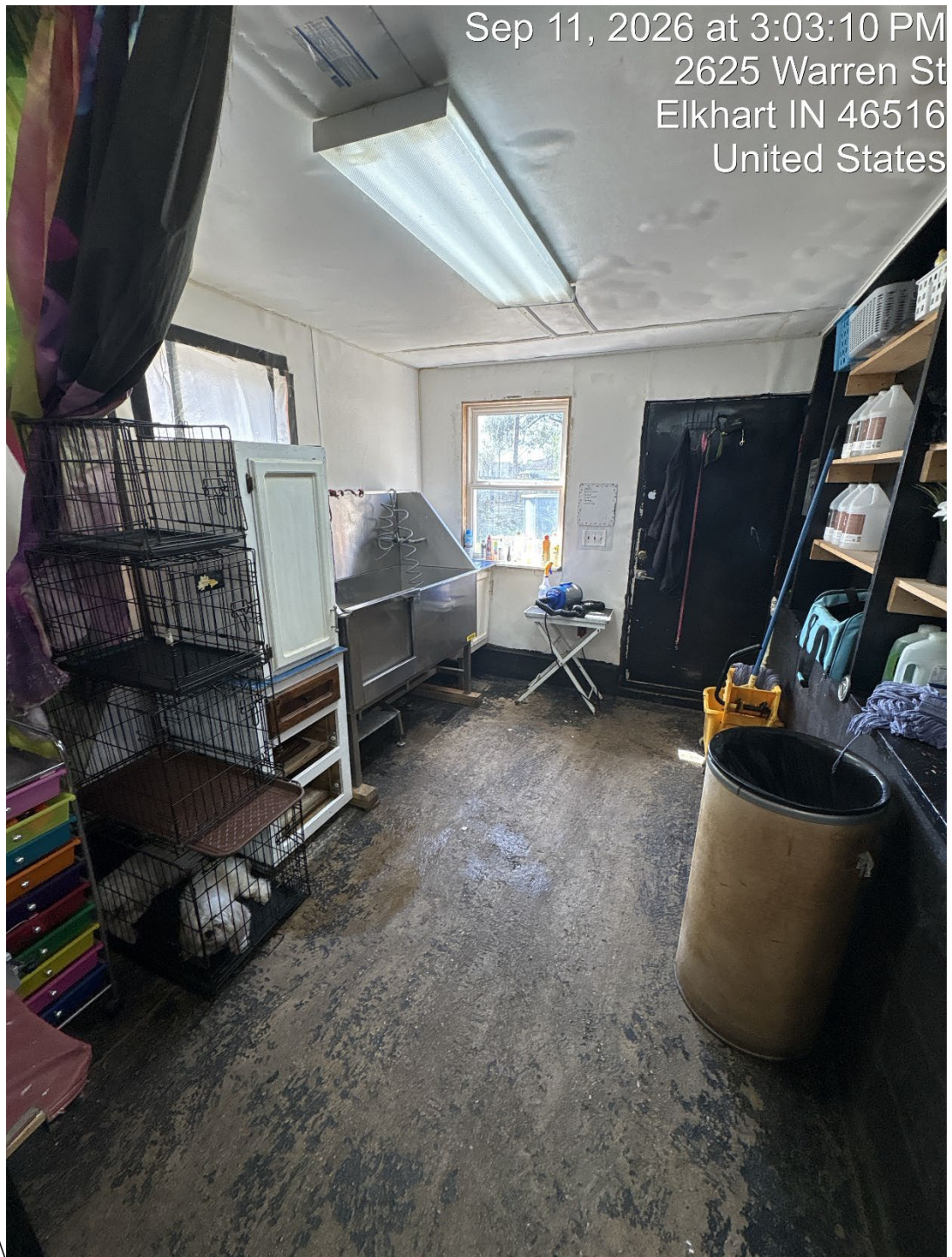
Site in question relevant to Hively Plans



From Site Visit - Living room and Kitchen (customer seating area, retail sales of pet supplies)



From Site Visit – Bedroom (hair grooming area)



From Site Visit - Garage (bathing and kenneling)

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: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Victor Meza

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

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,

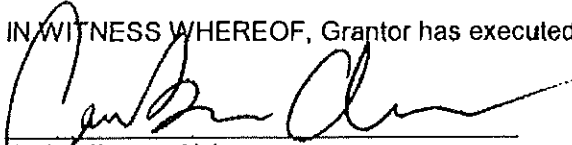
THE EAST ONE-HALF (E1/2) OF THE VACATED ALLEY LYING WEST OF AND ADJACENT TO SAID LOT.

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 Lafayette 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.

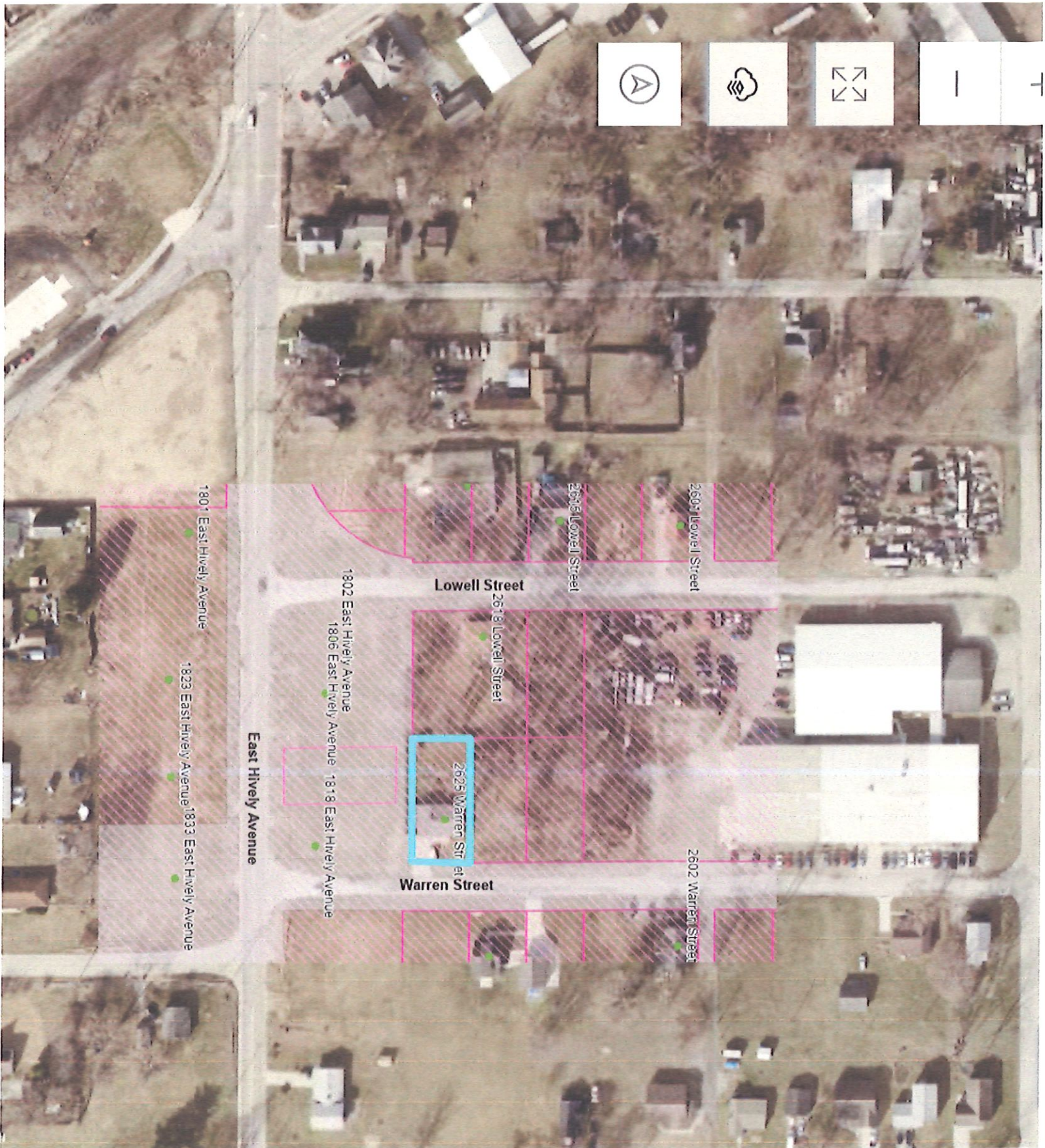
Thank you for your time, your consideration, and your service to the City of Elkhart.





2625 Warren Street

Warren Street

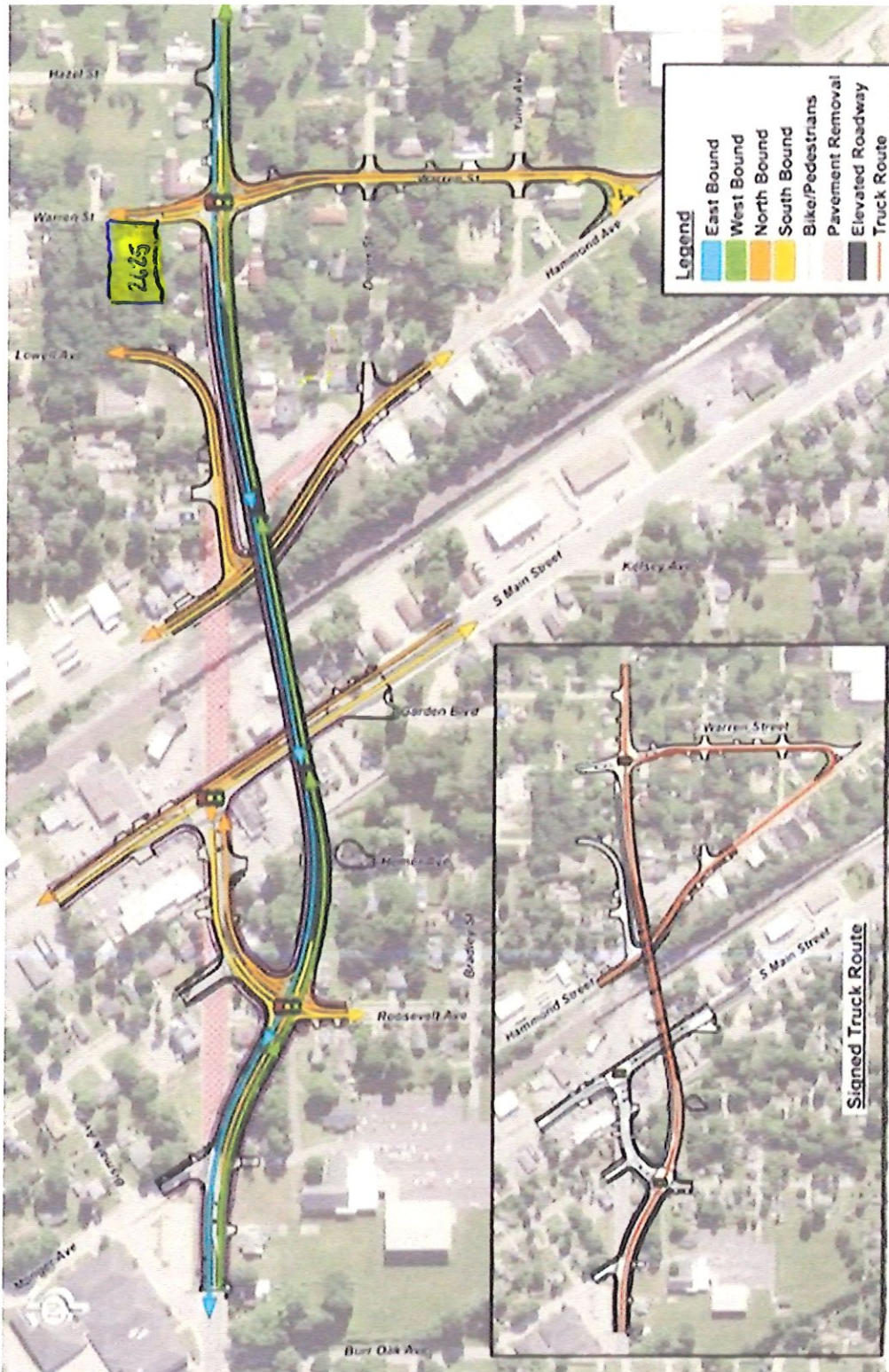




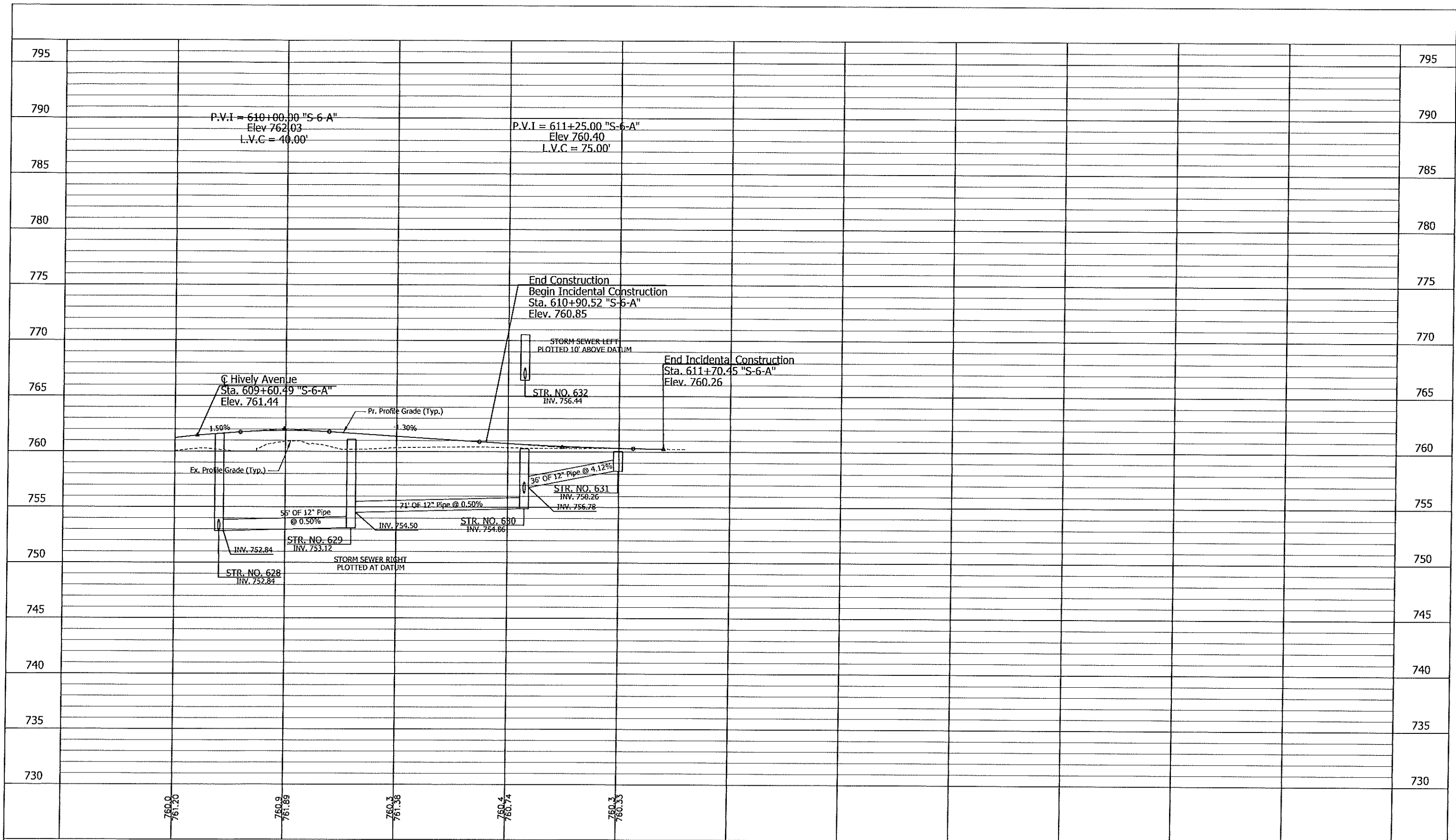
City of Elkhart Zoning

Planning & Zoning: planning@cityofelkhart.org
574-584-5476









610+00		611+00																	
	RECOMMENDED FOR APPROVAL	<i>Jason Mathias</i>	12/10/2024																
	DESIGNED: MJS	DRAWN: MJS	DATE																
	CHECKED: JMM	CHECKED: JMM																	
	INDIANA DEPARTMENT OF TRANSPORTATION																		
PROFILE STA. 609+50.00 "S-6-A" TO STA. 611+70.45 "S-6-A"			<table><tr><td>HORIZONTAL SCALE</td><td>BRIDGE FILE</td></tr><tr><td>1"=20'</td><td>N/A</td></tr><tr><td>VERTICAL SCALE</td><td>DESIGNATION</td></tr><tr><td>1"=5'</td><td>1801933</td></tr><tr><td>SURVEY BOOK</td><td>SHEETS</td></tr><tr><td>N/A</td><td>69 of 272</td></tr><tr><td>CONTRACT</td><td>PROJECT</td></tr><tr><td>B-41845</td><td>1801933</td></tr></table>	HORIZONTAL SCALE	BRIDGE FILE	1"=20'	N/A	VERTICAL SCALE	DESIGNATION	1"=5'	1801933	SURVEY BOOK	SHEETS	N/A	69 of 272	CONTRACT	PROJECT	B-41845	1801933
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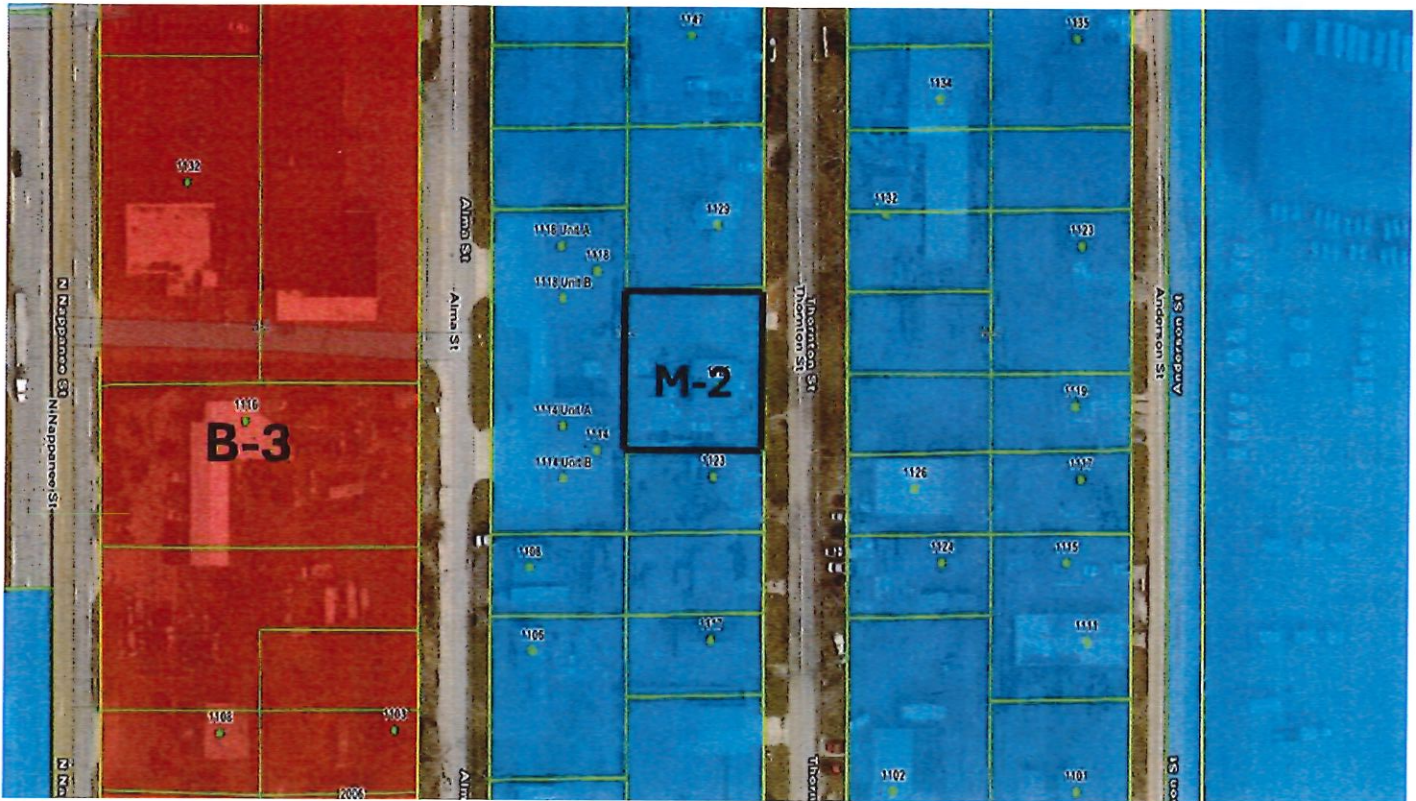
Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-19
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	October 8, 2026
<u>Petitioner:</u>	Brent Fifer
<u>Site Location:</u>	1125 Thornton Street
<u>Request:</u>	To vary from the uses found in Section 19.2, Permitted Uses in the M-2, Heavy Manufacturing 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 M-2 District. To vary from the uses found in Section 4.2, Permitted Uses in the M-2, Heavy Manufacturing District to allow for the construction of two (2) accessory dwelling units. To vary from Section 26.1.B.11, which states, 'No accessory structures shall be used for permanent or temporary habitation' to allow the accessory dwelling unit to be used for habitation."
<u>Existing Zoning:</u>	M-2, Heavy Manufacturing District
<u>Size:</u>	+/- 0.26 Acres
<u>Thoroughfares:</u>	Thornton Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	The property is surrounded by residential uses M-2, Heavy Manufacturing District

Enumerated in request.

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



The petitioner is requests a use variance at 1125 Thornton Street to allow for an existing structure to be used as a single-family dwelling. Single-family dwellings are not a permitted use in the M-2 District.

The petitioner is also requesting a use variance at 1125 Thornton Street to allow for an existing 1 ½ story, 1,222ft², 2-unit detached Accessory Dwelling Unit (ADU) to remain. Section 19.2 Permitted Uses in M-2, Heavy Manufacturing District does not permit accessory dwelling units.

To vary from Section 26.1.B.11, which states, ‘No accessory structures shall be used for permanent or temporary habitation’ to allow the accessory dwelling unit to be used for habitation.”

These requested use variances address land use first in attempt to determine the intensity and viability of the residential uses on the property. Additional zoning and building codes will be reviewed and administered based on the success and which specific use variances are approved. City of Elkhart Building Department and Zoning Enforcement, in cooperation with Planning, have assessed and identified safety issues for the building and property as this matter progressed up to the BZA hearing. The landowner has been engaged and participating as part of this effort.

The Elkhart Public Works Department has verified the primary dwelling was provided public water in 1979 and sanitary sewer in 2010. The rear ADU was provided sewer in 2010 and record for extension of public water does not exist. The prior owner has acknowledged and was sanctioned in a City of Elkhart compliance agreement as a part of an Order to Take Action (OTA) dated January 12, 2018. The January order provided for the “dwelling unit in rear of property will not be habitable” and the owner was instructed to contact the Planning Department to schedule and inspection to verify compliance. The current landowner purchased the property in 2022. In October 2025 a 311 complaint for construction on property with pallet wood was logged. Since the complaint numerous City of Elkhart departments have been coordinating an effort with the landowner to bring the property into compliance.

Because the property is zoned M-2, the use variance addresses the residential use on the property. The house predates the current zoning ordinance and is considered a legal non-conforming use. Because the use was expanded the use variance was necessary as a first step to legalize the use. The rear accessory dwelling unit does not have a record of permits or board approvals to authorize the dwelling. The current county assessor’s property record card for the rear dwelling provides for an assessment as a shared use for a boat house and garage. The petitioner has indicated the ADU as an existing use but is not currently assessed or permitted as a dwelling.

This request is challenging to mitigate. Consideration of dwelling units in a M-2 zoning district with surrounding manufacturing and residential units does not provide a clear path for determining future growth in the neighborhood. We understand the petitioner’s desire to add housing but the lack of obtaining the necessary approvals and permits has created safety issues for not only the owner/tenants but also the public. This process of initiating the use variance to allow residential structures will allow the petitioner to bring the existing structures into compliance and allow the Building Department and Zoning Enforcement to ensure safety and code compliance with appropriate next steps.

Staff supports the request.

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 dwelling and accessory structure will be permitted and inspected to ensure it is built to all applicable code requirements;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the structures are physically present and the appearance of the property will not change in physical nature;
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 residential development on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because developing a permitted M-2 use is not easily achieved with both adjacent structures used residentially and providing for required off street parking would be challenging;

6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because the previous property owner started construction without the necessary permits or approvals creating a situation for the applicant to retrofit existing buildings to meet codes;
7. This property does not lie within a designated flood hazard area.

Conditions

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

1. The petitioner will be required to submit for the necessary zoning and building permits for the primary dwelling and accessory dwelling units.
2. The accessory dwelling unit can be used as 2-units.

Photos

Below: Looking due west – house, ADU and neighboring warehouse in rear



Below: Looking Northwest – House, driveway parking and parking pad



Below: Looking West -> Northwest at ADU in rear yard



Below: Looking West at ADU in rear yard – close up



Rod Roberson
Mayor



Planning & Development
Community Development
Economic Development
Planning Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471

PROPERTY ZONING INSPECTION REPORT

Site Inspection Report – 1125 Thornton St. Elkhart, IN

Date of Inspection: December 10, 2025

Inspectors: Paul Goodwin, Dan Riddle, Ron Glick, and Jason Ughetti

Property Owner Present: Brent Fifer Jr.

Report Prepared by Jason Ughetti Zoning Compliance Officer

1. Purpose of Inspection

A site visit and inspection were conducted at 1125 Thornton on December 10, 2025, to document existing conditions, observe current uses of structures on the property, and determine compliance with applicable sections of the City Zoning Ordinance.

2. Summary of Findings

2.1 Rear Building – Use as Two Dwelling Units

Upon arrival, the rear building was observed to be functioning as a two-unit dwelling. Indicators included:

- Two separate exterior entrances labeled "1" and "2."
- Two mailboxes labeled with the corresponding unit numbers.

3. Interior Inspection

3.1 Unit 1

- Entry hall leading to a kitchen containing a double-bowl sink, gas stove, refrigerator, and microwave.
- Stairs off the kitchen leading to an upper-level room used as a bedroom/living area with a bed and television.
- Adjacent rooms included:
 - A bathroom with toilet, sink, and stand-up shower.
 - A small storage room containing multiple boxes.
 - A small living area furnished with a couch and television.
- A common area on the main level contained one gas furnace and one water heater serving the entire building.

3.2 Unit 2

- A small kitchen containing two microwaves, double-bowl sink, small refrigerator, and a dining table.
- A very small open-entry room sized for a mattress and television.
- A living room furnished with a couch, television, and household items.
- A front entry door providing exterior access.
- A small bathroom containing a sink, toilet, and standup shower.

4. Exterior Inspection

4.1 Fencing and Accessory Structures

- Multiple fence materials were present around the property.
- A gate between structures led to a small area containing a utility shed constructed from OSB and wood studs.
- An unfinished addition on the north side of the rear building constructed with scrap wood and pallets.
- Fencing abutting a medium-sized shed (constructed 1970 per Elkhart County records).

4.2 Parking and Drive Areas

- A large concrete parking pad on the northeast side extended partially into the public right-of-way per County GIS data. No approach was installed.
- A single-car-width drive on the south side appeared potentially nonconforming; boundaries could not be clearly identified.

5. Discussion with Property Owner

The property owner was informed of the right to apply for variances to address zoning conflicts. The owner expressed willingness to pursue variances. It was explained that zoning approval is the first step in determining permissible property uses. If zoning relief is granted, the structures must then be brought into compliance with current building codes. This requires coordination with contractors and the Building Department.

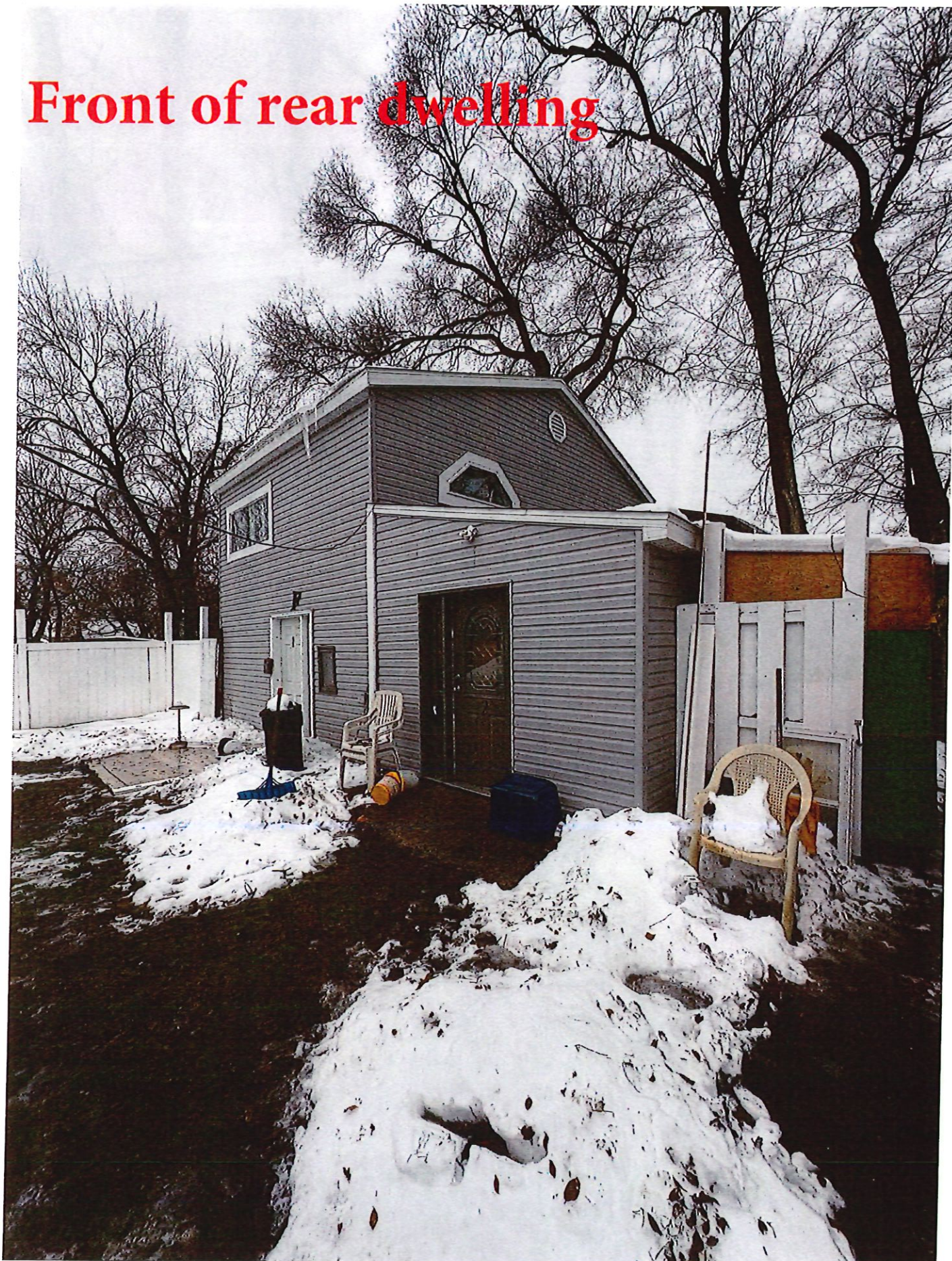
6. Zoning Ordinance Violations Identified

The following violations were identified following consultation with the City Planner Kyle Anthony-Petter:

1. Sec. 26.1(B)(11) – Accessory structure used for habitation.
2. Sec. 6.2(B) – Minimum dwelling unit square footage not met.
3. Sec. 19.6 – Required building setbacks not met.
4. Sec. 19.7 – Multi-family residential dwelling not permitted in the M-2 General Manufacturing District.
5. Sec. 26.7(D) – Minimum parking standards not met.
6. Sec. 26.1 – Maximum number of detached accessory structures exceeded.
7. Sec. 1.5(C) – Construction of a fence without zoning clearance.
8. Sec. 1.5(C) – Construction of a detached accessory structure without zoning clearance.
9. Sec. 26.7(C)(7)(b) – Parking on an unapproved surface.

Note: Additional violations may be identified as the review process continues.

Front of rear dwelling



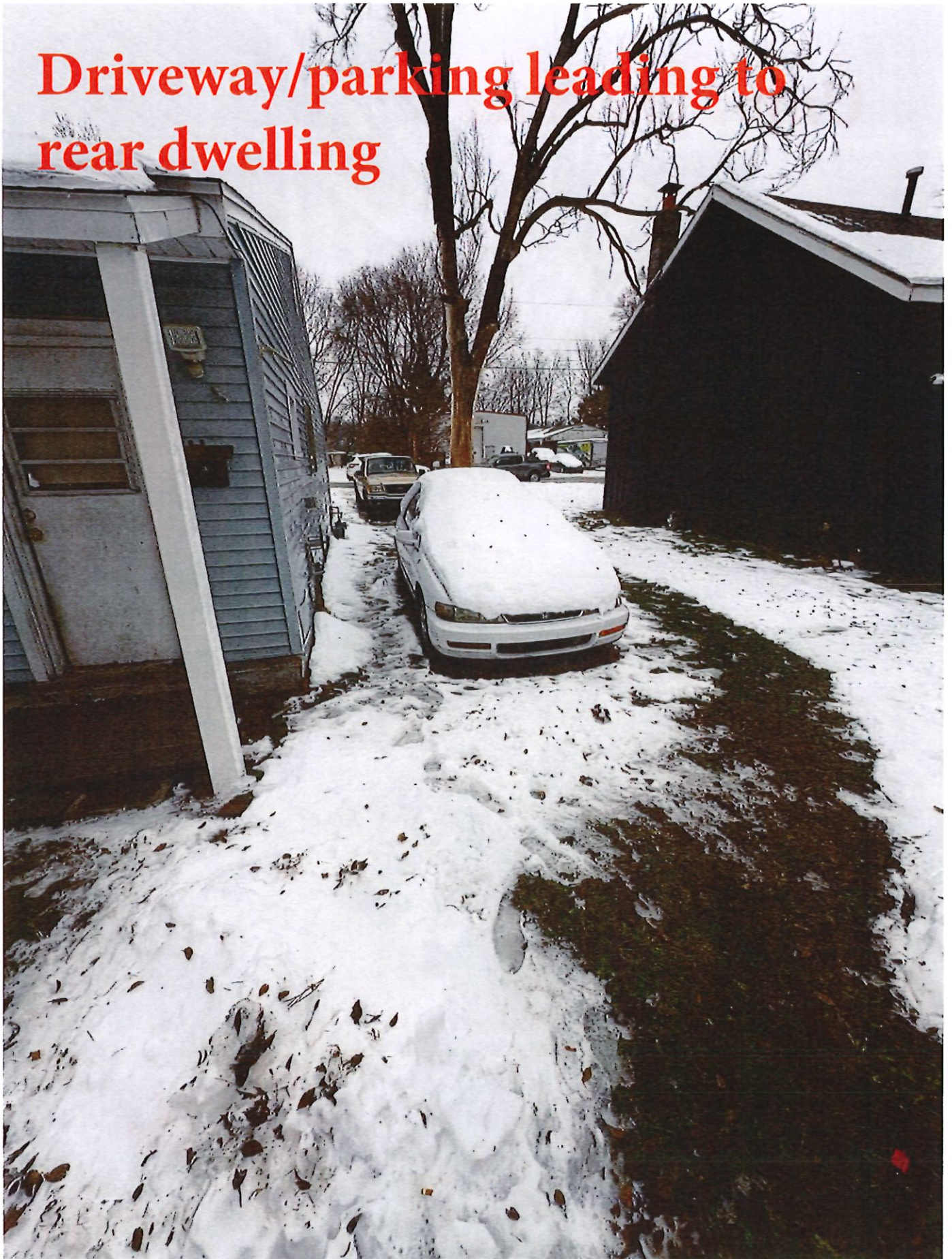
Unit 2 entrance



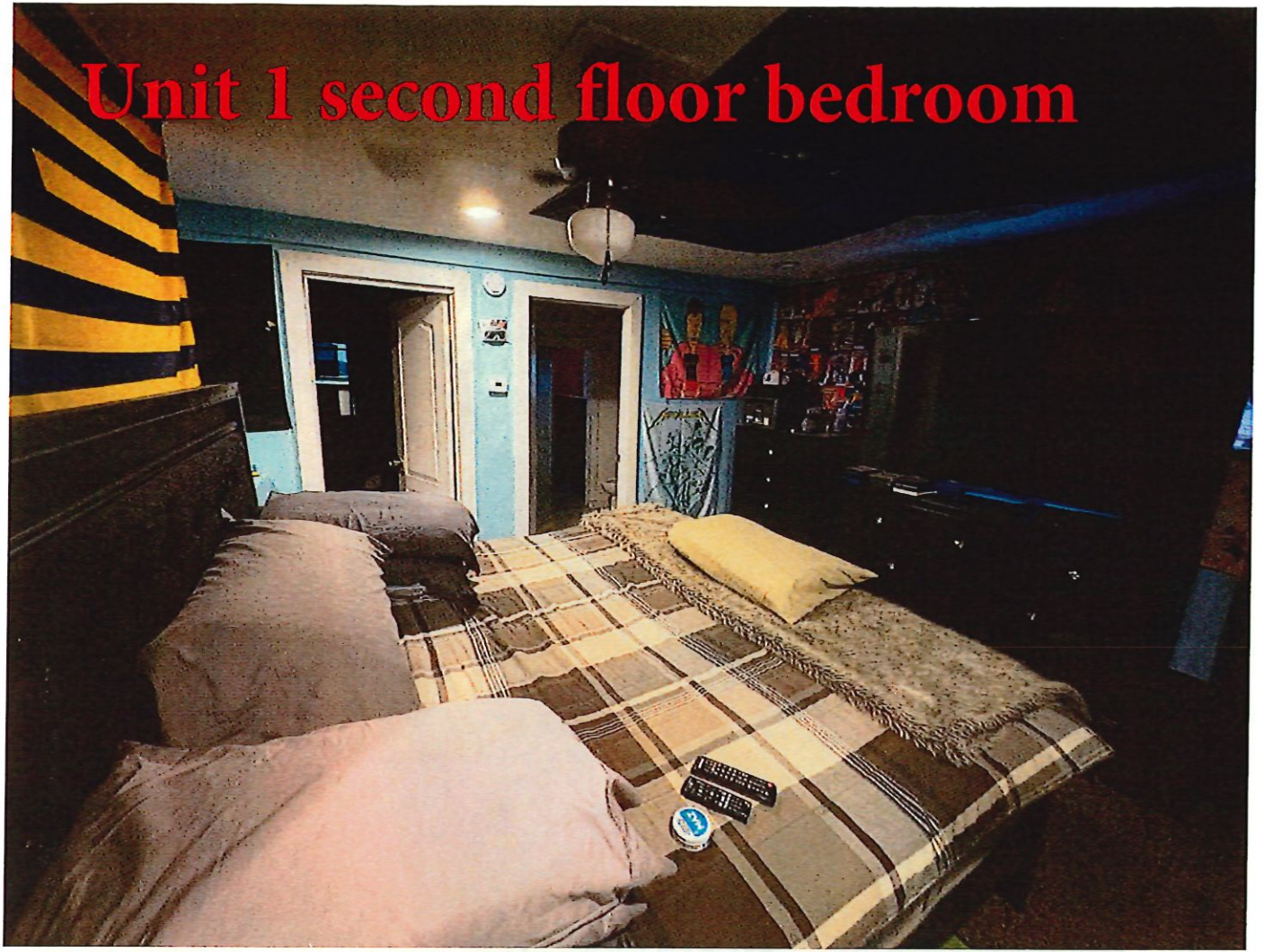
Unit 1 entrance



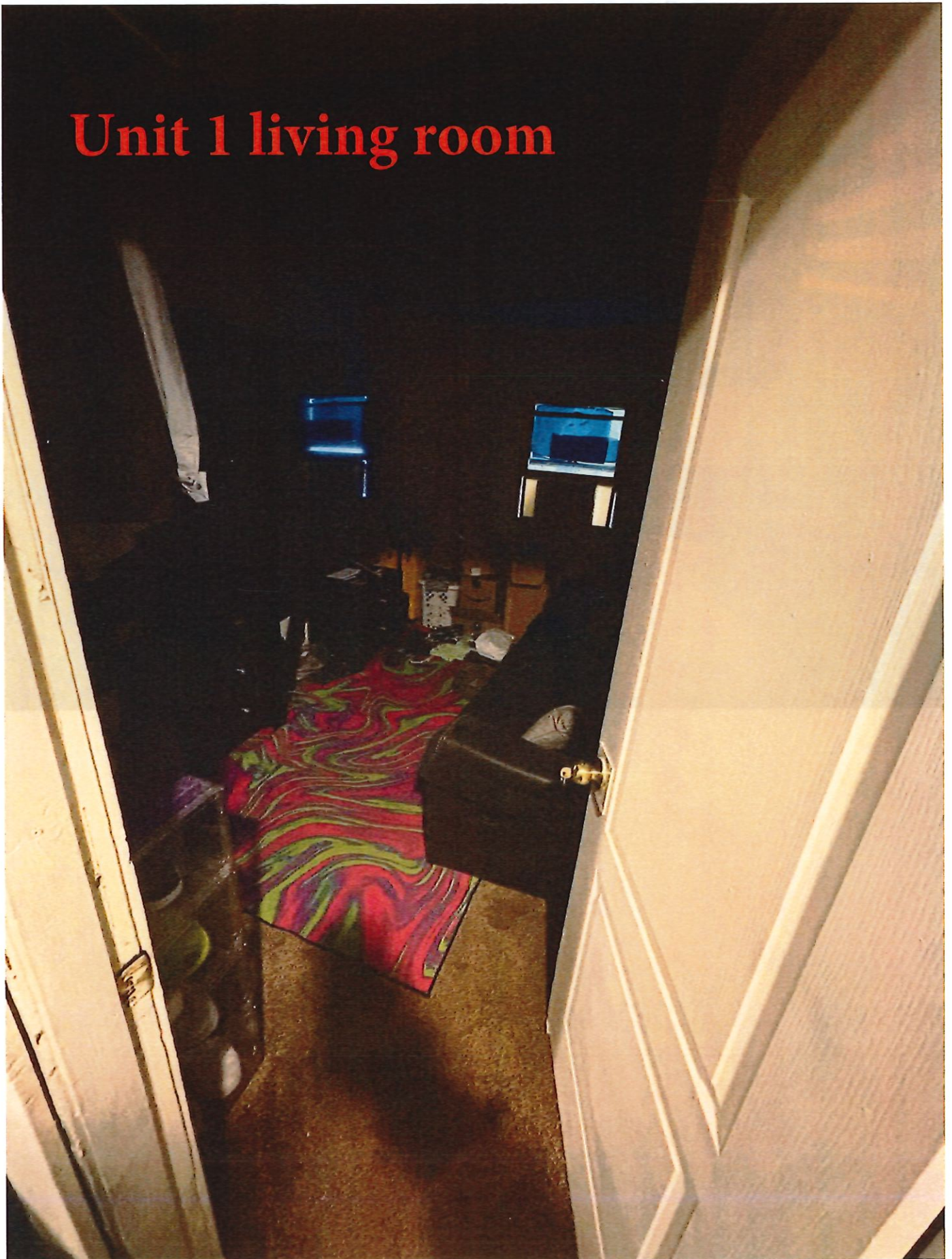
**Driveway/parking leading to
rear dwelling**



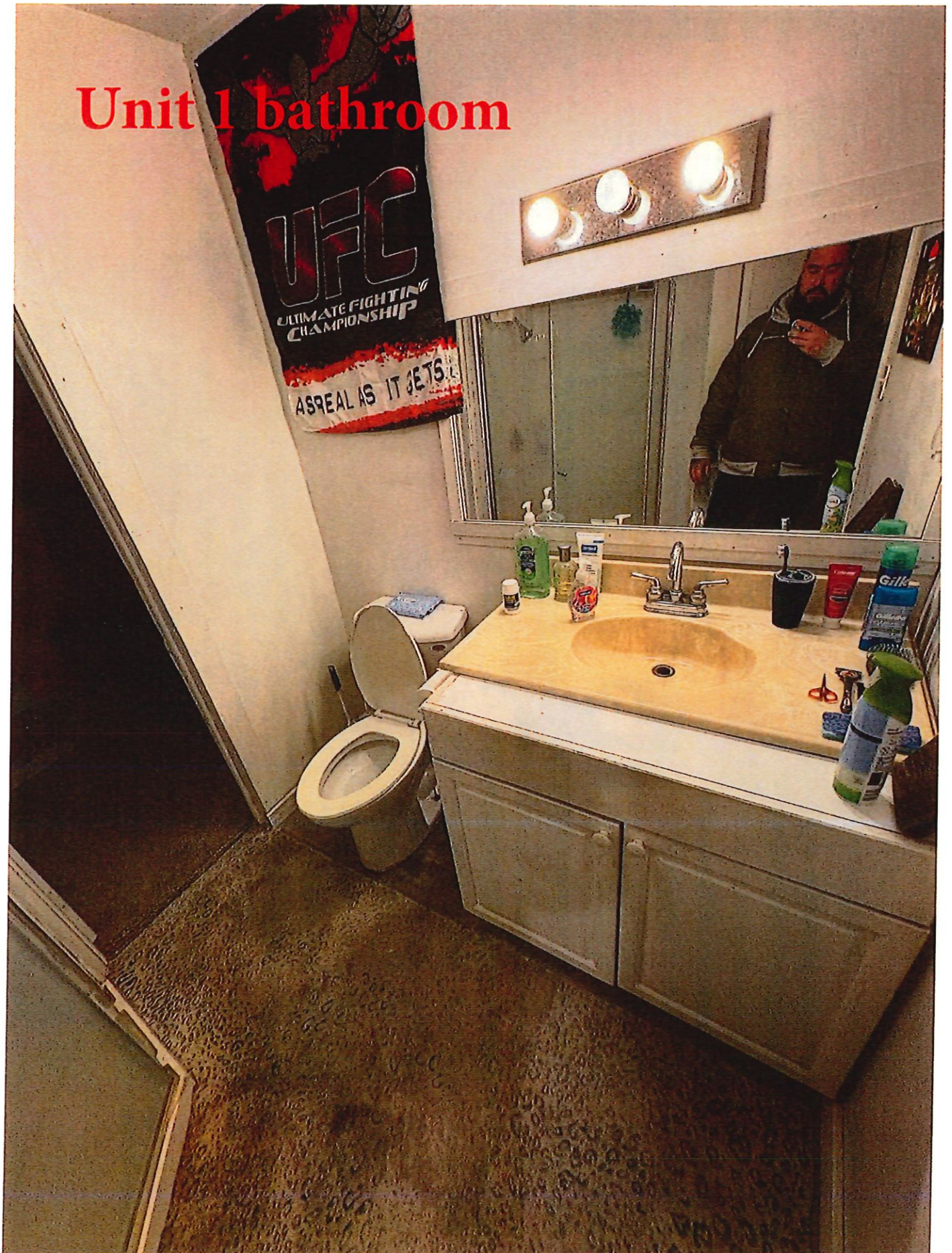
Unit 1 second floor bedroom



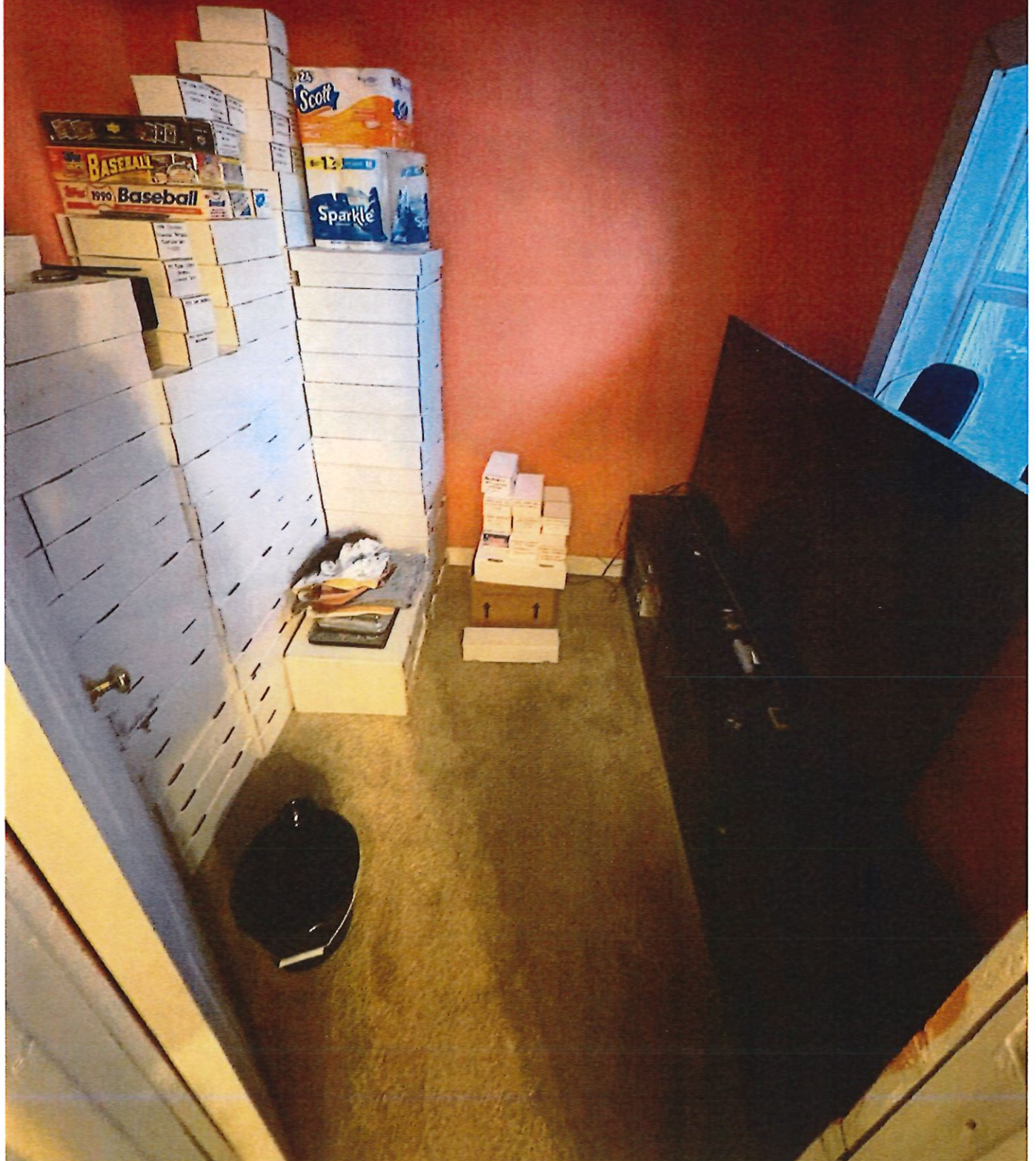
Unit 1 living room



Unit 1 bathroom

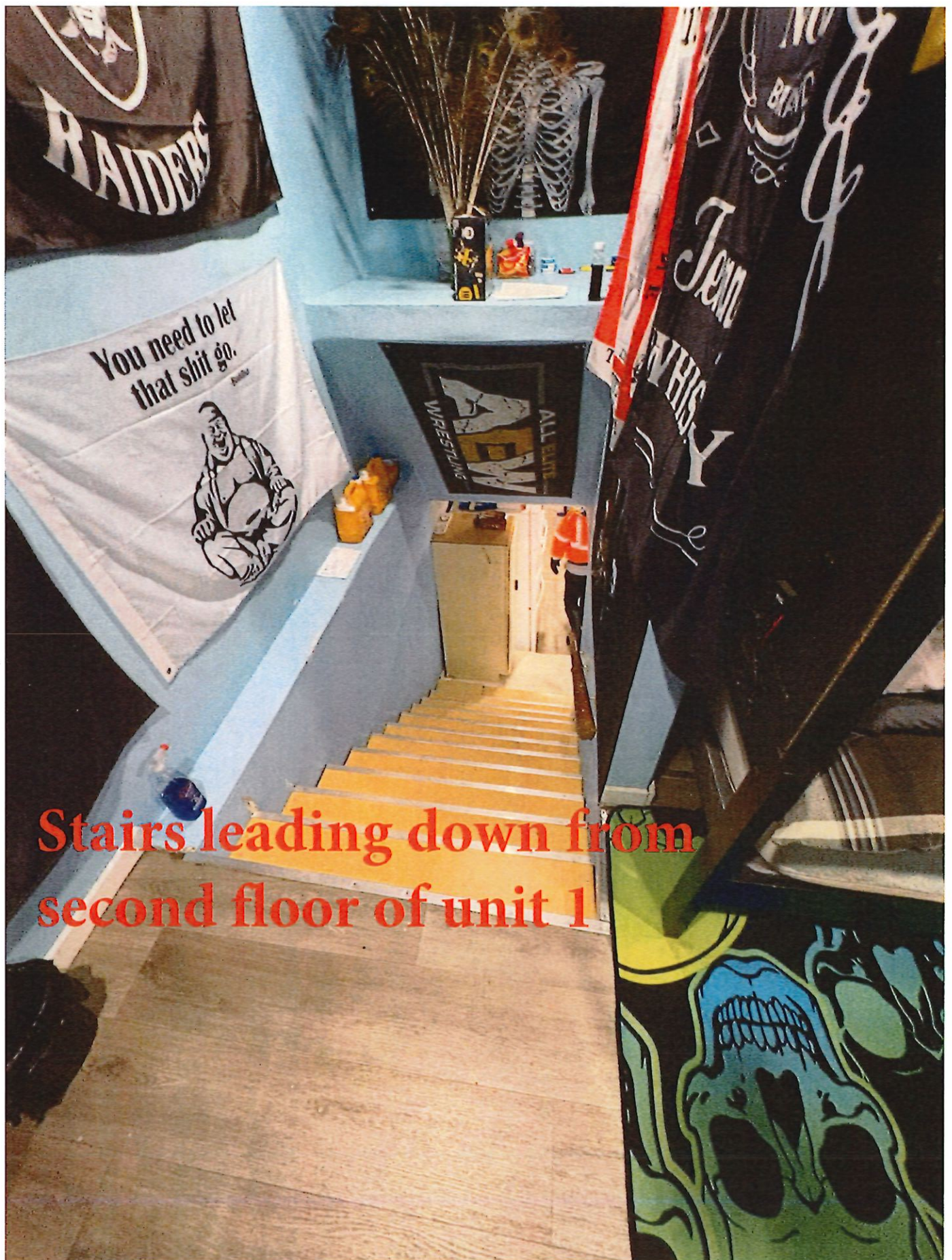


Unit 1 storage room



Unit 1 storage room ceiling





Stairs leading down from
second floor of unit 1

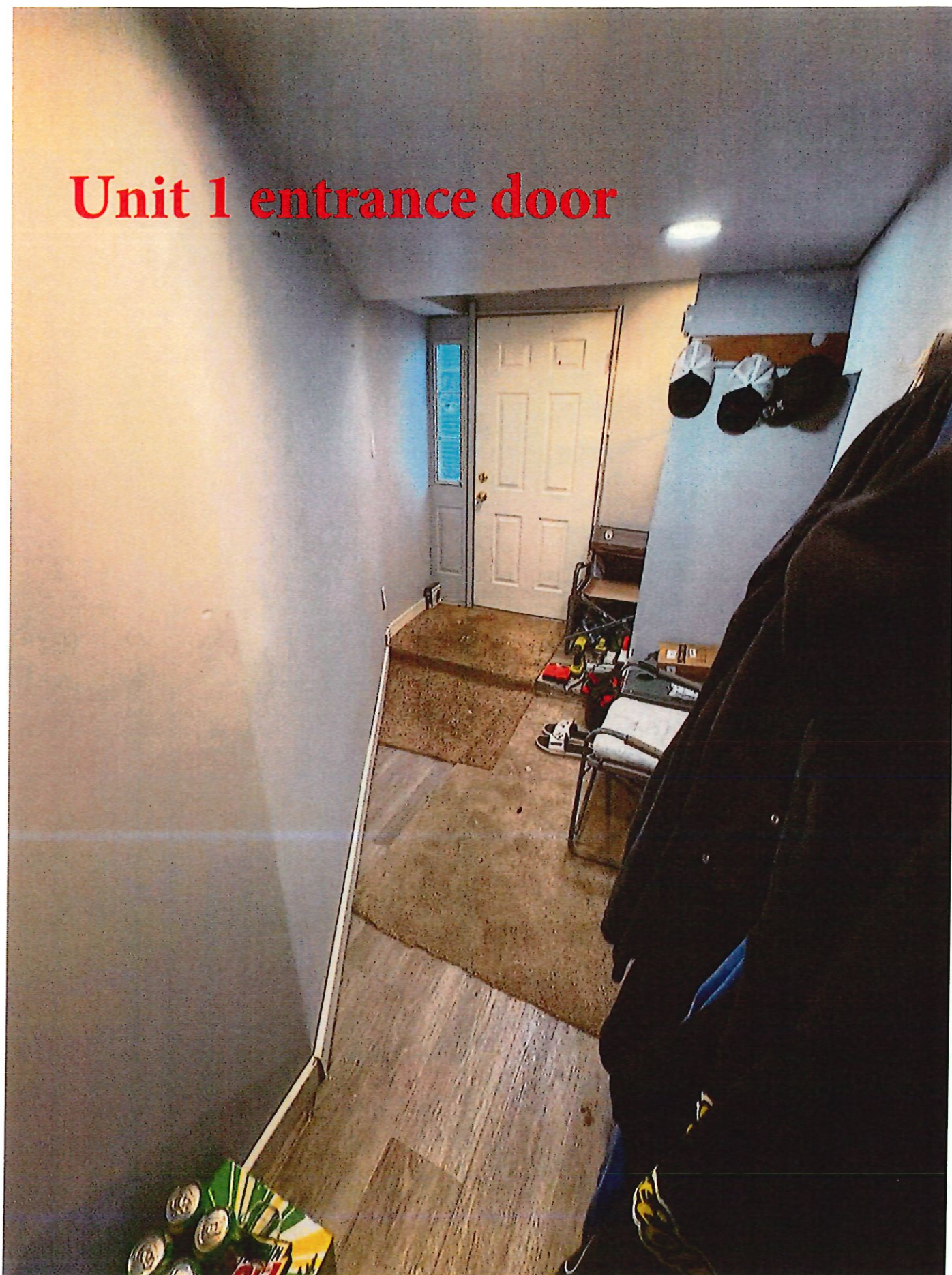
Unit 1 second floor living room



Stairs leading down to first floor in
unit 1



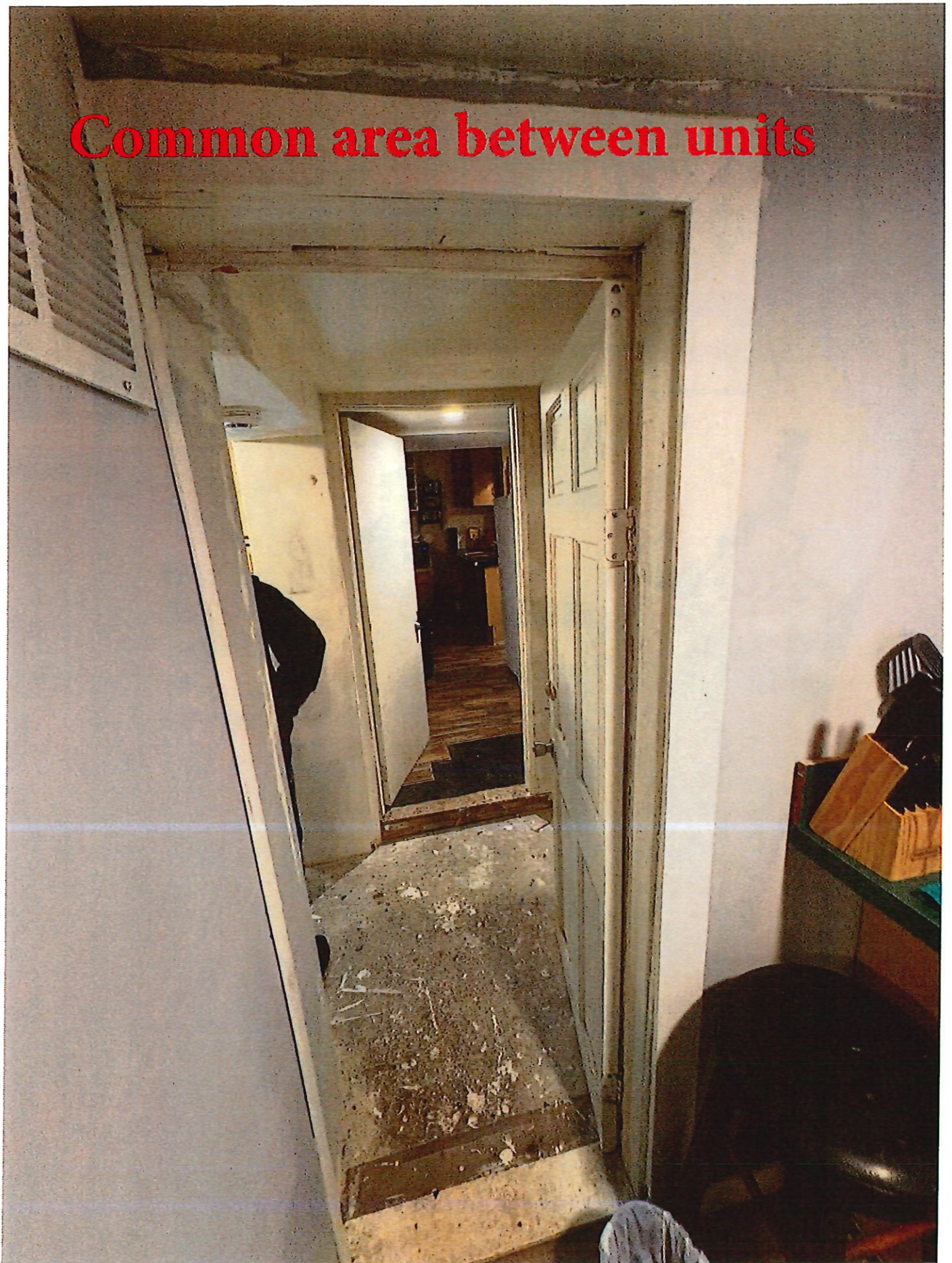
Unit 1 entrance door



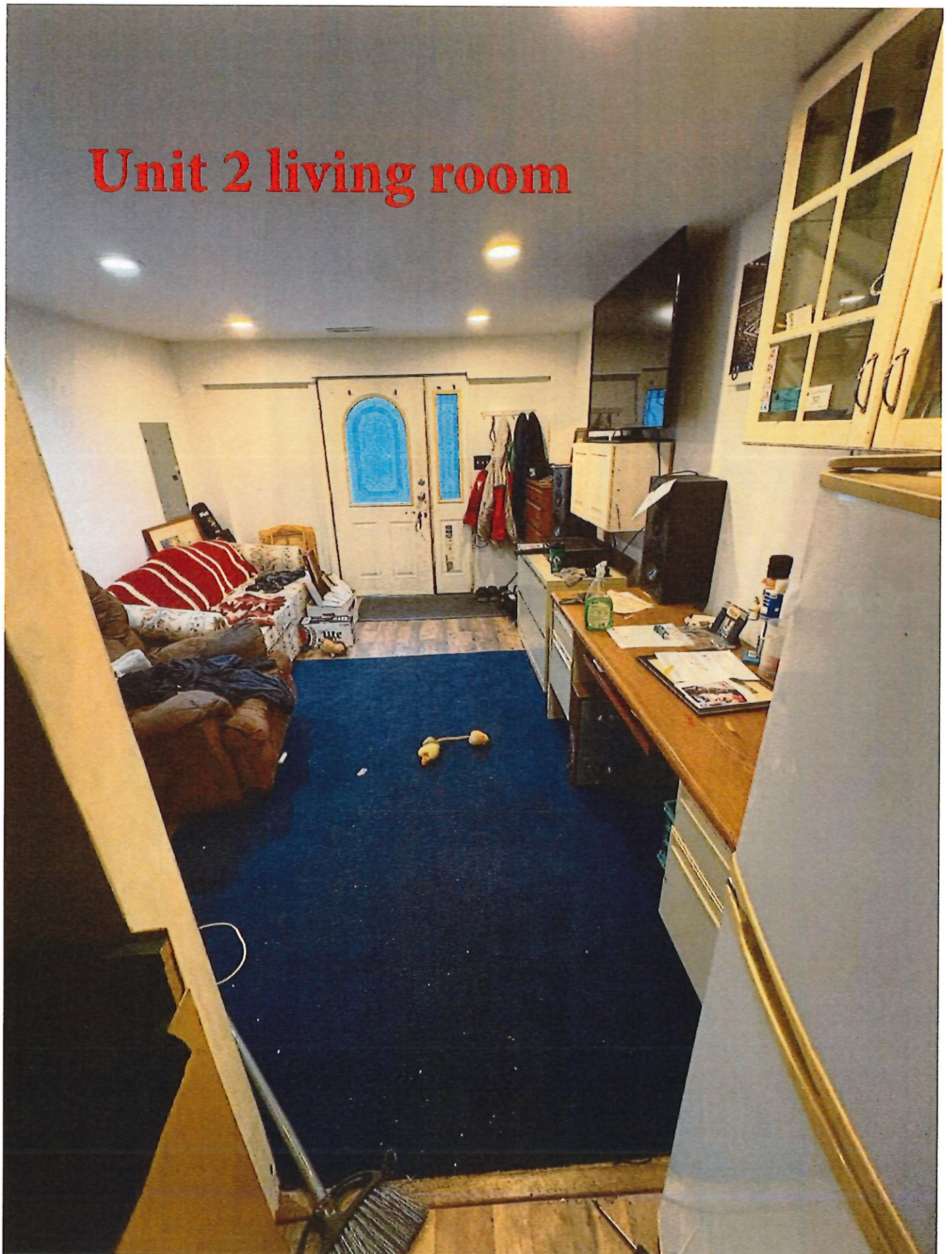
Unit 1 kitchen



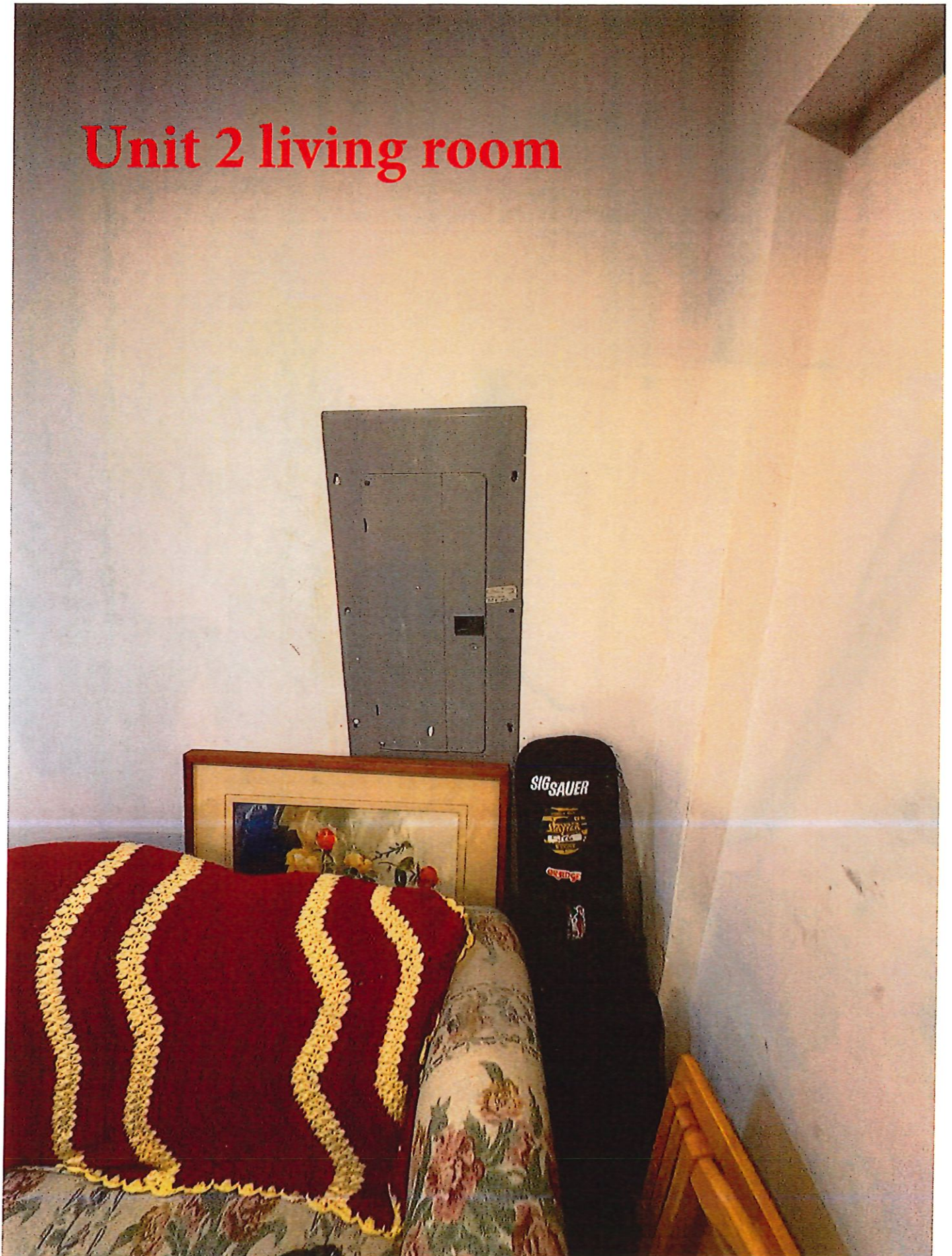
Common area between units



Unit 2 living room



Unit 2 living room



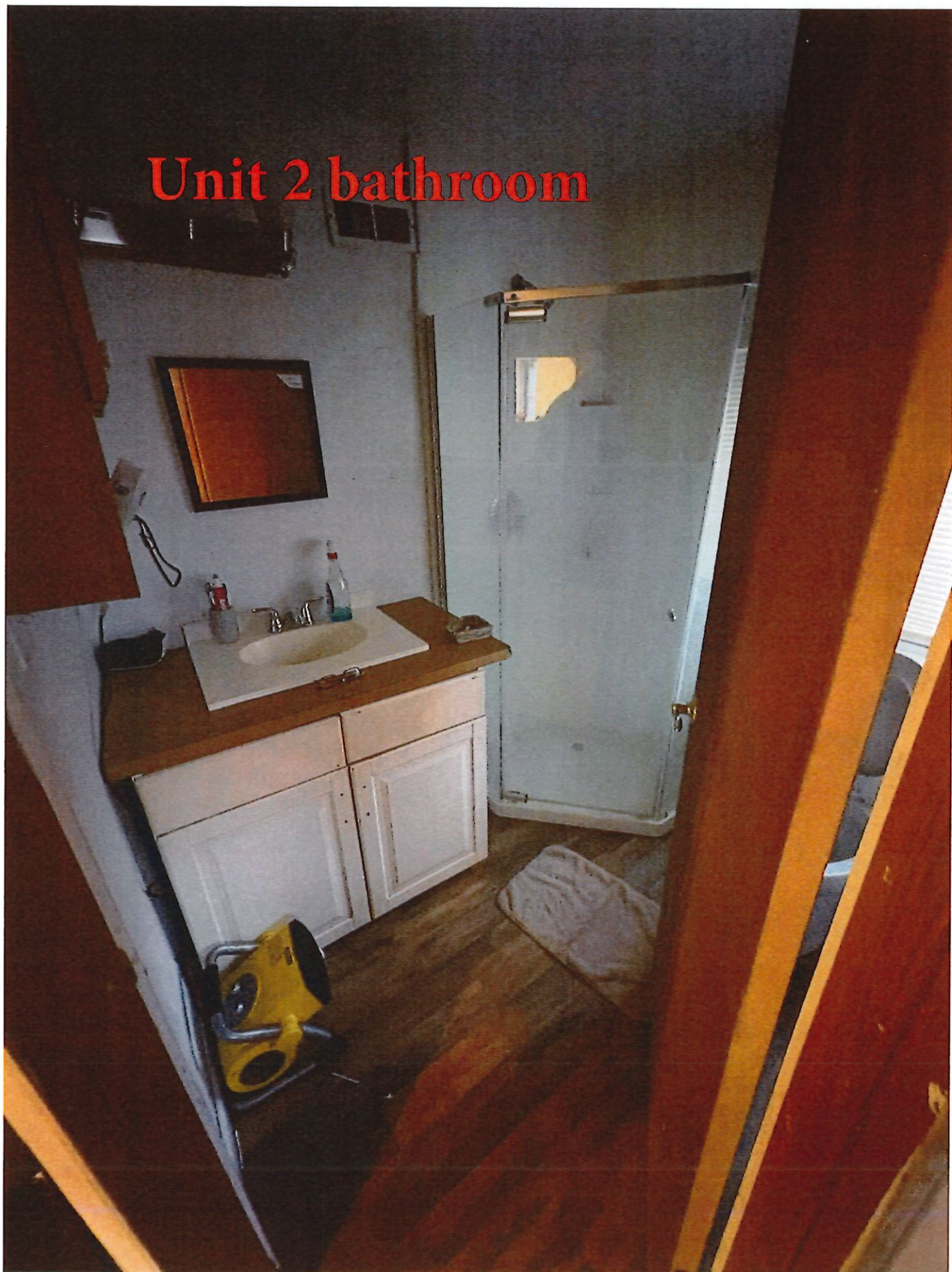
Unit 2 kitchen



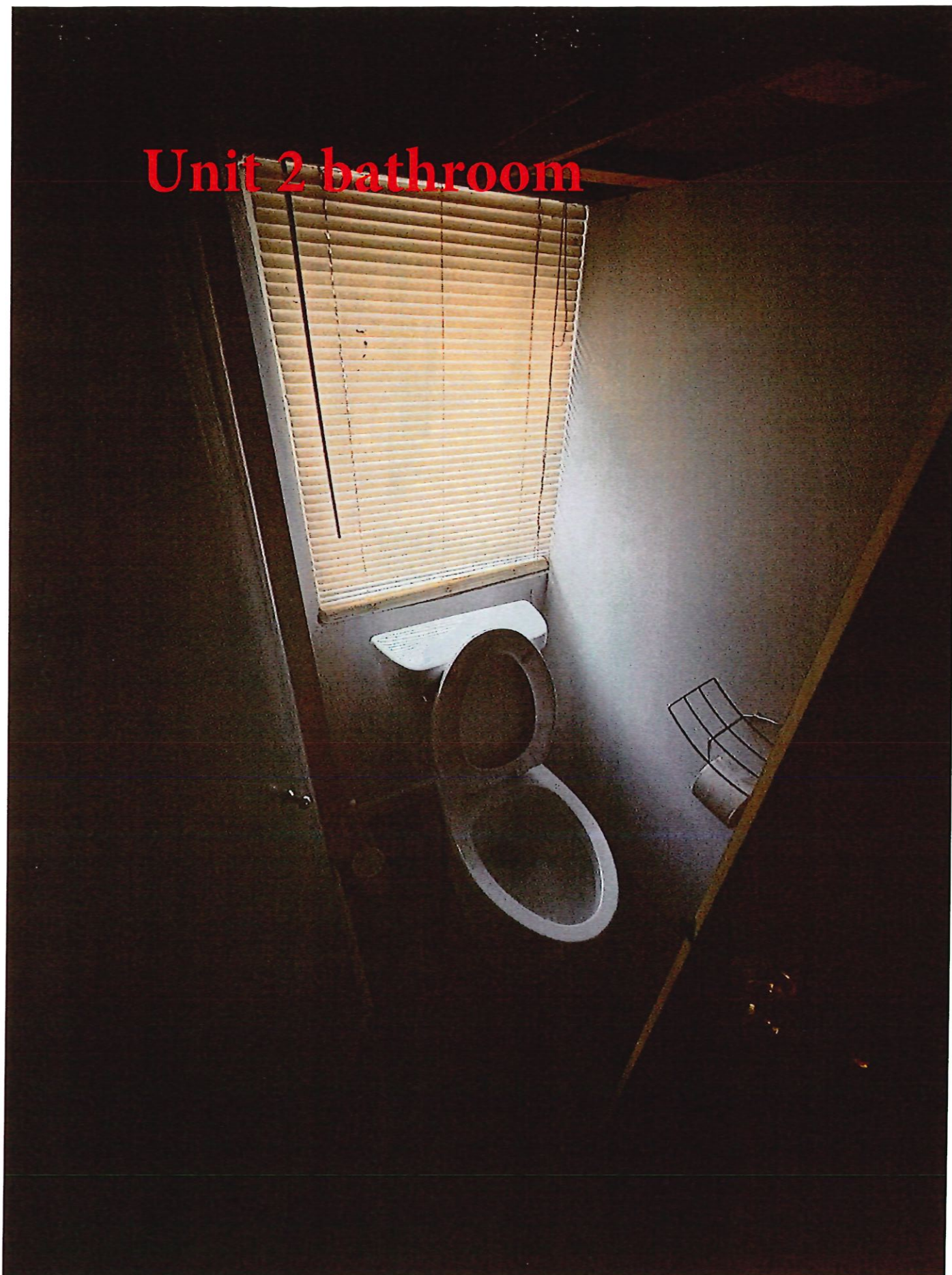
Unit 2 kitchen



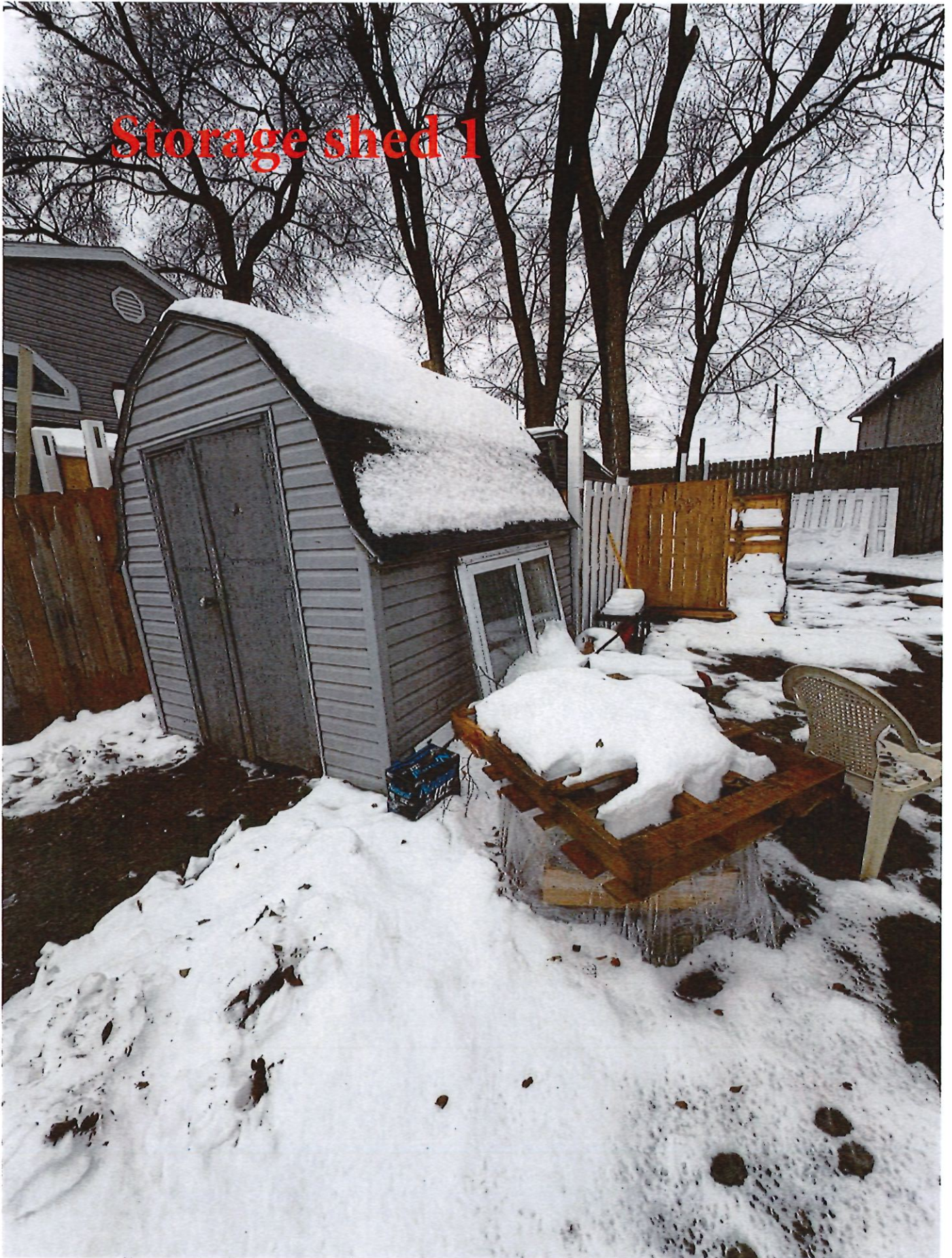
Unit 2 bathroom



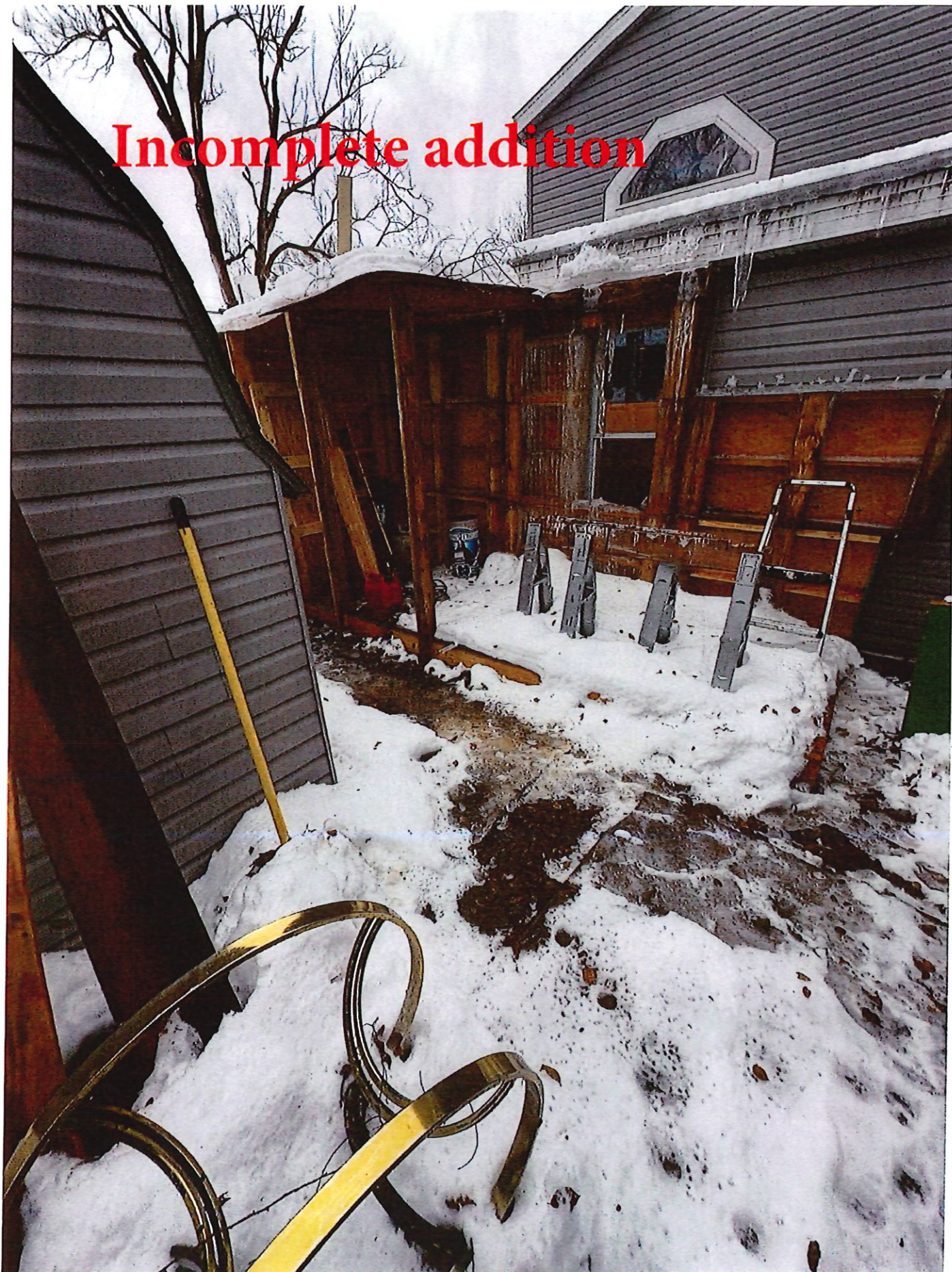
Unit 2 bathroom



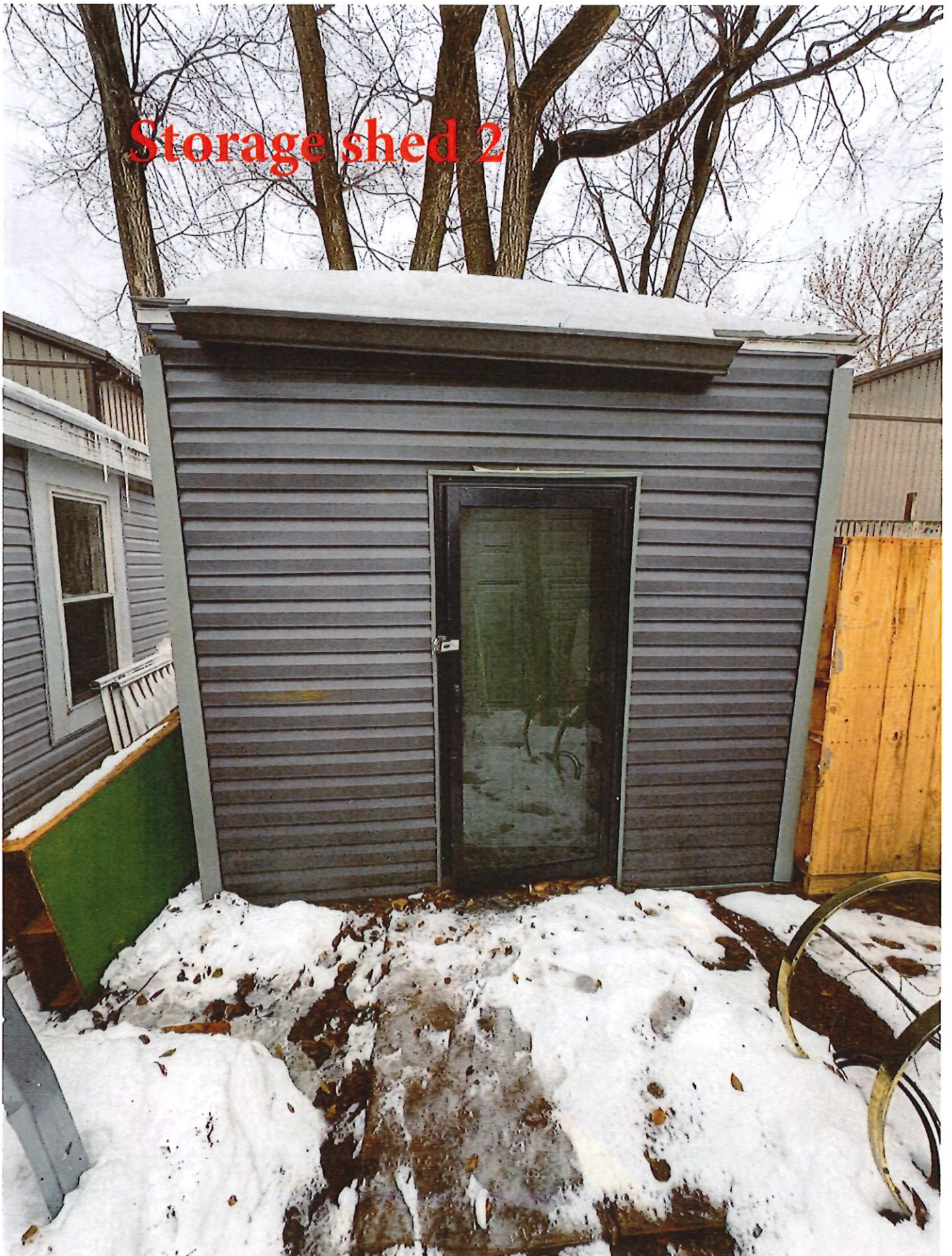
Storage shed 1



Incomplete addition



Storage shed 2



Water heater services both units



Furnace services both units



ZONING INSPECTION REPORT

Follow-Up Site Inspection – 1125 Thornton

Date of Inspection: August 3, 2026

Inspectors Present: Jason Ughetti, CCEO, Paul Goodwin, Building Inspector, Department of Public Works Staff

Property Owner Not Present

Present: Occupant Present During Inspection

Report Prepared By: Jason Ughetti, CCEO

1. Purpose of Inspection

A follow-up inspection of the property located at 1125 Thornton was conducted on August 3, 2026. The purpose of this inspection was to:

- Reinspect the exterior of the property to document any progress toward correcting previously identified zoning violations.
- Inspect the primary residence.
- Allow Building Department and Public Works staff to inspect the basement for potential Building Code and utility connection violations.

The Building Inspector and Public Works staff documented conditions related to Building Code compliance and water and sewer connections. Those findings are contained in a separate report attached to this report.

2. Summary of Exterior Conditions

Upon arrival, I observed that the overall exterior condition of the property had not significantly improved since the previous inspection. In several areas, the accumulation of miscellaneous materials appeared to have increased.

Vehicle Storage

An improperly plated white Honda Accord remained parked in the rear yard on an unimproved surface with. The vehicle appeared to be stored in approximately the same location as during previous inspections. Grass and vegetation had grown around the vehicle, indicating it had remained stationary for an extended period.

General Property Condition

The rear yard continued to contain a substantial accumulation of miscellaneous materials and debris located throughout the property. Items observed included, but were not limited to:

- Numerous wooden pallets stacked and scattered throughout the rear yard.
- Large quantities of flattened cardboard boxes and miscellaneous packaging materials.
- Plastic outdoor furniture.
- Loose lumber and scrap wood.
- Coolers.
- A portable gasoline container.
- Miscellaneous household items.
- Beverage containers and other scattered trash and debris.
- Construction materials stored directly on the ground.
- Recreational equipment, including multiple kayaks stored in the rear yard.
- A commercial style refuse container.

These materials were not consolidated in one area and were dispersed throughout multiple areas of the property.

Accessory Structures

The detached accessory structures remained on the property in the same condition as previously observed. Adjacent to the primary residence, the partially constructed enclosure and attached structure remained in place. The structure continued to consist of unfinished framing materials, exposed OSB, and other construction materials. Various building materials, including an exterior door leaning against the accessory structure, remained stored outside.

Unapproved Parking Surface

A white Chevrolet pickup truck was observed parked in the rear/side yard on an unapproved surface. The rear yard continued to contain areas used for parking on surfaces not appearing to meet approved parking surface standards.

3. Interior Inspection of Primary Residence

Access to the primary residence was limited due to poor conditions of the interior of the home.

I entered only the rear portion of the structure while Building Department personnel and Public Works staff conducted an inspection of the basement.

My observations were limited to the areas necessary to access the rear of the residence and did not include a comprehensive inspection of the interior.

The Building Inspector documented building code deficiencies observed during the inspection.

Public Works staff documented water and sewer connection issues. Those findings are incorporated by reference through their respective reports.

4. Comparison to Previous Inspection

Based upon observations made during this inspection, little to no progress has been made toward correcting the exterior zoning violations previously identified.

The property continues to exhibit:

- Outdoor storage of unapproved items throughout the rear yard.
- Storage of construction materials and debris.
- Unfinished non-conforming detached accessory structures.
- Unapproved parking conditions previously identified.
- Multiple detached accessory structures and stored materials remaining on the property.
- Trash, debris, and rubbish strewn throughout the property.

Overall, the exteriors conditions of the property have not improved since the previous inspection and appear to have deteriorated due to the increased accumulation of materials and debris.

5. Conclusion

This follow-up inspection confirms that the previously documented exterior conditions generally remain unchanged. The property continues to exhibit conditions consistent with the previously identified zoning violations.

August 5, 2026

Upon walking thru the front home located at 1125 Thornton street on 8/3/2026 I noticed a number of deficiencies that need to be taken care of to meet minimum housing standards.

1. There are multiple electrical issues in the basement that were seen that would require a licensed contractor to pull a permit and repair.
2. There are issues with standing water on the basement floor.
3. There are issues with the HVAC duct work being damaged and pulled open.
4. This home is a rental property that has not been registered in the City of Elkhart's rental inspection program that I confirmed with Aimee Lattimer.
5. In my opinion the home needs to be inspected by all of our MEP inspectors to give a full list of code violations if the owner will allow this to happen.

Sincerely,

Paul Goodwin
Building Commissioner

1.12.18

COMPLIANCE AGREEMENT

LR
January

THIS AGREEMENT is made and entered into this 11th day of ~~December~~, 2018, by and between the City of Elkhart (hereinafter, "the City"), acting by and through its Legal Counsel, and Gary A. Miller (hereinafter, "the Owner"), the property owner of the property commonly known as 1125 Thornton Street, Elkhart, Indiana, (Parcel No. 20-02-31-352-013.000-027).

RECITALS

WHEREAS, the City is a municipal corporation duly organized pursuant to the laws of the State of Indiana, and has the lawful authority, pursuant to I. C. 36-1-4-11, to adopt and enforce regulations that protect and promote the health, welfare, and safety of individuals living within the corporate limits of the City of Elkhart; and

WHEREAS, the Owner owns the real property located at 1125 Thornton Street, Elkhart, Indiana, (hereinafter, "the Property"), which property is subject to the ordinances of the City of Elkhart; and

WHEREAS, the Owner admits and acknowledges that the Property, as it currently exists, is not in conformity to the City of Elkhart's Zoning Code and applicable Building Codes; and

WHEREAS, after discussions with the City Planning and Zoning Department and the City Building Department, it has been determined that it is desirable to rehabilitate the Property to bring it into compliance with all applicable Zoning and Building Codes; and

WHEREAS, the Owner desires to make improvements to the Property to comply with the standards as described below; and

WHEREAS, in exchange for the promises contained herein, the City agrees to postpone enforcement.

NOW, THEREFORE, in consideration of the above recitals and mutual promises contained herein, the Parties agree to the following:

1. Construction/Interpretation of Agreement and Savings Clause: This Agreement shall be interpreted under the laws of Indiana; any action predicated hereon shall be venued in the Elkhart County Courts. To the extent that any portion of this Agreement may be found to be unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect.

2. Admission of Noncompliance: The Owner admits and acknowledges that the Property, as it currently exists, is not in compliance with the City of Elkhart's Zoning Code and/or Building Code.

3. Description of Work and Deadlines: The Owner shall bring the property into compliance, at his/her expense. The following provisions shall govern to bring the site into conformity with applicable Zoning and Building Codes.

<u>Task</u>	<u>Description of Work</u>	<u>Deadline</u>
1	Exterior Repairs – permits if required – per inspection report	July 11, 2018
2	Interior Repairs – permits if required – per inspection report	July 11, 2018
3	Electrical Repairs – licensed electrician must pull permits	July 11, 2018
4	Plumbing Repairs – licensed plumber must pull permits	July 11, 2018
5	Cover required on furnace filter opening, electrical wire to furnace not properly installed	July 11, 2018
6	Dwelling unit in rear of property will not be habitable	

4. Inspection: Upon bringing the Property into compliance, it shall be the Owner's obligation to contact the Planning and Building Departments to schedule an inspection(s) to verify compliance.

5. Penalties:

- a. Liquidated Damages:** If the Owner fails to comply with all the terms, conditions, and promises made in this Agreement, then the Owner shall be liable to the City for liquidated damages of One Hundred Dollars (\$100) per day for each breach (each failure to finish an enumerated task in Paragraph "3" by its corresponding deadline shall constitute a separate breach), pursuant to the remedies provided in the Elkhart City Code of Ordinances, which will begin to accrue from the date this Agreement is executed by the Parties and continue to accrue until the Owner has corrected each and every Zoning or Building violation upon the Property.
- b. Remaining Remedies Unaffected by Compliance Agreement:** The penalties articulated by this Agreement are not intended to operate alternatively. Should the Owner be found to be in breach of this Agreement, in addition to the other remedies provided above, the City may pursue all other legal remedies available to it.

6. Permits Required: The Owner shall obtain any necessary zoning clearances and building permits for work performed at the Property prior to the commencement of the work if he/she has not already done so. Each failure to comply with this paragraph shall constitute a separate breach.

7. No Further Violations: During the period of compliance, it shall be a material breach of this Agreement if the Owner violates any provision of the Elkhart City Zoning or Building Ordinances.

8. Actions Deferred for Period of Compliance: In consideration of the agreements made herein by the Owner, the City agrees to hold in abeyance enforcement action against the Owner for the violations cited or alluded to herein. However, if the Owner breaches this Agreement the City shall have the right to commence legal action against the Owner to enforce compliance of this Agreement and collect all fines that have accrued and that may continue to accrue and the City shall have all other remedies available to it under law to bring the Property into compliance.

9. Certification of Ownership of Property: The Owners swears and affirms, under penalty of perjury, that he/she is the sole owner of the Property and hereby warrants and represents that he/she has proper authority to enter into this Agreement. In the event that any legal or equitable interest in the Property is transferred by the Owner, the Owner shall advise the prospective party of the noncompliance and the contents of this Agreement.

10. Agreement Not Preclusive as to Other Violations: This Agreement operates only as to the specific violations contemplated above. Should the above violations be remedied but later reoccur, this Agreement shall not be preclusive so as to prevent the City from taking any action to correct the new violation. To the extent that other violations which are not contemplated by this Agreement exist on the Property, whether latent or apparent, the City shall not be precluded by this Agreement from taking any and all actions to correct such violation or violations.

IN WITNESS WHEREOF, the City and the Owner sign this Agreement evidencing their intent to enter into a binding agreement.

OWNER:

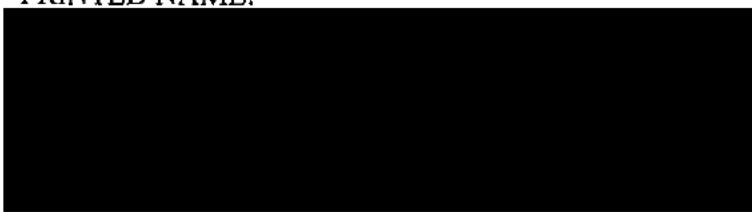
SIGNATURE:

PRINTED NAME:

Dated: 1/11, 2018

Gary A Miller

GARY A MILLER



I, Larry Meteiver, 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.

CITY OF ELKHART:

By:

Larry Meteiver
City Attorney

Dated: Jan. 11, 2018

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public for Elkhart County, State of Indiana, on this 11th day of January, 2018, personally appeared Larry Meteiver, and acknowledged the executing of this Compliance Agreement.



Signature

Printed Name

My commission Expires

Lauren M. Roundtree

Lauren M. Roundtree

11.8.19



City of Elkhart, Indiana
Planning & Development

INSPECTION REPORT

BUILDING & CODE ENFORCEMENT
229 S. SECOND STREET
ELKHART, IN 46516
FAX: (574) 389-1781
PHONE: (574) 294-5471 EXT. 115

Mayfield Timmons

PERMIT _____

DATE 11-30-07

ADDRESS 1125 Thornton

TYPE OF INSPECTION MINIMUM HOUSING

CODE _____ D - S VIOLATION _____ ABT. _____ O.K. _____

UTILITY _____ RELEASE _____ DISCONNECT _____ HOLD _____

OWNER Gary A. Miller PHONE _____

CONTRACTOR _____ PHONE _____

INSPECTED BY Mayfield Timmons ACCOMPANIED BY Steve Gray, Jim Holtz, Don Richter

COMMENTS _____

Rear Building - exterior Repair and paint or side where needed,
Repair Holes in Roof, Stairs Need Repaired, Interior -
Repair Ceilings, Walls, Floors where needed, Shed Need Repaired

Front Building - exterior - Repair Boarded up Northside
Window,

Interior - Hand Rail needed at Basement stairs - Repair ceiling
and walls where needed, floor covering in Northeast Room -

DO NOT COVER PRIOR TO REINSPECTION _____

RELEASE FOR CERTIFICATE OF OCCUPANCY _____

CONTACT INSPECTOR _____

SMOKE DETECTORS _____



Inspection Report

Building & Code Enforcement

229 S. Second Street

Elkhart, IN 46516

Fax: (574) 389-1781

Phone: (574) 294-5471 Ext. 107

Permit #: na

Date: 30-Nov-17

Address: 1125 Thornton St

Inspection Type: CE - Interior / exterior

Code: sfr ☒ Violation ☐ Abated ☐ Approved ☐ Not Approved

Utility: Gas ☐ Release ☐ Disconnect ☒ City Hold

Owner: _____ Phone: _____

Contractor: _____ Phone: _____

Inspected By: J. Holtz Accompanied By: S Bray, D Riddle, M Timmons

Comments:

Rear structure: (Owner stated that dwelling unit to be removed)

Owner stated that the structure will not be provided with heat, plumbing, or electric.

Rear steps need repair or replacement.

Exterior siding to be repaired or replaced as required.

Roof needs repair.

Main Structure:

Cover required on furnace filter opening.

Electric wire to furnace not properly installed.

☐ DO NOT COVER PRIOR TO REINSPECTION

☐ CONTACT INSPECTOR

☐ RELEASE FOR CERTIFICATE OF OCCUPANCY/COMPLETION

☐ SMOKE DETECTORS ARE REQUIRED



Inspection Report

Building & Code Enforcement

229 S. Second Street

Elkhart, IN 46516

Fax: (574) 389-1781

Phone: (574) 294-5471 Ext. 108

Permit #: _____

Date: 11/30/2017

Address: 1125 Thornton St.

Inspection Type: Walk Through for Compliance

Code: SFR ☒ Violation ☐ Abated ☐ Approved

Utility: Electric ☐ Release ☐ Disconnect ☐ City Hold

Owner: Gary Miller

Phone: _____

Contractor: _____

Phone: _____

Inspected By: Daniel Riddle

Accompanied By: Bray, Holtz, Timmons

Comments:

1. Receptacles within 6 feet of kitchen sink required to be GFI protected.
 2. Install smoke detectors per Indiana Residential Code.
 3. Open knock out in side of service panel.
 4. Rewire furnace properly.
 5. Install complete panel schedule.
 6. Remove extension cord feeding wall mounted fan in bedroom.
 7. All existing electrical wiring and equipment in out buildings to be removed.
 8. Install an egress light fixture on open box next to front door.
 9. Install an in-use cover on receptacle mounted on front of house.
- All electrical wiring to be done by an electrician licensed within the City of Elkhart. Permit required.

☐ DO NOT COVER PRIOR TO REINSPECTION

☒ CONTACT INSPECTOR

☐ RELEASE FOR CERTIFICATE OF OCCUPANCY/COMPLETION

☒ SMOKE DETECTORS ARE REQUIRED



Inspection Report

Building & Code Enforcement
229 S. Second Street
Elkhart, IN 46516
Fax: (574) 389-1781
Phone: (574) 294-5471 Ext. 106

Permit # : _____ Date: 30-Nov-17

Address: 1125 Thornton St.

Inspection Type: Code Enforcement Compliance Inspection

Code: Rental ☐ Violation ☐ Abated ☐ Approved ☒ Not Approved

Utility: _____ ☐ Release ☐ Disconnect ☐ City Hold

Owner: _____ Phone: _____

Contractor: _____ Phone: _____

Inspected By: STEPHEN BRAY Accompanied By: Trades, Mayfield T.

Comments:

Kitchen sink is being drained to the outside and believed to be tied into the septic else where in the
The drain comes through the siding and drops down into the ground. The vent is on the side of the
as well. This may cause sewer gas smell if window is open. I would suggest re-piping drain in cabinet
install a mechanical vent in the cabinet.

Bathroom sink drain needs to be re-piped. Bathroom floor is weak, will need to be repaired.

Washer box drain is a flexible hose in the basement, will need to remove all drains piped like this. Will
to upsize the drain to 2" PVC.

Homeowner will need to hire a Licensed Plumbing Contractor to make all repairs and re-plumbing in the
basement and cabinets. Have the Contractor investigate further into all crawlspaces for code violations.

Time line for completion will be determined by Code Officer Mayfield Timmons.

☒ DO NOT COVER PRIOR TO REINSPECTION ☒ CONTACT INSPECTOR

☐ RELEASE FOR CERTIFICATE OF OCCUPANCY/COMPLETION ☐ SMOKE DETECTORS ARE REQUIRED

1125 Thornton St.
Code Enforcement
PLBG.

CITY OF ELKHART IN
Office of City Controller

REC#: 00215672 1/11/2018 3:50 PM
CPR: RB TERM: 029
REF#: 7203

ISSUED TO: GARY A MILLER
1125 THORNTON

TRAN: 241.0000 UNSAFE BLDG
GARY A MILLER
1125 THORNTON
COMPLIANCE BOND (07 3,000.0000

TENDERED: 3,000.00 CHECK
APPLIED: 3,000.00

CHANGE: 0.00

20-02-31-352-013.000-027	FIFER BRENT A JR	1125 THORNTON STREET	510, 1 Family Dwell - Platted Lot	2751092-FRUITDALE, GAT	1/2
Parcel Number20-02-31-352-013.000-027Local Parcel Number02-31-352-013-027Tax ID:0231ERouting Number					
General Information22414 COUNTY ROAD 10ELKHART, IN 46514OwnershipFIFER BRENT A JR05/16/2022 FIFER BRENT A JR10/18/2004 MILLER GARY A01/01/1900 CROUCH ANNATransfer of OwnershipDoc ID Code Book/Page Adj Sale Price VII02402 WD / \$65,000 ICO / \$64,000 ICO / \$64,000 INotes					
Property Class 5101 Family Dwell - Platted LotYear: 2026					
Location InformationCounty ElkhartTownship OSOLO TOWNSHIPDistrict 027 (Local 027)EC OSOLOSchool Corp 2305ELKHART COMMUNITYNeighborhood 2751092-0272751092-FRUITDALE, GATEWAY (Section/Plat					
Location Address (1)1125 THORNTON STREETELKHART, IN 46514					
ZoningZ001 ResidentialSubdivision					
Lot					
Market ModelN/A					
CharacteristicsTopography LevelFlood Hazard LevelPublic UtilitiesAllStreets or RoadsPavedNeighborhood Life Cycle StageStaticPrinted Wednesday, April 8, 2026Review Group 2022					
Assessment Year2026Reason For ChangeAAAs Of Date01/01/2026Valuation MethodIndiana Cost ModEqualization Factor1.0000Notice Required					
Valuation Records20262025202420232022AAAAAAIncome ApproachIncome ApproachIncome Approach1.00001.00001.0000LandLand Res (1)Land Non Res (2)Land Non Res (3)ImprovementImp Res (1)Imp Non Res (2)Imp Non Res (3)TotalTotal Res (1)Total Non Res (2)Total Non Res (3)Land Data (Standard Depth: Res 120', CI 100' Base Lot: Res 0' X 0', CI 0' X 0')					
Act FrontAct DepthSize FactorRateAdj. RateExt. ValueInf. %Market FactorCap 1Cap 2Cap 3Value					
Land ComputationsCalculated AcreageActual FrontageDeveloper DiscountParcel Acreage81 Legal Drain NV82 Public Roads NV83 UT Towers NV84 Solar Energy Land9 Homesite91/92 AcresTotal Acres FarmlandFarmland ValueMeasured AcreageAvg Farmland Value/AcreValue of FarmlandClassified TotalFarm / Classified ValueHomesite(s) Value91/92 ValueSupp. Page Land ValueCAP 1 ValueCAP 2 ValueCAP 3 ValueTotal Value					

PETITION #: 26-VV-19

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Brent Fifer and Alexandra Fifer

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Brent Fifer

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 1125 Thornton St. Elkhart, IN 46514

Zoning: M-2

Present Use: Residential Proposed Use: Residential

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): Brent Fifer Alexandra Fifer

SIGNATURE(S): [Signature] [Signature] DATE: 6/30/2026

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: Raeen Levendoski DATE: 7/1/26

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Brent Fifer, 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 1125 Thornton St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 10th day of April, 2026.



Printed: Brent Fifer

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: Brent Fifer

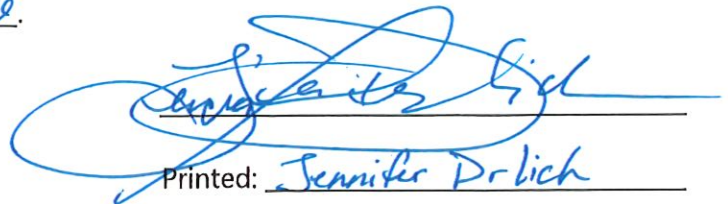
STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)



Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Brent A Fifer Jr, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 10th day of April, 2026.



Printed: Jennifer Drlich

My Commission Expires:

09/27/2028

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

DATE: June 4th, 2026
TO: Elkhart City Zoning

RE: Use Variance

The undersigned petitioner respectfully shows the Elkhart City Zoning.

1. I, Brent A. Fifer, am the owner of the following described real estate located within the City of Elkhart, Indiana, Osolo Township, Elkhart County, State of Indiana, to-wit.

For APN/Parcel ID(s): 20-02-31-352-013.000-027

LOTS NUMBERED ONE HUNDRED FOUR (104) AND ONE HUNDRED FIVE (105) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF GATEWAY, A SUBDIVISION IN THE CITY OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 4, PAGE 8 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Property Address: 1125 Thornton St., Elkhart, IN 46514

2. The above described real estate presently has a zoning classification of M-2 (Heavy Manufacturing District) under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner

Petitioner presently occupies the property as: A legally established residential dwelling of the front and back structures. The property has always been used as a residential space though it is zoned M-2.

4. Petitioner requests a use variance to allow both structures, front and back dwellings, to be used as residential housing.

Petitioner requests approval to construct and/or utilize additional parking space within the property. This will not negatively impact the neighborhood or surrounding properties as all of the properties on Thornton Street and the neighborhood are used as residential.

5. The Zoning Ordinance of the City of Elkhart requires, and is in compliance with:

This request seeks relief from Section 19.2 (permitted uses of the M-2 district), and Section 26.1.B.11 (accessory structure regulations), in order to allow the continued residential use of the existing primary dwelling and rear structure and to meet the applicable requirements, including off-street paved parking, site plan documentation, and any additional developmental standards identified by staff.

6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship:

The primary structure is a legal, non-conforming residential in M-2 commercial. Strict adherence to the ordinance would create a hardship because the property has long been used for residential purposes, and the existing structures were built and utilized as housing. The current M-2 zoning does not reflect the actual use of the property or surrounding properties of which are all zoned M-2. Requiring compliance would prevent reasonable use of the property as a residence and render the existing

structures impractical for permitted manufacturing uses due to their size, layout, and location.

7. Using the standards from page 3, address each standard. Statutory Standards for Approval (IC 36-7-4-918.5) The Petitioner affirms that the variance meets all required standards:

1. Public Health, Safety, and Welfare

The approval of this variance will not be injurious to public health, safety, morals, or general welfare due to its preexisting conditions as residential dwellings. The property has been significantly cleaned up since I owned it. Due to there being a shortage of housing in Elkhart, if this use variant is not approved it will eliminate affordable housing for current tenants.

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.

The proposed use will not adversely affect the surrounding area because the property and neighboring properties are already residential in character. The use will remain low-impact with minimal traffic and adequate off-street parking provided, resulting in no change to the existing conditions.

3. The need for the variance arises from some condition peculiar to the property involved.

The need for the variance arises because the property, like all others on the street, was originally developed and used as residential before the area was zoned as M-2.

4. The strict application of the terms of this ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

Strict application of the ordinance would create an unnecessary hardship because the property, already built and long used as a residence, would be rendered impractical for manufacturing. Denying the variance would prevent reasonable residential use while the property is ill-suited for industrial purposes, creating a hardship that arises purely from a zoning mismatch rather than any action of the owner.

5. The approval does not interfere substantially with the comprehensive plan.

Approving the variance won't interfere with the comprehensive plan because the area is already predominantly residential in actual use and the plan often accommodates existing conditions. By formalizing the residential use, the approval aligns with the neighborhood's longstanding character and maintains stability without disrupting any broader planning goals.

Signature of Property Owner: [Signature] Alexandra Fifer

Printed Name: Brent Fifer Alexandra Fifer

Secondary Property Owner: Alexandra Fifer

Printed Name: Alexandra Fifer

Contact Person: Brent Fifer - owner

Name: Brent Fifer



Signature of Property Owner: [Signature]

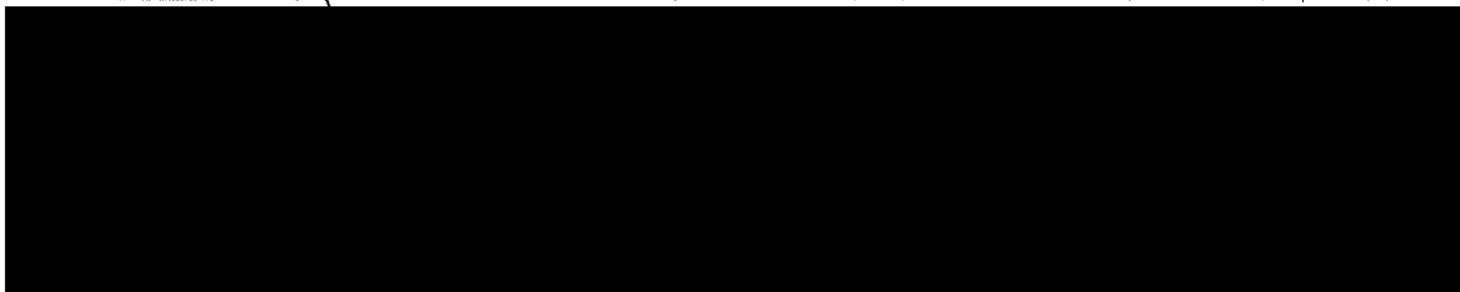
Printed Name: Brent Fifer

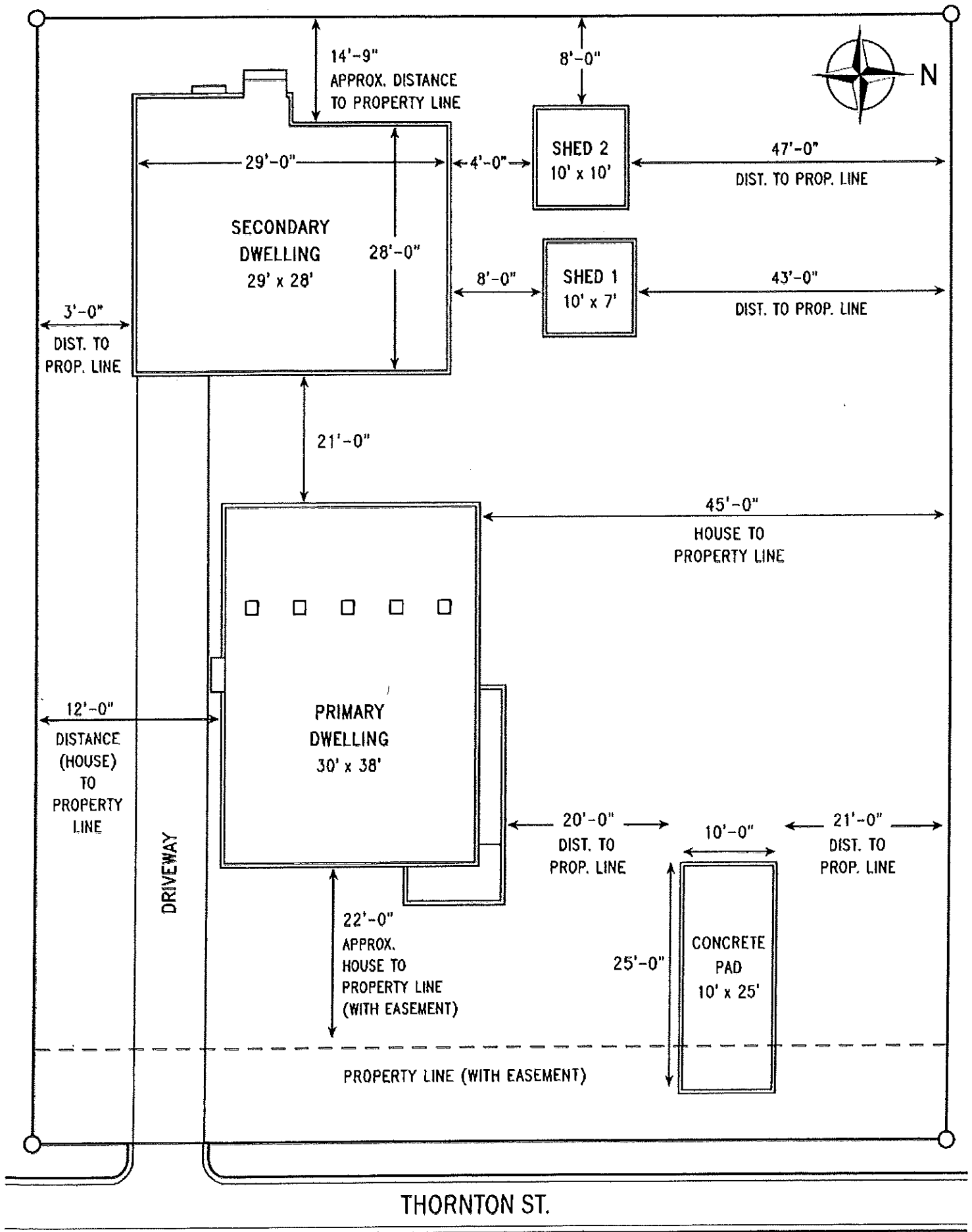
Secondary Property Owner: Alexandra Fifer

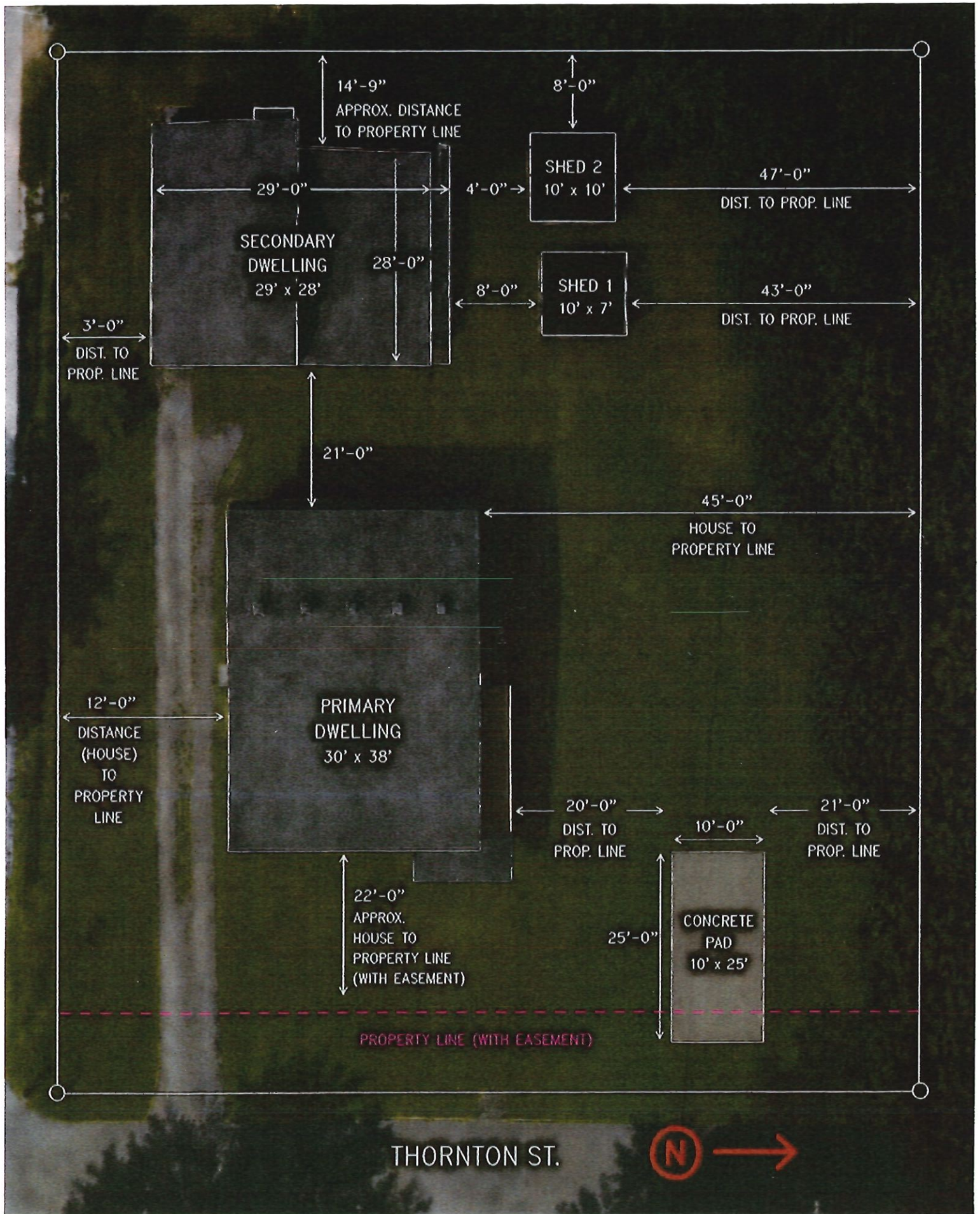
Printed Name: Alexandra A. Fifer

Contact Person: Brent Fifer's mother, Cindy Fifer

Name: Cindy Fifer



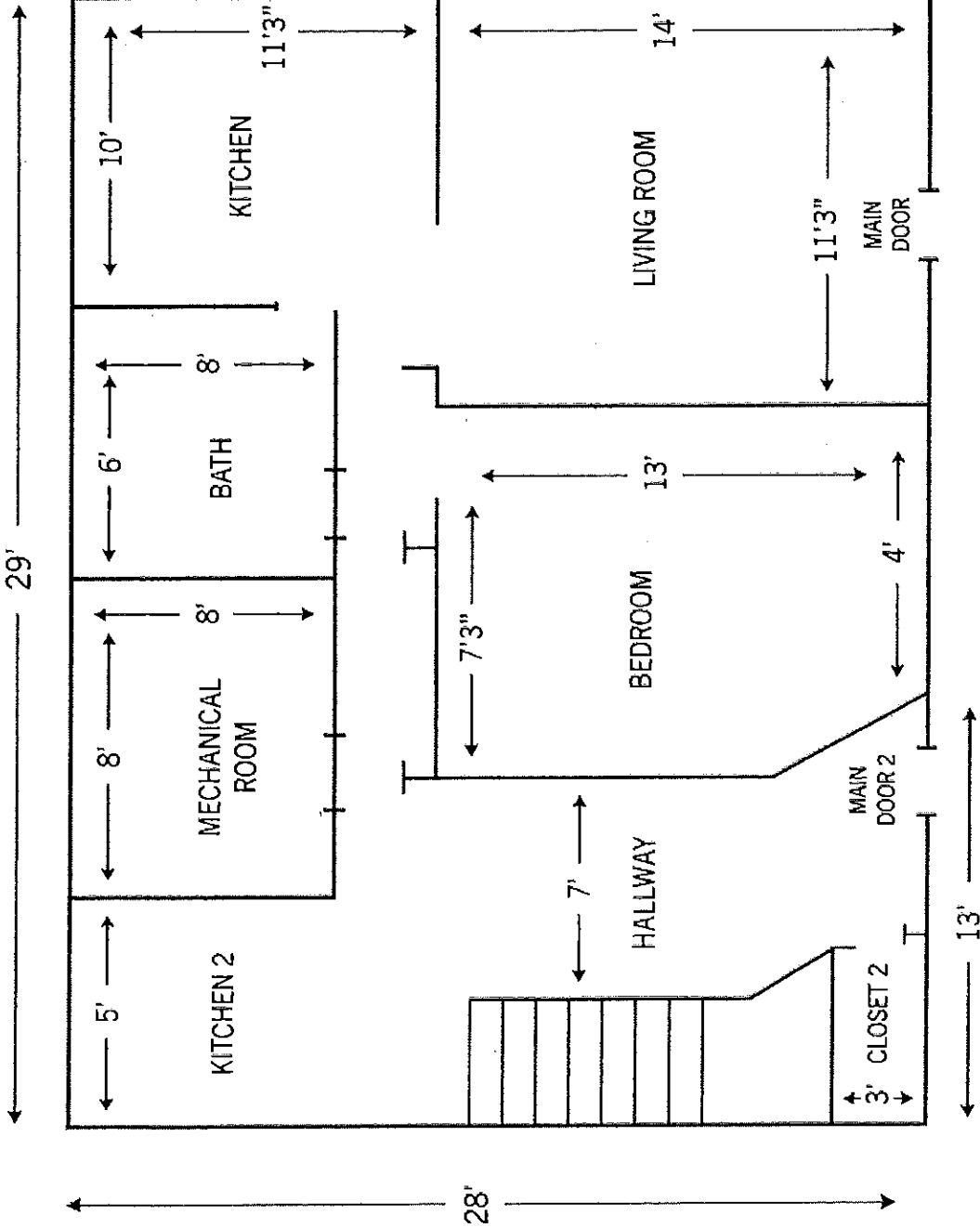




DOWNSTAIRS

DWELLING SPACE

438 SQFT.



LEGEND / KEY TO SCALE

0' 2' 4' 6'



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

PROPERTY ADDRESS:

1125 THORNTON ST.

ELKHART, IN 46514

DATE:

JUNE 5, 2026

PREPARED BY:

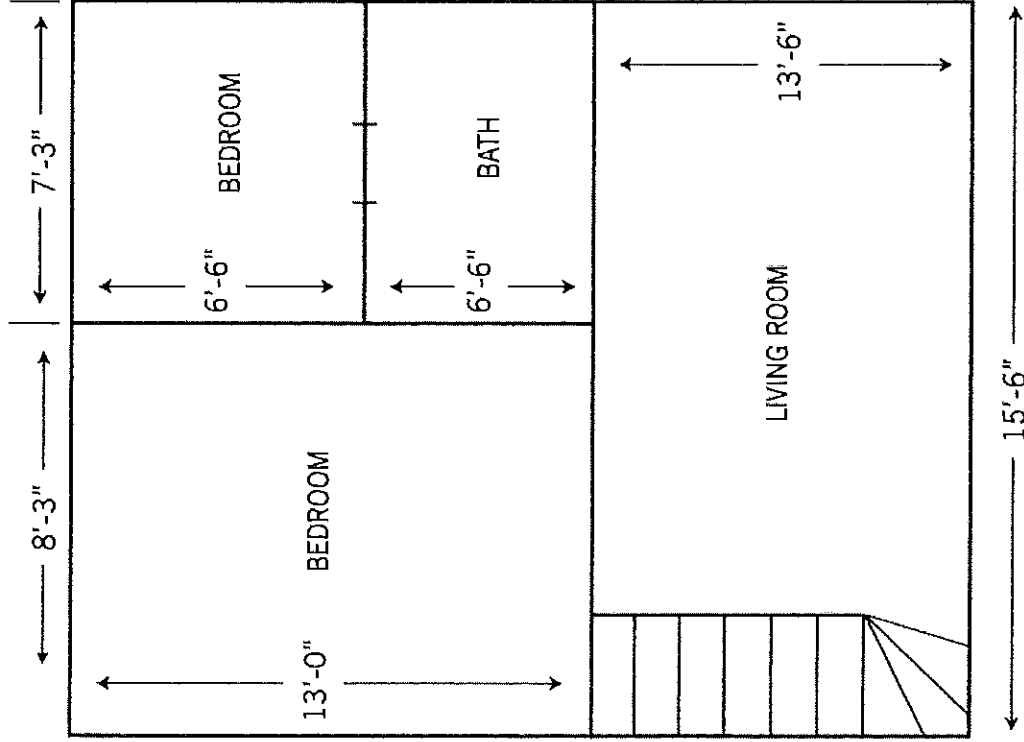
BRENT A. FIFER

AND

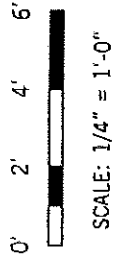
ALEXANDRA A. FIFER

UPSTAIRS

DWELLING SPACE
390 SQFT.



LEGEND / KEY TO SCALE



PREPARED BY:

BRENT A. FIFER
AND
ALEXANDRA A. FIFER

DATE:

JUNE 5, 2026

PROPERTY ADDRESS:

1125 THORNTON ST.
ELKHART, IN 46514

Rod Roberson
Mayor

Jeff Schaffer, P.E.
City Engineer



Administration, Engineering
& Laboratory
(574) 293-2572

Utility Billing
(574) 264-4273

1201 S. Nappanee St.
Elkhart, IN 46516

07/29/2026

1125 THORNTON ST
ELKHART, IN 46514

Re: 1125 THORNTON ST Elkhart, IN

To Whom It May Concern,

In reviewing our records, it has come to our attention that 1125 Thornton St has one account for water and sewer services. This includes one meter for a single family residence with one curb stop.

1125 THORNTON ST ELKHART IN 46514													Add Edit Delete		
Shortcuts															
☐ Account Notes															
☐ Alerts															
☐ Arrangements															
☐ Contracts															
☐ Deposits															
☐ General															
☐ Options															
☐ Revenues															
Service Code	Rate Code	Description	Status	Obsolet	Dwelling Units	Service Quant	Service Amount	Meter Number	Serial Number	Number of Dial	Meter Size				
100	111-GAL	VC-CITY RES	Active	☐	1.00	1.00	0.00	10898451	10898451	05	5/8"				
180	RES	WSC-RESIDENTIAL	Active	☐	1.00	1.00	0.00								
170	RES	RESIDENT HYDRANT CHG	Active	☐	1.00	1.00	0.00								
300	141-GAL	SWR MAX MAY-OCT	Active	☐	1.00	45.00	0.00								
350	INS	SEWER INSURANCE	Active	☐	1.00	1.00	0.00								
400	100	GARBAGE	Active	☐	1.00	1.00	0.00								

Please contact our office if you have any questions regarding this notice,

Thank you,

Elkhart Public Utilities

1201 S Nappanee St
Elkhart, IN 46516
574-264-4273

elkhartwaterbilling@cityofelkhartin.gov

RESIDENTIAL LEASE

ANY CHANGES MADE IN THIS LEASE FORM SHOULD BE INITIALED BY BOTH THE LANDLORD AND THE TENANT. BOTH THE LANDLORD AND THE TENANT SHOULD KEEP A COPY OF THIS LEASE.

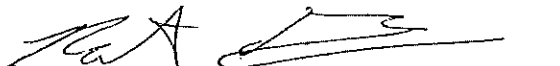
Landlord and Tenant agree as follows:

B.F. 

1. **PARTIES:** This lease is between Brent Fifer Jr. (Landlord), and Charity Collazo (Tenant).
2. **DESCRIPTION OF PREMISES AND TERM:** In exchange for the rent and other promises of Tenant expressed in this lease, Landlord agrees to rent to Tenant the following premises to be used for private residential purposes only: 1125 Thornton Street, Elkhart, Indiana 46514, for week to week term, beginning December 1, 2023.
3. **RENTAL RATE:** Tenant agrees to pay to Landlord \$ 225.00 weekly in rent for the term of this lease, paid in weekly installments in advance each Friday. A first installment of \$ 225.00 is due on December 1, 2023, and each succeeding installment of \$ 225.00 is due each Friday thereafter.
4. **USE AND OCCUPANCY:** Tenant agrees that the premises shall be used for private residential purposes only. No illegal uses permitted. The premises should only be used by Tenant, and Tenant's immediate family members, specifically Selena Collazo, Claudia Collazo, and Rosalyn Collazo. The use of premises by anyone else besides Tenant is barred. Tenant agrees to use the premises in accord with all applicable regulations imposed by any governmental authority; to observe all reasonable regulations and requirements of any insurance company concerning the use and conditions of the premises; to not permit any rubbish, waste, inflammable liquids or explosives to be stored on the premises; and to not interfere with the lawful inspection of the building or premises by the Landlord or her agents. Tenant agrees to accept said dwelling and all of the furnishings and appliances therein as being in good and satisfactory condition unless a written statement of any objections is delivered to Landlord within three (3) days after resident takes possession. Tenant agrees that failure to file such statement shall be conclusive proof that there were no defects in the property. Tenant will keep the exterior and interior of the premises in good order and repair throughout the term of this lease. Tenant agrees not to permit any damages to the premises during the period of this agreement to woodwork, floors, walls, furnishings, fixtures, appliances, lavatories, windows, screens, doors, lawns, landscaping, fences, plumbing, electrical, air conditioning and heating, and mechanical systems. Tenant specifically agrees that he will be responsible for any damage done by rain, snow, wind, or hail caused by leaving windows open; overflow of water or stoppage of waste pipes, breakage of glass, damage to screens. Tenant agrees not to park or store a motor home, recreational vehicle or trailer of any type on the premises. Tenant agrees to accept the property in its current condition and to return the premises and all furnishings to Landlord at the expiration of this lease in "moving-in clean" condition, or to pay a special cleaning charge of \$185.00 upon vacating the premises.
5. **KEYS/LOCKS:** Upon termination of this Lease, Tenant must return all keys to the premises to Landlord, or Tenant will be charged \$50 for changing the locks. If Tenant loses the keys or gets locked out of the premises during the term of this Lease, Tenant is responsible for the costs of a new key. Tenant must never gain entrance to the premises by force through a window or door, or otherwise without a key. Tenant must not change or add a new lock on any door to the premises without Landlord's written consent.

Each person who signs this Lease acknowledges, by their signature below, that they have read it, understand it, agrees to and accept its terms, and executes this Lease freely and voluntarily.

DATED: 12-1-2023


LANDLORD: Brent Fifer Jr.

DATED: _____

TENANT: Charity Collazo

BF

SEWER ASSESSMENT APPLICATION: #3566

To: Board of Public Works
City of Elkhart

Date: 07/13/10

From Mailing Name: GARY A. MILLER
Address: [REDACTED]

I, GARY A. MILLER, hereby make application for permission to connect a private sewer to the City Sewer located on the following street: 1125 THORNTON STREET.

Size of Connection: 11,335.00 Sq Ft. Said connection will be used to service property known as GATEWAY ADD LOT 104 & 105.

I understand that the Sewer Fee for connection to the City Sewer System shall be in the amount of \$2,053.12.
set forth herein below.

I submit the sum of \$410.62 herewith which represents 20.00% of the full amount of the sewer fee for said connection and agree to pay in quarterly installments, principal and interest, within a period of 59 months beginning July, ²⁰¹⁰~~1999~~, and acknowledge the right of the city to deny service and/or place a lien on the property served by said connection, as provided under Indiana Law. Interest for this contract is set at 4.25% per annum. There shall be no penalty for early payoff of all fees, or paying of additional multiple quarterly payments in the amount of principal only.

APPROVED: 7/20/10

APPLICANT: Gary A Miller

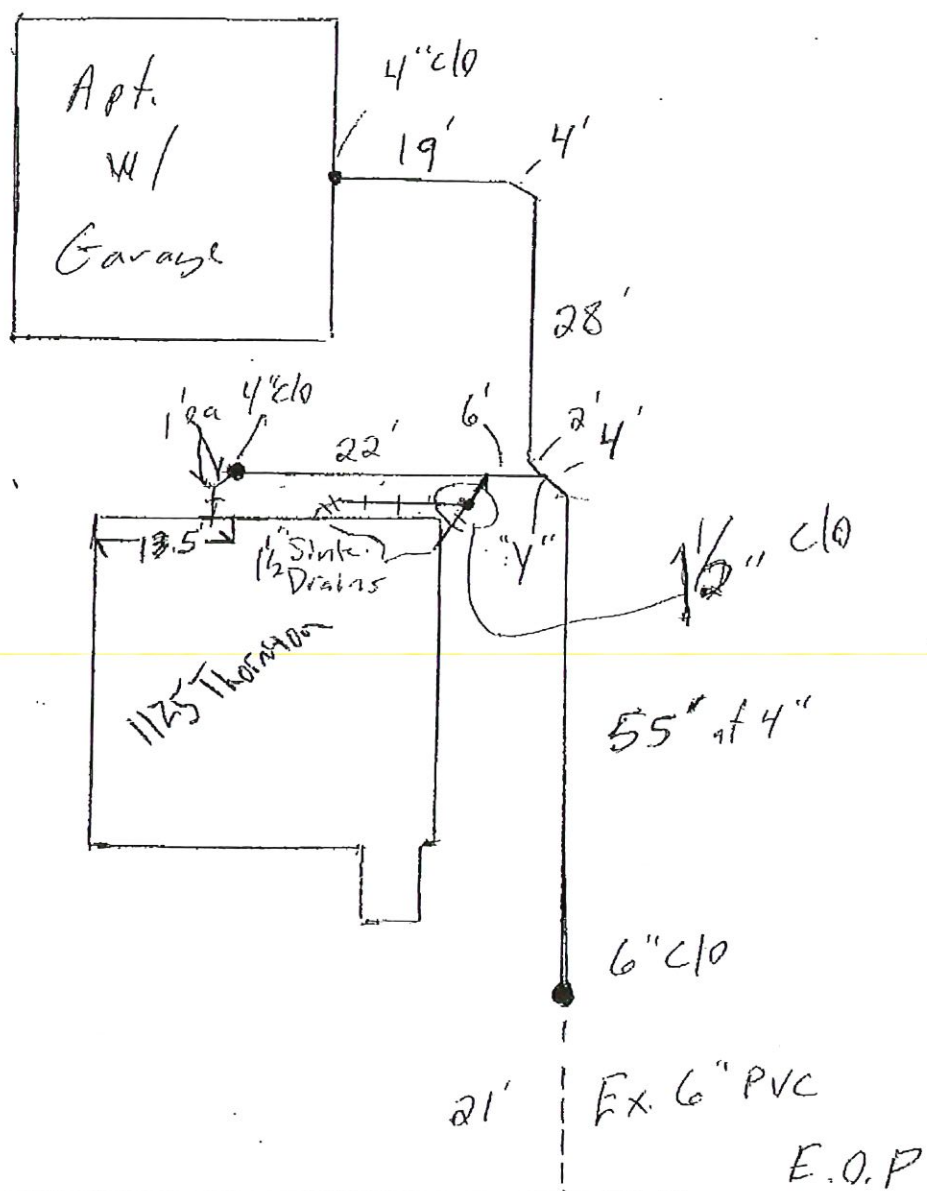
Michael Machlan
Michael Machlan

Arvis Dawson
Arvis Dawson

Robbin Miller
Robbin Miller
Andrew Carter
Andrew Carter

Frances O'Hara

Michael Machlan, City Engineer



N →



Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-19
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	October 8, 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.

Surrounding Land Use & Zoning:

The property is surrounded by residential uses zoned R-1, One-Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner 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.

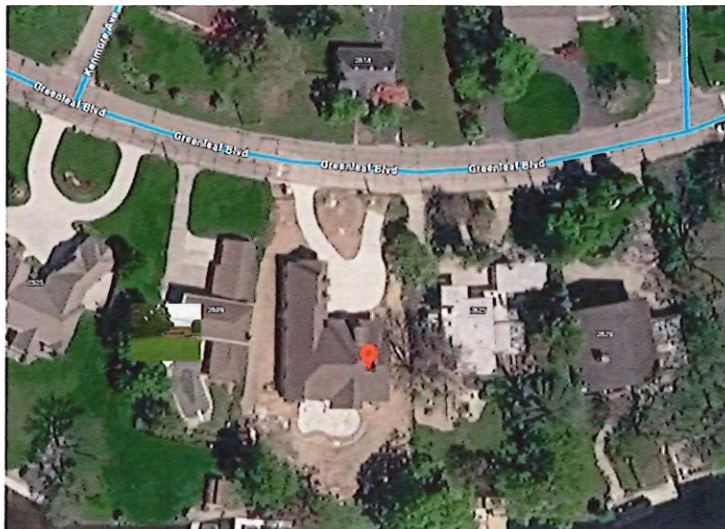
Staff recommend **denial** of this variance.

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 petitioner's 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: _____

Phone #: _____

Email: _____

Contact Person: RICHARD COLLINS

Mailing Address: _____

Phone #: _____

Email: _____

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): _____

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

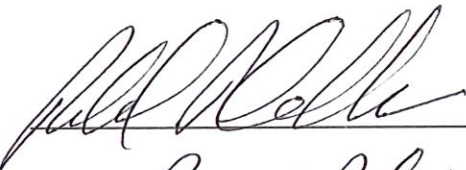
Recorded April 15, 1919-Office of the Recorder Elkhart County Plat Book #1, pages
166 and 167

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

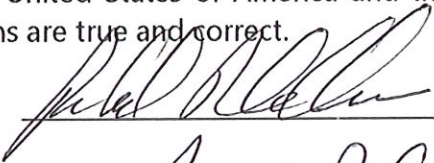
I, R.R. COLLINS, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

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.

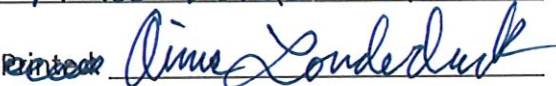

Printed: RICHARD R COLLINS

STATE OF INDIANA)

) SS:

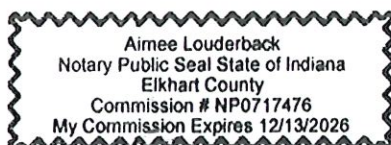
COUNTY OF ELKHART)

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


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.

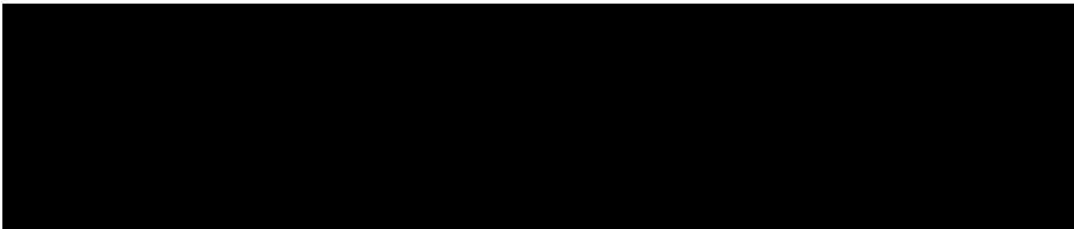
Signature of property owner Richard R. Collins

Printed Name RICHARD R. COLLINS

Second Property Owner Kathleen D. Collins

Printed Name Kathleen D. Collins

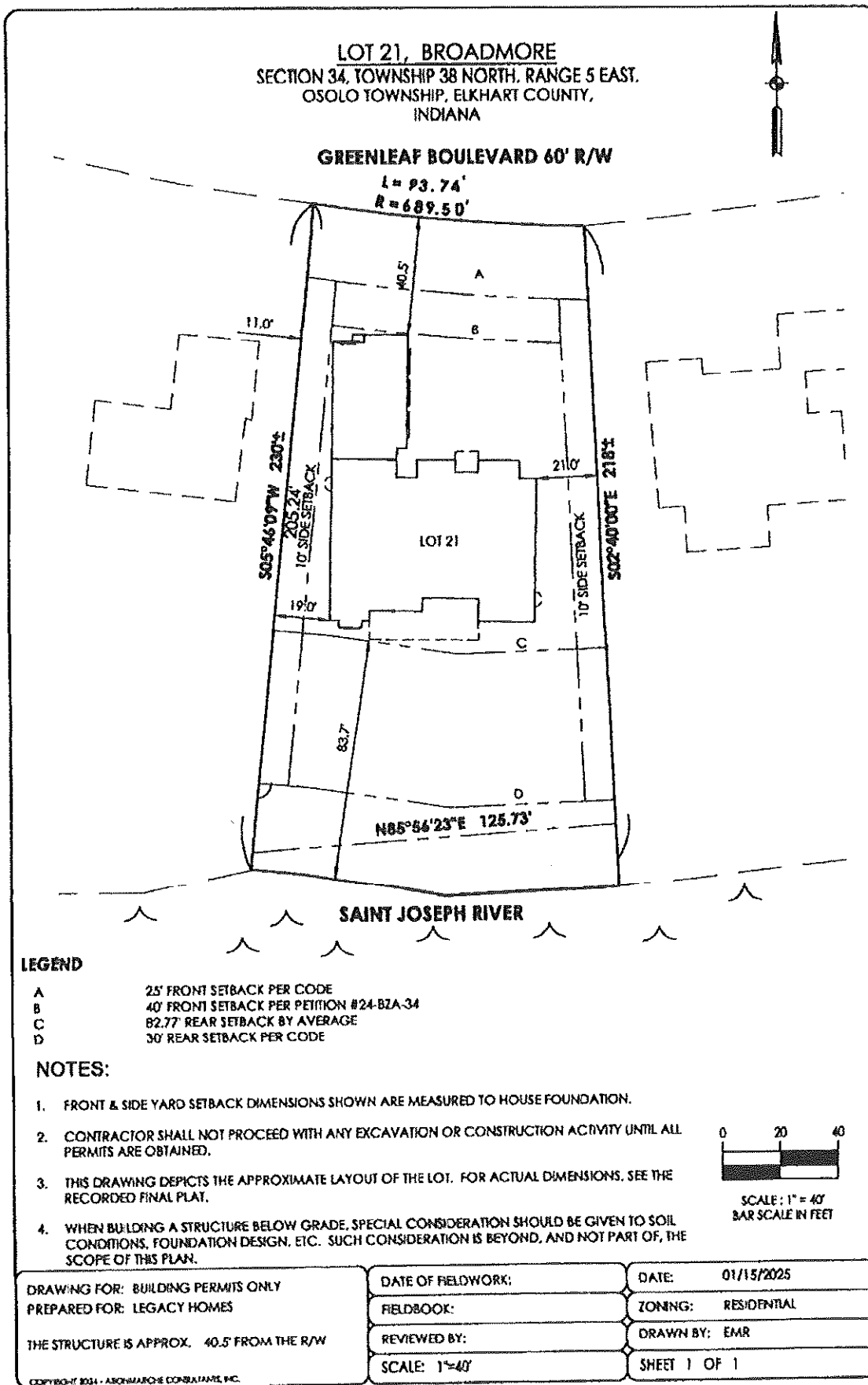
Contact Person Richard R. Collins



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-BZA-22
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	October 8, 2026
<u>Petitioner:</u>	Construction Designs by Rodman Inc c/o Bradley Rodman
<u>Site Location:</u>	4908 Elkhart East Boulevard
<u>Request:</u>	To vary from Section 26.2 C. Areas to be Landscaped, 'A reduction of landscaping standards from Elkhart East PUD E-3 development standards for the Retail and Commercial District Development Area. The required plant material for 1 acre of site area is: 28 total trees, 220 shrubs, ground cover with perennials and annuals, berms and street tree planting.' A variance of 2 trees from 28 to 26, 190 shrubs from 220 to 30, and to not install a berm.
<u>Existing Zoning:</u>	PUD E-3, Planned Unit Development
<u>Size:</u>	+/- 1.36 Acre
<u>Thoroughfares:</u>	Elkhart East Boulevard and Discovery Drive
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

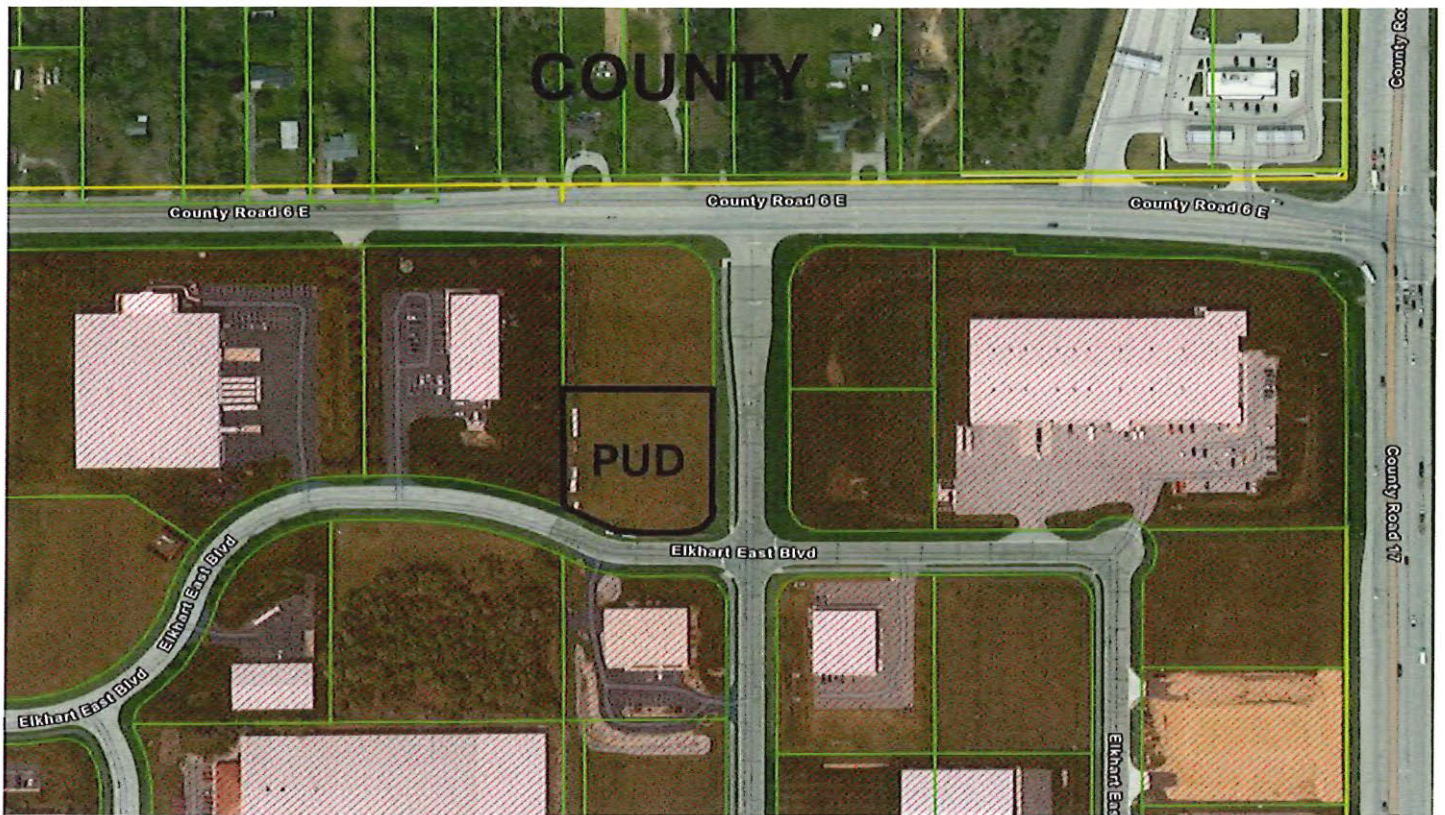
The property is surrounded by a manufacturing development and zoned PUD to allow for manufacturing. The property to the north and east is vacant and zoned PUD; the property to the south and west is zoned PUD and developed as manufacturing.

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 reduce landscaping standards from Elkhart East PUD E-3 development standards for the Retail and Commercial District Development Area. The required plant material for 1 acre of site area is: 28 total trees, 220 shrubs, ground cover with perennials and annuals, berms and street tree planting.' A variance of 2 trees from 28 to 26, 190 shrubs from 220 to 30, and to not install a berm.

The petitioner is proposing to build a new spec building designed to integrate into the Elkhart East Area D Planned Unit Development (PUD). The request is for a reduction in landscaping per the Elkhart East Commercial District Development Area standards, which are the design and development guidelines as part of the Elkhart East PUD. The proposed site plan does not meet the landscaping standards and a requested reduction of trees, shrubs and the presence of a berm are being requested. This type of variance or deviation is not that uncommon from the Elkhart East development standards. Other developed sites in the PUD have reductions in the intensity of the standards, while keeping aesthetically pleasing site improvements.

The lot, per the PUD development standards, has a substantial requirement for landscaping. The City standards, if applied, would require less plantings in total than the PUD development standards. The current landscape plan provides for a variety of onsite trees, shrubs, groundcover and street trees. The proposed design will be consistent with surrounding development within the Elkhart East Development.

This project has been submitted for Technical Review to ensure compliance with developmental standards for the Public Works Department, Fire Department and the Planning Department. By writing this report, the project review has not been completed and is in a 2nd iteration of review. All comments raised by staff must be addressed before any permits are granted.

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 reduction of landscaping will still retain an aesthetically pleasing design and will be consistent with surrounding existing development;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because landscaping will still be required and will meet the basic criteria for plantings of trees, shrubs, groundcover and street trees as outlined in the PUD development standards;
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 required landscaping would consume a significant portion of open space thus making the placement and arrangement of the building, parking, drive, loading area, and retention quite difficult;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because finding available spaces on site for a high quantity of landscaping is difficult. Adding a significant portion of landscaping on a small site would visually be overwhelming;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant because adjoining developments consistently have reduced landscaping standards and this development would be consistent with neighboring properties;
7. This property **does not** lie within the flood hazard area.

Photos



Looking West from Discovery Drive at the proposed development



Looking Northwest at the proposed development from Discovery Drive and Elkhart East Boulevard

PETITION #: 26-BZA-22

FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Bradley Rodman

Mailing Address: _____

Phone #: _____

Email: _____

Contact Person: Bradley Rodman

Mailing Address: _____

Phone #: _____

Email: _____

Subject Property Address: 4908 Elkhart East Blvd, Elkhart, IN 46514

Zoning: Elkhart East PUD - Retail and Commercial District

Present Use: Undeveloped Land

Proposed Use: Office / Warehouse

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): Bradley Rodman

SIGNATURE(S): _____

DATE: 8-14-26

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: 8/14/26

Date: August 3rd, 2026

TO: Boarding of Zoning Appeals
City of Elkhart, Indiana

RE: Development Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Bradley Rodman, am the owner of the following described real estate located within the City of Elkhart, Oslo Township, Elkhart County, State of Indiana, to-wit:

Property Address: 4908 Elkhart E Blvd, Elkhart, IN 46514

Legal Description: See attached.

2. The above described real restate presently has a zoning classification of Retail and Commercial District and is located within the Elkhart East Planned Unit Development (PUD). Current land use is an undeveloped land.
3. Petitioner presently proposes to develop the above-described property as an office / warehouse facility with associated parking, access drives, stormwater management facilities, associated utility improvements, future loading dock area, and site landscaping.
4. Petitioner desires to obtain a landscaping development variance to permit the site to comply with the landscaping standards outlined in Section 26.2 of the City of Elkhart Zoning Ordinance in lieu of the landscape standards established within the Retail and Commercial District Elkhart East PUD development standards. See proposed landscaping plan Sheet L1.0.
5. Section VI.A.1 of the Retail and Commercial District Area Development Standards of the Elkhart East PUD requires a minimum landscape requirement of 28 trees, 220 shrubs, and 1,500 square feet of groundcover per acre of site area.
6. Strict adherence to the landscaping requirements outlined in item 5 creates an unusual hardship for the petitioner. The subject property is a 1.36-acre corner parcel and is one of the smaller parcels located within the Elkhart East PUD. Additionally, 50-foot building and 25-foot parking setbacks are required along the eastern and southern property boundaries. A 30-foot-wide power and phone easement extends along the entire western property boundary, further reducing the developable area available for the site improvements listed in item 3.

As a result of the subject property's unique physical characteristics, strict compliance with the PUD landscape standards would unnecessarily limit the reasonable development of the property. The hardship results from the property's limited size, location, required setbacks, and existing utility easement. The petitioner is not requesting to eliminate landscaping requirements; instead, the

petitioner proposes to comply with the landscape standards established in Section 26.2 of the City of Elkhart Zoning Ordinance, which represent the City's current landscaping requirements.

7. The standards for a development variance are satisfied as follows:

A. The approval will not be injurious to the public health, safety, morals, or general welfare of the community.

The proposed development will comply with the current landscape standards of Section 26.2 of the City of Elkhart Zoning Ordinance. Appropriate landscaping, buffering, and screening will be provided, and the request will have no adverse impact on public health, safety, or welfare.

B. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.

The proposed landscaping will provide an attractive and well-maintained development that is consistent with surrounding properties. Compliance with the City's current landscape standards will preserve the appearance and compatibility of the development and will not adversely affect neighboring properties.

C. Granting the variance is consistent with the intent and purpose of the Zoning Ordinance.

The request is consistent with the intent of the City's landscaping standards by providing landscaping that complies with the current requirements of Section 26.2 within the City of Elkhart Zoning Ordinance. The variance simply allows the property to comply with the City's adopted standards rather than the older standards established as part of the Retail and Commercial District Area Development Standards of the Elkhart East PUD.

D. Special conditions and circumstances exist which are peculiar to the land involved and are not applicable to other lands or structures in the same district.

The subject property is one of the smaller parcels located within the Elkhart East PUD which contains only 1.36-acres, and is further constrained by a 30-foot-wide utility easement located along the western property boundary. These physical characteristics significantly reduce the available developable area and create additional challenges in meeting the PUD landscape standards while accommodating the necessary site improvements.

E. Strict application of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.

Without the requested variance, the property would be required to meet the landscaping standards established in the Elkhart East PUD while also accommodating the unique physical constraints of the site. Additionally, the existing properties adjacent to the subject parcel and within the Elkhart East PUD do not appear to provide landscaping quantities consistent with the requirements listed in Section VI.A.1 of the Retail and Commercial District Area Development Standards. Approval of the variance would allow the property to comply with the City's current landscaping requirements under Section 26.2 of the City of Elkhart Zoning Ordinance while still providing quality landscaping that is compatible with surrounding properties.

F. The special conditions and circumstances do not result from any action or inaction by the applicant.

The property's size, configuration, existing utility easement, and existing development standards established through the Elkhart East PUD existed prior to the applicant's proposed development. These conditions are inherent characterizes of the property and were not created by the applicant.

G. The variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing laws or ordinances.

Approval of the requested variance will not increase flood hazards or create any conflict with applicable laws or ordinances. The proposed development will continue to comply with all applicable engineering, drainage, stormwater management, and development requirements.

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

Respectfully submitted,

Signature of Property Owner: _____

Printed Name: Bradley Rodman

Contact Person: Bradley Rodman

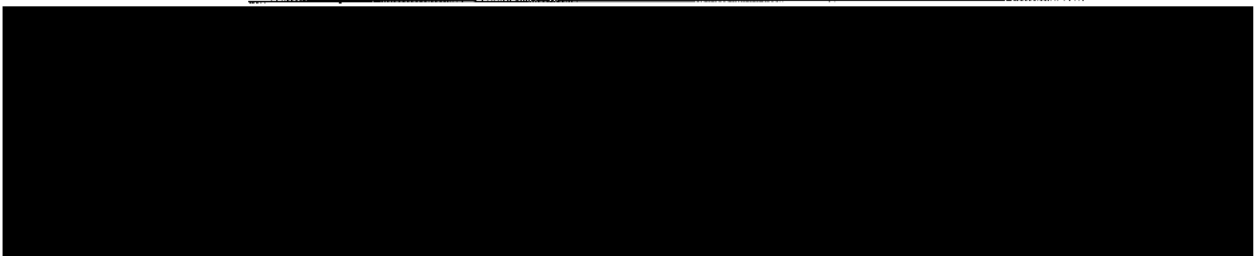


EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 20-02-25-226-004.000-027

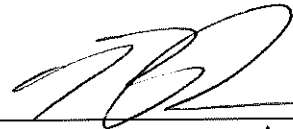
LOTS NUMBERED TWENTY-THREE (23) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF ELKHART EAST AREA 'D' - PHASE IV, RECORDED SEPTEMBER 25, 2015 IN PLAT BOOK 36, PAGE 2 IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA.

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

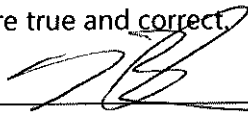
I, Brad Rodman being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

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 4408 Elkhart East Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 14 day of Aug., 2026.


Printed: Brad Rodman

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: Brad Rodman

STATE OF INDIANA)

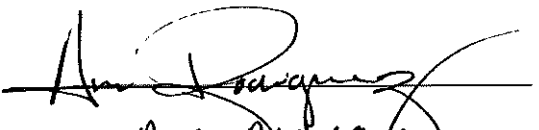
) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Bradley Rodman and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 14 day of August, 2026.



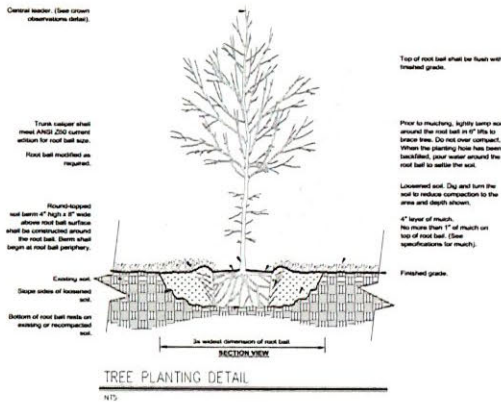
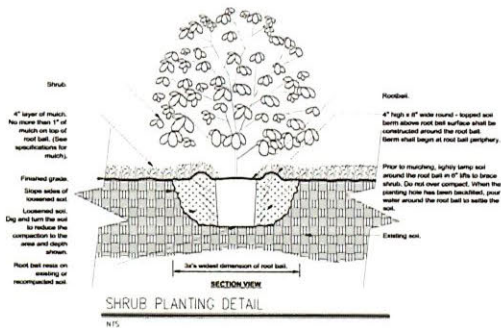
ANA RODRIGUEZ, Notary Public
Noble County, State of Indiana
Commission Number NP0755300
My Commission Expires March 18, 2032


Printed: Ana Rodriguez

My Commission Expires:

MARCH 18, 2032

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



LANDSCAPING NOTES

- ALL AREAS NOT DESIGNATED TO RECEIVE IMPERVIOUS SURFACE SHALL RECEIVE PERMANENT GRASS LAWN WITH A MINIMUM 6" OF TOPSOIL AND STRAW MULCH OR EROSION CONTROL BLANKET PER SHEET C2.1.
- ALL PLANT MATERIAL SHALL BE HARDY AND FREE OF HARMFUL INSECTS AND DISEASES. PLANTS SHALL COMPLY WITH ANSI Z60.1.
- ALL PLANT SPECIES ARE "AS SPECIFIED", BUT MAY BE SUBSTITUTED WITH APPROVAL OF SITE OWNER.

LANDSCAPING REQUIREMENTS

SECTION 28.2 LANDSCAPE AND SCREENING REQUIREMENTS FROM THE CITY OF ELKHART ZONING ORDINANCE.

WITHIN A FRONT OR CORNER SIDE YARD, LANDSCAPING SHALL CONSIST OF ANY COMBINATION OF CANOPY AND/OR ORNAMENTAL TREES, SHRUBS, AND GROUND COVER WITH:

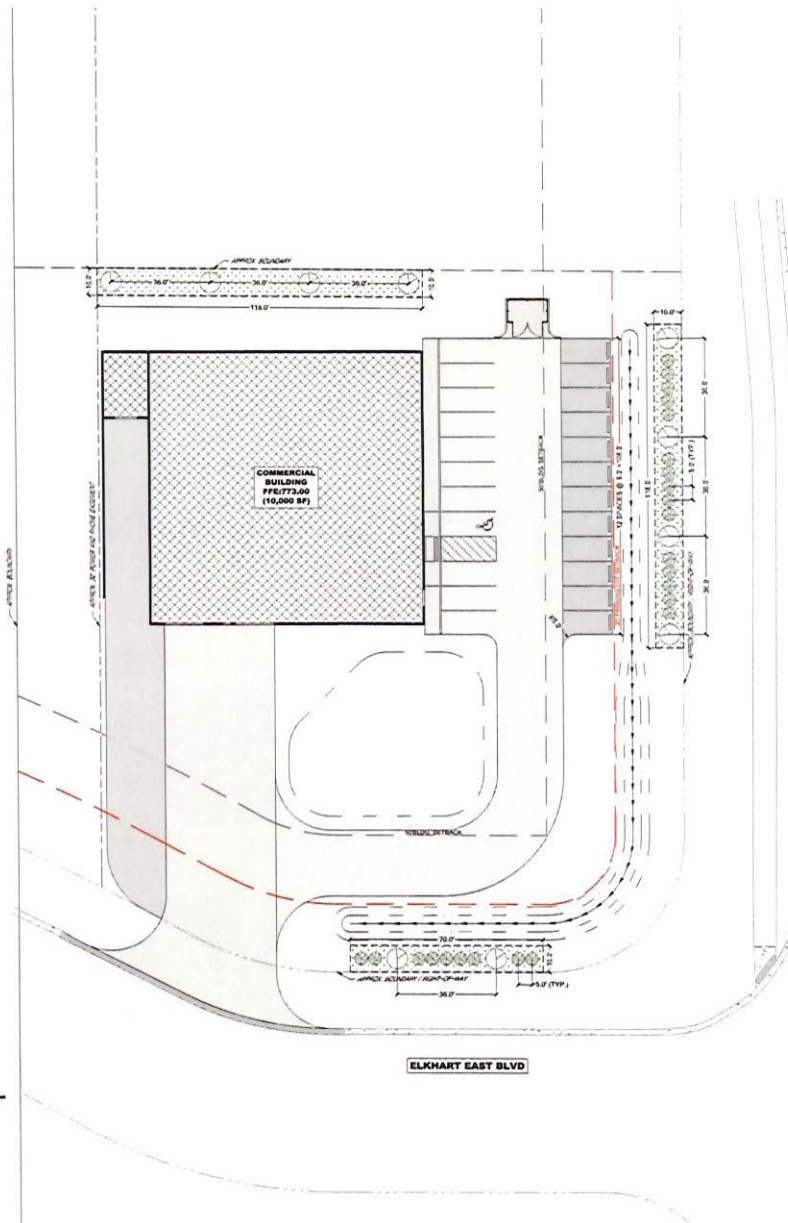
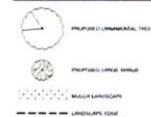
- AT LEAST (1) CANOPY OR ORNAMENTAL TREE PER 4,000 SF OF YARD AREA FOR THE FIRST 25,000 SF
- (1) ADDITIONAL CANOPY OR ORNAMENTAL TREE PER 6,000 SF OF YARD AREA ABOVE 25,000 SF.

MINIMUM TREE'S REQUIRED PER ORDINANCE:

TOTAL YARD AREA POST DEVELOPMENT SITE CONDITION INCLUDING FUTURE SITE ADDITIONS = ± 22,315 SF
A MINIMUM OF 7 CANOPY OR ORNAMENTAL TREE'S REQUIRED

Symbol	Type	Common Name	Scientific Name	Minimum Size (at Planting)	Recommended Spacing	Quantity
	Large Shrub	Smooth Hydrangea	Hydrangea Arborescens	2' high	5'	24
	Ornamental Tree	White Flowering Dogwood	Cornus Florida	2" caliper	30'	10

LANDSCAPE LEGEND



DISCOVERY DRIVE



NEW CONSTRUCTION

COMMERCIAL BUILDING

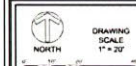
4808 ELKHART E BLVD
ELKHART, IN 46514

ISSUED FOR PERMIT REVIEW

REVISIONS

NO.	DATE	DESCRIPTION

CAD FILE: J228_01a.dwg
DRAWN BY: DRC
CHECKED BY: JPH
DATE: 08/04/2018
PROJECT NO: J228-101



LANDSCAPE PLAN

L1.0



Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-23
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	October 8, 2026
<u>Petitioner:</u>	Dean Moore c/o Dean & Melody Moore
<u>Site Location:</u>	1765 East Beardsley Avenue
<u>Request:</u>	To vary from Section 26.1.B.8.a, which states in part, 'A maximum of two (2) accessory buildings is allowed on each lot', to allow for a total of three (3) accessory buildings, a variance of one (1) accessory buildings. This request is to replace a deteriorated tool shed (accessory structure).
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 0.20 Acre
<u>Thoroughfares:</u>	East Beardsley Avenue and The Circle
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	The property is surrounded by residential uses zoned R-2.
<u>Applicable Sections of the Zoning Ordinance:</u>	Enumerated in request.
<u>Comprehensive Plan:</u>	The Comprehensive Plan calls for this area to be developed with a mix of low-density residential uses.



Staff Analysis

The petitioner is seeking to vary from Section 26.1.B.8.a, which states in part, ‘A maximum of two (2) accessory buildings is allowed on each lot’, to allow for a total of three (3) accessory buildings, a variance of one (1) accessory buildings. This request is to replace a deteriorated tool shed (accessory structure).

The single-family dwelling is located 2 lots west of the intersection of East Beardsley Avenue and The Circle. The home has a detached garage and small shed located at the rear of the garage and both are considered accessory structures. On the west side of the garage, interior to the lot, a temporary tent-like accessory structure (not tool shed – as was noted in staff’s request) has been present for several years.

The tent-like accessory structure was removed and replaced with a 12’ X 24’ pre-built accessory structure. The placement of the accessory structure was cited by zoning enforcement on August 18, 2026, for installation without obtaining permits. A Building Permit and Zoning Clearance permit for an accessory structure was submitted on August 24, 2026. The staff informed the applicant by adding a third accessory structure, the development standards for number of accessory structures allowed on a residential lot were not permitted. The applicant then filed with the board on August 28, 2026. The petitioner is seeking a variance to keep the accessory structure, which sits directly west of the detached garage in the rear yard.

The property has a one car garage, a shed and sits on one platted lot. The additional accessory structure is for the storage of personal items in a secure structure while wintering in Arizona. The combined accessory structures do not exceed the maximum allowance for square footage of accessory size nor does it exceed the square footage of the primary dwelling. The clustering of the accessory structures provides room and use of the rear yard. The existing detached garage and small shed were built before 2007 and no permits could be located for the structures.

Staff recommends **approval** of this variance.

Recommendation

The Staff recommends **approval** of the developmental variances to vary from the requirements found in Section To vary from Section 26.1.B.8.a, which states in part, 'A maximum of two (2) accessory buildings is allowed on each lot', to allow for a total of three (3) accessory buildings, a variance of one (1) accessory buildings on the lot based on the following findings of fact:

1. The approval **will not be** injurious to the public health, safety, morals or general welfare of the community because the shed will be constructed and inspected to ensure it meets 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 accessory structure is placed internal to existing buildings and setback lines and would not directly impede on an adjoining 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 which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because without board action the adding of an accessory 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 the owner would not be able to place the structure without board action;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because the property owner, without knowledge, improved the property without the necessary permits or approvals. Current effort to satisfy all necessary approvals is underway;
7. This property **does not** lie within a designated flood area.

Photos



Site visit – view from Beardsley – front of house



View from Beardsley – front of house showing new shed next to garage

PETITION #: 26 BZA 23

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Dean Moore

Mailing Address: _____

Phone #: _____

Email: _____

Contact Person: Dean & Melody Moore

Mailing Address: _____

Phone #: _____

Email: _____

Subject Property Address: 1765 E. Beardsley Ave

Zoning: Residential Single family dwelling

Present Use: 2 Accessory Buildings Proposed Use: 3 Accessory Buildings

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): Dean Moore

SIGNATURE(S): _____

DATE: 8-28-26

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 Lewandoski

DATE: 8/28/26

Levendoski, Raen

From: Dean Moore <[REDACTED]>
Sent: Sunday, August 30, 2026 10:08 AM
To: Levendoski, Raen
Subject: EXTERNAL: 1765 E. Beardsley Ave Owner's Agent Authorization

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

I, Dean Moore, authorize Melody Moore, my wife, to act as my agent for petition purposes for the property located at 1765 E. Beardsley Ave.

Respectfully,
Dean Moore

Levendoski, Raen

From: Dean Moore <[REDACTED]>
Sent: Sunday, August 30, 2026 10:08 AM
To: Levendoski, Raen
Subject: EXTERNAL: 1765 E. Beardsley Ave Owner's Agent Authorization

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

I, Dean Moore, authorize Melody Moore, my wife, to act as my agent for petition purposes for the property located at 1765 E. Beardsley Ave.

Respectfully,
Dean Moore

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Dean Moore 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 1765 E Beardsley Av Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 28 day of Aug, 2026.

Dean Moore

Printed: Dean Moore

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.

Dean Moore

Printed: Dean Moore

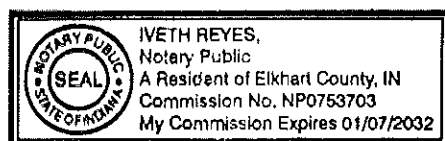
STATE OF INDIANA)

1 SS:

COUNTY OF ELKHART)

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

Printed: Lueth Keyes



My Commission Expires:

01/07/2032

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

Developmental Variance Appeal Letter
DATE: August 27, 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, Dean Moore, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:

Lot Number One Hundred Ten (110) except the west forty (40) feet thereof, as the said lot is known and designated on the recorded Plat of GREENLEAF PARK, an Addition to the City of Elkhart, Indiana. Said Plat being recorded in Plat Book 1, pages 154 to 156 inclusive, in the Office of the Recorder of Elkhart County, Indiana.

2. The above described real estate presently has a zoning classification of Residential One Family Dwelling District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above described property as a resident.
4. Petitioner desires to add a Storage unit in addition to the detached garage and yard barn currently located on the property.
5. Section 26.1.B.8.a of the Zoning Ordinance of the City of Elkhart allows a maximum of 2 accessory structures with a maximum of 840 square feet for all accessory buildings combined. The total for all three structures is 768.
6. Section 26.1.B.8.a of the Zoning Ordinance allows only 2 accessory structures. Our small, single car detached garage is considered one of these units and our small yard barn is the other structure. We want to add an additional storage unit to store our yard tractor, outdoor furniture, gas grill, large flower pots and push mower. We winter in AZ and want to lock up our outdoor items, keeping them as secure as possible in our absence.
7. Standards:
 1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because it may help deter theft of items left in public view. It will improve the visual appearance of the house, keeping items from blowing around the yard.
 2. The use and value of the area adjacent to the property will not be affected in an adverse manner because the storage unit is a more attractive building.
 3. Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance because it would help keep the property and neighborhood neat and tidy by storing our items inside.
 4. Special conditions and circumstances exist which is peculiar to land involved and

not applicable to other lands or structures in the same district. When the house was built in the late 1940s, garages were smaller with very little storage space. After living here for 58 years, we have accumulated a few more things so we need more storage space.

5. Strict application of the terms of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district. We would be deprived of the storage space enjoyed by those with 1.5 – 2 car garages.
6. The special conditions and circumstances do not result from any action or inaction by the applicant. Living here for 58 years, the property has been well maintained and has kept a neat and tidy appearance. The yard has been mowed and landscaping has been tended. The additional storage unit is in keeping with the appearance of the existing house and garage.
7. In designated flood hazard areas, the variance will not increase flood heights, created additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing laws or ordinances. This property is not in a flood hazard area. The additional storage unit may help to increase public safety because our outside items would be out of site of potential thieves, helping to make the neighborhood safer. It will not conflict with existing laws or ordinances because the unit is sitting next to the existing garage. It is not a nuisance because it is similar in appearance to the existing house and structures.

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

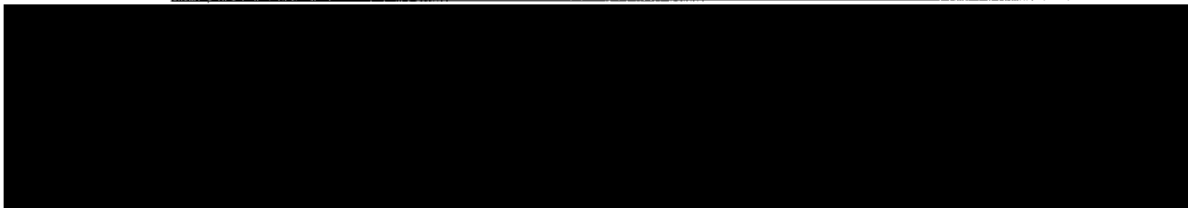
Signature of Property Owner Dean Moore

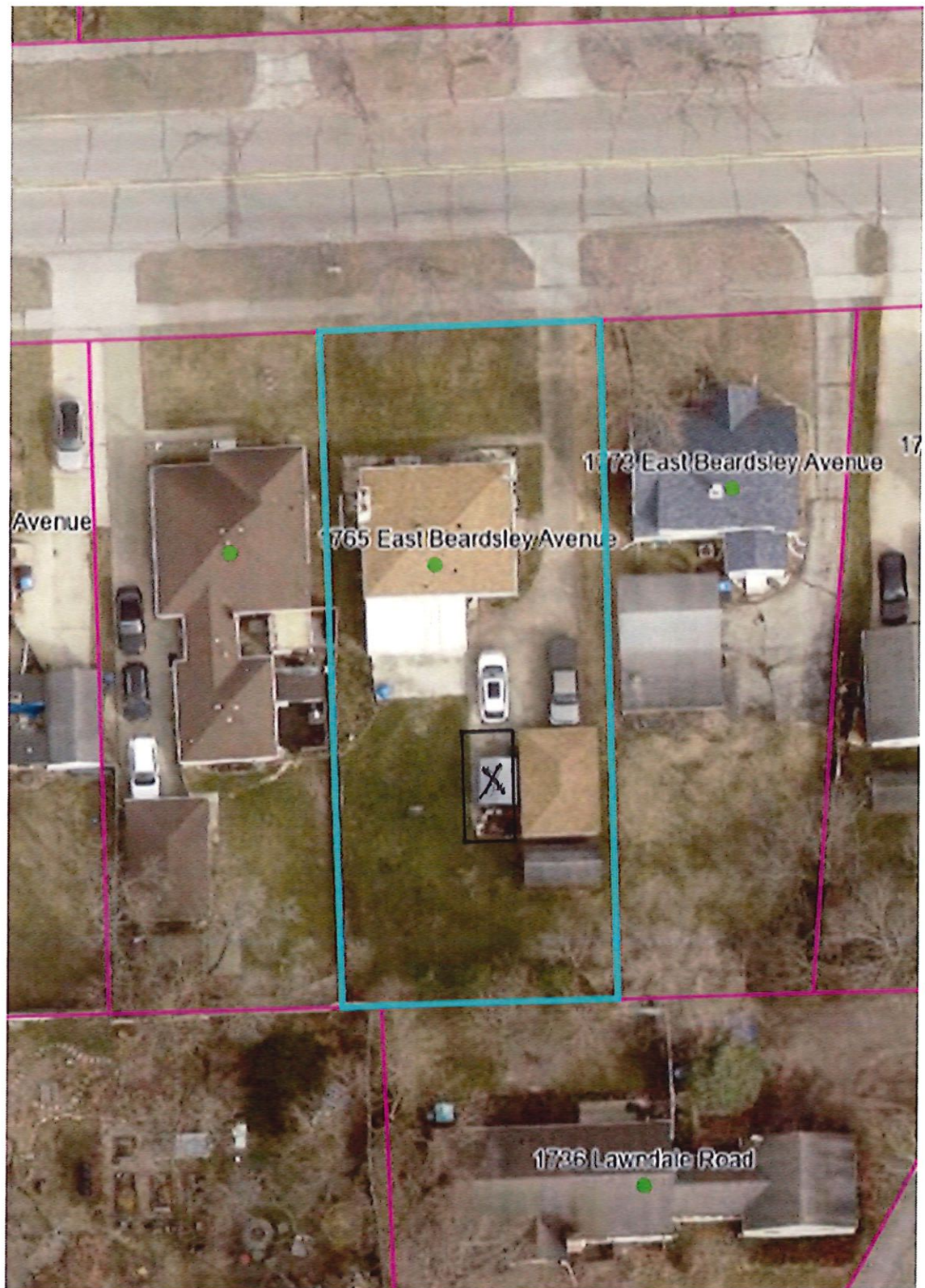
Printed Name: Dean Moore

Contact Person: _____

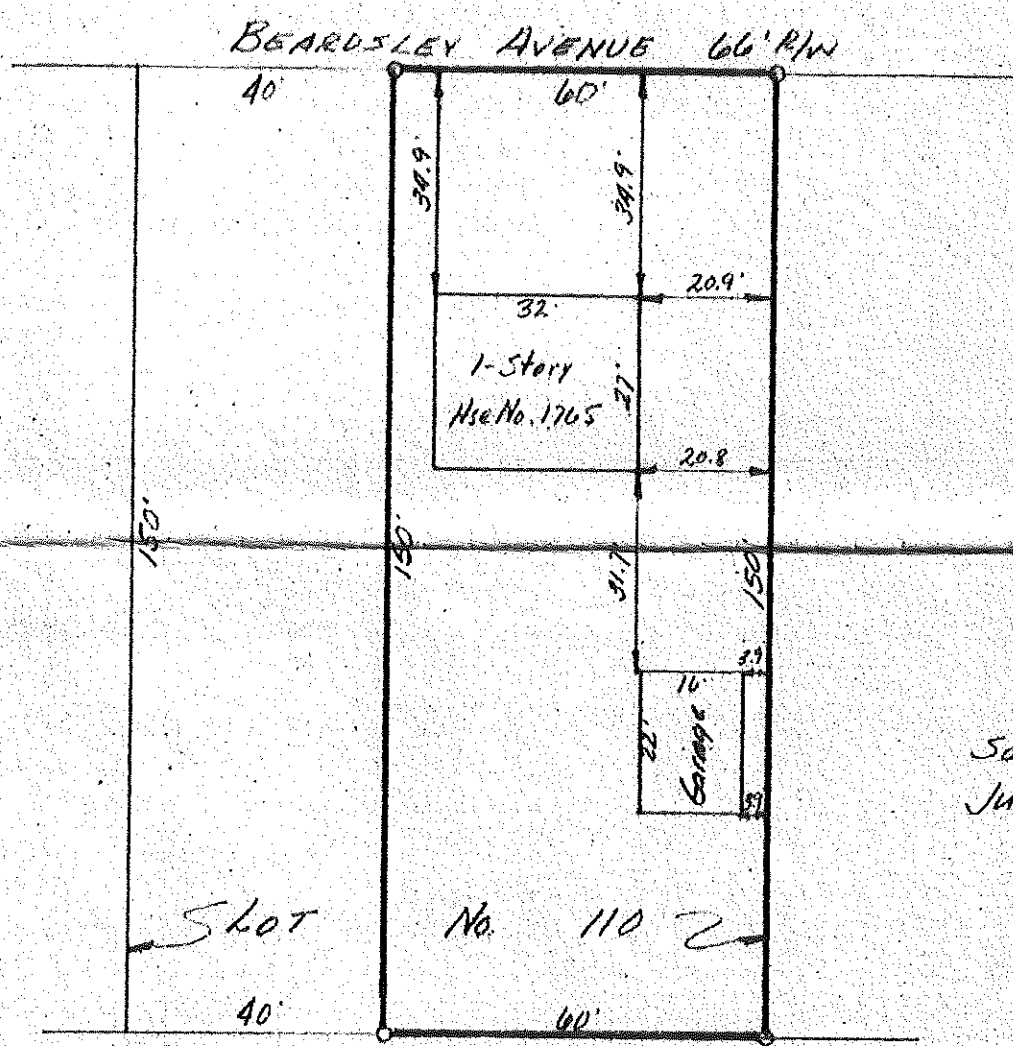
Name: _____

Address: _____





7110000



Scale 1"=30'
June 10, 1968

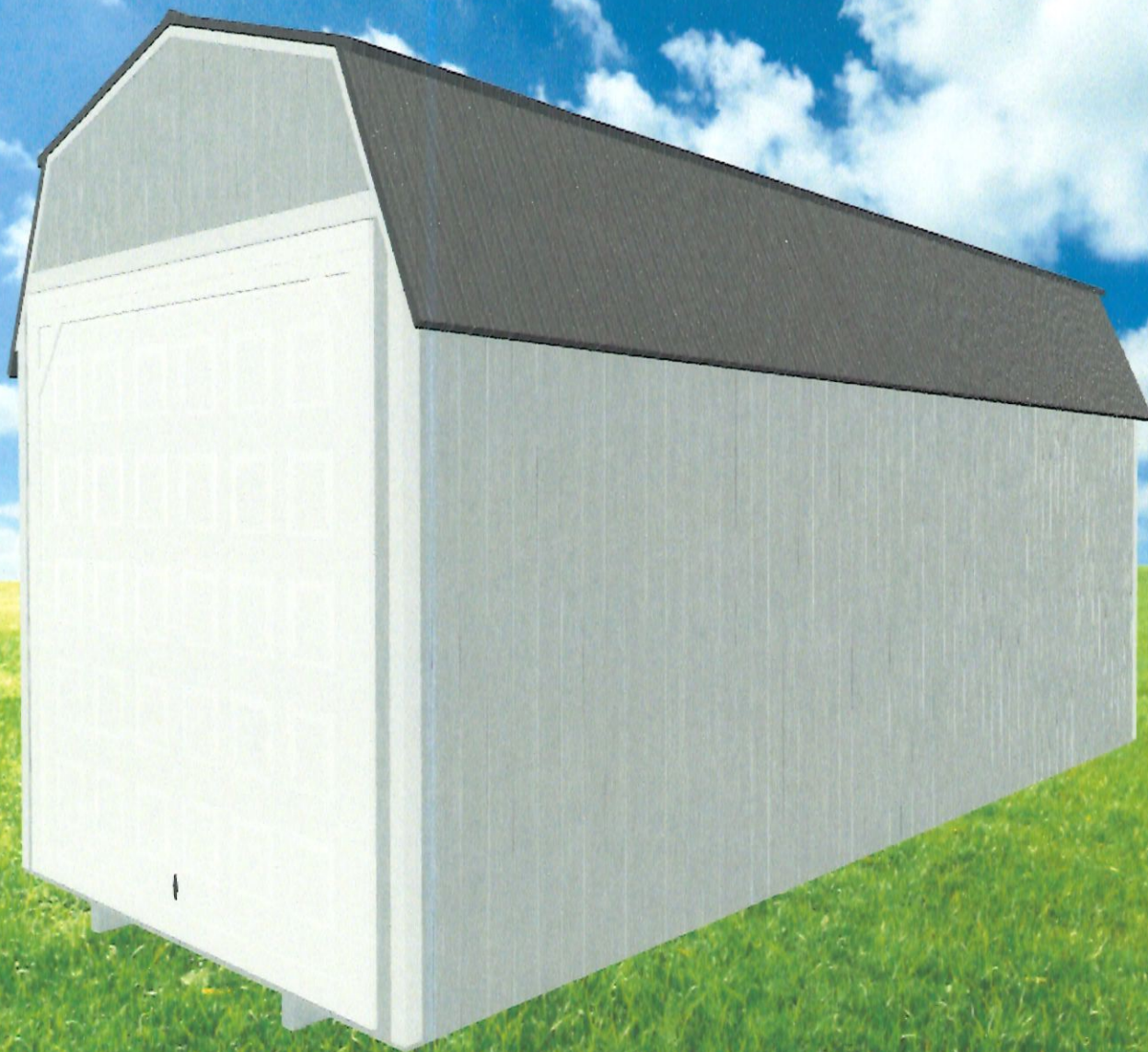
1765 E BEARDSLEY AVENUE
LOT No. 110 EXCEPT W. 40' IN GREENLEAF PARK ADD.
ELKHART, INDIANA

I hereby certify that the above map is an accurate representation of the survey of the above described premises and that iron stakes are located at all places shown thus ----- O.



D. E. Dickey
D. E. Dickey
Registered Land Surveyor

[Return to Builder](#)



[Update Background Here](#)

AUG 2026

PRAIRIE BUILT BARNs

TOP QUALITY PORTABLE BARNs



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Built in THE MIDWEST for THE MIDWEST



PRAIRIEBUILTBARNs.COM



Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-24
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	October 8, 2026
<u>Petitioner:</u>	Luis Rodriguez Santiago
<u>Site Location:</u>	604 Markle Avenue
<u>Request:</u>	To vary from Section 5.4, Yard Requirements, for the front yard average established setback of fifty-four (54) feet, to allow for the enclosing of an existing porch at a front yard setback of zero (0) feet, a variance of fifty-four (54) feet.
<u>Existing Zoning:</u>	R-2, One-Family Dwelling District
<u>Size:</u>	+/- 0.144 Acre
<u>Thoroughfares:</u>	Markle Avenue and South 6th Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.
<u>Surrounding Land Use & Zoning:</u>	The property is surrounded by low-density residential zoned R-2.
<u>Applicable Sections of the Zoning Ordinance:</u>	Enumerated in request.
<u>Comprehensive Plan:</u>	The Comprehensive Plan calls for this area to be developed with low density residential uses.



Staff Analysis

The petitioner wishes to vary from Section 5.4, Yard Requirements, for the front yard average established setback of fifty-four (54) feet, to allow for the enclosing of an existing porch at a front yard setback of zero (0) feet, a variance of fifty-four (54) feet.

The petitioner is proposing to enclose an existing front porch on a single-family dwelling. The petitioner, as submitted in a permit, is also seeking to add a sidewalk, covered with an extension of the roof line between the porch and the driveway which is proposed to be immediately adjacent and parallel to the front of the home.

The property history below includes a development timeline of building improvements:

- The house was constructed in 1953 and is measured at 704ft².
- Staff have retrieved a property survey from 1997 showing the existing home setback between 14.78' and 15.05' from the Markle ROW boundary.
- A 2007, a Google street view indicates a small deck with railings approximately 5'-7' extending from the house.
- In 2009, a permit to remove an old deck and replace rotten wood was approved. The deck was expanded to 15' wide X 10' long. This is represented in a 2013 google street view image.
- In 2023, a permit was issued in error to replace an existing deck and add a roof over the deck.
- A permit was applied for in August 2026 to enclose the porch into a three-season room, the staff made the applicant aware a Developmental Variance was needed to enclose the porch.
- The current deck structure measures 20' wide X 15' long and is covered as part of the roof line extension (assessors record shows measurement at 22' wide X 14' long).

The lot, by the zoning ordinance development standards, has an established building line of 54' as the four dwellings to the west are setback a good distance from Markle. There are no sidewalks on Markle and sidewalks assist with helping develop and accurate location of the extents of Markle's ROW. Setbacks are calculated from the ROW line. The petitioners site plan shows measurements to the center of the roadway which is an incorrect measurement and irrespective of the ROW location. The current front porch measured 15' extending from the house, would place the covered porch at the ROW line or possibly into the ROW. A current survey of the improvements in relation to property lines is not known to exist.

The incremental expansion of structures towards the Markle Avenue ROW and possibly into the ROW indicates that now is a good time to assess the location of the built structure. Having a proposed living space extend to the ROW line on a corner lot is not an ideal development pattern in a larger lot residential neighborhood. Some level of relief is warranted to reduce a setback for a non-conforming structure. Enclosing a structure at the ROW boundary would negatively impact the aesthetics and development pattern of the neighborhood. This development could also compromise any improvements in the ROW regarding the placement of sidewalks, road, sewer, water or other infrastructure improvements.

Staff recommends **denial** of this petition.

Conditions

1. A boundary survey by a registered land surveyor should be required by the land owner to assure no private improvements extend into the public ROW. The request to the surveyor should include a boundary survey which include physical improvements marked with respective distances to property lines shown.

Recommendation

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

1. The approval **will** be injurious to the public health, safety, morals or general welfare of the community because the development extends to the Right of Way boundary which will impede the layout and design of the residential development pattern in the neighborhood and impact future improvements in the Right of Way;
2. The use and value of the area adjacent to the property **will** be affected in a substantially adverse manner because the proposed enclosure will have a negative impact of the development within the Right of Way and then have corresponding impacts with future development in the neighborhood;
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 dwelling upon initial construction is placed much closer than adjacent structures and cannot meet the established setback;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property as the porch exists and has been used for benefit of the landowner;

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 the flood hazard area.

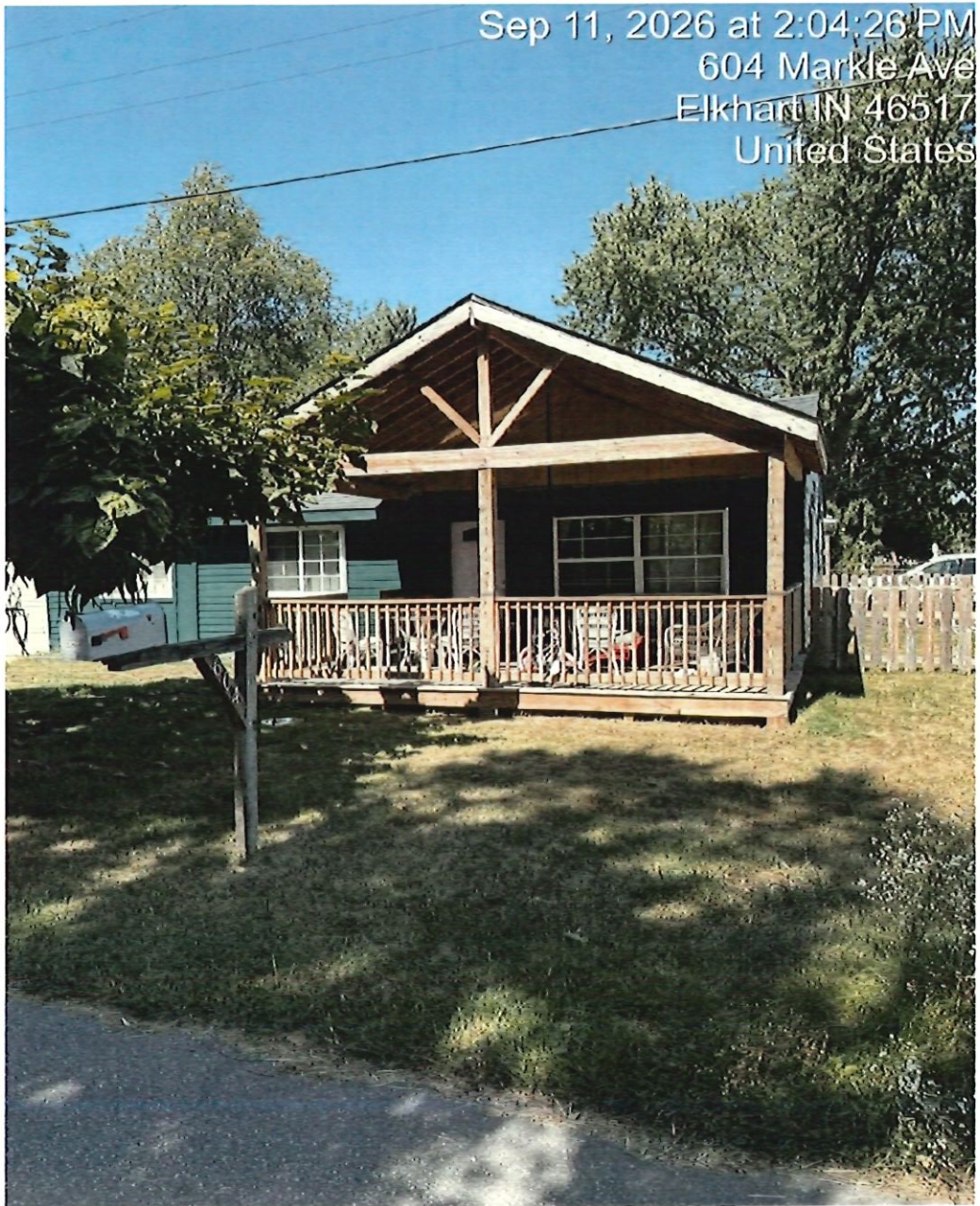
Photos



2007 Google Street view image



2013 Google Street view image



Site visit – looking at the front of 604 Markle Avenue

Sep 11, 2026 at 2:03:16 PM
2301 S Sixth St
Elkhart IN 46517
United States

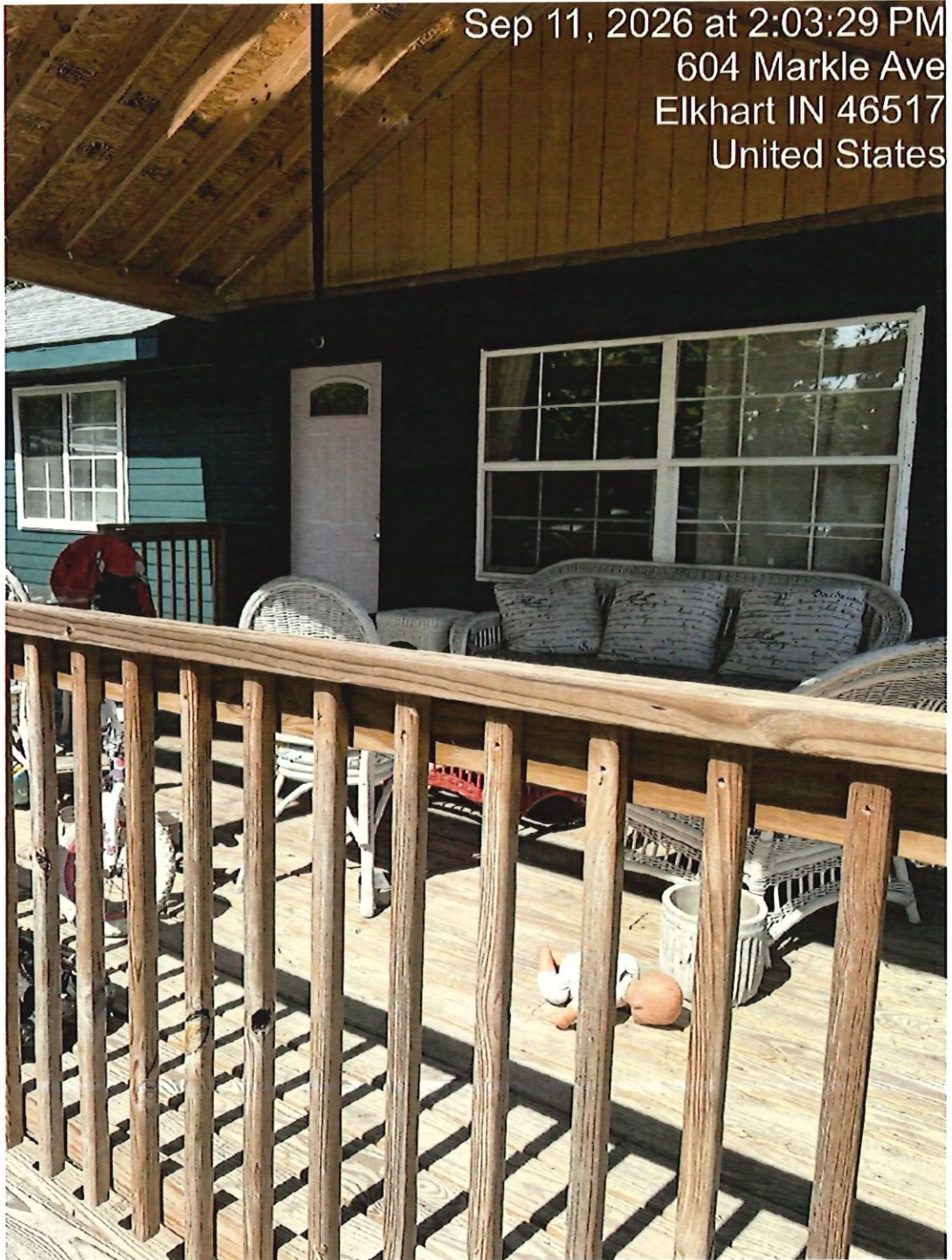


Site visit – looking from 6th street at the covered porch

Sep 11, 2026 at 2:03:55 PM
604 Markle Ave
Elkhart IN 46517
United States



Site visit – looking from the driveway towards the porch



Site visit – looking inside the porch



Site visit – viewing rafters standing outside the porch

PETITION #: 26-BZA-24

FILING FEE: \$ 200.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Luis Rodriguez Santiago

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: Same

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 604 Market Ave Elkhart IN 46517

Zoning: R-2

Present Use: Single Fam Residential Proposed Use: Same

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Luis Rodriguez Santiago

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 Levendoski DATE: 9/1/26

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Luis Rodriguez 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 604 Markle Ave Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 08 day of 31, 2026.

[Signature]

Printed: Luis Rodriguez Santiago

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: Luis Rodriguez Santiago

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Luis Rodriguez Santiago, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 31 day of August, 2026.

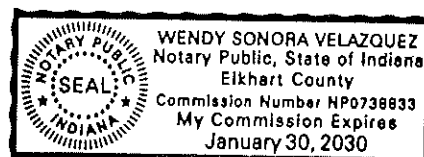
[Signature]

Printed: Wendy Sonora Velazquez

My Commission Expires:

Jan 30, 2030

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



DEVELOPMENTAL VARIANCE APPEAL LETTER

Date: August 31, 2026

To:
Board of Zoning Appeals
City of Elkhart, Indiana

Re: Developmental Variance - 604 Markle Avenue, Elkhart, Indiana

Dear Members of the Board of Zoning Appeals:

The undersigned petitioner respectfully submits this appeal and requests a developmental variance for the property located at 604 Markle Avenue, Elkhart, Indiana, in Elkhart Township, Elkhart County, Indiana.

I am the legal owner and resident of the property.

Legal Description: Hillside View SD, Lot 17
Zoning Classification: R-2
Common Address: 604 Markle Avenue, Elkhart, Indiana

The property is currently used as a single-family residence, and that use will remain unchanged.

I am submitting this developmental variance request in connection with Permit Application #A26-2430 for the property at 604 Markle Avenue.

The proposed improvements consist of enclosing the existing attached front porch/deck and adding a covered walkway, as shown on the submitted site plan. The area proposed for the covered walkway is highlighted in orange on the drawing.

The purpose of enclosing the existing porch is to allow it to be used as a three-season porch and to provide protection from inclement weather for residents, visitors, and delivery service providers.

No change to the property's use is being requested. The property will remain a single-family residence.

The existing porch/deck is already located in its current position. The proposed enclosure will not move the porch farther toward the front property line or otherwise change its existing location. The front setback will remain as it currently exists.

The requested variance is necessary because enclosing the existing porch changes the status of the existing structure in relation to the applicable front setback requirements.

The detailed site plan submitted with this petition shows the existing property layout, measurements, and proposed improvements. The proposed covered walkway is

highlighted in orange.

Applicable Zoning Requirement and Hardship

The Zoning Ordinance of the City of Elkhart requires compliance with Section 5.4, Yard Requirements – Front Yard.

Due to the particular layout and positioning of the property, we are negatively affected by the configuration of the two lots adjacent to our property. The property sits in line with the properties to the rear; however, it shares a street and faces properties that are positioned differently from ours.

This particular configuration creates a hardship in providing safe and weather-protected passage to the residence for the owners, guests, and delivery service providers who need access to the main front door.

It is important to emphasize that the current layout of the property will remain as it is. The existing porch/deck will not be moved farther toward the front property line. The requested variance would allow us to construct the proposed covered walkway farther back from the existing setback area, as shown on the submitted site plan, providing a safer and more practical means of access to the front entrance.

The proposed improvements are intended to address the unique circumstances created by the existing configuration of the property while maintaining its existing residential use.

1. Public Health, Safety, and General Welfare

The requested variance will not be injurious to the public health, safety, morals, or general welfare of the community.

The proposed improvements are intended to improve the existing residential property without changing its use. The covered walkway will provide a protected and safer means of access to the residence during rain, snow, and other inclement weather, including for residents, visitors, and delivery service providers.

The project does not introduce a commercial use or any other activity that would create additional impacts to the surrounding neighborhood.

2. Effect on Adjacent Properties

The use and value of the area adjacent to the property will not be substantially adversely affected by the requested variance.

The property will continue to function as a single-family residence. The proposed improvements are limited to the existing attached porch/deck and the covered walkway shown on the submitted plan.

The improvements will not change the residential character of the property. They will instead provide additional weather protection and improve the overall

functionality and condition of the residence.

I also believe these improvements will contribute positively to the appearance and upkeep of the property and the surrounding neighborhood.

3. Consistency With the Intent and Purpose of the Zoning Ordinance

Granting the requested variance would be consistent with the intent and purpose of the Zoning Ordinance because the property will remain an R-2 single-family residence.

The request is not for a change in use or for an expansion of an incompatible use. It is for improvements to an existing residential structure and the addition of a covered walkway.

The existing location of the porch/deck will remain unchanged, and the proposed improvements are intended to improve the property while maintaining its existing residential character.

4. Special Conditions and Circumstances

Special conditions and circumstances exist due to the existing configuration and location of the property and attached front porch/deck.

The porch/deck is an existing part of the residence and has remained in its current location. The proposed project does not involve moving the porch toward the front property line. Instead, the request is to enclose the existing porch so that it can be used as a three-season porch and provide protection from the weather.

Additionally, the configuration of the property and the positioning of the adjacent lots and street create circumstances that affect how safe and practical access to the front entrance can be provided.

The accompanying site plan provides the measurements and illustrates the existing configuration and proposed improvements.

5. Rights Commonly Enjoyed by Other Properties in the District

Strict application of the zoning requirements would prevent the property owner from making reasonable improvements to the existing residence that are otherwise consistent with its R-2 residential use.

There are several properties in the surrounding area with enclosed walkways and screened or enclosed porches, demonstrating that similar residential improvements are compatible with the character of the neighborhood.

The requested variance would allow this property to receive similar residential improvements while maintaining its existing single-family use.

6. Circumstances Were Not Created by the Applicant

The circumstances requiring the variance are associated with the pre-existing configuration and location of the attached porch/deck and the particular layout of the property.

The property is mostly in the same configuration as when it was purchased, aside from the prior improvement of covering the existing attached front deck. The current request does not seek to relocate the existing porch farther into the front setback.

The need for the variance results from the existing location and configuration of the structure and the zoning requirements applicable when the existing porch is enclosed, rather than from an attempt to create a new use or substantially alter the property's existing footprint.

7. Flood Hazard Area

The property is not located in a designated flood hazard area. Therefore, the flood-hazard considerations applicable to designated flood hazard areas do not apply to this request.

Conclusion

For the reasons stated above, I respectfully request that the Board of Zoning Appeals approve the requested developmental variance associated with Permit Application #A26-2430 for 604 Markle Avenue.

The proposed improvements will maintain the property's existing single-family residential use and character. The existing porch/deck will remain in its current location, while enclosing it will allow it to function as a three-season porch and provide protection from inclement weather.

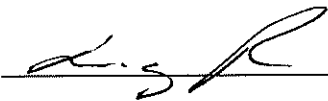
The proposed covered walkway will provide a safer and more protected path for residents, visitors, and delivery service providers while addressing the particular access challenges created by the existing configuration of the property.

The improvements are consistent with the residential character of the surrounding area, where similar enclosed walkways and screened porches are present.

I respectfully request a hearing on this appeal and that, after such hearing, the Board grant the requested developmental variance.

Thank you for your consideration.

Respectfully submitted,

Signature of Property Owner: 

Printed Name: Luis Rodriguez

Contact Person: Luis Rodriguez

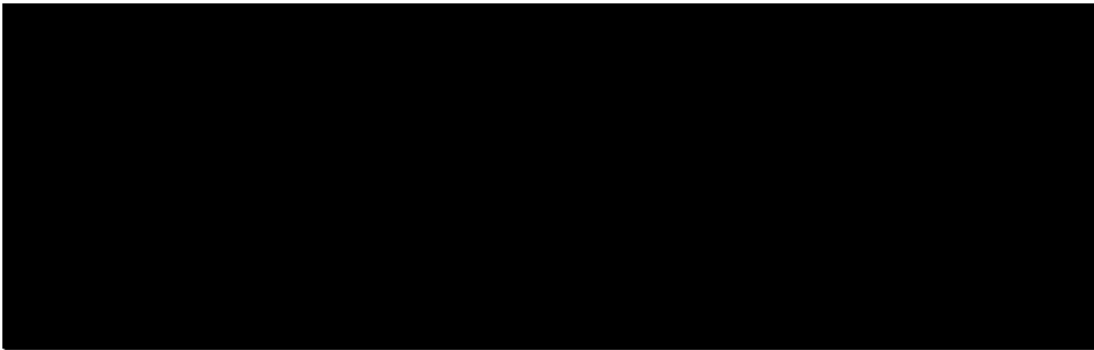


EXHIBIT "A"

Property Address: 604 Markle Avenue, Elkhart, IN 46517
File No.: 15-12841

Lot Numbered Seventeen (17) in Hillside View Subdivision to the City of Elkhart, as per plat thereof recorded in Plat Book 2, page 36 in the Office of the Recorder of Elkhart County, Indiana.

Tax ID Number(s):
06-17-129-016-012 20-06-17-129-016.000-012

The Property address and/or tax parcel identification number(s) listed are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured.

BUILDING PERMIT APPLICATION

City of Elkhart, Indiana
229 S. 2nd Street, Elkhart, IN 46516
(574)294-5471

OFFICE USE ONLY

PERMIT #: FEE: \$
ALT PARCEL #:
DATE ISSUED:
ACCEPTED BY:

Plan Review Number:

23-132

Zoning Approval Stamp or Clearance #:

☐ Flood Zone

RESIDENTIAL & COMMERCIAL USE

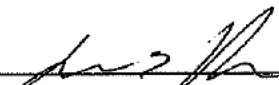
*Job Address: 604 MARKLE AVE ELKHART IN 46517	
*Property Owner: Luis Rodriguez	*Phone #: [REDACTED]
*Property Owner's Address: [REDACTED]	
Building Contractor (if applicable): Self	Phone #: [REDACTED]
*Submitter's Email Address:	
*Present Use: ☐ Commercial ☒ Residential (#of units) 2	*Proposed Use: ☐ Commercial ☐ Residential (#of units) _____
*Occupancy: ☒ Occupied ☐ Vacant How Long?	*Estimated Value of Work: \$ 4000.00
# of Dwelling Units: 2 # of Stories: 1	Total Sq.Ft. of Work: 300.59 Ft
Class of Work: ☐ New ☒ Addition ☒ Alteration/Repair ☐ Move ☐ Demolition ☐ Tank ☐ Fire Suppression	
*Description of Work: * See blue prints provided / Repair existing deck Add roof over deck Siding	

COMMERCIAL USE ONLY

Design Professional: (675 IAC 12-6-9)		Phone #:	
Occupancy Group:	Type of Construction:	Fire Sprinklers?: ☐ Yes ☐ No	#of Sprinkler Heads:
State Release #:	Scope of Design Release: ☐ Foundation ☐ Architectural ☐ Structural ☐ Mechanical ☐ Plumbing ☐ Electrical		
Electrical Contractor (if applicable):		Mechanical Contractor (if applicable):	
Plumbing Contractor (if applicable):		Fire Sprinkler Contractor (if applicable):	

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING. THESE PERMITS MUST BE SECURED BY THE LICENSED CONTRACTOR. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 365 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.


Signature of Owner or Authorized Agent

5/10/23
Date

Luis Rodriguez
Print Name

ZONING CLEARANCE

City of Elkhart

229 S. 2nd Street, Elkhart, IN 46516

(574)294-5471

A ZONING CLEARANCE MUST BE ISSUED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

ZONING CLEARANCE # 23-219

FEE: \$ _____

JOB & OWNER INFORMATION

Property Address: 604 Markle Ave Elkhart, IN 46517

Property Owner: Luis Rodriguez

Phone: _____

Property Owner's Address: _____

Contractor: Self

Phone: _____

Contact Email: _____

*Present Use of property: Single Fam Residence *Proposed Use of property: _____

*Example: Single Family Residence, Duplex, 3-Unit, Commercial, Manufacturing, etc.

Type of Proposed Structure (check all that apply):

- ☐ New Residential Build ☒ Residential Addition ☐ New Commerical Build ☒ Commercial Addition
☐ Accessory Structure (circle one): shed, detached garage, deck, pergola, gazebo, handicap ramp, stairs/steps
☐ Fence ☐ Sign ☐ Pool ☐ Driveway

New Structures: Type: _____ Sq.Ft.: _____ Height to Peak: 15'

Fence Installation: Type: _____ Material: _____ Height: _____

Pool Installation: Type: _____ Sq.Ft.: _____ Depth: _____

Sign Installation: Type: _____ Sq.Ft.: _____ Height: _____

Description of Work: Add porch roof on existing deck

Property Owner (or Representative) Signature: _____

Date: 5/10/23

Note: (1) The property owner/contractor shall assume responsibility for construction over any public and private easement (2) Whenever major improvements are made to a building or structure or a new use, parking/loading facilities shall conform to the existing zoning ordinance.

Certificate of Occupancy requirements on back of form. Property Owner Signature Required.

OFFICE USE ONLY

Zoning: _____ Required Zoning: _____ Map #: _____ Number of Units: _____

Proposed Setbacks: Front _____ Rear _____ R Side _____ L Side _____

Required Setbacks: Front _____ Rear _____ R Side _____ L Side _____

Additional Conditions (check those required):

- ☐ BZA Action ☐ Plan Commission Action ☐ Historic District ☐ Wetlands
☐ Floodplain ☐ Corridor/Overlay District ☐ Curb Cut Approval ☐ Technical Review

Staff Signature: _____

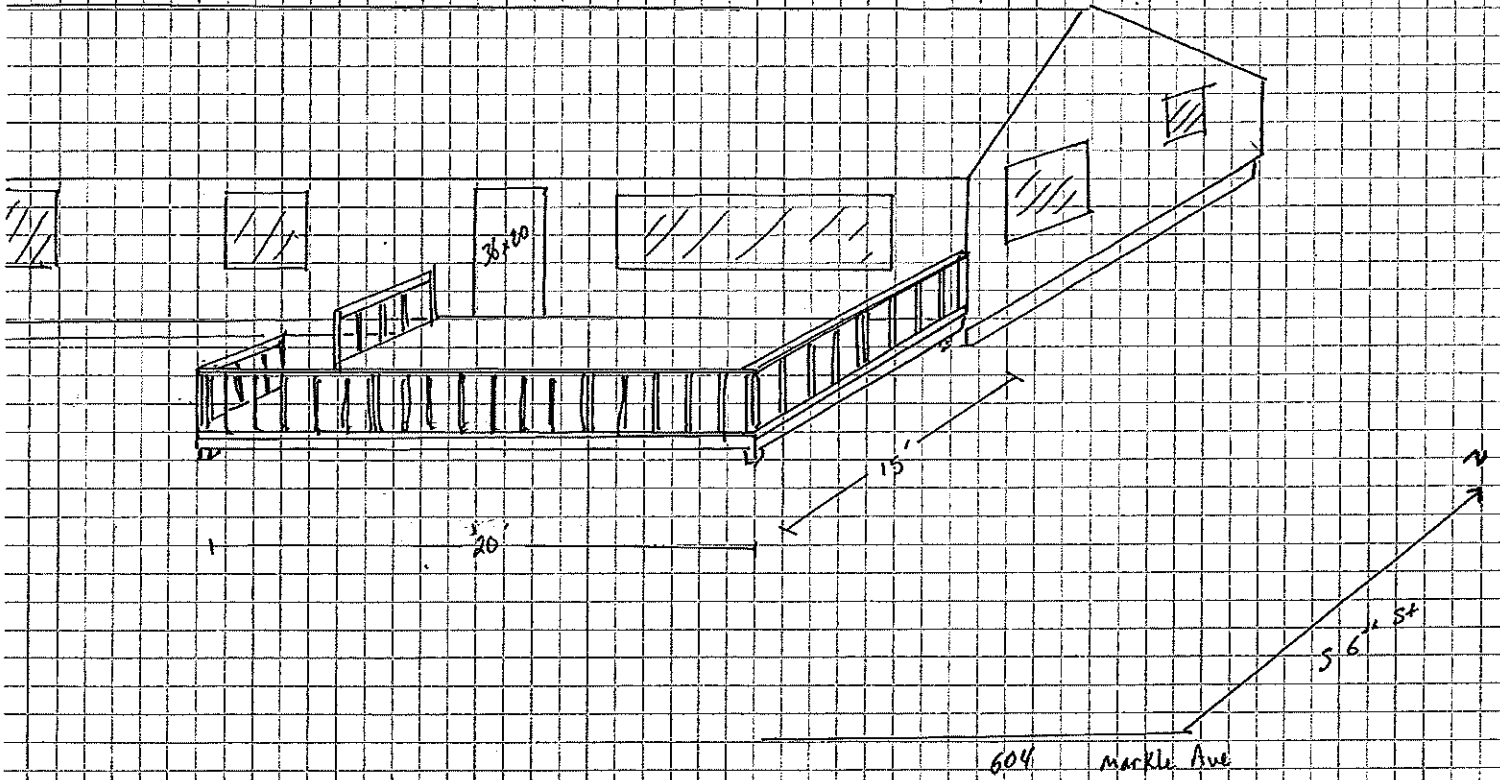
Date: _____

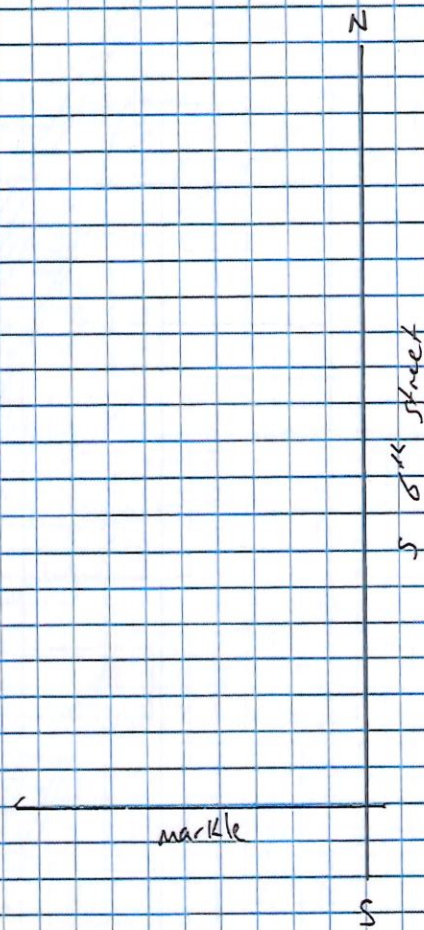
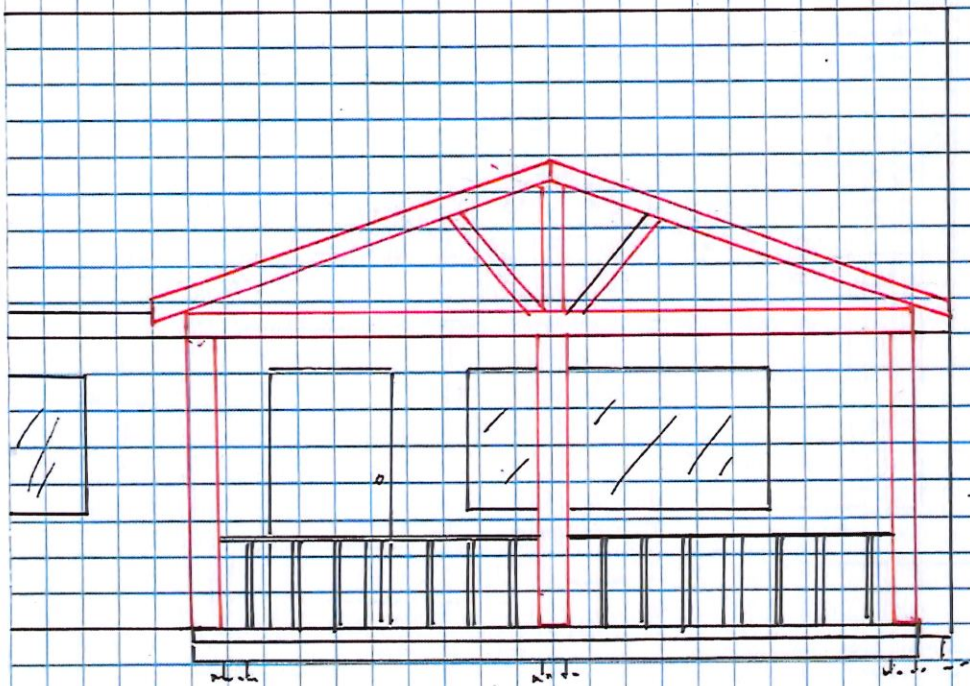
Comments: _____

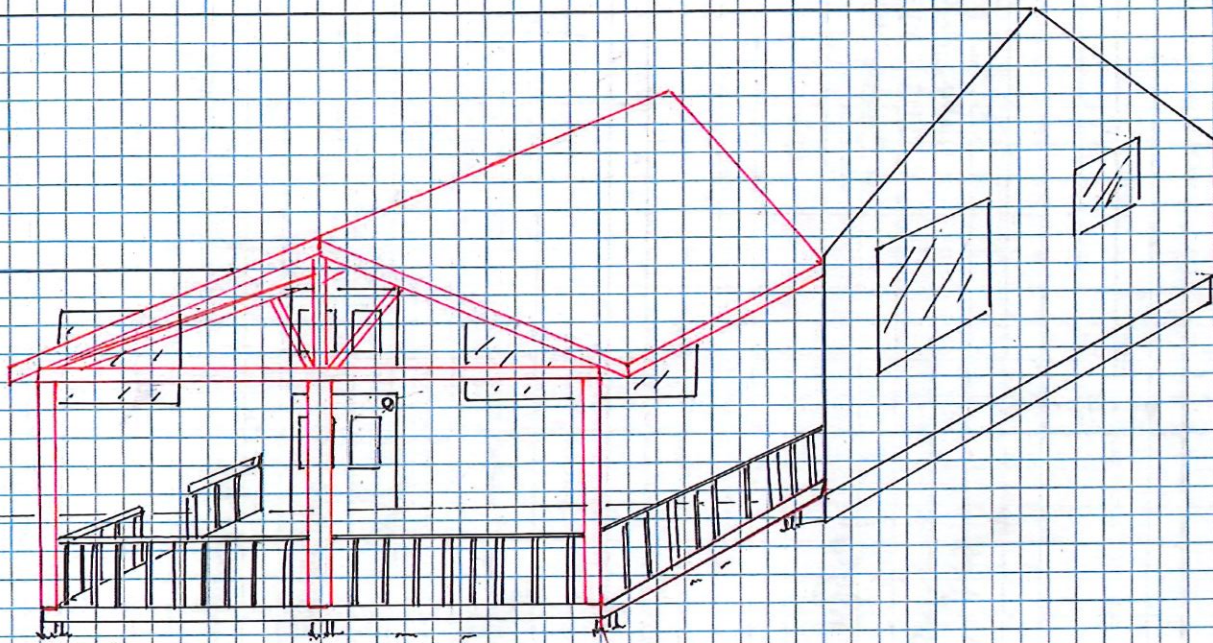
Home as exists

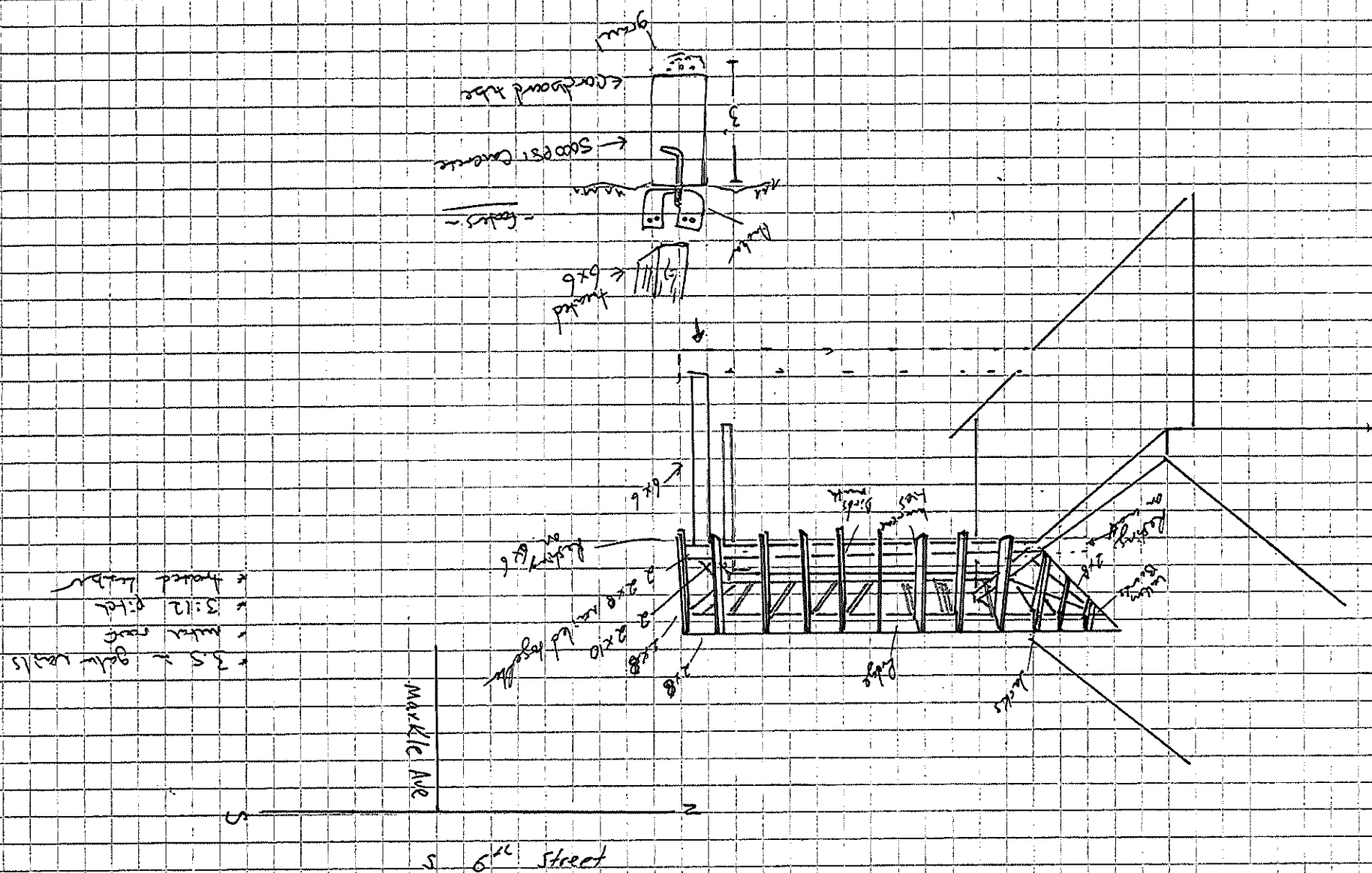
Luis Rodriguez
574) 335 1730

Requesting permission/annual fee porch addition
after deck repair









AL LOAN POLICIES. NO CORNER MARKERS WERE SET
 ION DATA HEREIN IS BASED ON LIMITED ACCURACY
 S, THEREFORE, NO LIABILITY WILL BE ASSUMED FOR
 THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR

ADDRESS: 604 MARKLE AVENUE, ELKHART, IN.
 DESCRIPTION: LOT 17 HILLSIDE VIEW SUB.

ROB/WANDA MERIHEW

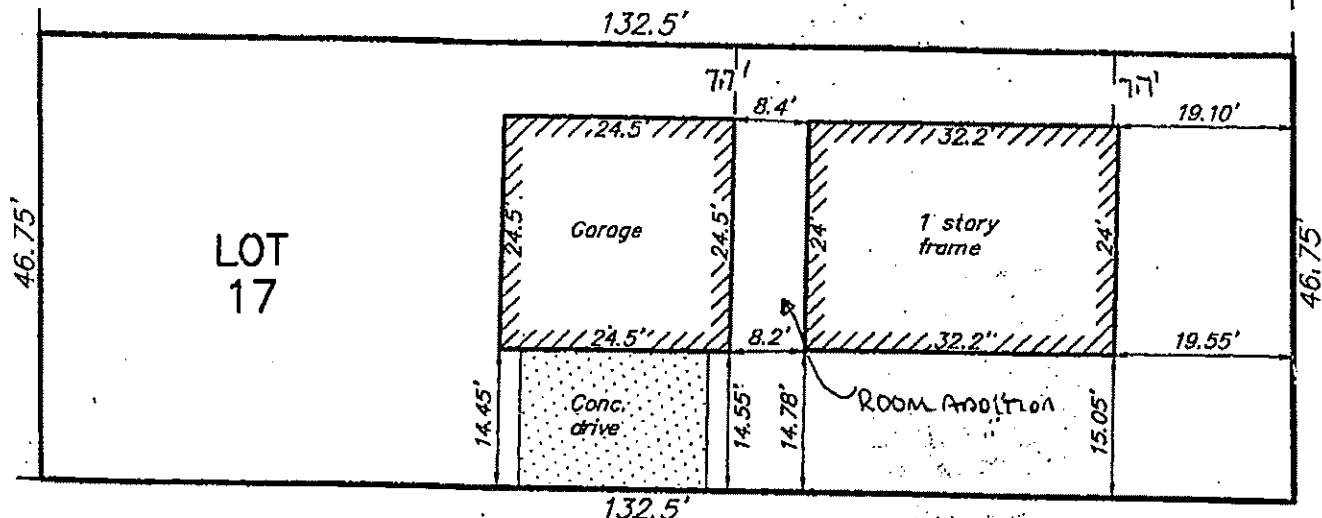
604 MARKLE AVE
 ELKHART IN 46517



DALIN CONSTRUCTION CORP
 23399 US 33 EAST
 ELKHART, IN 46517
 (219) 875-7396

LOT 16

LOT 18



MARKLE AVENUE

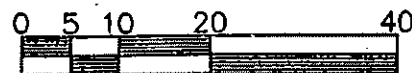
60'

SIXTH STREET

LOT 17 HILLSIDE VIEW SUBDIVISION
 CONCORD TWP. CITY OF ELKHART
 INDIANA

Note: Buildings located using N.E. and S.E.
 property corners and S.W. property corner
 of Lot 18.

HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL
 ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION
 ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE
 AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS
 CONTAINED IN SECTIONS 27 THROUGH 29 OF 865 IAC 1-1-12 FOR A
 FLOOD HAZARD LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD
 STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE
 UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR
 ELEVATION ON THE REFERENCED FLOOD INSURANCE MAP.



Scale 1"=20'
 March 4, 1997

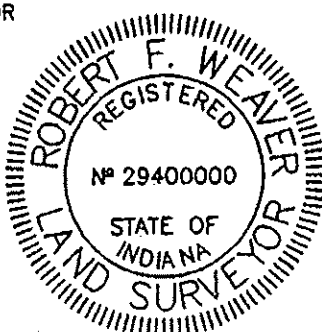
In accordance with the National Flood
 Insurance Program as promulgated by
 HUD, the buildings do not lie within
 the boundaries of the flood zone.

DATE OF SURVEY: 3/3/97
 REGISTERED LAND SURVEYOR'S SIGNATURE:

Robert F. Weaver

ROBERT F. WEAVER
 REGISTERED LAND SURVEYOR #29400000

REPORT JOB #: Md10359
 PROPOSED BUYER: ROBERT D. & WANDA MERIHEW
 PROPOSED LENDER: NBD BANK
 PROPOSED TITLE COMPANY: HERITAGE TITLE



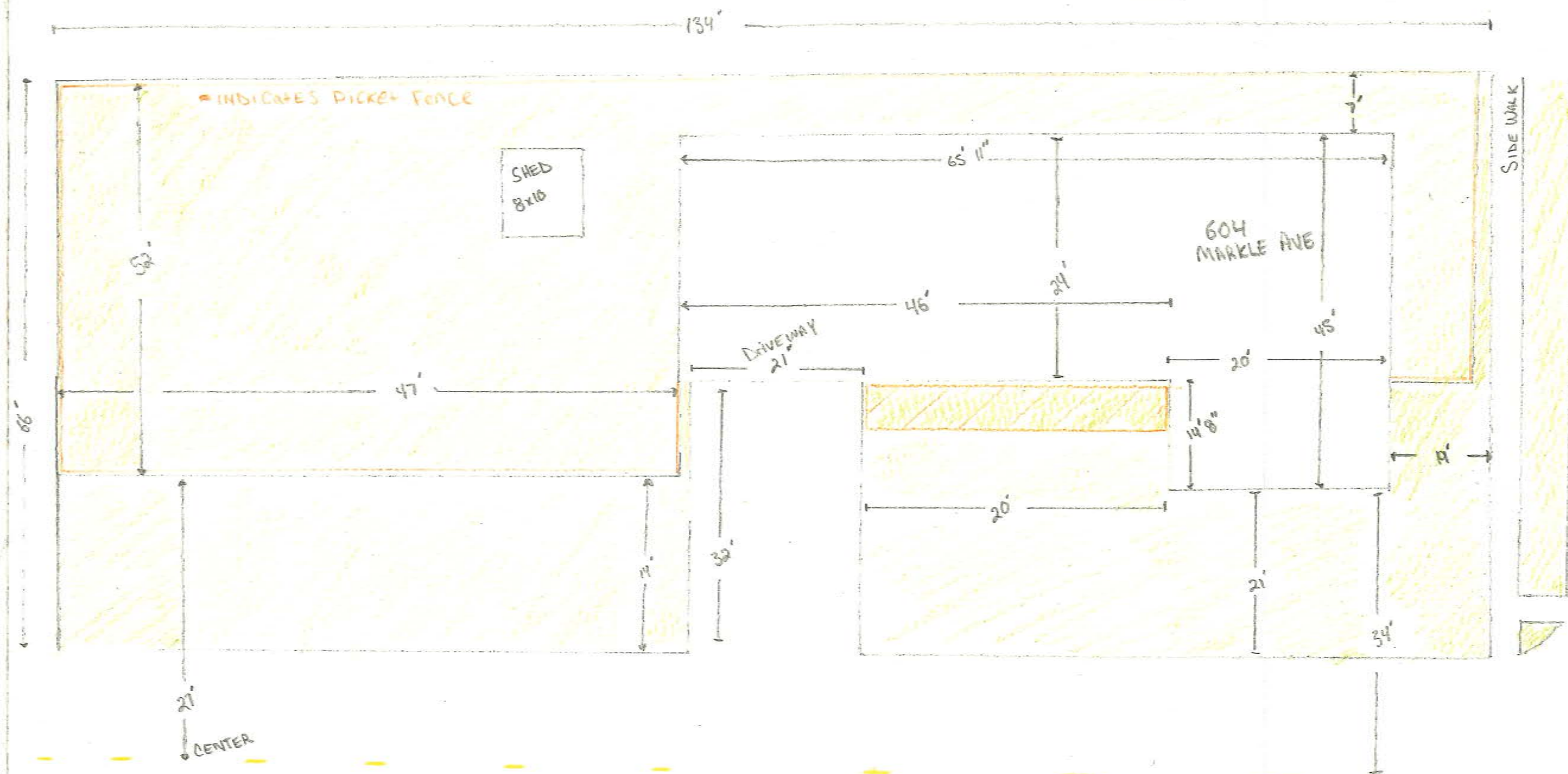
WEAVER
 AND ASSOCIATES

Engineering • Land Surveying

601 W. Beardsley Ave.
 Elkhart, IN 46514

1-219-294-1834
 Fax 1-219-293-9361

2219 S 6th Street



MARKLE AV

S 6th Street

N
S



Staff Report

Planning & Zoning

<u>Petition:</u>	26-UV-24
<u>Petition Type:</u>	Use Variance
<u>Date:</u>	October 8, 2026
<u>Petitioner:</u>	Patrick Industries, Inc.
<u>Site Location:</u>	3621 South Nappanee Street
<u>Request:</u>	To vary from 18.2 Permitted Uses in the M-1, Limited Manufacturing District, to allow for a gas station and convenience store.
<u>Previous BZA Action:</u>	None
<u>Existing Zoning:</u>	M-1, Limited Manufacturing District
<u>Size:</u>	+/- 15.04 Acres
<u>Thoroughfares:</u>	South Nappanee Street and Charlotte Avenue
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to the site.

Surrounding Land Use & Zoning:

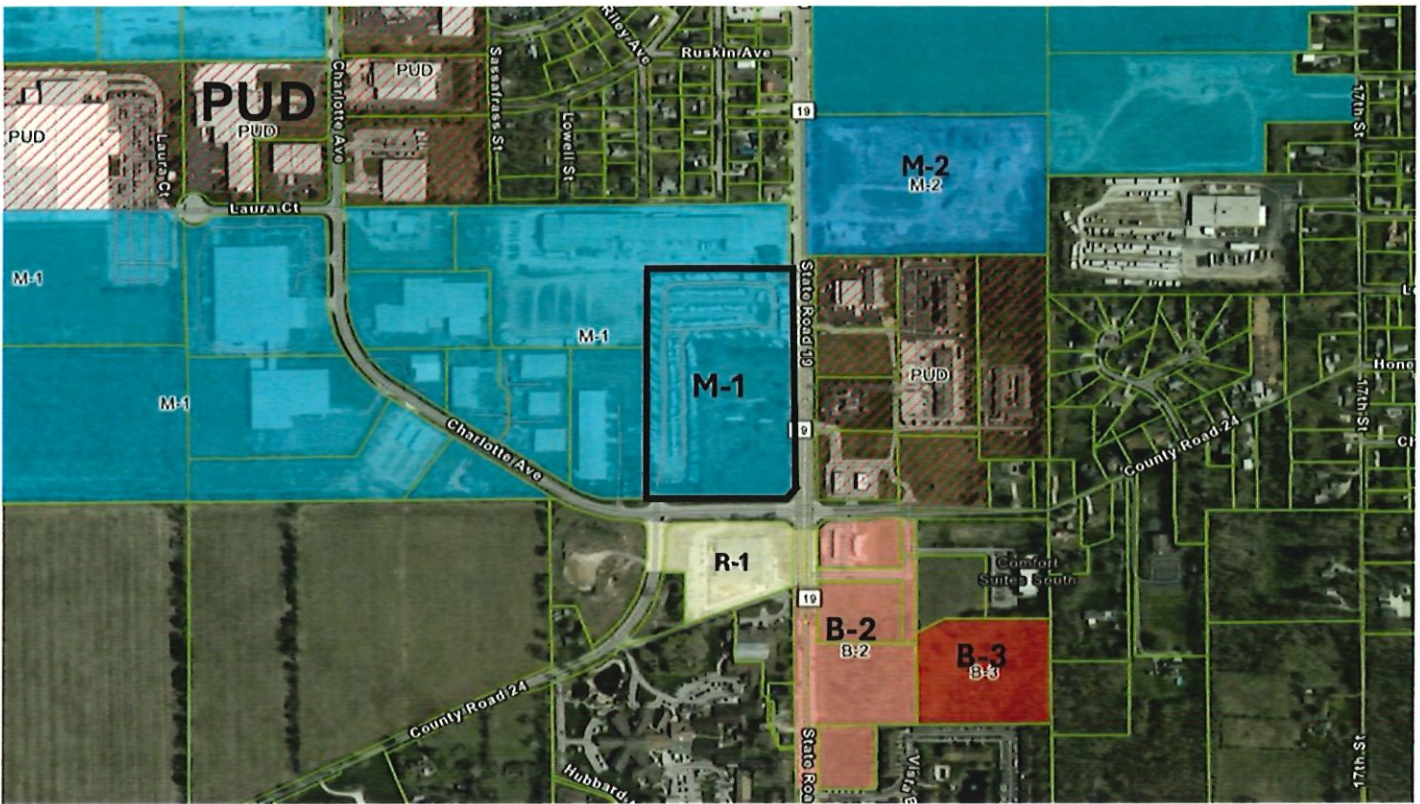
The property to the north and west is M-1 Limited Manufacturing District. The property to the north is B-2 Community Business District. The property to the east is DPUD B-3 Service Business District. The properties to the south are B-2 Community Business District and R-1 One Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting to vary from 18.2 Permitted Uses in the M-1, Limited Manufacturing District, to allow for a gas station and convenience store.

The petitioner's desire is to build a gas station and convenience store on a portion of this property. The Southeast 6+ acres is the proposed development site. The petitioner is requesting access off SR 19 and Charlotte Avenue. As this report is being drafted, access points are currently under review with Public Works. The petitioner has submitted a subdivision plat and has been reviewed at plat committee. The plat committee is continuing to review the merits of the plat as this report is being drafted. During review of the plat, Public Works have concerns with the safety of traffic access points and desire to have this matter reviewed further with the applicant and INDOT.

The property is located along South Nappanee Street/SR 19 which intersects at US Highway 20 about ¾ mile to the South. With the site located on the west side of the street, adjacent to manufacturing, this type of automobile related use should capture commuter traffic. The existing uses along this segment of South Nappanee Street are a mix of light manufacturing, commercial and residential uses serving as a gateway into the city. At the intersection of Charlotte and Nappanee on the East side of the road are two existing gas stations with convenience store uses.

Staff feel that the request should be a rezoning to a B-2 or B-3 use district with a recommendation from the Plan Commission and a final decision by City Council. This proposed development that does not fit the appropriate zoning district, a high traffic generator, located at a major intersection, on a high traffic volume road and the gateway to the southwest side of the City, warrants review by the board (PC) that is designed to plan for future land use and their impacts; and a final decision by the legislative body who ultimately determine the viability and benefit of this project for the City.

The staff recommend **denial** of this petition

Recommendation

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

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community because the proposed use of the property is less intense than uses that are permitted in this zoning district;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the use is low impact that will not create any noise or odor;
3. The strict application of the terms of this Ordinance **will not** constitute an unnecessary hardship if applied to the property for which the variance is sought because the applicant retains other options with a more appropriate pathway to develop the property as a rezoning to a B zoned district;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because without board action the use as a gas station and convenience store on this parcel would not be permitted;
5. The strict application of the terms of this Ordinance **would not** result in practical difficulties in the use of the property because establishing a permitted M-1 use could be established on this site. Additionally, an option of a rezoning petition to change zoning districts adds an alternative path to development;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant as the use does not currently exist;
7. This property **does not** lie within a designated flood hazard area.

Conditions

1. None

Photos



Site visit – looking north at site from Charlotte Avenue



Site visit – looking NE from Charlotte Avenue west of South Nappanee Street



Site visit – looking NW from Charlotte & South Nappanee Street at proposed gas station site

PETITION #: 26-VV-24

FILING FEE: \$ 300.00

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Patrick Industries, Inc. Kyle Meihofer, Real Estate Manager

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Debra Hughes, P.E. Surveying And Mapping LLC

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 3621 S. Nappanee Street Elkhart IN 46517

Zoning: M-1

Present Use: Vacant Proposed Use: Convenience Store and Fuel Pump Canopies

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): Patrick Industries, Inc. Kyle Meihofer, Real Estate Manager

SIGNATURE(S): [Signature] DATE: 9/1/26

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 Lewendowski DATE: 9/2/26

September 4, 2026

To: Honorable Members of the Board of Zoning Appeals
City of Elkhart, Indiana

Regarding: Use Variance Petition

I am the authorized agent for Patrick Industries, Inc. which is the owner of the property at 3621 S. Nappanee Street, Elkhart IN.

Parcel No: 20-05-24-276-004.000-002

I authorize Kyle Meihofer, Real Estate Manager, to sign a Use Variance Petition on the company's behalf.

Please contact me if there are any questions.

Thank you.



Patrick Industries, Inc.
107 W. Franklin Street
Elkhart IN 46514



Date: September 1, 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 am the authorized agent for Patrick Industries, Inc. which is the owner of the property at 3621 S. Nappanee Street, located within the City of Elkhart, Baugo Township, Elkhart County, State of Indiana, to-wit:
Lot Numbered 10 as the said Lot are known and designated on the recorded Plat of Green Haven Industrial Park Phase 2; said Plat being recorded in Deed Record 2000-07471, Plat Book 26, Page 14 in the Office of the Recorder of Elkhart County, Indiana.
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:
Vacant Land
4. Petitioner plans to sell 6.439 ac. in the southeast corner of the property to a developer. The developer wants to build a convenience store with gasoline and diesel fuel pump canopies with associated pavement and drainage features. The preliminary subdivision plan and preliminary site plan are included with this petition.
5. Section 18.5 of the Zoning Ordinance of the City of Elkhart states that no new "B" use is allowed within the M-1 District.
6. The strict adherence to the Zoning Ordinance requirements would prevent the owner from developing this lot in a way that would benefit the surrounding community by providing a safe, convenient location for passing drivers to purchase fuel and convenience goods in a safe, well lit, and attractive location. This is unusual because other neighborhoods and manufacturing areas in the city do have access to these types of benefits.
7. The Use Standards are addressed as follows:
 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
The proposed convenience store and fuel pump canopies will not be injurious to the community as it will provide the community with access to goods and services in a safe, convenient location.

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.

The surrounding properties to the north and west are zoned for manufacturing. The property to the south on the south side of Charlotte Ave. is zoned R-1 for residential use and is part of Hubbard Hill retirement center. The property to the east is zoned Planned Unit Development and contains a bank and strip retail center. It formerly included a convenience store and fuel pump canopy on the south part of the east property.

3. The need for the variance arises from some condition peculiar to the property involved.

This site is located on the corner of a well-traveled road. The convenience store to the east closed recently. The existing convenience store with fuel pumps in the southeast corner of the intersection does not contain diesel pumps for semi-truck use. The location is one mile north of the U.S. 20/State Road 19 interchange. This makes it a prime location for a convenience store with fuel pumps.

4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

The ordinance would not allow the owner to use the property for the use that it is well suited for and that would meet a need in the community.

5. The approval does not interfere substantially with the Comprehensive Plan

The approval of this variance will not interfere with the Comprehensive Plan. It supports the goal of redeveloping property for business use on major roadways.

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

Signature of Property Owner: _____



Printed Name: Patrick Industries, Inc., Kyle Meihofer, Real Estate Manager

Contact Person:

Debra S. Hughes, P.E., Senior Professional Engineer
Surveying And Mapping LLC



LEGAL DESCRIPTION - TRACT I

A PART OF LOT 10 OF GLEN HAVEN INDUSTRIAL, PARK PHASE 2, LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 4 EAST, ELKHART COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 26, PAGE 14, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, LEGAL DESCRIPTION PREPARED BY MIKEL CURRIER, REGISTRATION NUMBER 20800152, WITH SAM, LLC, FOR JOB NUMBER 1026111761 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH MOST SOUTHEAST CORNER OF SAID LOT 10 MARKED BY A REBAR AND CAP (20200084); THENCE SOUTH 89°46'04" WEST ALONG THE SOUTH LINE OF SAID LOT, A DISTANCE OF 356.90 FEET, MARKED BY A REBAR AND CAP (20800152); THENCE THROUGH SAID LOT THE FOLLOWING TWO COURSES:

NORTH 00°52'02" WEST, A DISTANCE OF 713.23 FEET, MARKED BY A REBAR AND CAP (20800152);

NORTH 89°46'04" EAST, A DISTANCE OF 396.59 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 19, MARKED BY A REBAR AND CAP (20800152);

THENCE SOUTH 00°26'51" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 679.15 FEET;

THENCE SOUTH 45°00'40" WEST ALONG SAID RIGHT-OF-WAY AND LOT LINE, A DISTANCE OF 48.35 FEET TO THE POINT OF BEGINNING;

CONTAINING 6.437 ACRES (280,391 SQ. FT.) OF LAND, MORE OR LESS.

2022-08521

ELKHART COUNTY RECORDER
JENNIFER L. DORIOT
FILED FOR RECORD ON
04/21/2022 02:21 PM
AS PRESENTED

Fidelity National
Title Company LLC

LIMITED LIABILITY COMPANY
WARRANTY DEED

File No.: 792200012-ASH

THIS INDENTURE WITNESSETH, that Green Haven, LLC, an Indiana limited liability company (Grantor) CONVEY(S) AND WARRANT(S) to Patrick Industries, Inc. (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:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Property: 3621 S. Nappanee St., Elkhart, IN 46517

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

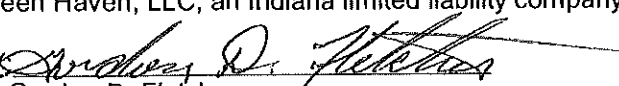
Subject to all easements, covenants, conditions, and restrictions of record.

IN WITNESS WHEREOF, The undersigned person(s) executing this deed on behalf of Grantor(s) represent and certify that they are a current member/manager of said Grantor(s) and have been fully empowered, by proper meeting and vote of Grantor(s) to execute and deliver this deed.

IN WITNESS WHEREOF, Grantor has executed this deed this 15 day of April, 2022.

Green Haven, LLC, an Indiana limited liability company

BY


Gordon D. Fletcher
President

HC
KK

20-05-24-276-004.000-002

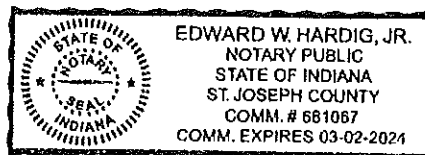
DISCLOSURE FEE PAID
DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
Apr 21 2022
PATRICIA A. PICKENS, AUDITOR
01940
10.00

STATE OF Indiana
COUNTY OF Elkhart

Before me, a Notary Public in and for said County and State, personally appeared Gordon D. Fletcher, as President of Green Haven, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 15 day of April, 2022

Signature: Edward W Hardig Jr
Printed: _____
Resident of: _____ County
State of: _____
My Commission expires: _____



Prepared By: Edward W. Hardig, Jr., Attorney at Law
401 W. High Street, Elkhart, IN 46516
IN19199-71/MIP60319

Grantee's Address and Tax Billing Address: 107 W. Franklin St.
Elkhart, IN 46516

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: Jeff Lade.

Return To: Fidelity National Title Company, LLC
401 W. High Street, Elkhart, IN 46516

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 20-05-24-276-004.000-002

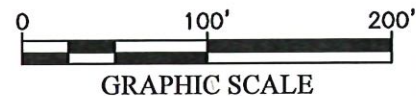
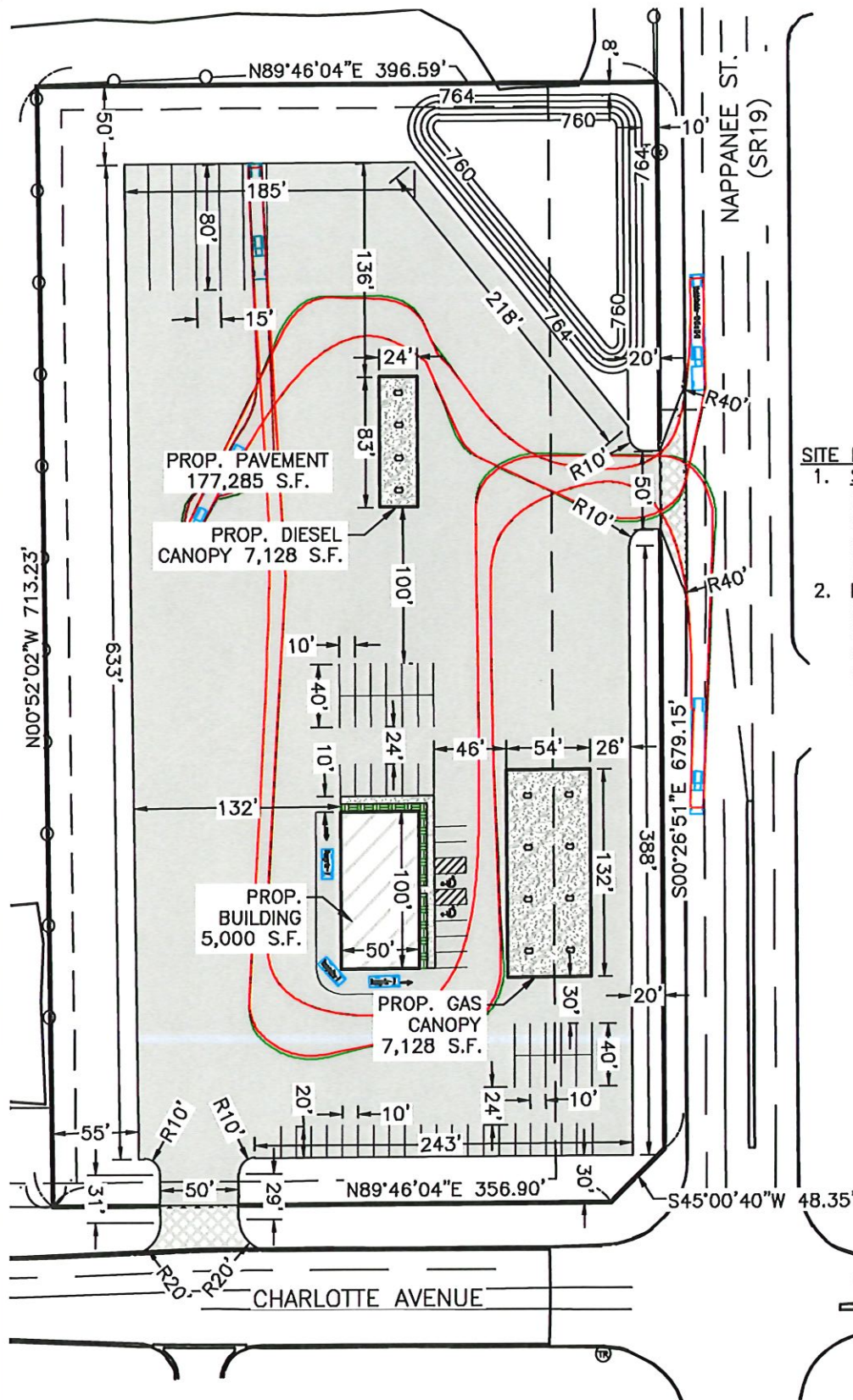
LOT NUMBERED TEN (10) AS SHOWN IN THE RECORDED PLAT OF GREEN HAVEN INDUSTRIAL PARK, PHASE 2, AN ADDITION TO BAUGO TOWNSHIP, RECORDED MARCH 20, 2000 IN PLAT BOOK 26, PAGE 14 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A PART OF LOT 10 OF GLEN HAVEN INDUSTRIAL, PARK PHASE 2, LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 4 EAST, ELKHART COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 26, PAGE 14, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED AS EXHIBIT "B," DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER OF SECTION 24; THENCE NORTH 89 DEGREES 55 MINUTES 15 SECONDS WEST 25.719 METERS (84.38 FEET) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER TO THE NORTH BOUNDARY OF CHARLOTTE AVENUE AND THE SOUTH SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 45 DEGREES 14 MINUTES 05 SECONDS EAST 14.738 METERS (48.35) FEET ALONG THE SOUTHEAST LINE OF SAID LOT 10 TO A POINT LYING OFFSET 15.240 METERS (50.00) FEET WEST OF THE EAST LINE OF SAID SECTION 24 AT POINT DESIGNATED "9021" ON SAID PLAT AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 0 DEGREES 05 MINUTES 03 SECONDS WEST 303.014 METERS (994.14 FEET) TO THE NORTH LINE OF SAID LOT 10 AT THE POINT DESIGNATED AS "9028" ON SAID PLAT; THENCE SOUTH 89 DEGREES 34 MINUTES 03 SECONDS EAST 3.048 METERS (10.00 FEET) ALONG SAID NORTH LINE TO THE WEST BOUNDARY OF STATE ROAD NINETEEN; THENCE SOUTH 0 DEGREES 05 MINUTES 03 SECONDS EAST 299.973 METERS (984.16 FEET) ALONG SAID WEST BOUNDARY TO THE EAST SOUTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 45 DEGREES 14 MINUTES 05 SECONDS WEST 4.287 METERS (14.06 FEET) ALONG THE SOUTHEAST LINE OF LOT 10 TO THE POINT OF BEGINNING AND CONTAINING 919.0 SQUARE METERS (9,891 SQUARE FEET), MORE OR LESS.

PATH: \\SAMING\ELK\PROJECTS\102611780\100\SURVEY\11\DESIGN.DWG\111780-DESIGN.DWG
PRINTED: Monday, August 24, 2026 8:26:54 AM



SITE PLAN NOTES:

- 1. SETBACKS**
FRONT (EAST): 80' BY PLAT
SIDE (SOUTH): 15' BY PLAT
SIDE (NORTH): 15'
REAR (WEST): 15'
- 2. PARKING:**
53 STANDARD SPACES
2 HANDICAP SPACES
6 TRUCK PARKING
61 TOTAL SPACES

Preliminary Drawing - Not for Construction

SITE PLAN
GOLDEN FALCON ELKHART REAL ESTATE
3621 S. NAPPANEE ST., ELKHART,
BAUGO TWP., ELKHART COUNTY, IN

SCALE: 1"=100'

ENGINEER: Debra S. Hughes, P.E.

TECHNICIAN: MMR

DRAWING: 111780-DESIGN.DWG



2810 Dexter Drive
Elkhart, IN 46514
Phone: 574-266-1010
Email: info@sam.biz

SHEET 1
OF 1

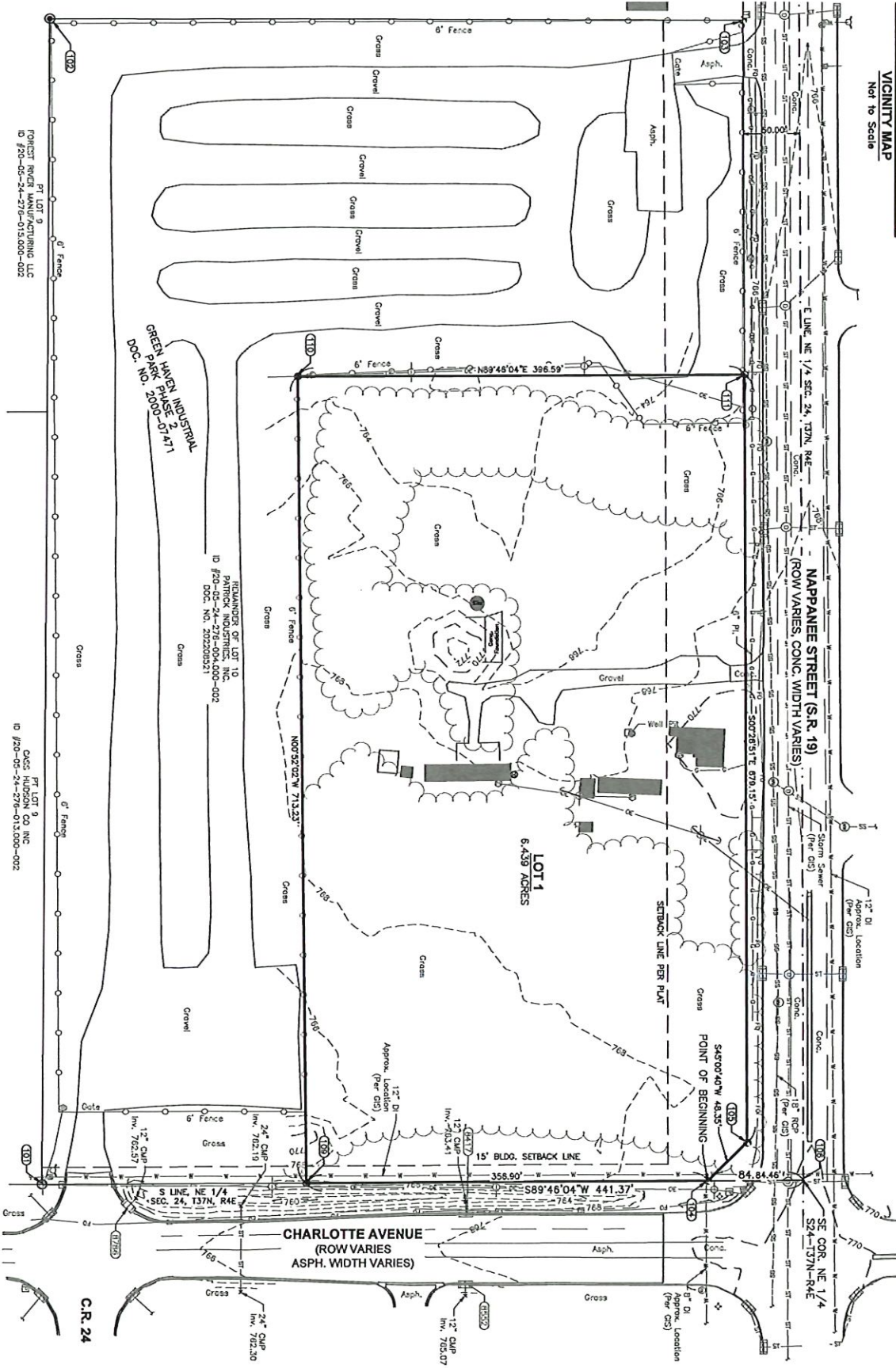
JOB NUMBER: 102611780



VICINITY MAP
Not to Scale

PATRICK SUBDIVISION
A REPLAT OF A PORTION OF LOT 10
GREEN HAVEN INDUSTRIAL PARK PHASE 2
Part of the Northeast Quarter of Section 24, Township 37 North, Range 4 East
Baugo Township, Elkhart County, Indiana

- REMARKS:**
1. PROPERTY IS WITHIN THE CITY OF ELKHART CORPORATION BOUNDARIES.
 2. EXISTING ZONE: M-1 LIMITED MANUFACTURING DISTRICT.
 3. ALL LOTS ARE SUBJECT TO THE ELKHART ZONING ORDINANCES.
 4. THERE ARE NO KNOWN PROTECTIVE COVENANTS ON THE PROPERTY.
 5. EXISTING DRAINAGE PATTERNS WILL NOT CHANGE.



N



2810 Dexter Drive
Elkhart, IN 46514
Phone: 574-266-1010
Email: info@sam.biz

PROJECT: Golden Falcon Elkhart Real Estate Patrick Subdivision
JOB NUMBER: 1026111761
DATE: 8/13/2028
SCALE: 1"=60'
SURVEYOR: Mikal Currier, FS
TECHNICIAN: SAL
DRAWING: 111761-Frm-Plat.dwg
TRACT ID: 20-05-24-276-004.000-002
PARTY: 1
FIELDBOOKS:

PATRICK SUBDIVISION
A REPLAT OF A PORTION OF LOT 10
GREEN HAVEN INDUSTRIAL PARK PHASE 2
Part of the Northeast Quarter of Section 24
Township 37 North, Range 4 East
Baugo Township, Elkhart County, Indiana

SHEET 1
OF 2



Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-25
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	October 8, 2026
<u>Petitioner:</u>	Ryan Lantz
<u>Site Location:</u>	316 State Street
<u>Request:</u>	To vary from Section 6.4, Yard Requirements, which states a one-family dwelling may not be closer than 5 feet from the side yard lot line' to allow for a three (3) foot setback. A variance of two (2) feet is requested for an existing dwelling and attached deck. To vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, 'an accessory structure shall not be located closer than five (5) feet to the rear lot line' to allow for a variance of four point six and (4.6) feet. To vary from Section 26.1.B.8.a, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for four (4) accessory structures, a variance of two (2) structures. To vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states 'A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.' To allow for the enclosed area of the swimming pool not to have a self-closing and self-locking fence. To vary from Section 26.4.A.6 which states in part, 'No fences, other than split rail, wrought iron or open picket fences not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard' to allow for a five (5) foot fence with a seven-point six (7.6) foot gate installed to remain in the front yard. A front yard height variance of one (1) foot and three-point six (3.6) foot variance to remain for the same fence.

Previous BZA Action: None

Existing Zoning: R-3, Two-Family Dwelling District

Size: +/- 0.20 Acres

Thoroughfares: State Street

School District: Elkhart Community Schools

Utilities: Available to site

Surrounding Land Use & Zoning:

The surrounding properties are R-3 Two-Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner is requesting to vary from numerous standards for an existing dwelling, pool, deck, fence, and accessory structure at 319 State Street. The requests are explained below:

The petitioner is requesting to vary from Section 6.4, Yard Requirements, which state a one-family dwelling may not be closer than 5 feet from the side yard lot line' to allow for a three (3) foot setback. A variance of two (2) feet is requested for an existing dwelling and attached deck.

The existing dwelling is currently three (3) feet from the property line and is required to be at five (5) feet. The home was constructed prior to zoning and setbacks. This request brings the house into conformity. The attached deck to the dwelling parallels the side of the home and maintains a three (3) foot setback. Spacing between the deck and fence is ample to access for maintenance and repairs. A permit is required for the portion of the deck not covered by previous permits.

The petitioner is requesting to vary from Section 26.4.A.6 which states in part, 'No fences, other than split rail, wrought iron or open picket fences not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard' to allow for a five (5) foot fence with a seven-point six (7.6) foot gate installed to remain in the front yard. A front yard height variance of one (1) foot and three-point six (3.6) foot variance to remain for the same fence.

The petitioner has installed a five (5) foot split rail fence in the front yard of the home. Additionally, a swinging gate measuring up to 7 ½ feet covers the access point of the driveway. **The gate is required to be reconfigured to swing internal to the property and not into the public right of way.** The fencing currently exists and will require permits for all portions of fencing. The fencing is aesthetically pleasing, in good shape and maintained.

The petitioner is requesting to vary from Section 26.1.B.8.a, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for four (4) accessory structures, a variance of two (2) structures.

The petitioner currently has 2 sheds, 1 pool and 1 pergola. Permits for the pergola, 1 small shed and the pool were not obtained. Based on the decision of the board, the necessary permits will be required. The small poly-shed placed at the rear property line is not in character with the remaining improvements on site and staff recommend the shed be removed from the property. The larger shed, pool and pergola fit well within the design layout of the backyard improvements. It is common to have 3 accessory structures with board approval on a residential lot but 4 accessory structures appear excessive.

The petitioner is requesting to vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, 'an accessory structure shall not be located closer than five (5) feet to the rear lot line' to allow for a variance of four point six and (4.6) feet.

This request would be moot if the board decides to deny the request for allowance of the 4th accessory structure being the poly-shed. A shed placed on the property line does not fit in charter within the residential area.

The petitioner is requesting to vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states 'A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.' To allow for the enclosed area of the swimming pool not to have a self-closing and self-locking fence.

This request stems from the absence of a gate required as part to fence in a pool area. The entire rear/side yard is fenced with an appropriate height 6' fence but lacks a gate at the entryway of the fenced area. If the applicant seeks a permit to install a gate at the entryway of the fenced pool area, then this variance is

moot. The staff would not support a variance to not require a fence at the entry way of a pool area, as this is a life safety matter. The rear fenced area is not permitted and will require a permit for the fence and gate.

Recommendation

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

To vary from Section 6.4, Yard Requirements, which states a one-family dwelling may not be closer than 5 feet from the side yard lot line' to allow for a three (3) foot setback. A variance of two (2) feet is requested for an existing dwelling and attached deck.

To vary from Section 26.4.A.6 which states in part, 'No fences, other than split rail, wrought iron or open picket fences not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard' to allow for a five (5) foot fence with a seven-point six (7.6) foot gate installed to remain in the front yard. A front yard height variance of one (1) foot and three-point six (3.6) foot variance to remain for the same fence.

1. The approval **will not be** injurious to the public health, safety, morals, or general welfare of the community the existing house/deck are setback an ample amount of space for maintenance and repair. The look and appeal of the split rail fence and gate fit with the character of the neighborhood;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the location of the dwelling and deck are not changing and will not increase impact to the neighborhood as the setback of three feet is long established. The fence height is appropriate to keep the property safe and secure;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** that are peculiar to the land as the 3' building line has been long established and warranted to remain. A fence that exceeds 4' is more ideal for securing the property and can still maintain an favorable aesthetic.
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because granting the three foot setback is the only means to grant relief without relocating the structure. A fence of 4' is not practical because the height is short enough to access over. The split rail fence allows for viewing through the fence which is appropriate to allow a taller fence;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because the setback is existing and predated the zoning ordinance. Fences are a typical element of residential properties;
7. This property **does not** lie within a designated flood hazard area.

Conditions

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

1. Reconfigure the operation of the gate is required to swing **from** an outward motion that extends in the public right of way **to** swing to an inward motion onto private property by October 31, 2026.
2. Obtain permits for additional portions of the deck not permitted
3. Obtain a permit for the pergola
4. Obtain a permit for pool
5. Obtain a permit for all fences and pool entry gate

Recommendation

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

To vary from Section 26.1.B.8.a, Accessory Structures, General Provisions, which states in part, 'A maximum of two (2) accessory buildings allowed on each lot to allow for four (4) accessory structures, a variance of two (2) structures.

To vary from Section 26.1.B.3, Accessory Structures, General Provisions, which states, 'an accessory structure shall not be located closer than five (5) feet to the rear lot line' to allow for a variance of four point six and (4.6) feet.

To vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states 'A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.' To allow for the enclosed area of the swimming pool not to have a self-closing and self-locking fence.

1. The approval **will** be injurious to the public health, safety, morals, or general welfare of the community because four accessory structures are excessive for a residential lot of this size. Three are more commonly approved and staff would support 3 accessory structures. An accessory set 6" off the property line is not a favorable placement for maintenance and repair of the structure. The absence of a gate for the pool area is a significant safety concern if the pool is unattended as someone may access the pool and drown;
2. The use and value of the area adjacent to the property **will** be affected in a substantially adverse manner because excessive structures clutter the property and three accessory structures are more common in small lot residential areas. Placing the accessory structure inches from the property line can reduce the space for utilities to work near and around the alley right of way. An unsecured pool with the absence of a gate creates a safety issue for the neighborhood if someone attempts to access the pool;
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 particular to the land involved and which are not applicable to other lands or structures in the same district as the petitioner can meet or more closely meet the requirements of the ordinance;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because the petitioner can meet or closely meet the requirements of the zoning ordinance;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant because property permits and approvals were not obtained by the petitioner;

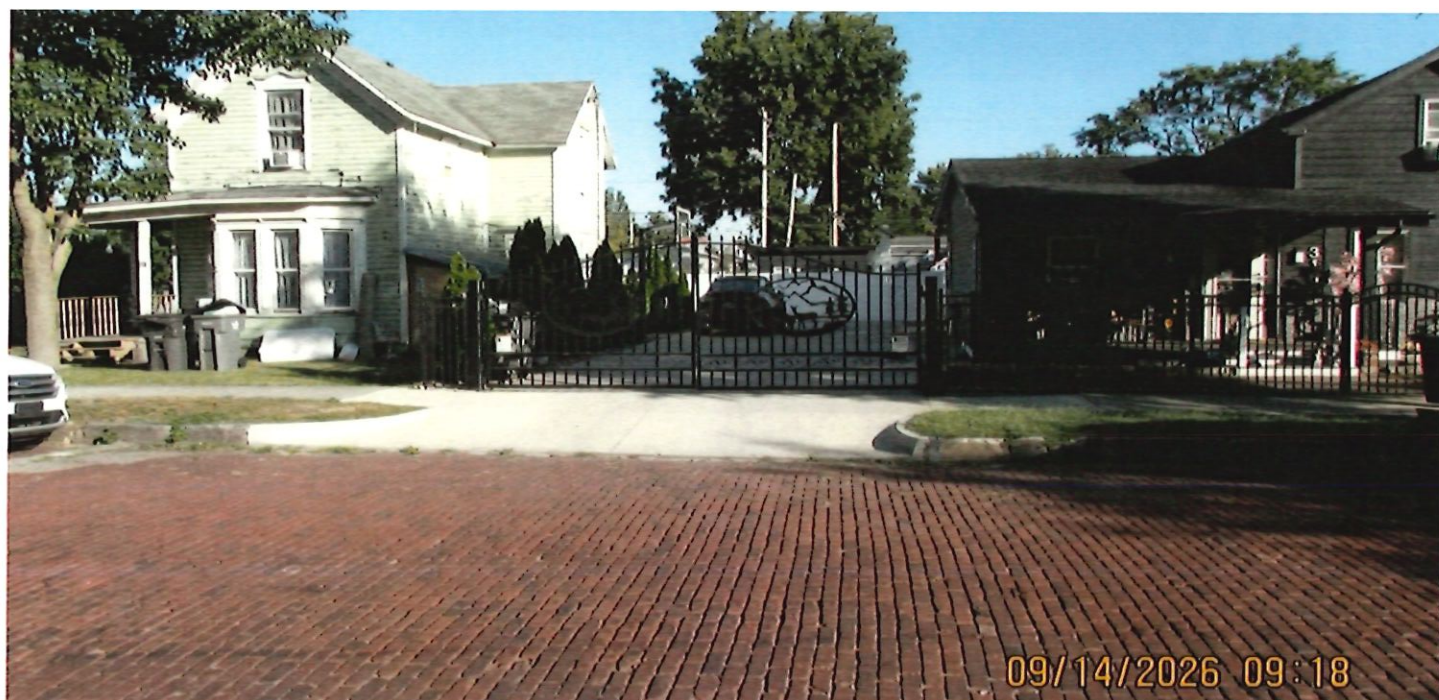
7. This property **does not** lie within a designated flood hazard area.

Conditions

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

1. Remove small poly-shed by October 31, 2026

Photos



Site visit – looking at front of property/swinging gate from State Street



Site visit – looing NW at property from State Street.



Site visit – looing East in back yard at pool and fenced in pool area



Site visit – looing Northeast in back yard at pool and pergola



Site visit – looing North in back yard at pool and large shed



Site visit – looing Northwest in back yard at pool and deck area



Site visit – looing North in back yard at pool deck and pergola



Site visit – looing North in back yard at Poly-shed

Attachments

Petition, appeal letter, affidavit, and site plan.

PETITION #: 26-BZA-25 FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Ryan Lantz

Mailing Address: [REDACTED]

Phone #: [REDACTED]

Email: [REDACTED]

Contact Person: Ryan Lantz

Mailing Address: [REDACTED]

Phone #: [REDACTED]

Email: [REDACTED]

Subject Property Address: 316 State St.

Zoning: R23

Present Use: R23 Single Family

Proposed Use: Single Family

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): Ryan Lantz

SIGNATURE(S): [Signature]

DATE: 9-2-26

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: [Signature] DATE: 9/02/26

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Ryan Lantz 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 316 State Street Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 2nd day of September 2026

Melodie Lea Wise
Printed: Melodie Lea Wise

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.

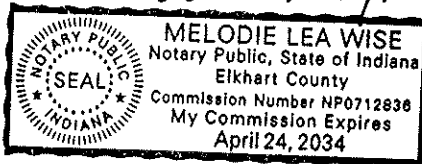
Ryan Lantz
Printed: Ryan Lantz

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

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



My Commission Expires:

April 24, 2034

Melodie Lea Wise
Printed: Melodie Lea Wise

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

DEVELOPMENTAL VARIANCE PETITION

Board of Zoning Appeals • City of Elkhart, Indiana

316 State Street, Elkhart, Indiana 46516
S.M. Beeson's Addition, Lot 33
Parcel No. 20-06-04-353-011.000-012

Petitioner / Property Owner
Ryan D. Lantz and Jennifer Lantz

Relief Requested (Three Developmental Variances)

1. Front-yard fence & driveway gate height	From Section 26.4.A.6 (front / corner-side yard fences limited to open styles not exceeding 4 feet) to allow a 5-foot ornamental aluminum fence and a decorative dual-swing driveway gate 5.8 feet at the sides and 7.6 feet at the center peak. Variance of 1.0 foot for the fence and up to 3.6 feet for the gate peak.
2. Swimming-pool barrier height	From Section 26.1.C.3 (pool or yard must be enclosed by a 6-foot fence with self-closing / self-locking gates) to allow a 5-foot ornamental enclosure fence around the rear yard, together with the 52-inch above-ground pool wall and a lockable / removable ladder. Variance of 1.0 foot.
3. Additional rear-yard accessory shed	From Section 26.1.B.8 (maximum of two accessory buildings per lot, exclusive of a swimming pool) to confirm and permit one additional storage shed approximately 16 feet by 15 feet (240 sq. ft.) in the northwest rear yard, set back 7 feet from the west lot line and 10.5 feet from the rear lot line.

Hearing Target

Filed on or before Friday, September 4, 2026 for the Thursday, October 8, 2026 Board of Zoning Appeals meeting, 6:00 p.m., Council Chambers, 2nd Floor, City Municipal Building. Filing fee: **\$200.00** (residential one- and two-family developmental variance, Zoning Ordinance § 29.12).

Packet Contents

1. Cover / summary of relief requested
2. Developmental Variance appeal letter addressing I.C. 36-7-4-918.4 and § 29.9.A standards
3. Petition form (owner signature lines — sign in permanent ink)
4. Affidavit in support (notarize before filing)
5. Legal description and property data
6. To-scale site plan — existing improvements, proposed 5-foot fence and gate
7. To-scale site plan — 27-foot above-ground pool and rear shed
8. Fence panel elevation and specifications
9. Driveway-gate elevation and product photograph
10. Supporting pool building-permit and zoning-clearance applications
11. Applicant checklist and filing instructions

File with Planning & Zoning, Permit Center, 229 S. Second Street, Elkhart, or through the Citizen Portal (civicgov4.com). Petitioner or a designated representative will appear at the public hearing.

DEVELOPMENTAL VARIANCE APPEAL LETTER

July 2, 2026

TO: Board of Zoning Appeals, City of Elkhart, Indiana

RE: Developmental Variance — 316 State Street, Elkhart, IN 46516

Parcel: 20-06-04-353-011.000-012 | **Legal:** S.M. Beeson's Addition, Lot 33

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Ryan D. Lantz, together with Jennifer Lantz, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit: *Lot 33 in S.M. Beeson's Addition to the City of Elkhart, as per the recorded plat thereof, Elkhart County, Indiana*. Commonly known as **316 State Street, Elkhart, Indiana 46516**. Parcel Number 20-06-04-353-011.000-012. A full legal description is included in this packet.

2. The above-described real estate presently has a zoning classification of **R-1, One-Family Dwelling District** (or as shown on the Official Zoning Map) under the Zoning Ordinance of the City of Elkhart. The lot is a platted lot of record in an older addition (approximately 67 feet of frontage by 132 feet of depth; about 8,585–8,844 square feet).

3. Petitioner presently occupies the property as a single-family dwelling — a two-story wood residence that is the primary home of Ryan Lantz, Jennifer Lantz, and their two sons. Existing improvements include a concrete driveway on the west side of the house, a front wood stoop/deck, and a rear wood deck approximately 16 feet by 33 feet.

4. Petitioner desires to complete three modest, residential improvements that require relief from developmental standards:

(A) Five-foot front-yard fence and decorative driveway gate. Install a black ornamental aluminum / steel fence five (5) feet in height along the State Street frontage and the street-facing portion of the side yards, together with a 20-foot dual-swing decorative driveway gate (deer-pattern panels) measuring 5.8 feet at the sides and 7.6 feet at the center peak. The fence will use vertical pickets with open spacing, finished side facing out, located entirely on the lot and not in the public right-of-way. A 28-foot fence run is shown along the driveway edge on the attached site plan.

(B) Above-ground swimming pool in the rear yard. Install a 27-foot-diameter round above-ground pool, 52 inches deep (approximately 573 square feet of water surface), in the rear yard west of the existing deck. Estimated construction value is \$5,000. Building-permit and zoning-clearance applications describing this pool are attached. The pool is shown approximately 17 feet from the west side lot line. Petitioner will enclose the rear yard with the proposed 5-foot ornamental fence, self-closing and self-locking gates, a lockable/removable ladder, and will use the 52-inch pool wall as an additional physical barrier.

(C) Additional rear-yard storage shed. Place one storage shed approximately 16 feet by 15 feet (240 square feet) in the northwest corner of the rear yard, 7 feet from the west (interior side) lot line and approximately 10 feet–10.5 feet from the rear lot line. Height will be well under the 15-foot accessory-structure limit. Exterior materials and color will be residential in character and compatible with the house.

5. The Zoning Ordinance of the City of Elkhart requires the following, from which relief is requested:

- **Section 26.4.A.6 — Fence Requirements.** “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.” Section 26.4.A.7 limits fences outside manufacturing districts to six (6) feet (plus six inches for posts) in side and rear yards. The proposed 5-foot front-yard fence exceeds the 4-foot front-yard cap by one (1) foot. The decorative gate peak of 7.6 feet exceeds the front-yard cap by 3.6 feet at the center only.

- **Section 26.1.C.3 — Swimming Pools.** “A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.” The proposed enclosure is five (5) feet — one (1) foot

below the ordinance height — because a six-foot solid or tall fence along the street frontage would itself violate Section 26.4.A.6 and would be out of character on this block. Pool setback of six (6) feet from an adjacent property line (Section 26.1.C.1) is met on the site plan.

• **Section 26.1.B.8 — Accessory Structures.** “A maximum of two (2) accessory buildings (not including a swimming pool or satellite dish) is allowed on each lot.” Section 26.1.B.7 limits one- and two-family lots to 720 square feet for the largest accessory building and 840 square feet combined. Section 26.1.B.3 requires accessory structures to be at least three (3) feet from an interior side lot line and five (5) feet from the rear lot line. The proposed shed (240 sq. ft.) is well within the size cap and meets the numeric setbacks shown on the drawing. Relief is requested so the Board may expressly authorize this additional rear-yard shed in combination with the pool and fence, and so any existing or previously unpermitted accessory building on the lot does not prevent lawful use of the proposed shed.

6. Strict adherence to the Ordinance would create a practical difficulty that is not merely financial. The lot is a historic platted lot of record roughly 67 feet wide. State Street is the only street frontage. The Ordinance simultaneously (a) caps any street-facing fence at four feet and an open style, and (b) requires a six-foot enclosure around a swimming pool. Those two rules cannot both be satisfied on a through-frontage lot if the family is to have a code-compliant pool barrier and a street-facing fence that looks like the rest of the block. A four-foot open picket fence is not an adequate pool barrier for two children; a six-foot privacy wall along State Street would be injurious to the streetscape the 4-foot rule is meant to protect. Five feet of open ornamental fencing, a lockable gate, a 52-inch pool wall, and a lockable ladder is the least relief that lets the family use the rear yard safely without building a fortress on the street. The extra shed is a small, ordinary residential storage building occupying about 240 square feet on an 8,800-square-foot lot; denying it would deprive the owners of storage commonly enjoyed on comparable lots. Financial cost is not offered as the hardship.

7. Using the standards of I.C. 36-7-4-918.4 and Section 29.9.A of the City of Elkhart Zoning Ordinance, Petitioner states as follows. The Board may not grant a variance unless it specifically finds each of the following. Petitioner does not answer “yes” or “no”; the reasons are set out under each standard.

Standard 1 — Public health, safety, morals, and general welfare

Approval will not be injurious to the public health, safety, morals, or general welfare. The fence and gate sit entirely on private property, outside the public sidewalk and street pavement. Pickets are open, preserving sight lines for pedestrians and for vehicles exiting the driveway. The gate swings onto the lot, not into the right-of-way. No barbed wire, spikes, or electrified elements are proposed (Section 26.4.A.1). The pool will have self-closing / self-locking gates, a lockable ladder, and a 52-inch pool wall in addition to the 5-foot yard fence — a layered barrier intended to keep children and pets out of the water when the pool is not in use. The shed is a small storage building in the rear corner, not used for habitation (Section 26.1.B.12) and not placed under utility lines. All work will be done by insured contractors and will obtain the ordinary building and zoning permits after the variance is granted.

Standard 2 — Use and value of adjacent property

The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The fence is black ornamental metal — the same family of materials listed as permitted in Section 26.4.A.8 (ornamental wrought iron / decorative painted or vinyl-coated aluminum). The finished side faces neighboring lots and the street (Section 26.4.A.9). The deer-pattern gate is decorative, not a solid visual wall. The pool and shed are in the rear yard, screened from State Street by the house. Setbacks shown on the site plan keep the shed 7 feet off the west line (3 feet required) and about 10.5 feet off the rear line (5 feet required), and keep the pool about 17 feet off the west line (6 feet required). No commercial use, lighting glare, or additional traffic is proposed. Improvements of this kind typically support, rather than reduce, neighboring residential values.

Standard 3 — Intent and purpose of the Zoning Ordinance

Granting the variance is consistent with the intent and purpose of the Ordinance. The R-1 district exists to protect single-family residential character. A family home, an open ornamental fence, a decorative gate, a backyard pool, and a small shed are exactly the accessory residential features the Ordinance contemplates — the request is only for modest dimensional relief. Side- and rear-yard fences are already allowed to six feet; the request is one foot over the front-yard cap

and one foot under the pool-barrier height, not a change of use. The Board has granted comparable fence-height relief on residential streets where a rigid application of Section 26.4.A.6 conflicted with a legitimate safety or site condition. Staff have publicly noted that the City is updating its development standards; a 5-foot open fence is closer to ordinary residential practice than either a 4-foot barrier that cannot protect a pool or a 6-foot street wall.

Standard 4 — Special conditions peculiar to the land

Special conditions and circumstances exist which are peculiar to this land and are not generally applicable to other lands or structures in the same district. Lot 33 is an older platted lot in S.M. Beeson's Addition, about 67 feet wide and 132 feet deep — narrower and smaller than the current R-1 minimums of 75 feet of frontage and 9,500 square feet. The house and driveway already occupy the front third of the lot. The only street frontage is State Street, so any enclosure of the rear yard that also closes the driveway must cross the front-yard plane where the 4-foot cap applies. The lot is not a deep suburban tract where a 6-foot pool fence can be hidden entirely behind the house without touching the street yard. Those dimensions and the single-frontage layout are features of this parcel, not of every R-1 lot.

Standard 5 — Strict application would deprive rights commonly enjoyed

The strict application of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. Families throughout Elkhart lawfully keep backyard pools and storage sheds and enclose their yards. On this lot, literal enforcement means either (i) no pool, because a 6-foot enclosure cannot be built without violating the 4-foot front-yard rule wherever the enclosure meets the street, or (ii) a 4-foot open fence that does not meet the pool-barrier standard the City itself imposes for child safety. Other owners on larger or through-block lots can satisfy both rules at once. Petitioner is not asking for a commercial use, a second dwelling, or a structure taller than the house. A 5-foot open fence, a decorative gate, a 27-foot above-ground pool, and a 240-square-foot shed are rights commonly associated with single-family occupancy. Financial considerations are not the basis of this finding.

Standard 6 — Conditions not created by the applicant

The special conditions and circumstances do not result from any action or inaction by the applicant. Petitioner did not plat Beeson's Addition, did not fix the 67-foot lot width, and did not write the two ordinance sections that conflict on a single-frontage lot. The house, driveway location, and lot lines predate this request. Petitioner is coming to the Board before finishing the work, with drawings, product elevations, and permit applications in hand, rather than asking the Board to ratify a completed violation. That is the opposite of a self-created hardship.

Standard 7 — Flood-hazard areas

Petitioner is not requesting a variance from floodplain elevation or fill standards. The improvements are an open fence, a decorative gate, an above-ground pool that can be emptied, and a small storage shed. They will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing flood laws. If any portion of the lot is later determined to lie in a mapped special flood hazard area, Petitioner will obtain every additional permit required by Section 21 and will not place fill or an occupied structure in the floodway.

Conditions Petitioner will accept

Petitioner respectfully asks the Board to grant the three variances and is willing to accept reasonable conditions, including: (1) fence and gate located entirely on the lot and not in the right-of-way; (2) finished side facing out; (3) open ornamental pickets on the street frontage (not a solid privacy wall); (4) all pool gates self-closing and self-locking; (5) pool ladder locked or removed when the pool is not in use; (6) shed limited to approximately 240 square feet, residential materials, no habitation; (7) implementation within twelve (12) months as required by the Ordinance; and (8) all ordinary building, zoning-clearance, electrical, and (if any) plumbing permits obtained after the variance is granted.

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

Ryan D. Lantz, Property Owner

Date: July 2, 2026

Jennifer Lantz, Property Owner

Date: July 2, 2026

Contact Person (same as petitioner)

Ryan D. Lantz

2024-19515

ELKHART COUNTY RECORDER
KAALA BAKER
FILED FOR RECORD ON
11/22/2024 01:26 PM
AS PRESENTED

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE WITNESSETH that Matthew A. Yeakey is the Personal Representative of the Estate of Lula Shalley, deceased, who died on March 9, 2015, a resident of Elkhart County, Indiana ("Grantor"); that said estate is pending in the Elkhart Circuit Court as Estate No. 20C01-2211-BU-000264; that the attorney for said estate is Matthew A. Yeakey; and that said Personal Representative, by virtue of the power given to a personal representative, pursuant to the Court's Order dated October 11, 2024, conveys to Ryan D. Lantz and Jennifer L. Lantz, husband and wife, of 316 State Street, Elkhart, Indiana, 46514, in Elkhart County, State of Indiana ("Grantee"), the following described real estate located in Elkhart County, State of Indiana, to-wit:

Lot Number Thirty-Three (33) in Beeson's Addition to the town (now city) of Elkhart, Indiana.

Commonly described as 316 State Street, Elkhart, IN 46514
Tax Parcel No. 20-06-04-353-011.000-012

SUBJECT TO taxes, easements, assessments, restrictions, covenants and encumbrances, if any, of record.

IN WITNESS WHEREOF, the said Matthew A. Yeakey, as Personal Representative of the Estate of Lula Shalley, deceased, the Grantor herein, has executed this conveyance this 8th day of November, 2024.

Matthew A. Yeakey
Matthew A. Yeakey, Personal Representative
of the Estate of Lula Shalley, deceased

STATE OF INDIANA)
COUNTY OF ELKHART) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 8th day of November, 2024, personally appeared Matthew A. Yeakey, Personal Representative of the Estate of Lula Shalley, deceased, and acknowledged the execution of the above and foregoing Personal Representative's Deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my Notarial Seal.



Traci L. Smith
Notary Public

EXHIBIT A — SITE PLAN (FENCE / LOT LAYOUT)

To-scale drawing of Lot 33 showing lot lines (67' × 132'), the two-story residence, driveway, decks, proposed fence run along the driveway (28'), and the rear shed footprint. North is up. State Street is at the south. Drawing is smaller than 11" × 17".

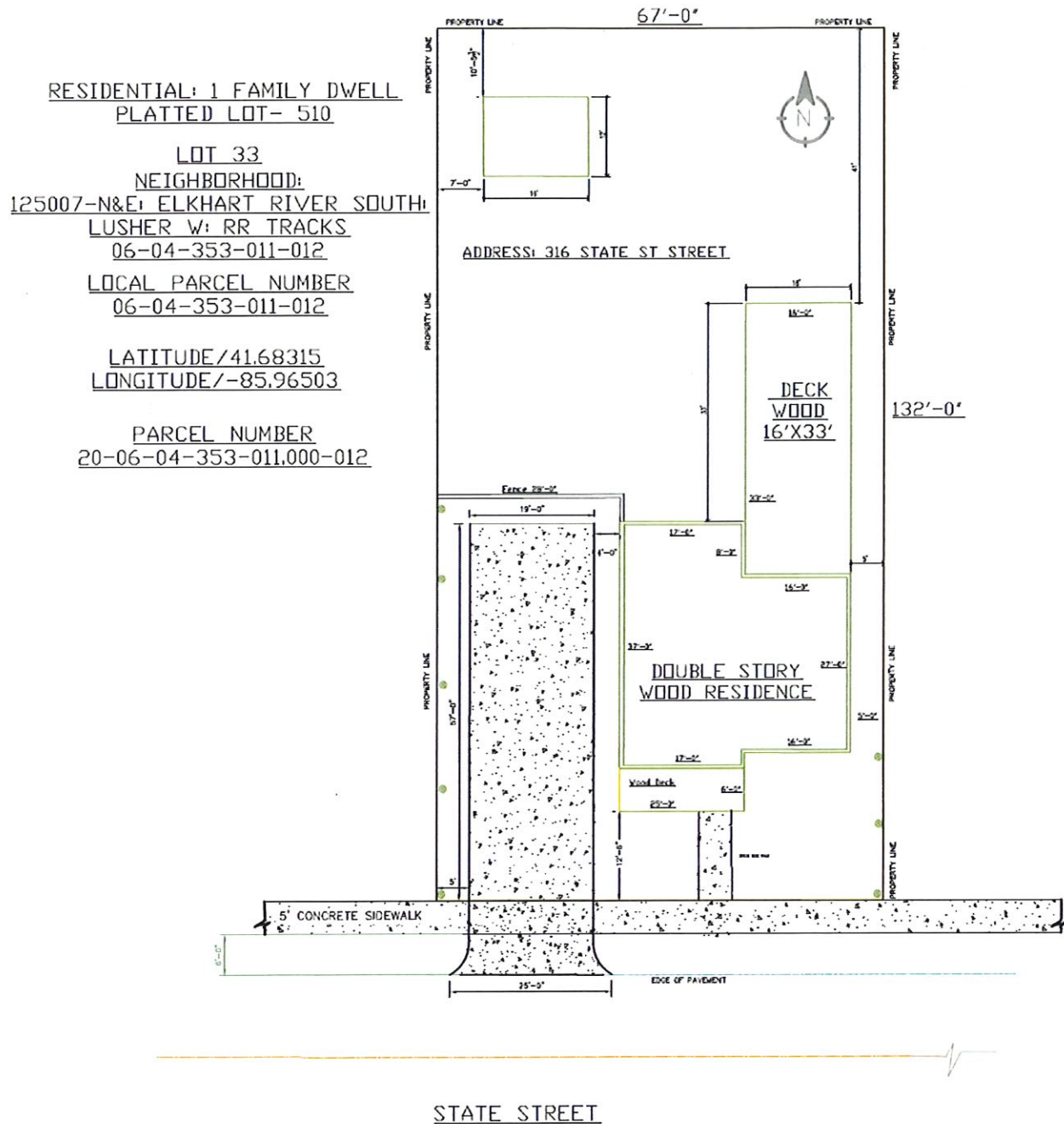


Exhibit A. Site plan of 316 State Street — existing house, driveway, decks, fence alignment, and rear shed.

EXHIBIT B — SITE PLAN (POOL AND SHED)

Same lot with the proposed 27-foot-diameter above-ground pool in the rear yard west of the existing 16' × 33' deck, and the 16' × 15' (approx.) storage shed in the northwest corner. Pool is dimensioned approximately 17 feet off the west property line.

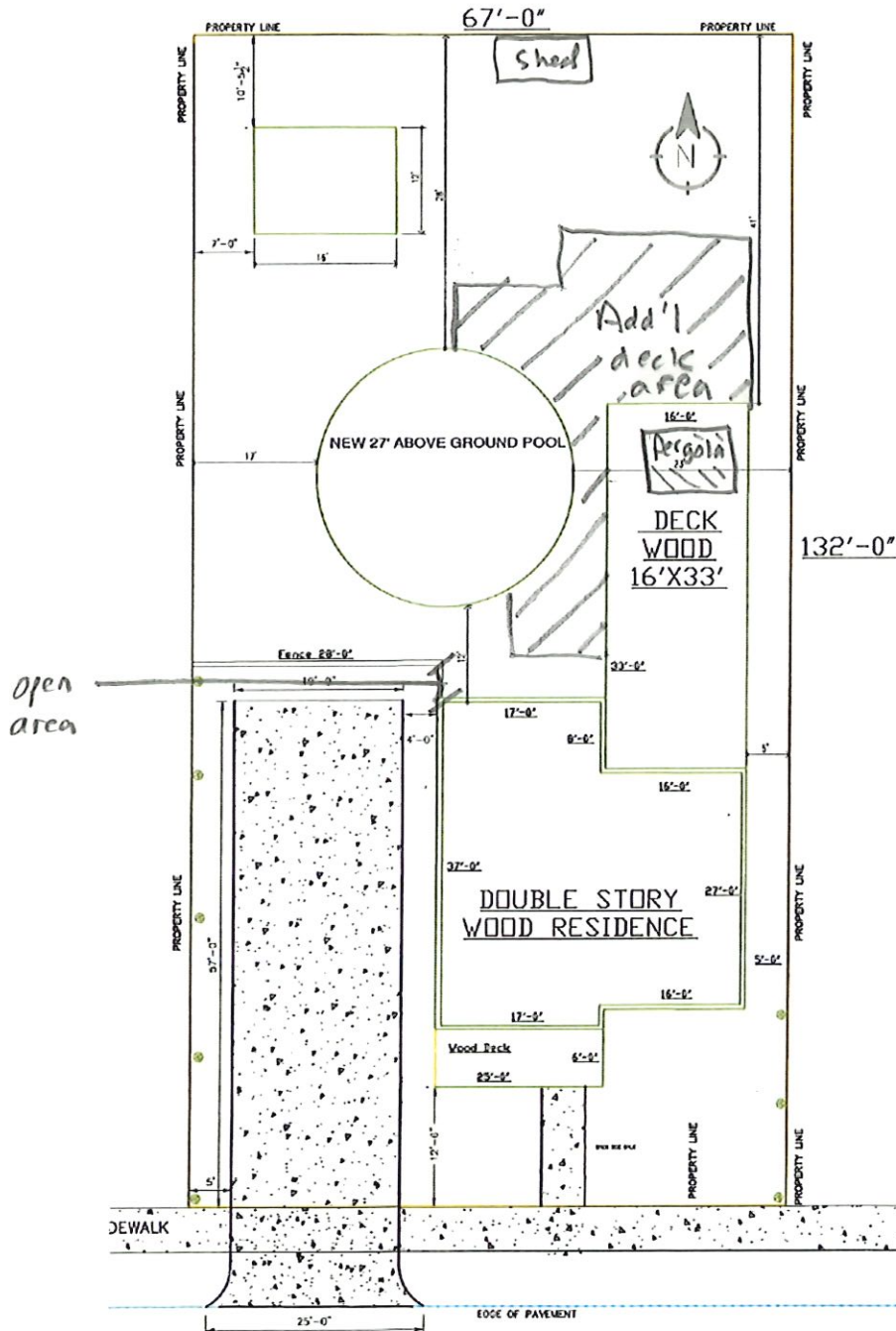


Exhibit B. Site plan showing the 27-foot above-ground pool and additional rear-yard shed.

EXHIBIT C — FENCE ELEVATION AND SPECIFICATIONS

Typical ornamental aluminum panel. The manufacturer drawing below is a 48-inch (4-foot) panel used to show style, picket spacing, and open character. The variance requests the same open ornamental style at 60 inches (5 feet) in the front yard and as the pool-yard enclosure. Picket spacing will remain open (not a solid privacy fence) so street visibility is preserved. Finished side faces out.

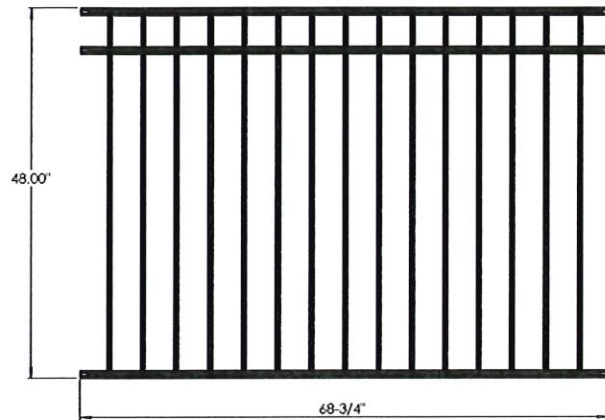


Exhibit C. Ornamental aluminum fence panel — open vertical pickets. Proposed installed height: 5 feet.

Style	Ornamental aluminum / steel, black, vertical pickets
Ordinance-allowed materials	Section 26.4.A.8 expressly lists ornamental wrought iron and decorative painted or vinyl-coated aluminum
Front-yard rule	§ 26.4.A.6 — open style, 4 ft max. Requested: same open style at 5 ft
Side / rear rule	§ 26.4.A.7 / 26.4.B — 6 ft max. 5 ft is under that cap
Pool-barrier rule	§ 26.1.C.3 — 6 ft enclosure. Requested: 5 ft enclosure + 52-in pool wall + lockable ladder
Placement	On the lot, not on the property line itself and not in the right-of-way
Gates	Self-closing and self-locking at all pool-enclosure openings

EXHIBIT D — DRIVEWAY GATE ELEVATION AND PRODUCT

20-foot steel dual-swing driveway gate with decorative deer-pattern oval panels. Height is 5.8 feet at the sides and 7.6 feet at the arched center peak. The gate is open picket construction, not a solid wall, and will swing onto the property. It is the element that most exceeds the 4-foot front-yard cap; the extra height is ornamental at the center arch only.

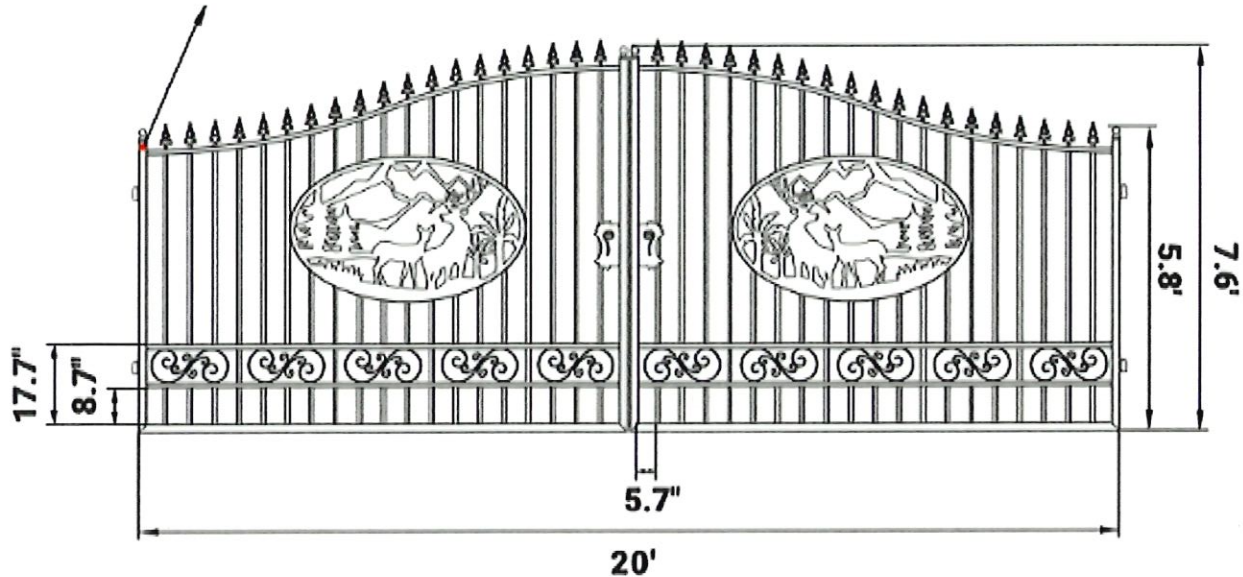


Exhibit D-1. Gate elevation — 20' wide; 5.8' sides; 7.6' center peak.



Exhibit D-2. Product photograph — 20 × 8 ft class steel dual-swing gate with deer-pattern panels (black).

The gate will be set at the driveway opening shown on Exhibits A and B (25-foot curb cut / 19-foot interior driveway). It will not encroach on the 5-foot public sidewalk or the street pavement. Visibility for cars leaving the driveway is preserved by the open pickets.



EXHIBIT E — POOL PERMIT APPLICATIONS (SUPPORTING)

Copies of the Building Permit Application and Zoning Clearance form previously prepared for the 27-foot above-ground pool (signed August 5, 2025). They are included so the Board and Staff can see that Petitioner has already described the pool, its size, depth, value, and rear-yard location. Those forms are not a substitute for the variance; they will be re-filed or updated after the Board acts.



BUILDING PERMIT APPLICATION

City of Elkhart, Indiana
 229 S. 2nd Street, Elkhart, IN 46516
 Building Inspector: Paul Goodwin
 (574)294-5471 ext. 1009

OFFICE USE ONLY

PERMIT #:
 ALT PARCEL #:
 DATE ISSUED:
 ACCEPTED BY:

PROPERTY OWNER INFORMATION

Owner's Name: Ryan Lantz
 Phone #: [REDACTED] Owner's Email Address: [REDACTED]
 Is Owner the Applicant? ☒ Yes ☐ No

PROPERTY INFORMATION

Property Address: 316 State St # of Units: 1 # of Stories: 2
 Occupancy: ☒ Occupied ☐ Vacant How long has it been occupied/vacant?
 Type of Structure: ☐ Commercial ☒ Residential

DESCRIPTION OF WORK INFORMATION

Class of Work: ☐ Accessory Structure ☐ Addition ☐ Alteration/Repair ☐ Demolition
☐ Fire Suppression ☐ Foundation Only ☐ Moving Structure ☐ New Structure ☒ Pool ☐ Storage Tank
 Foundation Information: Material: Type: above ground Footing Depth:
 Total Square Feet of Structure to be Built (or Demolished): 520
 Habitable Square Feet (for New Builds or Additions ONLY):
 Estimated Value of Work: \$ 5000.00
 Description of Work:

Install 27' above ground pool in back yard.

COMMERCIAL USE ONLY

Proposed Building Occupancy Classification:
 Type of Construction:
 State CDR #: Scope of Release: ☐ Fnd ☐ Arch ☐ Str ☐ Spk ☐ Mech ☐ Plum ☐ Elec
 Fire Sprinklers? ☐ Yes ☐ No (Note: a separate permit is required for a Fire Suppression System)

CONTRACTOR INFORMATION (if applicable)

Contractor/Company Name:
 Phone #: Contractor's Email Address:

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING. THESE PERMITS MUST BE SECURED BY THE LICENSED CONTRACTOR. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 365 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

[Signature]
 Signature of Owner or Authorized Agent

Ryan Lantz
 Printed Name

8/5/25
 Date

Exhibit E-1. Building Permit Application — 27' above-ground pool in rear yard; 52" depth; \$5,000.

EXHIBIT E-2 — ZONING CLEARANCE (POOL)

ZONING CLEARANCE

City of Elkhart

229 S. 2nd Street, Elkhart, IN 46516

(574)294-5471

A ZONING CLEARANCE MUST BE ISSUED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

ZONING CLEARANCE # _____ FEE: \$ _____

JOB & OWNER INFORMATION			
Property Address: <u>316 State St.</u>			
Property Owner: <u>Ryan Cantz</u>		Phone: [REDACTED]	
Property Owner's Address: [REDACTED]			
Contractor: _____		Phone: _____	
Contact Email: _____			
*Present Use of property: _____		*Proposed Use of property: _____	
*Example: Single Family Residence, Duplex, 3-Unit, Commercial, Manufacturing, etc.			
Type of Proposed Structure (check all that apply):			
☐ New Residential Build	☐ Residential Addition	☐ New Commerical Build	☐ Commercial Addition
☐ Accessory Structure (circle one): shed, detached garage, deck, pergola, gazebo, handicap ramp, stairs/steps			
☐ Fence	☐ Sign	☒ Pool	☐ Driveway
New Structures:	Type: _____	Sq.Ft.: _____	Height to Peak: _____
Fence Installation:	Type: _____	Material: _____	Height: _____
Pool Installation:	Type: <u>above ground</u>	Sq.Ft.: <u>572.56</u>	Depth: <u>52"</u>
Sign Installation:	Type: _____	Sq.Ft.: _____	Height: _____
Description of Work: <u>Install a 27' round above ground pool</u>			
Property Owner (or Representative) Signature: <u>[Signature]</u>			Date: <u>8/5/25</u>
Note: (1) The property owner/contractor shall assume responsibility for construction over any public and private easement (2) Whenever major improvements are made to a building or structure or a new use, parking/loading facilities shall conform to the existing zoning ordinance.			
Certificate of Occupancy requirements on back of form. Property Owner Signature Required.			

OFFICE USE ONLY			
Zoning:	Required Zoning:	Map #:	Number of Units:
Proposed Setbacks: Front _____	Rear _____	R Side _____	L Side _____
Required Setbacks: Front _____	Rear _____	R Side _____	L Side _____
Additional Conditions (check those required):			
☐ BZA Action	☐ Plan Commission Action	☐ Historic District	☐ Wetlands
☐ Floodplain	☐ Corridor/Overlay District	☐ Curb Cut Approval	☐ Technical Review
Staff Signature: <u>[Signature]</u>			Date: <u>8/5/25</u>
Comments: _____			

Exhibit E-2, Zoning Clearance form for the 27-foot round above-ground pool (approx. 572.5 sq. ft.).

APPLICANT CHECKLIST AND FILING INSTRUCTIONS

Prepared against the City of Elkhart 2026 Developmental Variance Petition packet (Applicant Checklist, page 2 of the official instructions).

[X]	Appeal letter patterned after the sample form, addressing each of the seven statutory standards with reasons (not yes/no). Included.
[X]	Completed Petition form. Signature lines are in this packet — sign in permanent ink before filing.
[X]	Affidavit signed and notarized. Take the Affidavit page to a notary today. The Board will not treat an un-notarized affidavit as complete.
[X]	Full legal description (Lot 33, S.M. Beeson's Addition) — not a tax-key abbreviation. Included. Email a deed PDF to Raen.Levendoski@cityofelkhart.in.gov if Staff asks.
[X]	To-scale drawings 11" x 17" or smaller: Exhibits A and B (site), C (fence), D (gate). One set is enough at this size.
[X]	Plans for the proposed improvements (fence elevation, gate elevation, pool dimensions, shed footprint). Included.
[X]	Supplemental information: product photo, prior pool applications, property data.
[X]	Filing fee of \$200.00 (residential one- and two-family developmental variance). Pay at the Permit Center — Visa, MC, Discover, cash, or check to the City of Elkhart. For online filing, Staff emails a payment request after completeness review.

End of packet — Thank you Ryan Lantz

PETITION TO THE BOARD OF ZONING APPEALS**PETITION TYPE: DEVELOPMENTAL VARIANCE**

Petition #: _____

Property Owner(s)	Ryan D. Lantz and Jennifer Lantz
Mailing Address	_____
Phone #	_____
Email	_____
Contact Person	Ryan D. Lantz (owner)
Contact Mailing Address	_____
Contact Phone / Email	_____
Subject Property Address	316 State Street, Elkhart, IN 46516
Zoning	R-1, One-Family Dwelling District (confirm on Official Zoning Map)
Present Use	Single-family dwelling (occupied by owners and two children)
Proposed Use	Same single-family dwelling, plus 5-ft ornamental fence and decorative driveway gate, 27-ft above-ground pool, and one additional rear-yard storage shed
Township	Concord Township, Elkhart County, Indiana
Parcel Number	20-06-04-353-011.000-012
Ordinance Sections	§ 26.4.A.6 (front-yard fence height); § 26.1.C.3 (pool enclosure height); § 26.1.B.8 (accessory buildings)

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):

Ryan D. Lantz _____ Jennifer Lantz _____

SIGNATURE(S) — sign in permanent ink:

 _____ Date: _____
 _____ Date: _____

STAFF USE ONLY

Staff checklist:	
☐ Appeal letter signed in ink by the owner	☐ Completed Petition form signed by owner of record
☐ Written authorization if filed by other than owner/attorney	☐ Full and accurate legal description
☐ One to-scale drawing 11" x 17" or smaller (or 12 copies if larger)	☐ Supplementary information
Ordinance Requirement Section(s): _____	Map #: _____ Area: _____
Received by: _____	Date: _____

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Ryan D. Lantz, being first duly sworn upon my oath, depose and say that I am familiar with and have 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 the developmental 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 316 State Street, Elkhart, Indiana 46516 (Parcel No. 20-06-04-353-011.000-012; Lot 33, S.M. Beeson's Addition).
4. The facts stated in the appeal letter and petition regarding the existing use of the property, the proposed 5-foot ornamental fence and decorative driveway gate, the 27-foot above-ground pool, and the additional rear-yard storage shed are true and correct to the best of my knowledge.
5. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the _____ day of September, 2026.

Signature of Affiant

Printed: Ryan D. Lantz

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: Ryan D. Lantz

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Ryan D. Lantz, and acknowledged his execution of the foregoing. Subscribed and sworn to before me this _____ day of September, 2026.

Notary Public in and for the State of Indiana

Printed: _____

My Commission Expires: _____

Resident of _____ County, Indiana

Take this page to a notary before you file. The Planning Department will not accept the affidavit without the notary block completed.

LEGAL DESCRIPTION AND PROPERTY DATA

Full Legal Description

Lot Numbered Thirty-Three (33) in S.M. Beeson's Addition to the City of Elkhart, as per the recorded plat thereof, recorded in the Office of the Recorder of Elkhart County, Indiana.

Commonly known as: 316 State Street, Elkhart, Indiana 46516.

Parcel / Tax ID: 20-06-04-353-011.000-012 (local 06-04-353-011-012).

Note to Staff: A tax-key abbreviation is not a substitute for the plat legal. If the recorded deed contains additional recital language, Petitioner will email the deed legal to Raen.Levendoski@cityofelkhart.in.gov upon request.

Assessor / GIS Data

Use / Structure	Residential: 1-Family Dwelling – Platted Lot (code 510); 2-story wood residence
Neighborhood	1250007 — N & E: Elkhart River; S: Lusher; W: RR tracks
Lot dimensions (site plan)	67 feet (State Street frontage) × 132 feet deep
Lot area	Approximately 0.197 acre / 8,585–8,844 square feet
Coordinates	Approx. 41.68315 N, 85.96503 W
PLSS	Township 37N, Range 5E, Section 4
School / Township	Elkhart Community Schools / Concord Township
TIF	TIF 110 (as shown on assessor record)

Proposed Improvements — Dimensions

Ornamental fence	5 feet tall; black aluminum / steel vertical pickets; finished face out; on-lot only
Driveway gate	20-foot dual-swing; 5.8 ft at sides / 7.6 ft at center peak; deer-pattern panels
Above-ground pool	27-foot diameter round; 52 inches deep; approx. 573 sq. ft.; rear yard
Pool setback (plan)	Approx. 17 feet from west side lot line (6 feet required)
Storage shed	Approx. 16 ft × 15 ft = 240 sq. ft.; northwest rear corner
Shed setbacks (plan)	7 ft from west line (3 ft required); 10.5 ft from rear line (5 ft required)
Existing rear deck	Wood, 16 ft × 33 ft, attached to house
Driveway	Concrete, west side; 25 ft wide at street, 19 ft wide on lot, approx. 57 ft deep

Maximum accessory-building size allowed on a one-family lot is 720 sq. ft. for the largest building and 840 sq. ft. combined (Section 26.1.B.7). The proposed shed is 240 sq. ft. A swimming pool does not count toward that cap or toward lot coverage (Section 26.1.C.2). R-1 maximum lot coverage for structures is 40 percent; house, decks, and a 240 sq. ft. shed remain well below that figure on this lot.



Staff Report

Planning & Zoning

<u>Petition:</u>	26-BZA-26
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	October 8, 2026
<u>Petitioner:</u>	The Hilltop Company LLC
<u>Site Location:</u>	121 South Main Street
<u>Request:</u>	To vary from Section 26.10.F.4 Off-Premises Signs, An off-premises sign shall only be permitted in B-3, Service Business District, M-1, Limited Manufacturing District and M-2, General Manufacturing District. The petitioner requests an off-premises wall sign in the CBD, Central Business District where off-premises signs are not permitted.
<u>Previous BZA Action:</u>	None
<u>Existing Zoning:</u>	CBD, Central Business District
<u>Size:</u>	+/- 0.09 Acres
<u>Thoroughfares:</u>	South Main Street
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available to site
<u>Surrounding Land Use & Zoning:</u>	The surrounding properties are CBD Central Business District.
<u>Applicable Sections of the Zoning Ordinance:</u>	See enumerated in request.
<u>Comprehensive Plan:</u>	The Comprehensive calls for this area to be developed office and institutional uses of the downtown mixed use future land use district.



Staff Analysis

The petitioner is requesting to vary from Section 26.10.F.4 Off-Premises Signs, an off-premises sign shall only be permitted in B-3, Service Business District, M-1, Limited Manufacturing District and M-2, General Manufacturing District. The petitioner requests an off-premises wall sign in the CBD, Central Business District where off-premises signs are not permitted.

The petitioner is requesting a variance to allow for an off-premises wall sign in the CBD, Central Business District where off-premises signs are not permitted. The requested sign is to be installed on the north facing wall of 121 S. Main Street, which is the south neighboring property to Notre Dame Federal Credit Union.

A sign is defined as any name, identification, description, display, or illumination which is affixed to, painted, or represented directly or indirectly upon a structure (including a window area), or land which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization, or business.

An Off-Premises Sign is defined as a sign or billboard that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered or a commodity sold at a location other than the zoning lot where the sign is affixed. This type of sign is typically found in areas where manufacturing or large-scale commercial and auto related uses occur and are located along major thoroughfares.

Because the sign includes the use of the Shammy icon which is the logo used by Notre Dame Federal Credit Union the sign is viewed as an Off-Premise Sign due to being located on another property than where the business is being promoted. The use of murals is allowed by right as they do not represent a commercial message.

Additional sign regulations for the Off-Premises Sign still need to be met:

Section 26.10. F. 4. E. The minimum distance between off-premises signs shall be one thousand (1,000) feet measured linearly along the right(s)-of-way to which they are visible. When staff measured the distance between off-premises signs with the closest being at 117 West Jackson Boulevard which is around the corner and is less than the minimum distance permitted.

Section 26.10. F. 4. I. Off-premises signs shall not be located within one thousand (1,000) feet of any local, state, or federally created historic district or structure. The proposed off-premise sign will be located on a structure included in a state and federal historic district.

Section 26.10. F. 4. J. Off-premises signs shall not be located within thirteen hundred (1,300) feet of the St. Joseph River, the Elkhart River, and/or Christiana Creek as measured from the stream bed. The Elkhart River runs about 500 feet from this location.

The applicant for which the sign is intended was approved for an increase in the square footage for wall signs and a projecting sign on March 12, 2026, as 26-BZA-05. This sign was petitioned at their property at 101 South Main Street.

There are several important factors to be mindful of when evaluating the specifics of this case. First, the building wall being used to place the sign on the side of a building is a much larger area available for signage than other buildings in the area. The architecture for this building is a traditional downtown building with the ornamentation and other elements found on buildings from past decades. The building wall has a significant face that is in prime view of main street more so than other buildings found in the downtown area, which would allow more potential signable area.

The request is significant due to the location downtown. Near the intersection of two main thoroughfares, Jackson and Main, this area does not permit other forms of signage as ground or pylon signs which are expressly prohibited. Therefore, the request is impactful considering other types of signage are not allowed.

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

The other concern staff has with this request is if the sign is approved, if in the future the sign is refaced, the sign with a different commercial message is not regulated by the Zoning Ordinance. Because city staff does not regulate sign content once approval is given, then potential changes to the sign face may not have the same desired appearance as in this sign request.

The city has expended tremendous resources and has supported the vision to reimagine downtown Elkhart. The use of murals is common through the Central Business District; the city has worked hard to restrict Off-Premise Sign within the downtown area to protect a more artistic and vibrant feel. The city supports redevelopment activity that falls in line with the River District Plan, Downtown Plan and the current permitted uses found in the CBD section of the zoning ordinance.

Consideration of the 3 additional standards mentioned previously lends to a very high standard of aesthetics in the downtown area. This is especially true when setbacks of 1,000 feet or more are applied to placement of a

sign. This represents explicit protection of the viewshed in the greater downtown area. The placement of an off-premise sign therefore must meet a significant standard and burden of proof to be approved.

Staff recommends **denial** of this variance.

Recommendation

The Staff recommends **denial** of the developmental variances to vary from Section 26.10.F.4 Off-Premises Signs. An off-premises sign shall only be permitted in B-3, Service Business District, M-1, Limited Manufacturing District and M-2, General Manufacturing District. The petitioner requests an off-premises wall sign in the CBD, Central Business District where off-premises signs are not permitted 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 as this wall sign does not meet the high standard of the central business district standards;
2. The use and value of the area adjacent to the property **will be** affected in a substantially adverse manner because the size and visual impact of the proposed sign is out of character for the Central Business District as wall signage is the primary form of advertisement in the district;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do not exist** that are peculiar to the land involved as the wall sign, on the building where the sign is proposed is not as necessary because the petitioner received positive board action for signage at their property located immediately north of this proposed petition;
5. The strict application of the terms of this Ordinance **will not** result in practical difficulties in the use of the property because other forms of signage are permitted by ordinance;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because the current building wall will continue to exist in its current form. The signable area on the building wall is still retained for future permitted sign requests;
7. This property **does not** lie within a designated flood hazard area.

Conditions

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

1. The sign will be painted onto the wall.
2. The use of lighting onto the sign will be prohibited.
3. The sign rendering attached as petitioners' documentation will be the size approved.
4. Structural protrusions extended from the face of the wall and freestanding signs are prohibited.

Photos



Site visit - Image taken from September 29, 2026



Site visit - Image taken from September 29, 2026



Site visit - Image taken from September 29, 2026



Site visit - Image taken from September 29, 2026

Attachments

Petition, appeal letter, affidavit, and site plan.

PETITION #: 26-BZA-26 FILING FEE: \$ 300.⁰⁰

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): The Hilltop Company LLC

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Rachel Hoffman

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 121 S. Main St. Elkhart, IN 46516

Zoning: [REDACTED]

Present Use: [REDACTED] Proposed Use: [REDACTED]

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): Rachel Hoffman

SIGNATURE(S): Rachel Hoffman DATE: 9/01/20

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): [REDACTED]

Map #: [REDACTED] Area: [REDACTED]

RECEIVED BY: Raen Levendaski DATE: 9/4/20

August 21, 2026

To Whom It May Concern,

I am the owner of the property located at 121 S Main Street, Elkhart, IN 46516.

This letter serves to formally authorize Allen Stenberg, Adam Bujalski and/or any other representative from Notre Dame Federal Credit Union, the planned tenant of the above-referenced property, to act on my behalf for the limited purpose of preparing, submitting, and pursuing a petition for a sign variance with the City of Elkhart. This authorization includes communicating with city staff, attending hearings or meetings, and submitting any materials required in connection with the sign variance application.

I understand the nature of the request and support Notre Dame Federal Credit Union's efforts to obtain approval for the proposed signage, subject to the City's applicable regulations and review processes.

Sincerely,

 Bryan J. Hoff, Member Hilltop Company LLC

DATE: 8/21/2026

TO: City of Elkhart Board of Zoning Appeals
City of Elkhart, Indiana

RE: Developmental Variance Request
Mural/Signage – Central Business District (CBD)
121 S. Main St., Elkhart, Indiana 46516

1. The undersigned petitioner respectfully submits this appeal to the Board of Zoning Appeals for a Developmental Variance related to signage regulations within the Central Business District (CBD), and states the following:

The subject property is commonly known as 121 S. Main St., Elkhart, Indiana 46516, within the City of Elkhart, Elkhart County, Indiana. The legal owner of record is identified below and in Exhibit A. Notre Dame Federal Credit Union has obtained written approval for a five-year lease, with an option to renew for an additional five years, for the mural wall and related project activities.

2. The subject property is zoned Central Business District (CBD) under the City of Elkhart Zoning Ordinance.
3. The subject property contains an exterior wall along South Main Street in downtown Elkhart. The wall is next to Notre Dame Federal Credit Union's branch at 101 S. Main St., Suite 100. The wall is presently in visual disrepair and requires cleaning, preparation, and repair before any finish can be applied.
4. See exhibit C for scale drawing of building and mural placement.
5. The petitioner proposes to rehabilitate and beautify the wall through a professionally designed mural with an estimated total area of approximately 1,920 square feet with repairs and priming of the wall will extend an additional 735 square feet for a total of 2655 square feet of painted wall., based on measurements provided by the muralist.

The project will replace a visibly deteriorated surface within the Central Business District with a maintained work of public-facing art, improving the South Main Street streetscape and creating a more welcoming visual environment for downtown residents, employees, businesses, and visitors.

The artwork contains no wording, business name, promotional message, product information, or call to action. The proposed design includes Notre Dame Federal Credit Union's Shammy icon as a visual element. City staff has advised that the presence of the Shammy icon causes the mural to be treated as a sign and that the project must follow the sign-variance process.

- a. See rendering and artist proposal outlined in Exhibit B.
- b. The mural will be installed only after the wall is cleaned, repaired, and prepared in accordance with the artist's requirements.

6. The City of Elkhart Zoning Ordinance limits:

- Because the City has classified the mural as a sign, the project requires relief from the applicable sign-area limitation.
- The maximum allowable signable area per facade within the Central Business District is 50% of the Signable Area to a maximum of 25 square feet per store front. Proposed mural will cover 100% of the walls signable area.

7. Strict application of the signage standards creates hardship due to conditions unique to the property, including:

- This mural would protect from further deteriorating conditions and improve the visual optics for all surrounding property owners.
- The unusually large, highly visible exterior wall forms part of the downtown streetscape and is presently in visible disrepair.
- A coherent mural must respond to the scale, proportions, and uninterrupted surface of the wall; applying a conventional storefront-sign area to the entire artistic composition would prevent a proportional treatment of the wall.
- The mural contains no wording or business name, and the Shammy icon is a limited element within a broader work intended to repair and beautify the property and surrounding area.
- The property's downtown location and direct relationship to the public streetscape make wall rehabilitation and visual improvement particularly important.
- The request is based on the wall's physical condition, scale, location, and treatment as a single composition; cost savings or other financial considerations are not the basis of the request.

7. Standards for Granting a Developmental Variance The requested variance satisfies all statutory standards as follows:

1. **Public health, safety, and welfare:**

The proposed mural will not be injurious to public health, safety, morals, or general welfare. The signage is professionally designed, appropriately scaled, and consistent with downtown character.

2. **Impact on adjacent properties:**

The use and value of surrounding properties will not be adversely affected. Mural will improve the visual optics for all surrounding property owners and visitors to the Central Business District.

3. **Consistency with zoning intent:**

Granting the variance supports the intent of the CBD zoning district by promoting active ground-floor commercial use and pedestrian-oriented business identification.

4. **Unique site conditions:**

Special conditions exist that are peculiar to this property and wall, including the wall's approximately 2,655-square-foot scale, its deteriorated condition, its prominent downtown

exposure, and its direct relationship to the South Main Street streetscape. These combined conditions are not typical of every property or structure in the district.

5. Deprivation of commonly enjoyed rights:

Denial of the variance would prevent the petitioner from enjoying reasonable signage visibility afforded to other downtown businesses.

6. No self-created hardship:

The wall's size, orientation, location, and existing deterioration predate this proposal and do not result from any action or inaction by the petitioner. Notre Dame Federal Credit Union is responding to those conditions through a planned repair and beautification project.

7. Flood hazard considerations:

The property is not located within a designated flood hazard area, and the requested variance will not increase flood risk or public expense.

WHEREFORE, the petitioner respectfully requests that the Board of Zoning Appeals grant the requested Developmental Variance to allow signage exceeding the standard signable area and projecting sign limitations for the north, east, and southeast facades of the property located at 121 S. Main St., Elkhart, Indiana.

Signature of Property Owner: _____



Printed Name: _____

Brian J. Smith, Member R. Hilltop Company LLC

Lessee Name: Notre Dame Federal Credit Union

Contact Persons:

Allen Stenberg, SVP of Marketing, Notre Dame Federal Credit Union

Adam Bujalski, SVP of National Commercial Lending

Address: 1828 Moreau Dr, Notre Dame, IN 46556

DISCLOSURE FEE NOT REQUIRED
CITY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
12-22-06
20-06
AUDITOR
5.00 paid

2006 37432

ELKHART COUNTY RECORDER
CHRISTOPHER J. ANDERSON
FILED FOR RECORD
AS PRESENTED

2006 DEC 22 A 11:37

RETURN TO: HOLD FOR MERIDIAN TITLE CORP.

MAIL TAX NOTICES TO:
120 W. Lexington Ave.
Elkhart, IN 46516

Property Address:
121-123 S. Main Street
Elkhart, IN 46516

Tax ID No. 20-06-05-406-026-000-012
20-06-05-406-025-000-012

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH THAT

The Hilltop Company, LLC, inadvertently referred to as Hilltop LLC, an Indiana limited liability company
CONVEY(S) AND WARRANT(S) TO

The Hilltop Company, LLC, an Indiana limited liability company, 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:

Lot Number 14, except the Northerly 17 1/2 feet thereof, as the said Lot is known and designated on the recorded Original Plat of the Town (now City) of Elkhart, Indiana; said Plat being recorded in Deed Record 1, page 34 in the Office of the Recorder of Elkhart County, Indiana. ALSO: The Westerly 1.25 feet of the vacated Main Street lying East of and adjacent to said Lot.

(1) EXCEPTING: Part of Lot Numbered 14 as the said Lot is known and designated on the recorded Original Plat of Town (now City) of Elkhart, Indiana; said Plat being recorded in Deed Record 1, page 34 in the Office of the Recorder of Elkhart County, Indiana, more particularly described as follows:

17 Commencing 17 feet and 6 inches South 20 degrees East from the Northeast corner of said Lot Number 14; thence
ch. running South 70 degrees West on a line parallel with the North line of said Lot, 165 feet; thence South 20 degrees East, along the West line of said Lot, 16 1/2 feet; thence North 70 degrees East, parallel with the North line of said Lot, 165 feet; thence North 20 degrees West, along the East line of said Lot 16 feet and 6 inches to the place of beginning.

Subject to taxes for the year 2006, due and payable in 2007, and taxes for all subsequent years.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 21ST day of December, 2006.

The Hilltop Company, LLC, inadvertently referred to as
Hilltop LLC, an Indiana limited liability company

By: Brian J. Smith
Brian J. Smith, Member

State of Indiana, County of Elkhart ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Brian J. Smith 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 21st day of December, 2006.

My Commission Expires: _____

Printed Name of Notary Public

Notary Public County and State of Residence

Signature of Notary Public



JAMES HUGHEY
RES. OF ELKHART CO.
MY COMM. EXP. 6-13-08

This instrument was prepared by: Debra A. Guy, Attorney-at-Law #24473-71.
202 S. Michigan St., Ste. 1000, South Bend, IN 46601
C3680E06 skc

I, Debra A. Guy 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.

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Brian Smith, 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 121 S. Main St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 1st day of Sept, 2020.

Brian Smith
Printed: Brian J. Smith, Member

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.

Rachel Hoffman
Printed: Rachel Hoffman

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Rachel Hoffman, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 1st day of September, 2020.



My Commission Expires:

11-16-2030

Tara Fann
Printed: Tara Fann

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

Exhibit C

Site Analysis

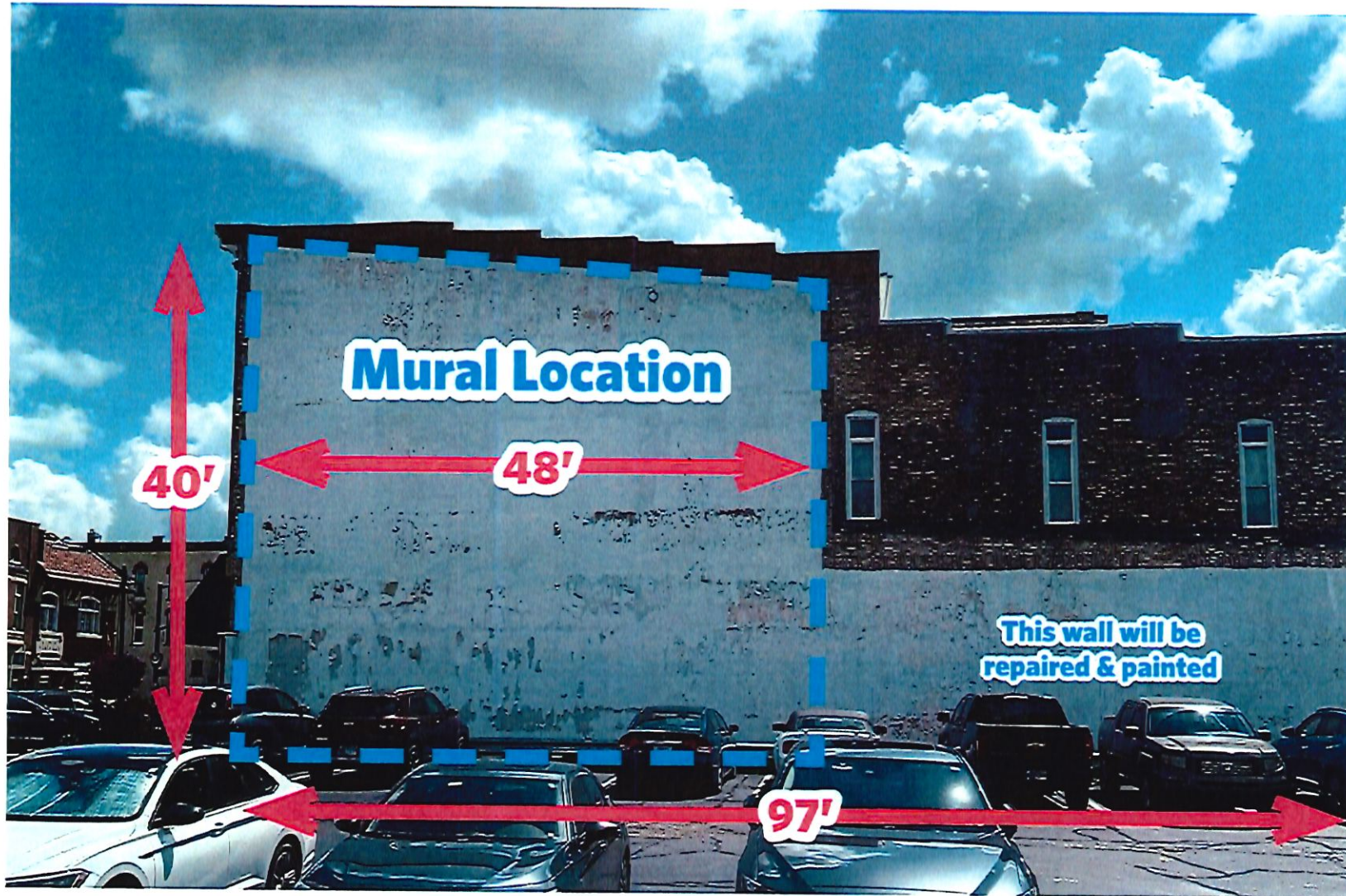
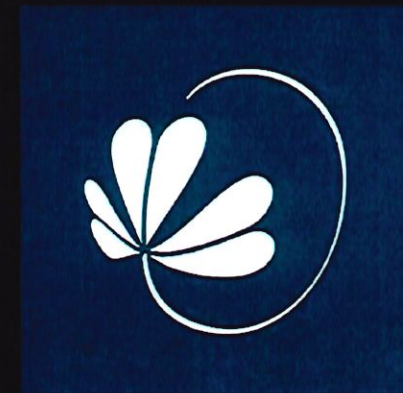




Exhibit B
Notre Dame FCU Site Plan
& Artist Proposal



NOTRE DAME FEDERAL CREDIT UNION

RESTORATION & MURAL PROPOSAL



ALEX ANN ALLEN
ABSTRACTSBYALEX@GMAIL.COM
574-315-1993

This proposal outlines the mural project for **Notre Dame Federal Credit Union**. The following pages detail the proposed mural, restoration approach, maintenance considerations, and full project pricing. My goal is to create a lasting piece for many years to come.

LOCATION

121 Main Street, Elkhart, IN



CONCEPT



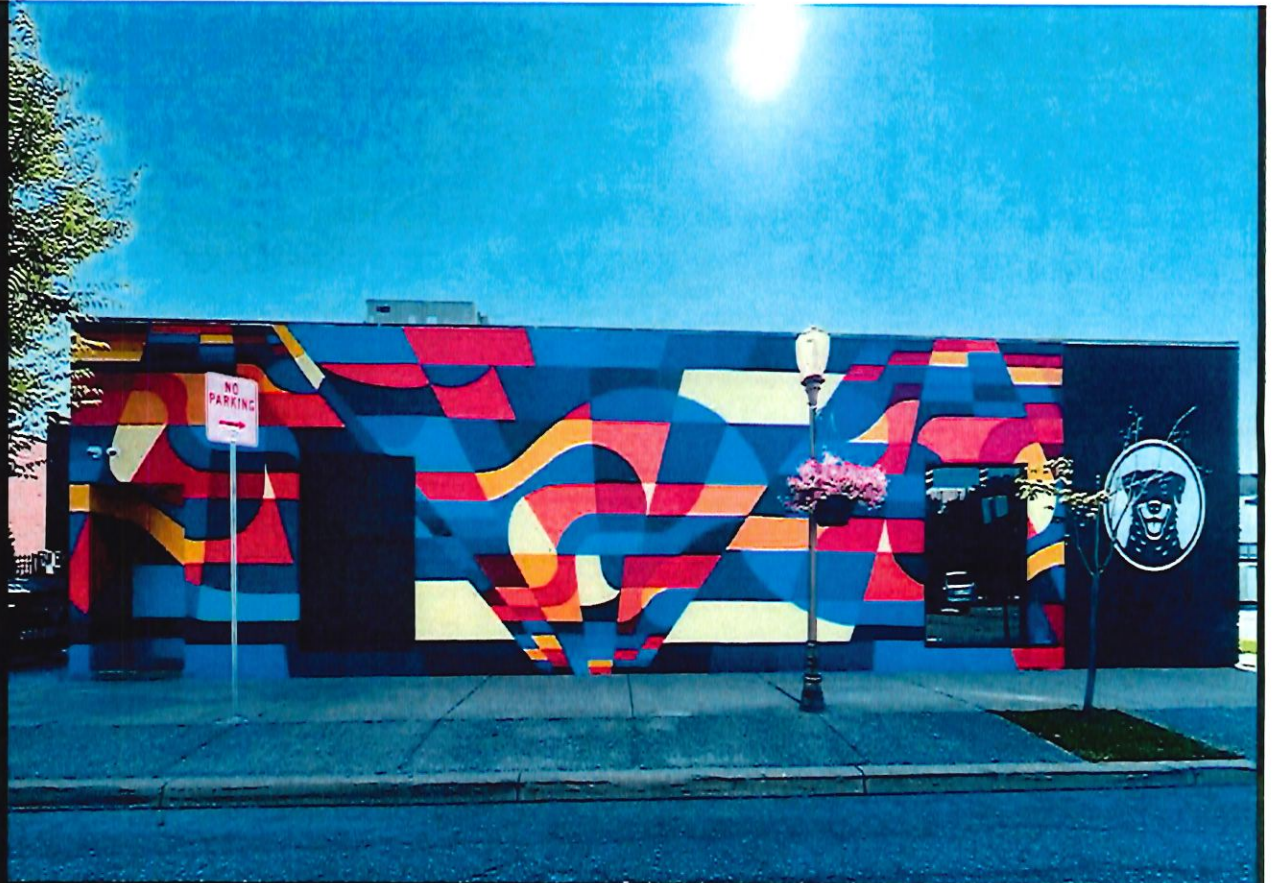
PAST WORKS



PAST WORKS



PAST WORKS



SUPPLIES & APPLICATION

The wall will first be thoroughly power washed, followed by extensive scraping and removal of all loose, peeling, or deteriorated paint. Once the surface is clean and dry, a Loxon bonding primer will be applied to the prepared areas to promote proper adhesion and stabilize the masonry surface. The wall will then receive two full coats of solid navy Loxon masonry paint, creating a durable, uniform foundation for the mural.

If the client would like additional protection, an optional line item has been included for the application of three coats of VANDLGuard UV-resistant, anti-graffiti clear coat upon completion of the mural.



MAINTENANCE & REPAIRS

After project completion, the Artist agrees to be available, upon request, for future repairs or touch-ups in the event damage occurs. Any restoration work will require a separate fee based on the size and scope of the damage, as well as the time and labor involved. Minor repairs may incur a smaller fee, while extensive restoration may require a higher cost. All paint colors and materials used for the mural will be documented and archived by the Artist for future reference.



TIMELINE

- The 2nd half of September or October**
- Estimated Instal time: 10-14 days**

THE PROCESS

Order of Operations

- Site Visit**
- Signed agreement**
- 50% Deposit**
- Mural Restoration**
- Mural Installation**
- Remaining Payment**

ABOUT THE ARTIST

Alex Ann Allen is a muralist based in South Bend, Indiana, whose colorful work transforms everyday spaces into vibrant destinations. Known for blending expressive portraiture with geometric color portals, she also specializes in custom lettering and logo murals. Alex has completed more than 100 murals across six states for clients ranging from national brands to schools and nonprofit organizations. Beyond her studio practice, she is passionate about expanding access to public art in her community. She is the founder and curator of Mural Mania, an annual mural festival that celebrates creativity, connection, and the transformative power of art.

**Thank you for
your time.**

Best,

A handwritten signature in white ink, appearing to read 'Alex Ann Allen', written in a cursive style.

Alex Ann Allen

