

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, OCTOBER 13, 2022 AT 6:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

THIS MEETING WILL ALSO BE HELD ELECTRONICALLY VIA WEBEX.

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **157 230 2962** as the meeting number and “**BZA2021**” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to jennifer.drlich@coei.org prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES JUNE 9, 2022, JULY 14, 2022 AND SEPTEMBER 8, 2022**
4. **APPROVAL OF PROOFS OF PUBLICATION**

5. **NEW BUSINESS**

22-BZA-32 PETITIONER IS JORDAN CURRY
PROPERTY IS LOCATED AT 308 BRIDGE STREET

To vary from Section 26.4.A.6 Fence Requirements, General Provisions -- All Districts, which does not allow fences, other than split rail, wrought iron or open picket fences and/or fences over four (4) feet in height, in any front yard or corner side yard, to allow for a six (6) foot privacy fence in a front and corner side yard, a variance of two (2) feet and the type of fence (privacy).

22-BZA-33 PETITIONER IS JOYCE STUTZ AND SHEILA RHODES
PROPERTY IS LOCATED AT 151 HOMAN AVENUE

To vary from Section 26.4.A.6 Fence Requirements, General Provisions -- All Districts, which does not allow fences, other than split rail, wrought iron or open picket fences and/or fences over four (4) feet in height, in any front yard or corner side yard, to allow for a six (6) foot privacy fence in a corner side yard, a variance of two (2) feet and the type of fence (privacy).

22-BZA-34 PETITIONER IS BROCK WEAVER AND ANGELA WEAVER
PROPERTY IS LOCATED AT 2310 EAST JACKSON BOULEVARD

4.4, Yard Requirements in the R-1 District, which requires rear setbacks located along a river or stream to be the established setback. The established setbacks at this location is 139 feet in the rear; the requested setback is 62 feet in the rear, a variance of 77 feet.

22-BZA-35 PETITIONER IS CHARLES E MITCHELL AND GINA M MITCHELL
PROPERTY IS LOCATED AT 221 HAINES DRIVE

To vary from Section 4.4, Yard Requirements in the R-1 District, which requires front setbacks and rear setbacks located along a river or stream to be the established setbacks. The established setbacks at this location are 54 feet in the front and 59 feet in the rear; the requested setbacks are 35 feet in the front and 51 feet in the rear, a variance of 19 feet in front and 8 feet in the rear.

22-BZA-36 PETITIONER IS OVERFLOW REALTY LLC
PROPERTY IS LOCATED AT 616 WEST BRISTOL STREET

To vary from Section 26.7.C.2.a, Number of Off-Street Parking Requirements, which requires seven (7) spaces for a proposed drive-thru coffee shop, to allow for six (6) spaces, a variance of one (1) space.

To also vary from Section 26.7.C.7.1.ii.(d) Parking Lot Landscaping which requires a four (4) foot landscape strip for a parking lot with 1-75 spaces adjacent to a parking lot with a landscape strip, to allow a one (1) – foot landscape strip on the north and east property lines, a variance of five (5) feet.

To also vary from Section 26.7.C.7.1.ii.(b).(2) Parking Lot Landscaping which requires a parking lot with 1-75 spaces to have a ten (10) foot landscape strip adjacent to a right-of-way, to allow for a one (1) – foot landscape strip along the Bristol Street and Michigan Street frontages, a variance of nine (9) feet.

To also vary from Section 13.4, Yard Requirements in the B-3 District, which requires a thirty (30) – foot front setback for primary buildings, to allow for a primary building with a twenty-five (25) – foot front setback, a variance of five (5) feet.

To also vary from Sections 26.7.C.7.p.i Drive-Thru Facilities and 13.5.C Development Conditions in the B-3 District, which require drive-thru lanes to be at least sixteen (16) feet wide and allow for stacking of at least ten (10) vehicles, to allow for a drive-thru lane fourteen (14) feet wide allowing for nine (9) vehicles, a variance of two (2) feet and one (1) vehicle.

6. **STAFF ITEMS**

22-X-03U PETITIONER IS NELSON B HOLDINGS LLC
PROPERTY IS LOCATED AT 529 SOUTH SECOND STREET

A Special Exception per Section 15.3, Special Exception Uses in the Central Business District (CBD), to allow a Bed and Breakfast home and Meeting Hall/Banquet Facility at 529 South Second Street.

22-REV-01 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT VACANT LOT FOLSOM STREET

A request by the City of Elkhart to revoke 21-BZA-29 which was approved July 8, 2021 to grant a developmental variance to allow construction of a gravel lot where a paved parking area would be required.

22-REV-02 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT VACANT LOT FOLSOM STREET

A request by the City of Elkhart to revoke 21-UV-14 which was approved July 8, 2021 to grant a use variance to allow the operation of a tree cutting business where residential uses are allowed.

7. **ADJOURNMENT**

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