

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, JANUARY 12, 2023 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 FOR DECEMBER 8, 2022**
4. **APPROVAL OF PROOFS OF PUBLICATION**

5. **OLD BUSINESS**

**22-UV-21 PETITIONER IS CITY OF ELKHART DEPARTMENT OF PARKS AND RECREATION
PROPERTY IS LOCATED AT 3499 NEWTON DR**

To vary from Section 26.4.2, Permitted Use in the R-1, One-Family Dwelling District to allow for the installation of a new wireless communication facility with a one hundred thirty-five foot 135 foot tall cell tower.

**22-BZA-41 PETITIONER IS BEARDSLEY 530 LLC
PROPERTY IS LOCATED AT 530 W BEARDSLEY AVE**

To vary from Section 6.4, Yard Requirements in the R-3 District, which requires corner side yard setbacks to be the established setback. The established setbacks at this location is 28 feet; the requested setback for a proposed garage to be attached to an existing nonconforming structure is 26 feet, a variance of two (2) feet.

**22-BZA-43 PETITIONER IS THE CITY OF ELKHART ON BEHALF OF ZION MISSIONARY CHURCH
PROPERTY IS LOCATED AT 1135 E HIVELY AVE**

To vary from Sections 26.10.D.1 General Location Standards which requires all on premise signs to be located no closer than five (5) feet from any right-of-way to allow for a zero setback a variance of five (5) feet.

6. **NEW BUSINESS**

**23-X-01 PETITIONER IS IGLESIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD LA LUZ
MUNDO EAST CHICAGO IN LLC & ETAL
PROPERTY IS LOCATED AT 1209 HARRISON ST**

A Special Exception per Section 12.3.A, Special Exceptions Uses in the B-2 Neighborhood Business District, to allow for the establishment of a church in an existing commercial building.

**23-X-02 PETITIONER IS ELKHART COUNTY YOUTH FOR CHRIST, INC
PROPERTY IS LOCATED AT 2721 PRAIRIE ST**

A Special Exception per Section 8.3 Special Exception Uses in the R-5, Urban Residential District, to allow for a K thru 6 Charter School and for the expansion of a previous Board approved community center to include an additional property to the overall development.

**23-BZA-01 PETITIONER IS PAMELA J LONGBRAKE AKA PAMELA J SWAIN
PROPERTY IS LOCATED AT 1728 E BEARDSLEY AVE**

To vary from Section 26.1.B.8.a, which limits the maximum size of a single accessory structure to seven hundred twenty (720) square feet to allow for the construction of a three hundred eight (308) square foot lean-to attached to an existing Board approved eight hundred thirty-two (832) square foot garage.

**23-BZA-02 PETITIONER IS DANIEL B TISER
PROPERTY IS LOCATED AT 1738 CASSOPOLIS ST**

To vary from Section 26.4.A.1 – Fence Requirements, which only allows barbed wire on fences in manufacturing districts above seven (7) feet, to allow for a barbed wire fence above a six (6) foot chain link fence on a property zoned B-3, Service Business District and R-2, One-Family Dwelling District.

To also vary from Section 26.4.A.6 – Fence Requirements, which only allows split rail, wrought iron, and open picket fences not to exceed four (4) feet in a front or corner side yard, to allow a six (6) foot chain link fence with barbed wire above in a front and corner side yard on a through lot.

**23-BZA-03 PETITIONER IS BAYER FEDERAL CREDIT UNION DBA MICHIANA CREDIT UNION
PROPERTY IS LOCATED AT 358 S ELKHART AVE**

The request is to vary from Section 26.10.D.3 Table1 that limits an integrated message board to fifty (50)% of the sign area of the freestanding sign to allow a thirty-two point thirty-two (32.32) square foot message board as a primary sign.

**23-BZA-04 PETITIONER IS EGAP ELKHART I LLC
PROPERTY IS LOCATED AT 154 HIVELY AVE**

To vary from Section 12.4, Yard Requirements in the B-2 District, which requires a thirty (30) foot front setback and ten (10) foot side setbacks for buildings to allow the following: on Lot 2, a ten (10) foot front (south) and zero (0) foot side (east) setback, a variance of twenty (20) and ten (10) feet; on Lot 3, a ten (10) foot front (south) setback and zero (0) foot side (east and west) setbacks, a variance of twenty (20) and ten (10) feet; and on Lot 4, a side (west) setback of zero (0) feet, a variance of ten (10) feet in a proposed subdivision of an existing development.

To also vary from Section 12.4, Yard Requirements in the B-2 District, which allows building heights to be a maximum of thirty-five (35) feet, to allow an existing building on Lot 4 in a proposed subdivision to be thirty-nine (39) feet in height, a variance of four (4) feet.

To also vary from Sections 4.4, Yard Requirements in the R-1 District, and 12.4, Yard Requirements in the B-2 District, which requires seventy –five (75) feet of frontage for new parcels, to allow in a proposed subdivision on an existing development the following: on Lot 2, frontage of zero (0) feet, a variance of seventy-five (75) feet; on Lot 3, zero (0) feet of frontage, a variance of seventy-five (75) feet; and on Lot 4, twenty-nine (29) feet of frontage on Hively Avenue, a variance of forty-six (46) feet.

To also vary from Section 12.5.F.1 Landscape Requirements in the B-2 District, which requires a parcel greater than three (3) acres to have a twenty (20)-foot wide landscaped area adjacent to a residentially zoned or used property, to allow an existing development to maintain a zero (0) foot setback adjacent to an R-1 zone, a variance of twenty (20) feet.

**23-BZA-05 PETITIONER IS M M LYNN LLC
PROPERTY IS LOCATED AT 2016 BORNEMAN AVE**

To vary from Section 26.7.C.7 (a, b, c) which states in part that parking lots must be paved with concrete, asphalt, or decorative concrete, brick, or asphalt pavers, and where storage yards for partially or fully finished product may be surfaced with gravel or slag may be located only in a rear yard to allow for an existing gravel lot in the front yard to remain despite a substantial improvement to the property.

To vary from Section 26.7.E.3, Off Street Loading Requirements to allow for a proposed loading dock to be constructed as part of a proposed building addition that will require the public right of way for maneuvering to access the proposed dock.

To vary from Section 26.7.C.7.1.b.2, Parking Lot Landscaping, which requires a front setback of ten feet along a right of way for parking lots with one (1) to seventy-five (75) spaces, to allow for a parking lot with thirteen (13) spaces at a zero (0) foot setback, a variance of ten (10) feet.

**23-X-03 PETITIONER IS WOLF PACK LLC
PROPERTY IS LOCATED AT 112 E LEXINGTON AVE**

A Special Exception per Section 15.3, Special Exception Uses in the Central Business District (CBD), to allow an Event Center in an existing commercial building.

**23-UV-01 PETITIONER IS KENNETH WHITMAN
PROPERTY IS LOCATED AT 2734 HAWTHORNE ST**

To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District, to allow for a single family dwelling. Single family dwellings are not a permitted use in the M-1 District.

**23-UV-02 PETITIONER IS BELMONT MENNONITE CHURCH INC
PROPERTY IS LOCATED AT 925 OXFORD ST**

To vary from Section 5.2 Permitted Uses in the R-2 One Family Dwelling District to allow a day care center to operate in a portion of an existing church.

To also vary from section 26.4.A.6 Fence Requirements which states that no fence other than open decorative fencing, no taller than four (4) feet, shall be located in a front yard to allow the installation of a six (6) foot tall vinyl privacy fence in the front yard along Moyer Street.

7. **STAFF ITEMS**

8. **ADJOURNMENT**

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