

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, OCTOBER 10, 2024 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 **2317 077 1574** as the meeting number and “**BZA2023**” 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 hugo.roblesmadrigal@coei.org prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES AUGUST 8, 2024**
4. **APPROVAL OF PROOFS OF PUBLICATION**

5. **OLD BUSINESS**

24-UV-04 PETITIONER IS HERG INC
PROPERTY IS LOCATED AT 106 & 108 BOWERS CT
TABLED

6. **REHEARING**

23-WT-01 PETITIONER IS HEIDI GASKILL TRUSTEE OF THE HEIDI GASKILL REVOCABLE TRUST
PROPERTY IS LOCATED AT 3424 EAST BRISTOL STREET

On September 6, 2024, the United States District Court, Northern District of Indiana, South Bend Division, has remanded the Wireless Tower request at 3424 E. Bristol Street, back to the Elkhart City Board of Zoning Appeals for reconsideration. The request is as follows: To vary from Section 4.2, Permitted Use in the R-1, One-Family Dwelling District to allow for the installation of a new wireless communication facility (cellular tower) that is one hundred thirty-five foot 135 feet in height.

7. **NEW BUSINESS**

24-BZA-22 PETITIONER IS REX MARTIN
PROPERTY IS LOCATED AT 2505 GREENLEAF BOULEVARD

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 a perimeter fence that is four (4) feet in height. The in ground pool will have an automatic pool cover.

24-BZA-24 PETITIONER IS MARIDEAN HAYDON
PROPERTY IS LOCATED AT 1022 STRONG AVENUE

To vary from Section 26.4.B.2, Fences Permitted in Residential and Business Districts, which requires in part that ‘in a corner lot, no fence, wall or vegetation exceeding four (4) feet in height or a fence, wall or vegetation that is opaque may be placed, built or installed: 1. In the required side yard adjacent to the street; or 2. In any portion of the rear yard lying closer to said street than the point of the principal building nearest said street.’ To allow a six (6) foot opaque fence installed in the corner side yard (Ward Street frontage) without benefit of permit to remain.

24-BZA-25 PETITIONER IS LAZARD JALADER
PROPERTY IS LOCATED AT 506 WEST LEXINGTON AVENUE

To vary from Section 8.5, Yard Requirements to allow for a property with an established lot size of 5,535 square feet and lot frontage of 45 feet variance to be used as a three family dwelling. The minimum lot size for the conversion to a three family dwelling is 10,000 square feet and a lot frontage of 60 feet, a variance of 4,465 square feet for the lot area and 15 feet for the lot frontage.

The petitioner would like to convert the structure from a one family dwelling to a three family dwelling – this proposed use is permitted.

24-X-08 PETITIONER IS FRANCISCO SESMAS
PROPERTY IS LOCATED AT 2022 BENHAM AVENUE

TABLED

24-UV-11 PETITIONER IS LUMAAN LLC
PROPERTY IS LOCATED AT 707 CHRISTIAN AVENUE

To vary from Section 5.2, Permitted Uses to allow for a two family dwelling. Two family dwellings are not permitted in the R-2 district.

24-BZA-27 PETITIONER IS COMMUNITY WIDE FEDERAL CREDIT UNION
PROPERTY IS LOCATED AT 2110 CASSOPOLIS STREET

To vary from Section 26.10.D, Sign Regulations – Table 1, that permits a free standing sign up to 50 square feet in area with up to 50% of the sign area as changeable copy, to allow for a new monument sign that is 32 square feet with a changeable copy (LED screen) that is 27 square feet in area, variance of 11 square feet for the changeable copy. To also vary from Section 26.10.D.4.c.ii, Free Standing Sign Increases, which states in part, ‘The permitted height of a free-standing sign may be increased at the rate of one (1) foot for every two (2) feet the sign is located in excess of the required five (5) feet minimum distance from the right of way,’ to allow for a sign that is 7’11” in height at the minimum five (5) foot setback where six (6) feet is allowed, a variance of 1’11”.

24-BZA-28 PETITIONER IS CSC PROPERTIES LLC
PROPERTY IS LOCATED AT VACANT LOT NORTH RIVERSIDE DRIVE – 700 BLOCK

To vary from Section 4.4, Yard Requirements to allow a new residential structure be built with a rear yard setback of thirty-one (31) feet where the established average setback for the block is sixty (60) feet, a variance of twenty-nine (29) feet. The ordinance requires the established setback for the block be calculated to determine the rear yard setback if adjacent to river or creek.

8. **ADJOURNMENT**

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