

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, JANUARY 14, 2021 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. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter **180 859 5767** as the meeting number and “**zoning2021**” 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 NOVEMBER 12, 2020, DECEMBER 10, 2020**
4. **APPROVAL OF PROOFS OF PUBLICATION**

5. **OLD BUSINESS**

18-X-10U

PROPERTY IS LOCATED AT 400 W MISHAWAKA ROAD

Staff and BZA review of Special Exception 18-X-10, which allowed for the establishment of a Day Care Center at 400 W. Mishawaka Rd.

20-BZA-40 PETITIONERS ARE BYPASS ROAD DEVELOPMENT, LLC

PROPERTY IS LOCATED AT 2101 BYPASS ROAD

To vary from Section 26.10.F.4.h, which states "Off-premises signs shall be illuminated only by means of continuous reflected light. Internally-illuminated or back-lit billboards are prohibited," to allow for the conversion of an existing billboard to an LED billboard.

To also vary from Section 26.10.F.4.d, which states in part "Off-premises signs shall not exceed thirty (30) feet in height," to allow for an existing off-premises sign thirty-five (35) feet in height, a variance of five (5) feet.

20-BZA-41 PETITIONERS ARE THE BARCLAY CORPORATION

PROPERTY IS LOCATED AT VACANT LOT, EAST BEARDSLEY AVENUE

To vary from Section 26.10.F.4.h, which states "Off-premises signs shall be illuminated only by means of continuous reflected light. Internally-illuminated or back-lit billboards are prohibited," to allow for the conversion of an existing billboard to an LED billboard.

To also vary from Section 26.10.F.4.c, which states in part, "Off premises signs shall not exceed three hundred (300) square feet in area, to allow for an existing off premises sign of 672 square feet, a variance of 372 square feet.

To vary from Section 26.10.F.4.f, which states in part, "Off premises signs shall be located behind the required building setback line of the lots on which they are located" to allow the sign to be located five (5) feet from the property line, a variance of 25 feet.

To also vary from Section 26.10.F.4.d, which states in part "Off-premises signs shall not exceed thirty (30) feet in height," to allow for an existing off-premises sign thirty-five (35) feet in height, a variance of five (5) feet.

To also vary from Section 26.10.F.4.j, which states in part "Off-premises signs shall not be located within thirteen hundred (1,300) feet of the St. Joseph River," to allow an existing off-premises sign three-hundred-fifty (350) feet from the St. Joseph River, a variance of nine-hundred-fifty (950) feet.

20-UV-21 PETITIONERS ARE THE BARCLAY CORPORATION

PROPERTY IS LOCATED AT VACANT LOT, EAST BEARDSLEY AVENUE

To vary from Section 26.10.F.4.a, Off-Premises Signs, which states "Off premises signs shall only be permitted in the B-3 and "M", Manufacturing Districts" to allow for an existing off premises sign on the parcel in a B-2 District.

20-BZA-42 PETITIONERS ARE INDIANA MICHIGAN POWER, AN AEP COMPANY

PROPERTY IS LOCATED AT VACANT LOT, SOUTH MAIN STREET

To vary from Section 26.10.F.4.h, which states "Off-premises signs shall be illuminated only by means of continuous reflected light. Internally-illuminated or back-lit billboards are prohibited," to allow for the conversion of an existing billboard to an LED billboard.

To also vary from Section 26.10.F.4.c, which states in part, "Off premises signs shall not exceed three hundred (300) square feet in area, to allow for an existing off premises sign of 672 square feet, a variance of 372 square feet.

To also vary from Section 26.10.F.4.d, which states in part "Off-premises signs shall not exceed thirty (30) feet in height," to allow for an existing off-premises sign thirty-five (35) feet in height, a variance of five (5) feet.

To vary from Section 26.10.F.4.f, which states in part, "Off premises signs shall be located behind the required building setback line of the lots on which they are located" to allow the sign to be located five (5) feet from the property line, a variance of 25 feet.

**20-UV-22 PETITIONERS ARE INDIANA MICHIGAN POWER, AN AEP COMPANY
PROPERTY IS LOCATED AT VACANT LOT, SOUTH MAIN STREET**

To vary from Section 26.10.F.4.a, Off-Premises Signs, which states "Off premises signs shall only be permitted in the B-3 and "M", Manufacturing Districts" to allow for an existing off premises sign on the parcel in a B-2 District.

6. NEW BUSINESS

**20-X-06 PETITIONER IS NEW VISION OF LIFE CHURCH
PROPERTY IS LOCATED AT 400 MISHAWAKA RD**

A Special Exception per Section 4.3, Special Exception Uses in the R-1, One-Family Dwelling District, to allow for the expansion of an existing Day Care Center, to allow for school age children and up to 45 children, where previously the operation was limited to 30 children aged 2-5.

**21-X-01 PETITIONER IS FRANCISCO SESMAS AND MARIA TORRES
PROPERTY IS LOCATED AT 2215 S SIXTH STREET**

A Special Exception per Section 5.3, Special Exception Uses in the R-2, One-Family Dwelling District, to allow for a Day Care Center.

**21-BZA-01 PETITIONER IS FLEXIBLE CONCEPTS, INC
PROPERTY IS LOCATED AT 1620 MIDDLEBURY STREET**

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

**21-BZA-02 PETITIONER IS H & O INVESTMENTS PROPERTY, LLC
PROPERTY IS LOCATED AT 20-02-28-203-003.000-027 & 20-02-28-203-004.000-027 COUNTY ROAD 6**

To vary from Section 26.5.D.1 Major Thoroughfare Setback, which states "no principal building or structure shall be placed within one hundred twenty (120) feet of the center line of the right-of-way of any street designated as a major thoroughfare," to allow a principal building located seventy-four (74) feet from the centerline of County Road 6, a variance of forty-six (46) feet.

**21-UV-01 PETITIONER IS CREATIVE SEWING DESIGNS, INC, JAMES RUPRIGHT, OWNER
PROPERTY IS LOCATED AT 1919 CASSOPOLIS STREET**

To vary from Section 13.2, Permitted Uses in the B-3 District, to allow an Auto Salvage Operation. Auto Salvage Operations are not a permitted use in the B-3 District.

**21-UV-02 PETITIONER IS ADAM HARTMAN
PROPERTY IS LOCATED AT 640 INDUSTRIAL PARKWAY**

To vary from Section 18.2, Permitted Uses in the M-1 District, to allow a Motor Vehicle Wrecking Yard/Motor Vehicle Storage Yard, which is not a permitted use in the M-1 District.

**21-BZA-03 PETITIONER IS LUCKY HOLDINGS LLC, AJMER SINGH, MEMBER
PROPERTY IS LOCATED AT VACANT LOT BELVEDERE ROAD PARCEL 02-20-401-011-027**

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, to allow for a gravel parking lot.

To also vary from Section 26.7.C.7.h, Parking Lot Design, which requires that circulation aisles for sixty (60) degree parking spaces to be eighteen (18) feet in width, to allow for three circulation aisles to be fifteen (15) feet in width, a variance of three (3) feet.

To also vary from Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states that "When a public sidewalk does not exist... for new construction on vacant land... a public sidewalk... shall be installed," to allow for a new RV Campground development without a public sidewalk.

7. **STAFF ITEMS**

19-X-01U

PROPERTY IS LOCATED AT 706 W INDIANA AVENUE

Staff and BZA review of Special Exception 19-X-01, which allowed for the continuation of a Day Care Center at 706 W. Indiana Avenue.

19-X-02U

PROPERTY IS LOCATED AT 1214 CONCORD AVENUE

Staff and BZA review of Special Exception 19-X-02, which allowed for the establishment of a Day Care Home at 1214 Concord Avenue.

8. **ADJOURNMENT**

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