

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, JANUARY 9, 2025 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 097 9733** as the meeting number and “**BZA2025**” 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. **2025 ELECTION OF OFFICERS**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES NOVEMBER 14, 2024**
5. **APPROVAL OF PROOFS OF PUBLICATION**

6. **NEW BUSINESS**

25-BZA-02 PETITIONER IS INDIANA MICHIGAN POWER COMPANY
PROPERTY IS LOCATED AT 3340 TOLEDO ROAD

To vary from the requirements found in Section 18.2.II, which states, ‘Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2000 gallons’ to allow for an above ground 8,000 gallon fuel tank for diesel and gas storage, a variance of 6,000 gallons.

25-BZA-03 PETITIONER IS JASON PATEL
PROPERTY IS LOCATED AT 1207 WEST LUSHER AVENUE

To vary from the requirements found in Section 26.10, Sign Regulations, Table 2, which regulates the maximum sign height in the B-2 District to a maximum of six (6) feet in height to allow for a new free standing sign that is 28’4.4”, a variance of 22’4.4”.

To vary from the requirements found in Section 26.10, Sign Regulations, Table 1, which allows signs in the B-2 District a maximum area of fifty (50) square feet or one (1) times the lot frontage whichever is smaller to allow for a free standing sign that is 136.4 square feet, a variance of 86.4 square feet.

To vary from Section 26.10.D.1, General Location Standards, which states in part ‘All on premise signs shall be located no closer than five (5) feet from any right of way’ to allow for a free standing sign to be two (2) feet from the Lusher Avenue right of way, a variance of three (3) feet.

To vary from Section 26.10.D.4.d, General Location Standards, Free standing signs, which states ‘Free standing signs shall be centered on the property, or if not possible, at least twenty (20) feet from any adjacent property line’ to allow for a new sign to be located two (2) foot from the (corner) side property line, a variance of eighteen (18) feet.

25-BZA-04 PETITIONER IS PURA VIDA CHICAS HOLDINGS LLC
PROPERTY IS LOCATED AT 2831 JAMI STREET

To vary from Section 26.4.A.6, Fence Requirements, that states, No fences, other than split rail, wrought iron or open picket not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard, to allow for a chain link fence that is six (6) feet in height, a variance of two (2) feet. And;

To also vary from Section 26.4.A.1, Fence Requirements, which states No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except in manufacturing districts where barbed wire may be used at the top portion of a permitted fence or wall if located more than seven (7) feet above the adjacent ground level. Such permitted barbed wire shall be considered part of a fence and subject to the fence height restrictions, to allow for barbed wire to be incorporated within the six (6) foot chain link fence.

25-UV-01 PETITIONER IS ALONDRA SALAZAR
PROPERTY IS LOCATED AT 1320 HARRISON STREET

To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for an automotive detailing business.

7. **ADJOURNMENT**

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

BOARD OF ZONING APPEALS

-MINUTES-

**Thursday, November 14, 2024 - Commenced at 6:01 P.M. & adjourned at 7:06 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Doug Mulvaney
Ron Davis
Janet Evanega Rieckhoff
Phalene Leichtman

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

Mike Huber, Director of Development Services
Jason Ughetti, Planner II

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Carla Lipsey

APPROVAL OF AMENDED AGENDA

Mulvaney moves to approve an amended agenda and tabling 24-UV-04.
Davis makes motion to approve; Second by Evanega Rieckhoff. Voice vote carries.

APPROVAL OF MINUTES FOR AUGUST 8, 2024, AND SEPTEMBER 12, 2024

Evanega Rieckhoff makes a motion to approve the August 8, 2024 Minutes, Second by Davis. Voice vote carries.
Davis makes a motion to approve the September 12, 2024 Minutes, Second by Evanega Rieckhoff. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

Evanega Rieckhoff makes a motion to approve; Second by Davis. Voice vote carries.

APPROVAL OF 2025 CALENDAR

Leichtman makes a motion to approve; Second by Evanega Rieckhoff . Voice vote carries.

OPENING STATEMENT

Welcome to the November 14, 2024 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the Board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. Alternatives: A sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. Forms are provided for this purpose and are available tonight. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.

OLD BUSINESS

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.

Mulvaney calls the petitioner forward.

Gustavo Andres and Claudia Rainoldi, located at 2564 Treadway Dr., appear in person as the petitioners. Andres says he is attempting to move to Elkhart, as he and his family live in Atlanta, Georgia. Andres states that he bought the home through a sheriff's sale. However, the house was burned, and the city of Elkhart ordered the demolition of the home. So, currently, it is vacant land, and he says he plans to build a two-family home to allow his son and wife to move in. Andres says it's a mess, but he does it to build a house for his entire family. Regarding parking, there will be eight parking lots in each driveway property. Andres says that in the last meeting, he asked Eric Trotter what the problem was and was told that the quantity of the parking lot would be an issue. So, to address that, Andres says that the article drew eight parking spots, but they would remain unused since he only owns two cars.

Mulvaney asks for questions from the Board.

Mulvaney asks Andres if he does not plan on renting the property on either side.

Andres answers no. He plans on moving in there with his son. He lives under one roof with four people and cannot continue living like that.

Leichtman wants to know what will happen to the property once the petitioner is no longer the owner.

Evanega Rieckhoff states that, like any duplex, she is sure it will be sold separately. However, she is glad to hear that Andres and his wife will live there as the owners and with family.

Mulvaney asks Andres if the lot is vacant since the house had to be demolished.

Andres answers that the lot is currently vacant, and the house was completely demolished.

Rainoldi states that before requesting the variance, they researched the neighborhood. A couple of houses were rezoned, so she thought their project would be possible and benefit the neighborhood.

Evanega Rieckhoff states that the petitioners' plans look nice; it's just that the area is zoned R-2, and people usually do not have duplexes.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

Huber wants to address the questions raised before reading the staff analysis. Huber says it is a single lot with a single structure, so both units would be bought under a single structure unless whoever is purchasing the property decides to replat and separate the lot into two lots, which would require additional replatting and other approvals. Huber says living in one and selling the other would be impossible.

Davis asks Huber if it would have only one address.

Huber says it could be addressed as unit A and unit B.

STAFF ANALYSIS

LUMAAN LLC is the owner of the subject property and they are requesting a use variance to allow for a two family dwelling. The property was damaged in a fire and the petitioner is using this opportunity to construct a new housing type for the neighborhood. While the comprehensive plan states the need for new investments in existing neighborhoods and vacant lots, there are no other two family dwellings in the neighborhood. The petitioner states that with out approval of the variances the project becomes unfeasible.

STAFF RECOMMENDATION

The Staff has no recommendation 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 project will redevelop a blighted and damaged home, improving the character of the neighborhood. The use would provide more diverse housing options for the community;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because two family homes have very similar character to single family homes;
3. The need for the variance arises from some condition peculiar to the property involved because without board action the use would not be permitted;
4. The strict application of the terms of this Ordinance does not constitute an unnecessary hardship as this use is allowed in other districts;
5. The approval does comply with the Comprehensive Plan which calls for the area to be developed for low density residential uses. It is consistent with the neighborhood goal: "Direct investment, amenities, and new housing development to established residential areas within the City's boundaries to create additional opportunities for diverse ages, income levels, and stages of life in neighborhoods of choice."

Huber states there were 44 letters mailed, with four returned not in favor, with one comment saying they are against the variance because driving down Christian Avenue is difficult to navigate all the vehicles parked on the street. With the addition of a two-family home, it would only add to the problem.

Mulvaney asks if there are questions from the Board for Staff.

Leichtman asks Huber if the house was originally a single-family home.

Huber answers that it was.

Evanega Rieckhoff asks Andres if the property owners will park their cars in the two-car garages.

Andres answers that the blueprint is for two garages for two cars, with the garage attached to the house and two more cars parked in the driveway for four. Andres says cars will not be an issue since sufficient parking is on the driveway.

Mulvaney asks Huber if the letter with the comment was the only one returned that did not favor the request.

Huber answers yes that others returned not in favor but left no comment.

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-UV-11 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Davis.

Davis – Yes

Evanega Rieckhoff – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

NEW BUSINESS

24-X-08 PETITIONER IS MARIA TORRES PROPERTY IS LOCATED AT 2022 BENHAM AVENUE

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

Mulvaney calls the petitioner forward.

Maria Torres and Fransico Sesmas, located at 2018 Benham Ave., appear as petitioners via Webex. Torres says they are before the Board to switch the numbers outside from 2022 and 2022 A to a number she believes is 101A to 101B.

Sesmas says it's going to convert to a daycare center.

Mulvaney states that it's his understanding that there was a special exception for a daycare home; however, since no one lived there, it had to be changed to a daycare center.

Sesmas says that that is correct and that it was, at one point, a daycare home, but it was just switching to a daycare center.

Evanega Rieckhoff asks Torres and Sesmas if they are willing to live by the conditions listed by Staff.

Sesmas answers yes.

Mulvaney asks for questions from the Board.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

STAFF ANALYSIS

The petitioners are submitting an application for a daycare center at 2022 Benham Avenue this month. There are an existing six other daycares on the same block of Benham Avenue also owned and operated by the petitioners. They have been able to expand and fill their childcare openings in part because of the demonstrated need for daycare in Elkhart.

The house at 2022 Benham Avenue is 1560 square feet and built in 1950, according to Elkhart County Assessor records. The lot is .18 acres. At the writing of this report, Staff had not yet visited the site.

In 2013 an inspector for the city inspected the home for new gas service at the request of the owner and it was reported to zoning staff at the time that it appeared that the home was being used or prepared as a day care home or had been converted into a day care center. After confirmation that the home was being used as a day care home a fine was issued and a petition for a special exception for a child care home was submitted. In April 2013 the special exception was presented to the Board of zoning appeals and the plan commission. One of the criteria to classify a land use as a day care home under the zoning ordinance is that it must be the primary residence of the provider. The special exception was approved for a child care home in 2013 because at that time the commission found that the home was the primary residence of the child care provider with two conditions attached to the approval.

The petitioner has since informed city staff that no one lives at the home of 2022 Benham Avenue which would classify it as a day care center as defined in the zoning ordinance. In 2023 a letter was sent to the petitioner informing them that they were no longer considered a day care home due to the vacancy of residency and that they would need to re-apply for a special exception for a day care center. This prompted the petitioner to file for a new special exception to change from the classification of child care home to the classification of child care center.

They plan to apply for a Class II license with the state's Family and Social Services Administration (FSSA), which allows for up to 24 children. They desire to provide daycare services Monday to Friday from 05:00AM to 04:00PM. Pick up and drop off for the facility will be handled from the alley rear of building. There is ample parking in the rear for employees. Based on information provided in the petition, they plan on enrolling in the Child and Adult Care Food Program (CACFP) to provide healthy meals. They also become members of The National Association for Family Child Care (NAFCC).

In terms of space, the house is adequate. The state requires a minimum of 560 square feet for a Class II license.

STAFF RECOMMENDATION

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be no exterior changes to the existing building;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

CONDITIONS

If the Board chooses to approve the requested special exception, Staff recommends that the following conditions be placed upon the approval:

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum sixteen (24) children.
9. Pickup and drop-off shall be from the alley at the rear of the property.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by November 12, 2026.

Ughetti states that 21 letters were mailed, with one returned in favor and one returned not in favor with no comments.

Mulvaney asks if there are questions from the Board for Staff.

Mulvaney calls for a motion.

Davis makes a motion to approve 24-X-08, and adopt the petitioner's documents and presentation as the findings of fact in the present petition, and adopt all conditions listed on the staff report; seconded by Leichtman.

- Davis – Yes
- Evanega Rieckhoff – Yes
- Leichtman – Yes
- Mulvaney – Yes

Motion carries.

**24-BZA-26 PETITIONER IS GATEWAY MILE PROPERTIES LLC
PROPERTY IS LOCATED AT 101 S MAIN STREET**

To vary from Section 26.10.D – Table 1, Wall signs in the CBD for single tenant buildings that limits the size to 50% of the signable area to a maximum of 50 square feet to allow for a wall sign that is 115 square feet, a variance of 65 square feet.

Mulvaney calls the petitioner forward.

David Mikel, located at 6001 Nimtz Parkway, appears in person on behalf of the petitioner. Mikel states that the sign will have the same letter height as the previous tenant, Key Bank. The new business, Kruggel Lawton CPA, will have a longer name, with the same letter height, but as one can see in the drawings, it fits on the façade very well. Mikel says the façade is much larger than most other buildings in the area, so this would allow for a bit more signage for a larger building. It will make it look more seamless.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff states that the sign would look nice based on the drawings submitted.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

STAFF ANALYSIS

The petitioner is requesting a variance to allow for a sign that is 115 square feet when the maximum allowed is 50 square feet. The requested sign is of similar height as the previous Key Bank sign, but is larger due to the longer name of the tenant that is currently occupying the building, Kruggel Lawton CPA. The proposed sign is being located on a façade that is much larger than the surrounding buildings which are allowed a sign of the same 50 square feet. The petitioners are making efforts to respect the character of the commercial corridor while covering up the damage caused by the previous Key Bank sign.

The strict application of the Ordinance would deprive this tenant, with a longer name, of a sign that would have a similar visual impact as the previous tenant. These types of wall signs are typical within central business districts and would not feel out of place. Staff recommends approval of this variance.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from 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 as a wall sign of this size is typically found in central business districts;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the sign is of the same manner and external effect as the previous sign;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because its allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved as the building façade on which the sign will be located is larger than neighboring buildings that are allowed a sign of the same size;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by depriving the tenant that has a significantly longer name a sign of similar height and manner;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because the current building is existing and the signable area on the building will not change as a result of this request;
7. This property does not lie within a designated flood area.

Huber states that 36 letters were mailed, with one returned in favor, one not in favor with no comment, and another returned with no opinion.

Mulvaney asks if there are questions from the Board for Staff.

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-BZA-26 and adopt the petitioner’s documents and presentation, together with the Staff’s finding of fact, as the Board’s findings of fact in the present petition; Second by Davis.

Davis – Yes

Evanega Rieckhoff – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

24-BZA-29 PETITIONER IS WDX LLC
PROPERTY IS LOCATED AT 1210 GOSHEN AVENUE AND 1623 TOLEDO ROAD

To vary from Section 26.4 Fence Requirements, where the height limit for fences in the front yard is four (4) feet, to allow for a fence that is six (6) feet in height, a variance of two (2) feet.

Mulvaney calls the petitioner forward.

Octavio Maya, located at 1210 Goshen Avenue, appears in person as the petitioner. Maya states he wants a four-foot fence on the front and a six-foot fence on the back. He says he wants the fences for security since people have broken in through the back or front at night. This happens when people walk through his property and sometimes steal things from the cars.

Mulvaney asks for questions from the Board.

Mulvaney asks Maya if people are cutting through his parking lot to get around the corner.

Maya answered yes, and people do it, especially around 3 or 4 PM when there is a lot of traffic.

Evanega Rieckhoff asks Maya if the oil barrels on the property will be removed if he installs the fence.

Maya answers yes.

Leichtman asks Maya if the fence on the property will be replaced or stay the same.

An unknown member of the public states that it will be replaced.

Leichtman asks Maya if the business is a car lot or a mechanic shop.

Maya says it's a Mechanic shop.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition.

Jeannette Radford, located at 1232 Goshen Avenue, appears in person opposing the petition. Radford says that she believes that a fence there would look much better. However, her only concern would be that in the picture of the proposed variance, it has an open fence on the Goshen Avenue side, and to the right, it has a more closed fence. Radford says she is opposed to the closed fence because it looks like a junkyard, and she is hoping for a more residential look around there since the rest of the neighborhood is residential. Since the fence is not secured in the front, there would not be any variance in the fencing security for the petitioner. It would look more open and more bucolic. Radford says she spoke to Maya and said the fence would go to the utility pole on the right instead of the property line.

Evanega Rieckhoff states that the fence is shown in the picture going all the way.

Radford says that it is.

Radford states that she believes there was another proposed fence where it was scratched out. Radford says she spoke with Maya in the morning and agreed it would work for her and the petitioner.

Leichtman asks Radford if Radford would prefer for the fence to be closed or open.

Radford answers that along the street, she would prefer the fence to be open and six feet high, the entire street length. The height is not a problem.

Evanega Rieckhoff asks Radford if she wants the fence to look more residential.

Radford answers yes, so if her fence came up to Maya's fence, hers could only be four feet and would have to be open according to city ordinances. She states that she agrees that she would like the property to be more secure and that the neighbors on the other side have beefed up their security, and now that that is done, she is having more of a problem in her direction. If it's not one thing, it's another.

Seeing none, he closes the public portion of the meeting and calls Staff forward.

STAFF ANALYSIS

The petitioner is requesting a variance to allow for a 6 foot fence to be located where a maximum of 4 feet is allowed. The business is a used car dealership and the petitioners are requesting the fence to secure their display vehicles, parts, and hide unsightly features like the trash bins from the sight of the public way and surrounding residential properties. The petitioners have stated that drivers are cutting across their property to avoid the light and parts theft as the need to better secure their property.

Staff recommends approval of this variance. A hardship exists as the lot is a corner lot with a large amount of road frontage exposing multiple surrounding residential properties to the unsightly features of a commercial use, which would benefit from being screened.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from 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;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the fence will help screen the unsightly features of this commercial use;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because it allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved because the lot is a corner lot with a large amount of road frontage;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by creating opportunities for theft on the property;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because the lot existed before the petitioner was located there;
7. This property does not lie within a designated flood area.

Huber states that 23 letters were mailed, with one returned in favor with no comment and one returned without a comment, saying they favor an open six-foot-high fence.

Mulvaney asks if there are questions from the Board for Staff.

Leichtman asks Huber if the Board is approving the height of the fence, not its material. Given that it's on a corner lot, the fence must be opened, and the back of the property could be closed.

Huber answers that he must verify that with Eric Trotter or if Jason Ughetti could clarify that for the Board.

Jason states... (unintelligible, off mic).

Leichtman states that the renderings submitted are not correct.

Evanega Rieckhoff says that she would like to ask the petitioner a question about his request.

An unknown member of the public states that the property being a corner lot means that the backyard is on both streets. So, where does the backyard start, and where could Maya put a six-foot fence? She says Maya could place the fence where the dumpster is located and some other things that she says Maya was trying to make neater.

Leichtman states that it could be closed along the back.

An unknown member of the public says that if Maya were to go from the area on the open street but from the building corner, Maya would install a fence there.

An unknown member of the public says that is not the intent. Maya has been working on cleaning up everything around the property. She says Maya wants things to be neater.

Evanega Rieckhoff asks the unknown member of the public why the petitioner wants the fence, given that it doesn't look very residential, and if installing a six-foot fence could be the solution.

An unknown member of the public says the property is not residential; it is commercial, and the dumpster is right behind it, so the petitioner is also attempting to hide what is currently in place.

Leichtman states that she understands that.

An unknown member of the public says that installing an open fence would be cheaper if the petitioner were to install it, but the dumpster would be visible. Any other trash or tires would be visible until someone comes and picks up the tires for disposal. She states that the U.S. 20 side has an entrance; however, there is no room for the dumpster vehicle that picks up the dumpster to get in there.

Leichtman says... (unintelligible, off mic).

Huber states that he would have to go back into the Ordinance, but he believes there are landscaping requirements where there are commercial accidents on residential properties. Huber says the Board could add as a condition that any zoning ordinance requirements related to landscaping required for the fencing be followed as of the granting of the variance.

An unknown public member says the petitioner could propose leaving the four-foot open along the road and then the right edge of where the building starts, going from there with the closed six-foot fence.

Leichtman states that the Board is prepared to vote on the six-foot fence. Still, if the petitioner wants to return before the Board to tell them what kind of fence, that is the part in which there is uncertainty because to have a closed fence is a separate variance, according to her understanding.

Mulvaney states that all the Board will vote on is the height variance, not the composition of the fence, just the height.

Evanega Rieckhoff states that the Board can place a condition, saying that the Board is OK with the six-foot fence but that the petitioner must meet the zoning requirements for the materials of that fence. So, the petitioner could look at what the zoning Ordinance says about the materials for that six-foot fence and follow those.

Maya says the fence will be almost like a screen. If they get close, people can still see inside.

Leichtman says she knows the city has pictures of what is approved. Most must be opened along a road, and the back portion can be closed. The city offers a list of materials that can be chosen.

Mulvaney states that the Board has a lot of questions, so the variance should probably be tabled for a month. The petitioner can get more specifics on the type of fence for the six-foot fence so the Board can see what the fence is actually made out of. If the petitioner is revising the distance or location of the fence, the petitioner can revise it so the Board knows precisely where the fence will be going.

Mulvaney asks Maya if there was a discussion about shortening the six-foot area.

Maya answered that he could bring a sample of the fence next time so that the Board knows what material is being used. It will all be the same, with the only difference being the fence.

Evanega Rieckhoff states that the screen fence will likely not be allowed. She says if he works with the city, the city will let them know what kind of fence can be allowed and if the petitioner could return in about a month and show the Board what he has decided for that portion of the fence.

Leichtman believes it would be best to vote on the six-foot issue. If the petitioner figures out the material, he would not have to come back, but if he wants to modify it, he can come back before the Board.

Mulvaney states that the fencing must comply with the landscaping composition if the Board approves the six-foot variance.

Evanega Rieckhoff states that the Board will vote on allowing the fence to be six feet, but an added condition would be to follow what the city will tell them are the materials for a fence on the road.

Leichtman states that if the petitioner requests special permission to modify that, the petitioner would have to return before the Board, but that can be figured out by then.

Maya states that he is okay with the four and six-foot fence.

Evanega Rieckhoff says that the petitioner would not have to pay another fee if he followed the zoning ordinance requirements.

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-BZA-29 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition and adopt the following condition that materials used to build the fence have to comply with city zoning materials and any landscaping requirements; Second by Davis.

Davis – Yes

Evanega Rieckhoff – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

**24-X-09 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT VAC-LOT ADA DRIVE 20-02-26-126-026.000-027, 20--02-26-126--019.000-027, AND 20-
02-26-126-027.000-027**

To vary from Section 19.3.A, Special Exception Uses, in the M-2, General Manufacturing District, which states 'All special exception uses permitted in the M-1, Limited Manufacturing District' to allow a Public Utilities and public services use (Section 18.3.J) for the construction of a new fire station

Huber states that the request highlights three parcels associated with the petition. However, there are five related parcels attached to the petition. Huber says he did verify that all parcels were included in official publications, postings, and mailings. It is just the agenda that is missing the two. After consulting with legal counsel, acknowledging the statement, and informing the Board, the Staff processed all five parcels appropriately. Action can be taken tonight.

Mulvaney asks Huber if the request applies to all five parcels.

Huber answered that it applies to all five parcels.

Mulvaney calls the petitioner forward.

Stephen Kromkowski, located at 2211 E Jefferson, appears in person on behalf of the petitioner. Kromkowski says the new fire station would be a 13,000 sq. ft. single-story fire station. The land right now is vacant, but it has been cleaned. There is manufacturing around it. The fire station would increase fire safety service in the community. There are no residents around the area. Its request is to allow for a fire station in an M-1 zoning.

Mulvaney asks for questions from the Board.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

STAFF ANALYSIS

The petitioner is requesting a special exception to allow for the construction of a new fire station. The request is part of the City of Elkhart's plan to construct a new Station #6. The new Station #6 will replace the current Station #6 at the intersection of Osolo Road and Bristol Street. The new facility on Ada will be in the same sector, Sector 6. The new station will allow for improved fire protection in the north east area of the city that has experienced much industrial growth around the CR 17 corridor. Sector 6 has several high hazard occupancy facilities within the sector. Those include four (4) nursing homes and three (3) schools. The new 13,000 square foot station will have capacity for larger apparatus bay for three bays, living quarters, sleeping quarters and administration spaces.

STAFF RECOMMENDATION

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected because all structures will be located within the same Sector 6 and be built per all applicable local building codes;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the new station will provide improved fire response and will not impact the adjacent uses;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because the equipment will not generate adverse effects on adjacent properties with noise, emissions or vibrations.

Huber states there were 7 letters mailed with zero returned.

Mulvaney asks if there are questions from the Board for Staff.

Mulvaney calls for a motion.

Davis makes motion to approve 24-X-09 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Leichtman.

- Davis – Yes
- Evanega Rieckhoff – Yes
- Leichtman – Yes
- Mulvaney – Yes

Motion carries.

ADJOURNMENT

Evanega Rieckhoff makes motion to adjourn; Second by Davis. All are in favor and meeting is adjourned.

Doug Mulvaney, President

Ron Davis, Vice-President

LEGAL NOTICE #24-SUB-05

Hearing on proposed Major Subdivision #24-SUB-05

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, JANUARY 6, 2025** at 1:45 P.M. concerning the following request:

A public hearing will be conducted on Major Subdivision #24-SUB-05.

Petitioner: Habitat for Humanity of Elkhart County & KTK Properties LLC

Request: Per Article 4 of the Subdivision Ordinance, approval of an amended Preliminary Plat for a subdivision known as 'Homer Avenue Subdivision,' to add an additional six (6) lots to the original ten (10)-lot subdivision request; a part of the Southeast Quarter of Section 16, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana.

Location: 3105 Homer Avenue

Zoning: R-2, One Family Dwelling District

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 <https://signin.webex.com/join>, enter the meeting number 2316 677 6589, and "Plan2025" 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 Carla.Lipseyc@coei.org prior to the meeting.

LEGAL DESCRIPTION:

LEGAL DESCRIPTION PER INSTR. #2023-15464 & 2024-19240 A PART OF THE SOUTHEAST QUARTER (1/4) OF SECTION SIXTEEN (16), TOWNSHIP THIRTY- SEVEN (37) NORTH, RANGE FIVE (5) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

ASSUMING THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF SAID QUARTER SECTION TO BE DUE NORTH AND SOUTH, COMMENCING AT AN IRON STAKE ON THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF SAID QUARTER SECTION, WHICH IS THIRTY (30) FEET WEST AND ONE THOUSAND SEVEN HUNDRED THIRTY-NINE AND FORTY-ONE HUNDREDTHS (1,739.41) FEET SOUTH OF THE NORTHWEST CORNER OF LOT NUMBER TWENTY (20) IN CITY GARDENS AS THE SAME IS PLATTED AND RECORDED FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE NORTH ONE HUNDRED SEVENTY-SEVEN AND FORTY-THREE HUNDREDTHS (177.43) FEET TO AN IRON STAKE; THENCE NORTH EIGHTY-NINE (89) DEGREES FORTY-FOUR (44) MINUTES WEST, APPROXIMATELY SIX HUNDRED TWENTY (620) FEET TO THE CENTER LINE OF THE COUNTY DITCH; THENCE SOUTHWESTWARDLY ALONG THE CENTER LINE OF SAID DITCH TO A POINT WHICH IS NORTH EIGHTY-EIGHT (88) DEGREES FIFTY-SIX (56) MINUTES WEST OF THE POINT OF BEGINNING; THENCE SOUTH EIGHTY-EIGHT (88) DEGREES FIFTY-SIX (56) MINUTES EAST, APPROXIMATELY SIX HUNDRED FORTY-FIVE (645) FEET TO THE PLACE OF BEGINNING.

LESS AND EXCEPTING:

A PART OF THE SOUTHEAST QUARTER (1/4) OF SECTION SIXTEEN (16), TOWNSHIP THIRTY- SEVEN (37) NORTH, RANGE FIVE (5) EAST, (BASED ON A SURVEY PERFORMED IN OCTOBER OF 2024 BY CAMERON BERON, INDIANA PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 21900005, WITH ABONMARCHÉ CONSULTANTS, JOB NUMBER 24-0526). MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF SAID QUARTER SECTION BEING MARKED BY A SET MAG NAIL WITH WASHER STAMPED "ABONMARCHÉ 0050", WHICH IS THIRTY (30) FEET WEST AND ONE THOUSAND SEVEN HUNDRED THIRTY-NINE AND FORTY-ONE HUNDREDTHS (1,739.41) FEET (RECORD DISTANCE) SOUTH OF THE NORTHWEST CORNER OF LOT NUMBER TWENTY (20) IN CITY GARDENS AS THE SAME IS PLATTED AND RECORDED FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE NORTH 00°51'35" WEST (AS MEASURED), ALONG THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SOUTHEAST QUARTER, 113.81 FEET TO A 5/8 INCH REBAR WITH CAP STAMPED "ABONMARCHÉ 0050"; THENCE SOUTH 89°24'24" WEST, 130.00 FEET TO A 5/8" REBAR WITH CAP STAMPED "ABONMARCHÉ 0050"; THENCE SOUTH 00°51'35" EAST PARALLEL WITH THE EAST LINE OF SAID WEST HALF, 111.09 FEET TO THE NORTH LINE OF A PARCEL OF LAND CONVEYED TO HABITAT FOR HUMANITY OF ELKHART COUNTY, INC. AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT #2024-03080 AND MARKED BY A 5/8 INCH REBAR WITH CAP STAMPED "ABONMARCHÉ 0050"; THENCE SOUTH 89°23'50" EAST ALONG SAID NORTH LINE, 130.04 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. CONTAINING 0.34 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS AND PUBLIC RIGHTS OF WAY OF RECORD.

LEGAL DESCRIPTION PER INSTR. #2024-03080

ASSUMING THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SECTION SIXTEEN (16), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST TO BE DUE NORTH AND SOUTH; COMMENCING AT AN IRON STAKE ON THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION SIXTEEN (16) WHICH IS THIRTY (30) FEET WEST AND ONE THOUSAND NINE HUNDRED SIXTY-ONE AND FORTY-ONE HUNDREDTHS (1961.41) FEET SOUTH OF THE NORTHEAST CORNER OF LOT NUMBER TWENTY (20) IN CITY GARDENS AS THE SAME AS PLATTED AND RECORDED, FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE NORTH TWO HUNDRED TWENTY-TWO (222) FEET TO AN IRON STAKE; THENCE NORTH EIGHTY-EIGHT (88) DEGREES FIFTY-SIX (56) MINUTES WEST APPROXIMATELY SIX HUNDRED FORTY-FIVE (645) FEET TO THE CENTER OF THE COUNTY DITCH; THENCE SOUTHWESTWARDLY ALONG THE CENTER OF SAID DITCH TO A POINT WHICH IS NORTH EIGHTY-NINE (89) DEGREES FORTY-FOUR (44) MINUTES WEST OF THE POINT OF BEGINNING; THENCE SOUTH EIGHTY-NINE (89) DEGREES FORTY-FOUR (44) MINUTES EAST APPROXIMATELY SIX HUNDRED SEVENTY-FIVE (675) FEET TO THE PLACE OF BEGINNING, BEING PART OF THE SOUTHEAST QUARTER OF SAID SECTION SIXTEEN (16), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST IN ELKHART COUNTY, INDIANA, CONTAINING 3.45 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND PUBLIC RIGHTS OF WAY OF RECORD.

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 the day of December 17th, 2024, by the City of Elkhart, Plan Commission.

Publication Date: 12/27/2024
hspxlp

LEGAL NOTICE #25-UV-01

Hearing on proposed Use Variance #25-UV-01

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, JANUARY 9, 2025** at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-UV-01.

Petitioner: Alondra Salazar

Request: To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for an automotive detailing business.

Location: 1320 Harrison Street

Zoning: B-1, Neighborhood Business District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2317 097 9733 as the meeting number and "BZA2025" 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.

LEGAL DESCRIPTION:

A part of the Northeast Quarter of Section 7, Township 37 North, Range 5 East, more particularly described as follows: Beginning at a point where the South line of West Franklin Street and the North line of Harrison Street in the City of Elkhart, County and State aforesaid, join each other; thence eastwardly along the South line of West Franklin Street, 92.5 feet; thence Southwardly at right angles to said South line of West Franklin Street, 82 4/5 feet to the North line of Harrison Street; thence Westwardly along the North line of Harrison Street to the place of beginning.

ALSO:

A part of the Northeast Quarter of Section 7, Township 37 North, Range 5 East, described as follows: Commencing at a point where the North line of Harrison Street and the South line of West Franklin Street in the City of Elkhart join each other; thence Eastwardly along the South line of West Franklin Street 92.5 feet for the beginning point of this description; thence Southwardly at right angles to said South line of West Franklin Street 82 4/5 feet to the North line of Harrison Street; thence Eastwardly along the North line of Harrison Street 50.00 feet; thence Northwardly on a line parallel with the West line of this description to a point on the South line of said West Franklin Street; which is 37 9/10 feet Eastwardly from the beginning point of this description; thence Westwardly along the South line of said West Franklin Street to said beginning point.

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 23rd day of December, 2025, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: December 27, 2024 HSPAXLP

LEGAL NOTICE #25-BZA-02

Hearing on proposed Developmental Variance #25-BZA-02

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, JANUARY 9, 2025**, at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-02.

Petitioner: Indiana Michigan Power Company

Request: To vary from the requirements found in Section 18.2.11, which states, 'Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2000 gallons' to allow for an above ground 8,000-gallon fuel tank for diesel and gas storage, a variance of 6,000 gallons.

Location: 3340 Toledo Road

Zoning: Planned Unit Development - M-1, Limited Manufacturing District standards

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2317 097 9733 as the meeting number and "BZA2025" 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.

LEGAL DESCRIPTION:

A part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Eleven (11), Township Thirty-seven (37) North, Range Five (5) East, more particularly described as follows:

Commencing at an iron stake at the Southwesterly corner of said quarter section, said point being the Southwesterly corner of land conveyed to EMRO MARKETING COMPANY (Elkhart County Instrument Number 88-17995); thence North Zero (0) degrees Four (4) minutes East along the West line of said quarter section and along the Westerly line of said EMRO MARKETING CO. land, Two hundred twenty-six and five tenths (226.5) feet to a nail at the Northwesterly corner of said EMRO MARKETING COMPANY land for the beginning point of this description; thence continuing North Zero (0) degrees Four (4) minutes East along the Westerly line of said quarter section, Two hundred forty-three and five tenths (243.5) feet to a nail at the Southwesterly corner of land conveyed to William L. and Joan E. Clipp (Elkhart County Instrument Number 89-24105); thence North Eighty-eight (88) degrees Forty-six (46) minutes East along the Southerly line of said Clipp land, One hundred seventy-five (175) feet to an iron stake found at the Southeasterly corner of said Clipp land; thence North Zero (0) degrees Four (4) minutes East parallel with the Westerly line of said quarter section and along the Easterly line of said Clipp land, One hundred eighty (180) feet to an iron stake found at the Northwesterly corner of said Clipp land; thence North eighty-nine (89) degrees Fourteen (14) minutes East parallel with the Southerly line of said section and along the Southerly line of the recorded plat of MIDDLEBURY STREET INDUSTRIAL PARK (Elkhart County Plat Book 18, page 55), One thousand one hundred seventy-seven and forty-nine hundredths (1177.49) feet to an iron stake found at the Southeasterly corner of said recorded plat, said point also being on the East line of the West Half (W 1/2) of said quarter section; thence due South along the East line of the West Half (W 1/2) of said quarter section, Six hundred fifty-one and forty-two hundredths (651.42) feet to the Southeast corner of the West Half (W 1/2) of said quarter section; thence South Eighty-nine (89) degrees Fourteen (14) minutes West along the South line of said quarter section, Six hundred ninety-three and twenty-three hundredths (693.23) feet to the Southeasterly corner of land conveyed to Patricia Rae Shupert and Terry Ray Shupert (Elkhart County Instrument Number 112-2554); thence North Zero (0) degrees Four (4)

Publication Date: 12/27/2024
hspxlp

LEGAL NOTICE #25-BZA-03

Hearing on proposed Developmental Variance #25-BZA-03

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, JANUARY 9, 2025** at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-03.

Petitioner: Jason Patel

Request: To vary from the requirements found in Section 26.10, Sign Regulations, Table 2, which regulates the maximum sign height in the B-2 District to a maximum of six (6) feet in height to allow for a new free-standing sign that is 28'4.4", a variance of 22'4.4".

To vary from the requirements found in Section 26.10, Sign Regulations, Table 1, which allows signs in the B-2 District a maximum area of fifty (50) square feet or one (1) times the lot frontage whichever is smaller to allow for a free-standing sign that is 136.4 square feet, a variance of 86.4 square feet.

To vary from Section 26.10.D.1, General Location Standards, which states in part 'All on premise signs shall be located no closer than five (5) feet from any right of way' to allow for a free-standing sign to be two (2) feet from the Lusher Avenue right of way, a variance of three (3) feet.

To vary from Section 26.10.D.4.d, General Location Standards, Free standing signs, which states 'Free standing signs shall be centered on the property, or if not possible, at least twenty (20) feet from any adjacent property line' to allow for a new sign to be located two (2) feet from the (corner) side property line, a variance of eighteen (18) feet.

Location: 1207 West Lusher Avenue

Zoning: B-2, Community Business District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2317 097 9733 as the meeting number and "BZA2025" 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.

LEGAL DESCRIPTION:

Warranty Deed 2023-07185 A part of the Northeast Quarter of Section 18, Township 37 North, Range 5 East, in the City of Elkhart, Elkhart County, Indiana, more particularly described as follows: Beginning at an iron stake marking the intersection of the South line of West Lusher Avenue with the West line of Oakland Avenue in said City, said point of intersection being 30 feet South and 33 feet West of the Northeast corner of said Section 18; thence due West, along the South line of said West Lusher Avenue, a distance of 120 feet to an iron stake on the East line of a public alley, said stake being 12 feet East of the Northeast corner of Lot Number 4 in Markel's First Addition; thence due South along the East line of said alley and parallel with the East line of said Lot, a distance of 132 feet to an iron stake on the North line of a public alley, said stake being 16.5 feet North of the Northwest corner of Lot Number 146 in said Addition; thence due East along the North line of said last sectioned alley and parallel with the North line of said Lot Number 146, a distance of 122.22 feet to an iron stake on the West line of Oakland Avenue, said stake being 33 feet West of the East line of said Section 18; thence North 0 degrees 58 minutes West, along the West line of said Oakland Avenue, a distance of 132.2 feet to the place of beginning.

ALSO: The East 1/2 of the vacated alley lying East of and adjacent to Lot Number 4 in the Markle's 1st Addition, said Plat being recorded in Deed Record 116, page 21 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 23rd day of December, 2024, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: December 27, 2024 HSPAXLP

LEGAL NOTICE #25-BZA-04

Hearing on proposed Developmental Variance #25-BZA-04

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, JANUARY 9, 2025** at 6:00 P.M. concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-04.

Petitioner: Pura Vida Chicas Holdings LLC

Request: To vary from Section 26.4.A.6, Fence Requirements, that states, No fences, other than split rail, wrought iron or open picket not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard, to allow for a chain link fence that is six (6) feet in height, a variance of two (2) feet. And;

To also vary from Section 26.4.A.1, Fence Requirements, which states No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except in manufacturing districts where barbed wire may be used at the top portion of a permitted fence or wall if located more than seven (7) feet above the adjacent ground level. Such permitted barbed wire shall be considered part of a fence and subject to the fence height restrictions, to allow for barbed wire to be incorporated within the six (6) foot chain link fence.

Location: 2831 Jami Street

Zoning: M-1, Limited Manufacturing District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2317 097 9733 as the meeting number and "BZA2025" 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.

LEGAL DESCRIPTION:

A PART OF THE RECORDED PLAT OF SACHS INDUSTRIAL PARK, AS THE SAID LOT IS KNOWN AND DESIGNATED IN PLAT BOOK 15, PAGE 30, RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR LOCATED AT THE SOUTHWEST CORNER OF SAID PLAT; SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 4 EAST ELKHART COUNTY, INDIANA; THENCE NORTH 0 DE-

(S) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: ASSUMING THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF SAID QUARTER SECTION TO BE DUE NORTH AND SOUTH, COMMENCING AT AN IRON STAKE ON THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF SAID QUARTER SECTION, WHICH IS THIRTY (30) FEET WEST AND ONE THOUSAND SEVEN HUNDRED THIRTY-NINE AND FORTY-ONE HUNDREDTHS (1,739.41) FEET SOUTH OF THE NORTHWEST CORNER OF LOT NUMBER TWENTY (20) IN CITY GARDENS AS THE SAME IS PLATTED AND RECORDED FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE NORTH ONE HUNDRED SEVENTY-SEVEN AND FORTY-THREE HUNDREDTHS (177.43) FEET TO AN IRON STAKE; THENCE NORTH EIGHTY-NINE (89) DEGREES FORTY-FOUR (44) MINUTES WEST, APPROXIMATELY SIX HUNDRED TWENTY (620) FEET TO THE CENTER LINE OF THE COUNTY DITCH; THENCE SOUTHWESTWARDLY ALONG THE CENTER LINE OF SAID DITCH TO A POINT WHICH IS NORTH EIGHTY-EIGHT (88) DEGREES FIFTY-SIX (56) MINUTES WEST OF THE POINT OF BEGINNING; THENCE SOUTH EIGHTY-EIGHT (88) DEGREES FIFTY-SIX (56) MINUTES EAST, APPROXIMATELY SIX HUNDRED FORTY-FIVE (645) FEET TO THE PLACE OF BEGINNING.

LESS AND EXCEPTING: A PART OF THE SOUTHEAST QUARTER (1/4) OF SECTION SIXTEEN (16), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST, (BASED ON A SURVEY PERFORMED IN OCTOBER OF 2024 BY CAMERON BERON, INDIANA PROFESSIONAL LAND SURVEYOR, LICENSE NUMBER 21900005, WITH ABONMARCHE CONSULTANTS, JOB NUMBER 24-0526). MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF SAID QUARTER SECTION BEING MARKED BY A SET MAG NAIL WITH WASHER STAMPED "ABONMARCHE 0050", WHICH IS THIRTY (30) FEET WEST AND ONE THOUSAND SEVEN HUNDRED THIRTY-NINE AND FORTY-ONE HUNDREDTHS (1,739.41) FEET (RECORD DISTANCE) SOUTH OF THE NORTHWEST CORNER OF LOT NUMBER TWENTY (20) IN CITY GARDENS AS THE SAME IS PLATTED AND RECORDED FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE NORTH 0°51'35" WEST (AS MEASURED), ALONG THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SOUTHEAST QUARTER, 113.81 FEET TO A 5/8 INCH REBAR WITH CAP STAMPED "ABONMARCHE 0050"; THENCE SOUTH 89°24'24" WEST, 130.00 FEET TO A 5/8" REBAR WITH CAP STAMPED "ABONMARCHE 0050"; THENCE SOUTH 00°51'35" EAST PARALLEL WITH THE EAST LINE OF SAID WEST HALF, 111.09 FEET TO THE NORTH LINE OF A PARCEL OF LAND CONVEYED TO HABITAT FOR HUMANITY OF ELKHART COUNTY, INC. AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT #2024-03080 AND MARKED BY A 5/8 INCH REBAR WITH CAP STAMPED "ABONMARCHE 0050"; THENCE SOUTH 89°23'50" EAST ALONG SAID NORTH LINE, 130.04 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. CONTAINING 0.34 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS AND PUBLIC RIGHTS OF WAY OF RECORD.

LEGAL DESCRIPTION PER INSTR. #2024-03080 ASSUMING THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SECTION SIXTEEN (16), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST TO BE DUE NORTH AND SOUTH; COMMENCING AT AN IRON STAKE ON THE EAST LINE OF THE WEST ONE-HALF (1/2) OF THE EAST ONE-HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION SIXTEEN (16) WHICH IS THIRTY (30) FEET WEST AND ONE THOUSAND NINE HUNDRED SIXTY-ONE AND FORTY-ONE HUNDREDTHS (1961.41) FEET SOUTH OF THE NORTHEAST CORNER OF LOT NUMBER TWENTY (20) IN CITY GARDENS AS THE SAME IS PLATTED AND RECORDED, FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE NORTH TWO HUNDRED TWENTY-TWO (222) FEET TO AN IRON STAKE; THENCE NORTH EIGHTY-EIGHT (88) DEGREES FIFTY-SIX (56) MINUTES WEST APPROXIMATELY SIX HUNDRED FORTY-FIVE (645) FEET TO THE CENTER OF THE COUNTY DITCH; THENCE SOUTHWESTWARDLY ALONG THE CENTER OF SAID DITCH TO A POINT WHICH IS NORTH EIGHTY-NINE (89) DEGREES FORTY-FOUR (44) MINUTES WEST OF THE POINT OF BEGINNING; THENCE SOUTH EIGHTY-NINE (89) DEGREES FORTY-FOUR (44) MINUTES EAST APPROXIMATELY SIX HUNDRED SEVENTY-FIVE (675) FEET TO THE PLACE OF BEGINNING, BEING PART OF THE SOUTHEAST QUARTER OF SAID SECTION SIXTEEN (16), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIVE (5) EAST IN ELKHART COUNTY, INDIANA, CONTAINING 3.45 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND PUBLIC RIGHTS OF WAY OF RECORD.

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 day of December 17th, 2024, by the City of Elkhart, Plan Commission.

Publication Date: 12/27/2024
hspaxlp

We Got 'Em Right Here In Our Classifieds!

Commencing at West Franklin Street, 82 4/5 feet to the North line of Harrison Street; thence Westwardly along the North line of Harrison Street to the place of beginning.

ALSO: A part of the Northeast Quarter of Section 7, Township 37 North, Range 5 East, described as follows: Commencing at a point where the North line of Harrison Street and the South line of West Franklin Street in the City of Elkhart join each other; thence Eastwardly along the South line of West Franklin Street 92.5 feet for the beginning point of this description; thence Southwardly at right angles to said South line of West Franklin Street 82 4/5 feet to the North line of Harrison Street; thence Eastwardly along the North line of Harrison Street 50.00 feet; thence Northwardly on a line parallel with the West line of this description to a point on the South line of said West Franklin Street; which is 37 9/10 feet Eastwardly from the beginning point of this description; thence Westwardly along the South line of said West Franklin Street to said beginning point.

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 23rd day of December, 2025, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: December 27, 2024
HSPAXLP

LEGAL NOTICE #25-BZA-02
Hearing on proposed Developmental Variance #25-BZA-02

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, JANUARY 9, 2025, at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-02.

Petitioner: Indiana Michigan Power Company

Request: To vary from the requirements found in Section 18.2.11, which states, 'Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2000 gallons' to allow for an above ground 8,000-gallon fuel tank for diesel and gas storage, a variance of 6,000 gallons.

Location: 3340 Toledo Road

Zoning: Planned Unit Development – M-1, Limited Manufacturing District standards

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2317 097 9733 as the meeting number and "BZA2025" 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.

LEGAL DESCRIPTION:
A part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Eleven (11), Township Thirty-seven (37) North, Range Five (5) East, more particularly described as follows:
Commencing at an iron stake at the Southwesterly corner of said quarter section, said point being the Southwesterly corner of land conveyed to EMRO MARKETING COMPANY (Elkhart County Instrument Number 88-17995); thence North Zero (0) degrees Four (4) minutes East along the West line of said quarter section and along the Westerly line of said EMRO MARKETING CO. land, Two hundred twenty-six and five tenths (226.5) feet to a nail at the Northwesterly corner of said EMRO MARKETING COMPANY land for the beginning point of this description; thence continuing North Zero (0) degrees Four (4) minutes East along the Westerly line of said quarter section, Two hundred forty-three and five tenths (243.5) feet to a nail at the Southwesterly corner of land conveyed to William L. and Joan E. Clipp (Elkhart County Instrument Number 89-24105); thence North Zero (0) degrees Forty-six (46) minutes East along the Southerly line of said Clipp land, One hundred seventy-five (175) feet to an iron stake found at the Southeasterly corner of said Clipp land; thence North Zero (0) degrees Four (4) minutes East parallel with the Westerly line of said quarter section and along the Easterly line of said Clipp land, One hundred eighty (180) feet to an iron stake found at the Northeasterly corner of said Clipp land; thence North eighty-nine (89) degrees Fourteen (14) minutes East parallel with the Southerly line of said section and along the Southerly line of the recorded plat of MIDDLEBURY STREET INDUSTRIAL PARK (Elkhart County Plat Book 18, page 55), One thousand one hundred seventy-seven and forty-nine hundredths (1177.49) feet to an iron stake found at the Southeasterly corner of said recorded plat, said point also being on the East line of the West Half (W 1/2) of said quarter section; thence due South along the East line of the West Half (W 1/2) of said quarter section, Six hundred fifty-one and forty-two hundredths (651.42) feet to the Southeast corner of the West Half (W 1/2) of said quarter section; thence South Eighty-nine (89) degrees Fourteen (14) minutes West along the South line of said quarter section, Six hundred ninety-three and twenty-three hundredths (693.23) feet to the Southeasterly corner of land conveyed to Patricia Rae Shupert and Terry Ray Shupert (Elkhart County Deed Record 413, page 369); thence North Zero (0) degrees Four (4) minutes East parallel with the West line of said quarter section and along the Easterly line of said Shupert land, Two hundred twenty (220) feet to an iron stake found at the Northeasterly corner of said Shupert land; thence South Eighty-nine (89) degrees Fourteen (14) minutes West parallel with the South line of said quarter section and along the Northerly line of said Shupert land, Three hundred ninety-six (396) feet to an iron stake found at the Northwesterly corner of said Shupert land; thence North Zero (0) degrees Four (4) minutes East parallel with the West line of said quarter section and along the Easterly line of said aforementioned EMRO MARKETING COMPANY land, Six and five tenths (6.5) feet to an iron stake found at the Northeasterly corner of said EMRO MARKETING COMPANY land; thence South Eighty-nine (89) degrees Fourteen (14) minutes West parallel with the South line of said quarter section and along the Northerly line of said EMRO MARKETING COMPANY land, Two hundred sixty-four (264) feet to the place of beginning.

SUBJECT to Public Highways.

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 23rd day of December, 2024, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: December 27, 2024
HSPAXLP

Zoning: B-2, Community Business District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2317 097 9733 as the meeting number and "BZA2025" 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.

LEGAL DESCRIPTION:
Warranty Deed 2023-07185
A part of the Northeast Quarter of Section 18, Township 37 North, Range 5 East, in the City of Elkhart, Elkhart County, Indiana, more particularly described as follows: Beginning at an iron stake marking the intersection of the South line of West Lusher Avenue with the West line of Oakland Avenue in said City, said point of intersection being 30 feet South and 33 feet West of the Northeast corner of said Section 18; thence due West, along the South line of said West Lusher Avenue, a distance of 120 feet to an iron stake on the East line of a public alley, said stake being 12 feet East of the Northeast corner of Lot Number 4 in Markel's First Addition; thence due South along the East line of said alley and parallel with the East line of said Lot, a distance of 132 feet to an iron stake on the North line of a public alley, said stake being 16.5 feet North of the Northwest corner of Lot Number 146 in said Addition; thence due East along the North line of said last sectioned alley and parallel with the North line of said Lot Number 146, a distance of 122.22 feet to an iron stake on the West line of Oakland Avenue, said stake being 33 feet West of the East line of said Section 18; thence North 0 degrees 58 minutes West, along the West line of said Oakland Avenue, a distance of 132.2 feet to the place of beginning.

ALSO: The East 1/2 of the vacated alley lying East of and adjacent to Lot Number 4 in the Markle's 1st Addition, said Plat being recorded in Deed Record 116, page 21 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 23rd day of December, 2024, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: December 27, 2024
HSPAXLP

LEGAL NOTICE #25-BZA-04
Hearing on proposed Developmental Variance #25-BZA-04

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, JANUARY 9, 2025 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #25-BZA-04.

Petitioner: Pura Vida Chicas Holdings LLC

Request: To vary from Section 26.4.A.6, Fence Requirements, that states, No fences, other than split rail, wrought iron or open picket not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard, to allow for a chain link fence that is six (6) feet in height, a variance of two (2) feet. And;

To also vary from Section 26.4.A.1, Fence Requirements, which states No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except in manufacturing districts where barbed wire may be used at the top portion of a permitted fence or wall if located more than seven (7) feet above the adjacent ground level. Such permitted barbed wire shall be considered part of a fence and subject to the fence height restrictions, to allow for barbed wire to be incorporated within the six (6) foot chain link fence.

Location: 2831 Jami Street

Zoning: M-1, Limited Manufacturing District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2317 097 9733 as the meeting number and "BZA2025" 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.

LEGAL DESCRIPTION:
A PART OF THE RECORDED PLAT OF SACHS INDUSTRIAL PARK, AS THE SAID LOT IS KNOWN AND DESIGNATED IN PLAT BOOK 15, PAGE 30, RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE REBAR LOCATED AT THE SOUTHWEST CORNER OF SAID PLAT; SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 4 EAST, ELKHART COUNTY, INDIANA; THENCE NORTH 0 DEGREES 02 INCH MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID SUBDIVISION 240.02 FEET TO A HALF INCH REBAR AT THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID WEST LINE NORTH 0 DEGREES 04 MINUTES 44 SECONDS EAST 350.34 FEET TO A HALF INCH REBAR ON THE SOUTH BOUNDARY OF JAMI STREET; THENCE ALONG SAID SOUTH BOUNDARY NORTH 89 DEGREES 56 MINUTES 11 SECONDS EAST 299.79 FEET TO A HALF INCH REBAR AT THE NORTHWEST CORNER OF THAT TRACT CONVEYED TO METIONGA PROPERTIES LLC BY INSTRUMENT RECORDED IN DEED RECORD 2009-27157; THENCE ALONG THE WEST LINE OF SAID TRACT SOUTH 0 DEGREES 04 MINUTES 39 SECONDS WEST 350.05 FEET TO A HALF INCH REBAR IN THE CENTERLINE OF A 30 FOOT PLATTED DRAINAGE EASEMENT; THENCE SOUTH 89 DEGREES 52 MINUTES 52 SECONDS WEST ALONG THE CENTERLINE OF SAID DRAINAGE EASTMENT SAND SAID CENTERLINE EXTENDED WESTERLY 299.80 FEET OT THE PLACE OF BEGINNING.

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 23rd day of December, 2024, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: December 27, 2024
HSPAXLP

Buy It. Sell It. Find It. CLASSIFIED.



Staff Report

Planning & Zoning

Petition: 25-BZA-02

Petition Type: Developmental Variance

Date: January 9, 2025

Petitioner: Indiana Michigan Power Company

Site Location: 3340 Toledo Road

Request: To vary from the requirements found in Section 18.2.II, which states, ‘Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2000 gallons’ to allow for an above ground 8,000 gallon fuel tank for diesel and gas storage, a variance of 6,000 gallons.

Existing Zoning: Planned Unit Development – M-1, Limited Manufacturing District

Size: +/- 16 acres

Thoroughfares: Toledo Road

School District: Concord Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

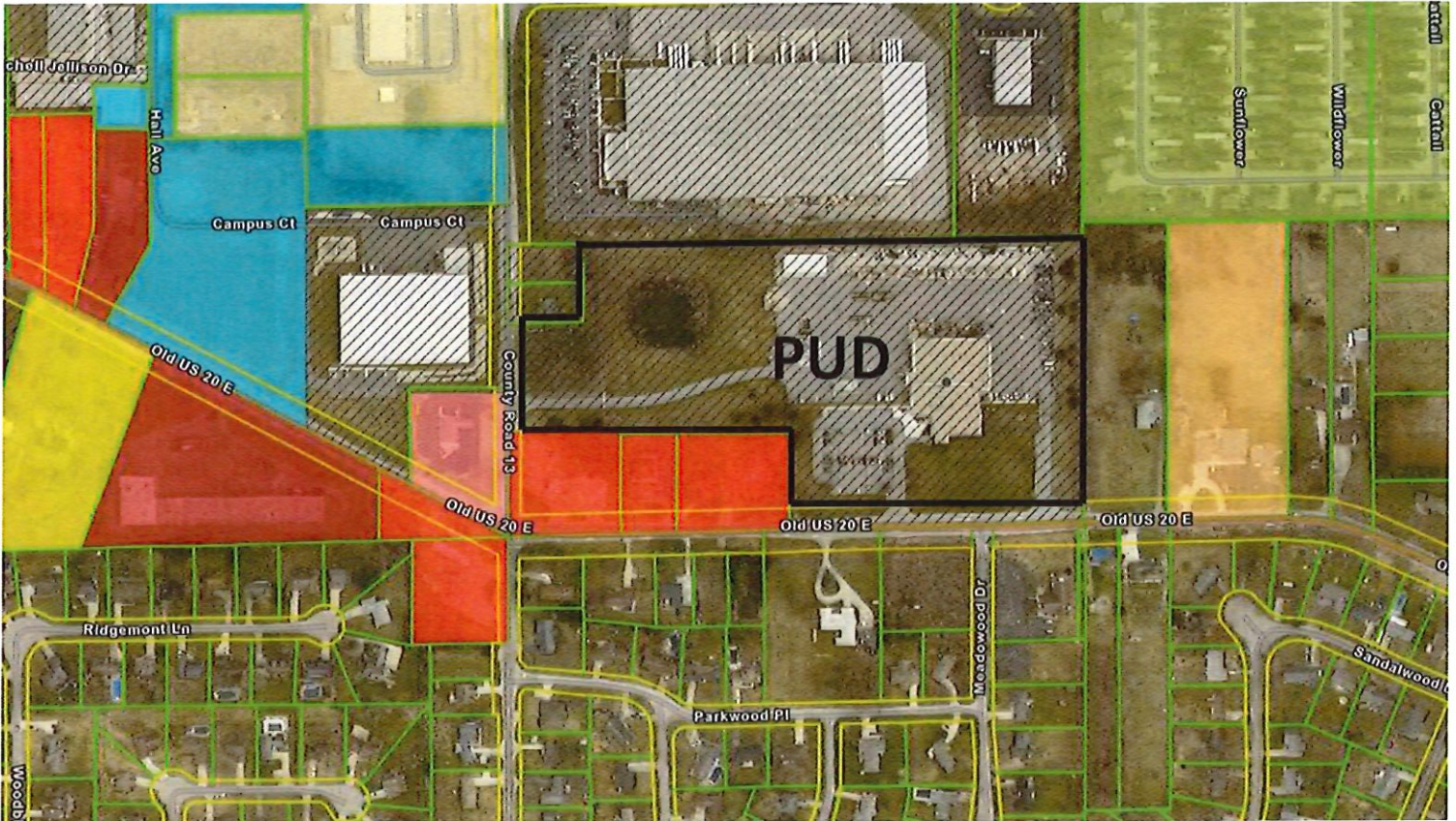
The surrounding property to the north and west are industrial uses zoned Planned Unit Development and M-1, Limited Manufacturing District. To the south commercial uses in the city zoned B-2, Community Business District and residential uses in Elkhart County. Land to the east is residential in Elkhart County.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be industrial uses as identified on the future land use map.



Staff Analysis

Indiana and Michigan Power is requesting a developmental variance so they can replace two (2) 8,000 gallon underground fuel tanks with one (1) 8,000 gallon above ground tank. The ordinance standard limits the size of a storage tank to 2,000 gallons, therefore the need for the developmental variance.

The petitioner states in documents submitted for the variance, the new tank will incorporate an above ground UL 2085 fire shield tank with a concrete barrier. An example of a UL 2085 tank staff found online is shown below.



Staff has reviewed the findings submitted by the petitioner and support the request. The older underground tanks will be removed and replaced with a new more environmentally safe above ground tank. The location of the tank is west of the building centered on the site.

Recommendation

The Staff recommends **approval** of the developmental variance to vary from in Section 18.2.II, which states, 'Outside storage of liquids or gases in one or more tanks, where the total volume of the tank(s) does not exceed 2000 gallons' to allow for an above ground 8,000 gallon fuel tank for diesel and gas storage, a variance of 6,000 gallons 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 new tank will meet all the necessary regulations for installation;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because tanks like this are not uncommon and are often found in association with industrial uses;
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 installation of the new above ground tank 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 it without the variance the ability to fuel trucks on site could be compromised;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because currently there are two (2) non-conforming underground tanks. The request to replace them both with one (1) above ground tank, that is more environmentally friendly, will bring the site closer into compliance with current development standards;
7. This property **does not** lie within a designated flood area.

Conditions

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

1. None

Photos





PETITION #: 25-BZA-02

FILING FEE: \$ 300

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): P. Todd Ireland, on behalf of Indiana Michigan Power Company

Mailing Address: 1 Riverside Plaza, 16th Flr, Columbus, Ohio 43215

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Roger Brown

Mailing Address: 110 E. Wayne St., Fort Wayne, Indiana 46802

Phone #: [REDACTED] Email: [REDACTED]

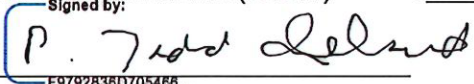
Subject Property Address: 3340 Toledo Rd, Elkhart, Indiana 46515

Zoning: ZO01

Present Use: _____ Proposed Use: _____

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) : P. Todd Ireland

SIGNATURE(S):  DATE: 12/4/2024 | 1:43 PM

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: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, P. Todd Ireland, Manager, Real Estate Asset Management, American Electric Power Service Corporation, Authorized Signer 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. Indiana Michigan Power Company now and at all times relevant herein have been, the owner of record of the property located at 3340 Toledo Rd. Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 4th day of December, 2024.

Signed by: P. Todd Ireland
F9792836D705466...
 Printed: P. Todd Ireland

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.

Signed by: P. Todd Ireland
F9792836D705466...
 Printed: P. Todd Ireland

STATE OF OHIO)
) SS:
 COUNTY OF MORGAN)

Before me the undersigned, a Notary Public in and for the State of Ohio, personally appeared P. Todd Ireland, Manager, Real Estate Asset Management, American Electric Power Service Corporation, Authorized Signer, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 4th day of December, 2024.

DocuSigned by: Angela D. Miller
6D442389DB0940D...
 Printed: Angela D Miller
 2017-RE-630288

My Commission Expires:
02/15/2027

Notary Public in and for the State of Ohio
 Resident of Morgan County, Ohio

DATE: 11/22/2024

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: Developmental Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Todd Ireland, on behalf of Indiana Michigan Power Company, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:
Attach the accurate legal description and common address - a tax key number is not a legal description.
A part of the West Half (W1/2) of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Thirty-seven (37) North, Range Five (5) East. 3340 Toledo Rd, Elkhart, IN 46516
2. The above-described real estate presently has a zoning classification of Z001 Residential 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: (Explain existing use). Currently there are two 8,000-gallon (gas and diesel) below ground storage tanks that we want to replace with one above ground 8,000 (5,000 diesel and 3,000 gas) gallon UL 2085 fire shield tank.
4. Petitioner desires to (Explain what is proposed that violates the provisions of the Zoning Ordinance).
Switching to above ground UL 2085 fire shield tank, which will contain fire for 3 hours before imploding and has concrete barrier.
5. The Zoning Ordinance of the City of Elkhart requires (Explain ordinance requirements and note the Section Number of the Ordinance).
Section 18.2 Limited Manufacturing District Permitted Uses "II. Outside storage of liquids or gases in one or more tanks, where total volume of the tank(s) does not exceed 2000 gallons. (as amended per Ordinance No. 4683 July 10, 2002)"
6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. (Please note that the Board cannot consider financial hardship. *The Light Co., Inc. v. Houghton et. al.* 226 N.E. 2nd 341 (Ind. Ct. App. 1967).
A developmental variance is needed due to the total amount of stored liquids is greater than 2000 gallons.
7. Using the standards from page 3, address each standard. You cannot answer simply "Yes" or "No"; you must state why this is true (the reasons for your answer).
 - **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** This will make it more safe and environmentally compliant for the community as we are looking to upgrade the storage tank to a safer UL 2085 fire shield tank.
 - **The use and value of the area adjacent to property will not be affected in a substantially adverse manner.** This variance will have no effect on adjacent properties as we are moving from a below ground storage tank to a more safe and environmentally compliant above ground storage tank.

- **Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance.** Granting the variance would allow us to use a more environmentally safe tank and change the amount we can store from two 8,000-gallon tanks to one 8,000 gallon tank.
- **Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district.** Nothing peculiar to the land involved. Need approval for switching the type and size of storage tank.
- **The strict application of the terms of the Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the provisions of the Ordinance. (Financial considerations do not qualify).** Since we are installing above ground tanks in roughly the same location, there is no deprivation for us.
- **The special conditions and circumstances do not result from any action or inaction by the application.** Nothing forced the change in tank location and size but we want to make the change to be more environmentally friendly and safe with the upgraded tank.
- **In designated flood hazard areas, 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.** This is not in a flood zone so will not affect flood hazard areas.

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: ^{Designed by:} P. Todd Ireland Initial Initial DS
C7E9EB570525421 TB GLB MB

Printed Name: Todd Ireland

Second Property Owner: _____

Printed Name: _____

Contact Person: _____

Name: Roger Brown

Address: [REDACTED]

Phone Number where you can be reached: [REDACTED]

Email: [REDACTED]

Certificate Of Completion

Envelope Id: 06A779BCA0B64E17BFEB96C165D15F4
Subject: Complete with Docusign: Developmental Variance Appeal Letter - Elkhart Office & SVC.docx
Source Envelope:
Document Pages: 2
Certificate Pages: 3
AutoNav: Enabled
Envelopeld Stamping: Disabled
Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Status: Completed
Envelope Originator:
Carol L Koshiba
700 Morrison Road
Gahanna, OH 43230
clkoshiba@aep.com
IP Address: 167.239.221.101

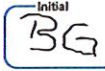
Record Tracking

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12/3/2024 7:10:55 PM
Holder: Carol L Koshiba
Location: DocuSign

Signer Events

Brian Gamble
Security Level: Email, Account Authentication (None)

Signature



Signature Adoption: Drawn on Device
Using IP Address: [REDACTED]

Timestamp

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Viewed: 12/4/2024 1:58:41 PM
Signed: 12/4/2024 1:59:44 PM

Electronic Record and Signature Disclosure:
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Cynthia Buckbee
REAM Records Supervisor
Security Level: Email, Account Authentication (None)


Signature Adoption: Pre-selected Style
Using IP Address: [REDACTED]

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Signed: 12/5/2024 9:46:45 AM

Electronic Record and Signature Disclosure:
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ID: f9b5f8fc-0dfe-4112-a942-bb1c8d18a5f3

Nicole Burigana
Manager, Real Estate Asset Management
Security Level: Email, Account Authentication (None)


Signature Adoption: Pre-selected Style
Using IP Address: [REDACTED]

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Electronic Record and Signature Disclosure:
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ID: 90796165-c7e9-4ced-a9c4-e663b9bbcd58

P. Todd Ireland
Manager Real Estate Asset Management
Appalachian Power Company
Security Level: Email, Account Authentication (None)


Signature Adoption: Pre-selected Style
Using IP Address: [REDACTED]

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Signed: 12/5/2024 10:25:45 AM

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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Brian Gamble [REDACTED]	COPIED	Sent: 12/5/2024 10:25:46 AM
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Chris Delawter [REDACTED]	COPIED	Sent: 12/5/2024 10:25:47 AM
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Certified Delivered	Security Checked	12/5/2024 10:25:34 AM
Signing Complete	Security Checked	12/5/2024 10:25:45 AM
Completed	Security Checked	12/5/2024 10:25:47 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means any electronic sound, symbol or process attached to or logically associated with a record and executed and adopted by a party with the intent to sign such record.

Please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Certificate Of Completion

Envelope Id: 310FB75F420F4625BF335669CFF5E930 Status: Completed
Subject: Complete with Docusign: Easement and Right-of-Way Agreement.pdf, 2024-Developmental-Variance-Pe...
Source Envelope:
Document Pages: 11 Signatures: 6 Envelope Originator:
Certificate Pages: 5 Initials: 0 Angela D. Miller
AutoNav: Enabled amiller@aep.com
Envelopeld Stamping: Disabled IP Address: 167.239.221.107
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Record Tracking

Status: Original Holder: Angela D. Miller Location: DocuSign
12/4/2024 11:46:24 AM amiller@aep.com

Signer Events

P. Todd Ireland
Security Level: Notarized Signing (Notary: Angela D. Miller)

Signature

Signed by: P. Todd Ireland
F97928360705466...

Signature Adoption: Drawn on Device
Using IP Address: 167.239.218.1

Timestamp

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Viewed: 12/4/2024 1:43:16 PM
Signed: 12/4/2024 1:43:57 PM

Electronic Record and Signature Disclosure:
Accepted: 12/4/2024 1:43:16 PM
ID: 68edb156-0fe5-45d3-b212-1ec237cf7209

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Notary Events

Angela D. Miller
Real Estate Records Coordinator, Sr
American Electric Power Service Corp
Notary for P. Todd Ireland
Security Level: Email, Account Authentication (Required), Digital Certificate

Signature

Using IP Address:
Signature Provider Location:
https://ssasign.docusign.net/sca/1940

Timestamp

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Signed: 12/4/2024 1:44:39 PM

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Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Envelope Summary Events	Status	Timestamps
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Completed	Security Checked	12/4/2024 1:44:40 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, American Electric Power Remote Online Notarization (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact American Electric Power Remote Online Notarization:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: kwkroll@aep.com

To advise American Electric Power Remote Online Notarization of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at kwkroll@aep.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from American Electric Power Remote Online Notarization

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to kwkroll@aep.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with American Electric Power Remote Online Notarization

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to kwkroll@aep.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process.

Required hardware and software

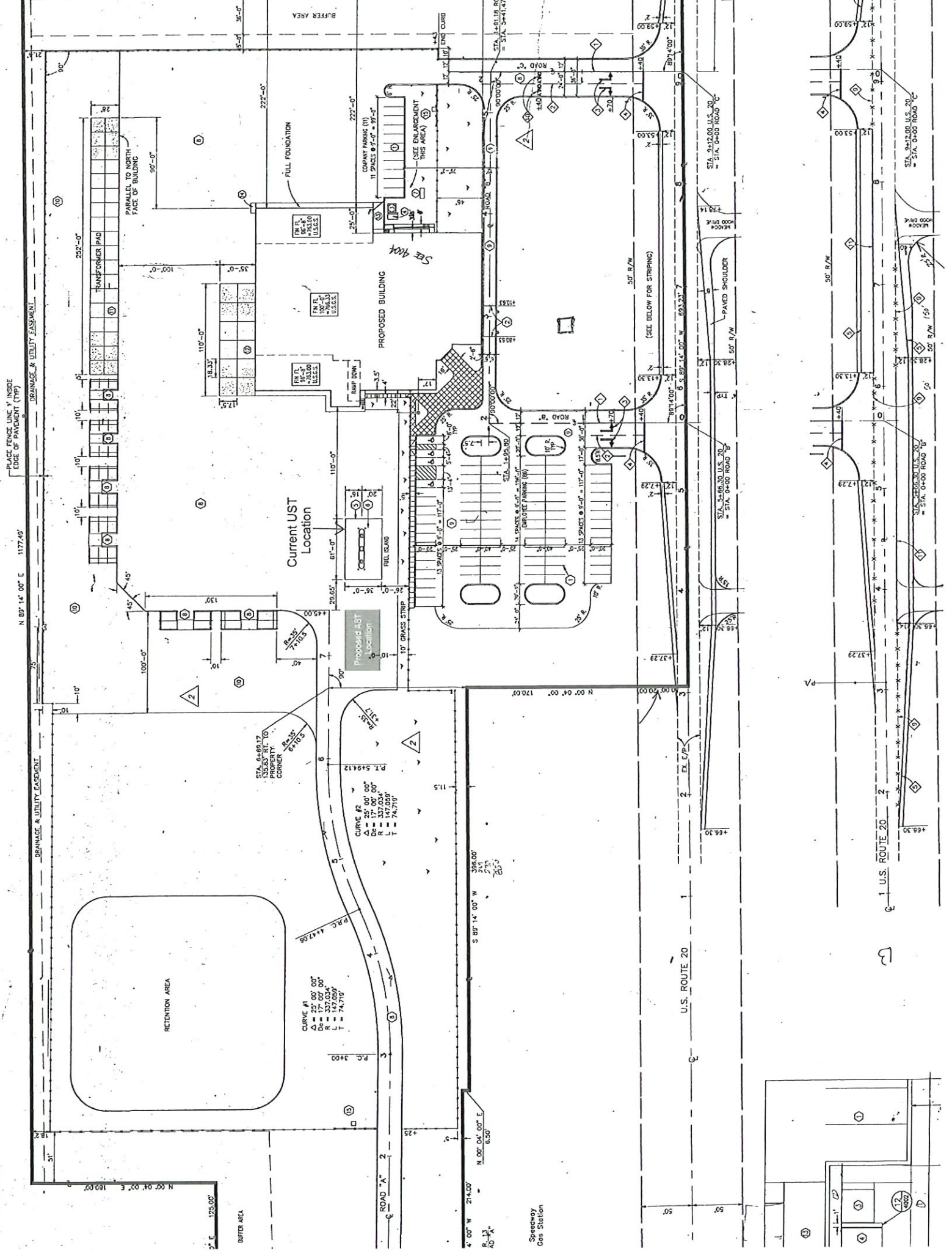
The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify American Electric Power Remote Online Notarization as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by American Electric Power Remote Online Notarization during the course of your relationship with American Electric Power Remote Online Notarization.



DEED

Date _____

THIS INDENTURE WITNESSETH, that **WAGNER LAND DEVELOPMENT CO., INC.**
, the Grantor, a corporation organized and existing under the laws of the State of
Indiana

CONVEYS AND WARRANTS TO **INDIANA MICHIGAN POWER COMPANY**
, the Grantee,

for and in consideration of one dollar (\$1.00), and other valuable consideration, the receipt of which is hereby acknowledged,
the following described real estate in Elkhart County, Indiana:

9

SEE ATTACHED EXHIBIT "A"

Subject to real estate taxes, public highways, easements, and restrictions of record, if any.

Grantor certifies under oath that no Indiana Gross Income tax is due or payable at this time in respect to the transfer made by this deed.

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Oct 29 1 06 PM '91
ELKHART COUNTY RECORDER
PEGGY A. MILLER
FILED FOR RECORD

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER
October 29 19 91
Charles R. Miller AUDITOR
5108

TRANSFER FEE 1.00 pd.

Executed this 29th day of October, 19 91

WAGNER LAND DEVELOPMENT CO., INC.
(Name of Corporation)

ATTEST:
By Steven A. Harman
Signature

By Robert G. Dunlop
Signature

Steven A. Harman, Vice President
Printed Name and Office

Robert G. Dunlop, Secretary
Printed Name and Office

County of ELKHART)
) SS:
State of INDIANA)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared

Robert G. Dunlop and Steven A. Harman
the Secretary and Vice President

respectively of said Corporation, who, (1) having been duly sworn under oath represented and certified that they are duly elected officers of Grantor and have been fully empowered, by property resolution of the Board of Directors of Grantor to execute and deliver this Deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the execution and delivery of this Deed has been accomplished, and (2) acknowledged the execution of the foregoing Deed for and on behalf of said Grantor on the date of its execution set forth above.

1 Square
Wagner Land Development Co.

Delfa G. Rosenberg Notary Public
Signature
Delfa G. Rosenberg
ELKHART COUNTY

A part of the West Half (W1/2) of the Northeast Quarter (NE 1/4) of Section Eleven (11), Township Thirty-seven (37) North, Range Five (5) East, more particularly described as follows:

Commencing at an iron stake at the Southwesterly corner of said quarter section, said point being the Southwesterly corner of land conveyed to EMRO MARKETING COMPANY (Elkhart County Instrument Number 88-17995); thence North Zero (0) degrees Four (4) minutes East along the West line of said quarter section and along the Westerly line of said EMRO MARKETING CO. land, Two hundred twenty-six and five tenths (226.5) feet to a nail at the Northwesterly corner of said EMRO MARKETING COMPANY land for the beginning point of this description; thence continuing North Zero (0) degrees Four (4) minutes East along the Westerly line of said quarter section, Two hundred forty-three and five tenths (243.5) feet to a nail at the Southwesterly corner of land conveyed to William L. and Joan E. Clipp (Elkhart County Instrument Number 89-24105); thence North Eighty-eight (88) degrees Forty-six (46) minutes East along the Southerly line of said Clipp land, One hundred seventy-five (175) feet to an iron stake found at the Southeasterly corner of said Clipp land; thence North Zero (0) degrees Four (4) minutes East parallel with the Westerly line of said quarter section and along the Easterly line of said Clipp land, One hundred eighty (180) feet to an iron stake found at the Northeasterly corner of said Clipp land; thence North eighty-nine (89) degrees Fourteen (14) minutes East parallel with the Southerly line of said section and along the Southerly line of the recorded plat of MIDDLEBURY STREET INDUSTRIAL PARK (Elkhart County Plat Book 18, page 55), One thousand one hundred seventy-seven and forty-nine hundredths (1177.49) feet to an iron stake found at the Southeasterly corner of said recorded plat, said point also being on the East line of the West Half (W1/2) of said quarter section; thence due South along the East line of the West Half (W1/2) of said quarter section, Six hundred fifty-one and forty-two hundredths (651.42) feet to the Southeast corner of the West Half (W1/2) of said quarter section; thence South Eighty-nine (89) degrees Fourteen (14) minutes West along the South line of said quarter section, Six hundred ninety-three and twenty-three hundredths (693.23) feet to the Southeasterly corner of land conveyed to Patricia Rae Shupert and Terry Ray Shupert (Elkhart County Deed Record 413, page 369); thence North Zero (0) degrees Four (4) minutes East parallel with the West line of said quarter section and along the Easterly line of said Shupert land, Two hundred twenty (220) feet to an iron stake found at the Northeasterly corner of said Shupert land; thence South Eighty-nine (89) degrees Fourteen (14) minutes West parallel with the South line of said quarter section and along the Northerly line of said Shupert land, Three hundred ninety-six (396) feet to an iron stake found at the Northwesterly corner of said Shupert land; thence North Zero (0) degrees Four (4) minutes East parallel with the West line of said quarter section and along the Easterly line of said aforementioned EMRO MARKETING COMPANY land, Six and five tenths (6.5) feet to an iron stake found at the Northeasterly corner of said EMRO MARKETING COMPANY land; thence South Eighty-nine (89) degrees Fourteen (14) minutes West parallel with the South line of said quarter section and along the Northerly line of said EMRO MARKETING COMPANY land, Two hundred sixty-four (264) feet to the place of beginning.

SUBJECT to Public Highways.

DGT01915

ORDINANCE NO. PC91-30

An Ordinance amending County Code 36-7-4-600 known as the Comprehensive Plan by amending more specifically Ordinance Number 89-10 known as Middlebury Industrial Park for J.A. Wagner Construction Company by rezoning the area described hereinafter from R-4 Planned Unit Development to M-1 Planned Unit Development and authorize the attached site development plan. (Attachment "B")

WHEREAS, J.A. Wagner Construction Company submitted an application to rezone area known as the proposed Lot B of Middlebury Industrial Park from R-4 PUD to M-1 PUD, and;

WHEREAS, Middlebury Industrial Park received approval of the rezoning for the original PUD February 6th, 1989 with the request being consistent with that original Ordinance, and;

WHEREAS, the Elkhart County Plan Commission filed a report of approval of this rezoning from R-4 to M-1 PUD and authorized the attached site development plan for the construction and use by the American Electric and Power Company.

LEGAL DESCRIPTION

Attachment 'A'

Section 1 That all provisions of Ordinance 89-10 be applicable to this amendment unless specifically mentioned and ordered.

Section 2 That the parcel be rezoned and the maps be amended to reflect the change from R-4 PUD to M-1 PUD.

Section 3 That development of the site be permitted as per Attachment "B" only and major or minor changes as per Section 4 of Ordinance 89-10.

THIS RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, THIS 7th DAY OF October, 1991.

BY Marsha S. Meyer
Marsha S. Meyer

BY David L. Hess
David L. Hess

BY Patsy Ronzone
Patsy Ronzone

ORDINANCE NO. 89-10

AN ORDINANCE TO AMEND COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY, INDIANA BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM R-1 TO R-4/M-1 AND AUTHORIZE A PLANNED UNIT DEVELOPMENT.

WHEREAS, J.A. Wagner Construction, Company submitted an application to rezone real estate hereinafter described from R-1 to R-4/M-1 with a Planned Unit Development and after proper legal notice a hearing was held as provided by law, and the Plan Commission did on the 12th day of January, 1989 find that the elements of the Law have been complied with for a zone change from R-1 to R-4/M-1 with approval of a Planned Unit Development and filed their recommendation for adoption of this Ordinance with the Board of County Commissioners of Elkhart County, Indiana and

WHEREAS, the Elkhart County Plan Commission submitted said development plan together with its report and recommendation and,

WHEREAS, said report and recommendations indicate that the appropriate use of the property adjacent to the area included in the plan will be fully safeguarded and the plan is consistent with the intent of the Master Plan of Elkhart County to promote the Health, Safety and General Welfare.

BE IT THEREFORE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA THAT:

Legal Description

SEE ATTACHMENT "A"

Section 1 That the request by J.A. Wagner Construction, Company for a Planned Unit Development be granted for the above described real estate in accordance with the plan as attached and made a part of this Ordinance by reference thereto.

Section 2 That the southerly 600 ft. of the above described real estate be rezoned from R-1 to R-4 effective immediately and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate. That the remainder of the above described real estate be rezoned from R-1 to M-1 effective immediately and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said rezoning of said real estate.

Section 3 That under the Planned Unit Development provisions of County Code 36-7-4-600 known as the Comprehensive Plan for Zoning of Elkhart County, Indiana and in accordance with plans as approved by the Elkhart County Plan Commission, attached hereto and made a part of this Ordinance by reference thereto, and the owners of the above described parcel and their successors in interest are authorized to use said property for any uses permitted in a R-4/M-1 district.

Section_4

That no change be made in the approved plan during construction of the Planned Unit Development except as follows:

- a. Minor changes in the location, siting and height of buildings and improvements may be authorized by the Plan Commission if required by circumstances not foreseen at the time the plan was approved.
- b. All other changes in use, rearrangement of lots, blocks, building locations, streets, parking areas, open space, or other changes in the approved plan must be made by the Board of County Commissioners under the procedures authorized by the Elkhart County Zoning Ordinance or amendments to said Ordinance.

Section_5

That all entrances on CR #13 and CR #14 must meet County Highway standards including accel/decel and passing lanes.

Section_6

That primary approval of Middlebury Street Industrial Park Subdivision is hereby granted provided the comments of the Technical Committee are met.

Section_7

That a no access easement be established along the CR #13 frontage of Lot #2.

Section_8

That municipal sewer and water serve this development.

Section_9

That, if no construction has begun on the facilities to be developed as part of the Planned Unit Development, or in the absence of plans for construction of such improvements, if the use of the aforesaid real estate herein set forth has not been established within 2 years from the date of the approval represented by this Ordinance, the Planned Unit Development, and the approval herein stated, shall lapse, and be of no further force or effect. If the plan lapses under the conditions of this Section, the zoning applicable to the aforesaid property prior to the date of this approval of the Planned Unit Development may, at the discretion of the Board of County Commissioners of Elkhart County, Indiana, be reinstated through formal proceedings; provided, however, that the Elkhart County Plan Commission, in its sole discretion, for good cause shown, may extend for an additional period of time the commencement of construction or the establishment of the use necessary to avoid the lapse of the Planned Unit Development. To extend the effective time period within which construction or the establishment of the use must commence, the Elkhart County Plan Commission must consider such extension at one of its formal, public meetings, and must in writing submit written confirmation of any extension it might grant to the Board of Commissioners of Elkhart County, Indiana, for entry in the formal minutes of said Board. The procedure herein set forth for extending the time period within which the construction for use establishment must commence may be followed by the Elkhart County Plan Commission a maximum of two (2) times from and after the date of this Ordinance.

Section 10 Prior to the issuance of an Improvement Location and/or Building Permit, a copy of this ordinance shall be recorded in the Office of the Recorder of Elkhart County, Indiana, by the owners of land described herein.

Section 11 In the event any covenant, restriction or section of this Ordinance or any portion thereof is declared invalid or void, such invalidity shall in no way affect any other covenant, restriction or section.

Section 12 This Ordinance shall be in full force and effect from and after its passage and approval according to Law.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 6th DAY OF February, 1989.

BY Marsha S. Meyer

Marsha S. Meyer

BY David L. Hess

David L. Hess

BY John D. Bentley

John D. Bentley

ATTACHMENT "A"

A part of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Eleven (11), Township thirty-seven (37) North, Range Five (5) East, more particularly described as follows:

Commencing at the northwest corner of the said Northeast Quarter (NE 1/4) Section; thence East on the north line of said quarter (1/4) Section, fifty-six (56) rods to the beginning point of this description; thence South parallel with the west line of said quarter (1/4) Section, forty (40) rods; thence west parallel with the north line of said quarter (1/4) Section, sixteen (16) rods; thence South parallel with the West line of said quarter (1/4) Section, forty-four (44) rods to the Southeast corner of the tract deeded by Melvin Shupert and Ethel F. Shupert, his wife, to Kenneth James Moran and Margaret J. Moran, husband and wife, as recorded in Deed Record 211, page 601; thence West parallel with the north line of said quarter (1/4) Section, forty (40) rods to the West line of said quarter (1/4) section; thence south along the West line of said quarter (1/4) Section to a point six hundred fifty (650) feet North of the Southwest corner of said quarter (1/4) Section, being the northwest corner of a tract conveyed by Melvin Shupert to Edward L. Johnson and Jeneve L. Johnson as recorded in Deed Record 279, page 621; thence East parallel with the South line of said quarter (1/4) Section, one hundred seventy-five (175) feet; thence South parallel with the West line of said quarter (1/4) section, one hundred eighty (180) feet; thence West parallel with the South line of said quarter (1/4) Section, one hundred seventy-five (175) feet to the West line of said quarter (1/4) section; thence South on the West line of said quarter (1/4) section; to a point two hundred twenty-six and one-half (226 1/2) feet north of the Southwest corner of said quarter (1/4) Section; thence East parallel with the south line of said quarter (1/4) Section two hundred sixty-four (264) feet; thence South parallel with the West line of said quarter (1/4) Section six and one-half (6 1/2) feet; thence East parallel with the South line of said quarter (1/4) Section three hundred ninety-six (396) feet; thence South parallel with the West line of said quarter (1/4) Section two hundred twenty (220) feet to the South line of said quarter (1/4) Section; thence East on the South line of said quarter (1/4) Section to the Southeast corner of the West half (W 1/2) of said quarter (1/4) Section; thence North along the East line of the West half (W 1/2) of said quarter (1/4) Section to the Northeast corner of the West half (W 1/2) of said quarter (1/4) Section; thence West to the place of beginning, excepting public highways.



Staff Report

Planning & Zoning

Petition: 25-BZA-04

Petition Type: Developmental Variance

Date: January 9, 2025

Petitioner: Pura Vida Chicas Holdings, LLC.

Site Location: 2831 Jami Street

Request: To vary from Section 26.4.A.6, Fence Requirements, that states, No fences, other than split rail, wrought iron or open picket not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard, to allow for a chain link fence that is six (6) feet in height, a variance of two (2) feet.

To also vary from Section 26.4.A.1, Fence Requirements, which states no fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except in manufacturing districts where barbed wire may be used at the top portion of a permitted fence or wall if located more than seven (7) feet above the adjacent ground level. Such permitted barbed wire shall be considered part of a fence and subject to the fence height restrictions, to allow for barbed wire to be incorporated within the six (6) foot chain link fence.

Existing Zoning: M-1, Limited Manufacturing District

Size: +/- 2.5 acres

Thoroughfares: Jami Street

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

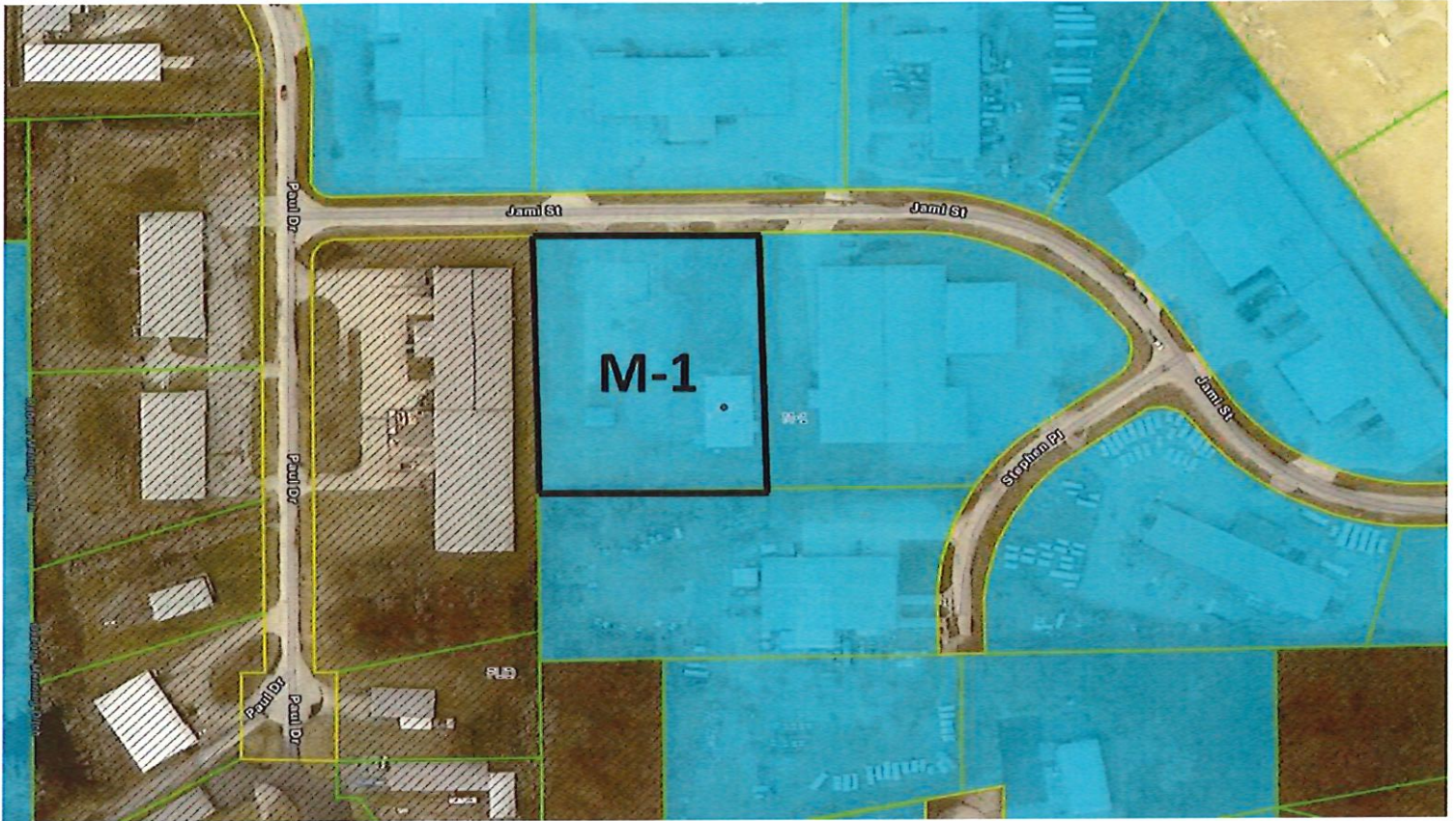
The surrounding properties are a mix of industrial uses zoned M-1 Limited Manufacturing District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive calls for this area to be developed as industrial.



Staff Analysis

The petitioners are requesting to vary from the requirements for fences located in the front yard. They desire to place a new six (6) foot fence with a barbed wire top across the front of the 2.5 acre lot on Jami and south approximately sixty (60) feet connecting to an existing six (6) foot barbed wire fence.

The area where the subject site is located is a low traffic volume, older industrial park. The industrial park was developed in Elkhart County and subsequently annexed in the City in 1997. Most of the improvements, including the non-conforming fences, were approved when the area was under the County's jurisdiction. Most all of the adjacent lots have similar fences as the one requested in this petition. The fence requested tonight would not be out of character for this specific industrial park.

The subject property at 2831 Jami Street was purchased within the last year and is finalizing a major addition and a series of upgrades for the property. At the time of purchase, there were two (2) buildings onsite. The larger of the two, an existing 6,000 square foot building on the east side of the lot, is having a nearly 12,000 square foot addition added to the north toward Jami. The company located at the property is a small start up company that has experienced tremendous growth and looks at this property to accommodate their future needs.

Another part of the improvements is the new parking lot. The non-conforming parking lot was brought into conformance with new asphalt paving and upgraded storm water retention. As this property had been vacant for a number of years, trucks had become accustomed to using the property as a turn around. The new owners are concerned that with their substantial monetary investment into site improvements, having trucks use the now improved parking lot as a turn around will cause them harm and inconvenience in unplanned repairs by trucks using the area that are not delivering to their company.

Several significant design constraints do also exist for the site. First, there is a thirty (30) foot platted easement for drainage and utilities that runs most of the length of the west property line. That easement prohibits any paving or building with in that easement area. That easement also limits the orientation of the new parking area, pushing it

farther north so as to accommodate the functionality of the parking and necessary onsite truck movements for their deliveries.

Another major constraint is the area reserved for the onsite retention pond located along the southern part of the property. With the major building addition and area for the parking lot paving, the stormwater retention area is sized accordingly and no paving or building is permitted in that area either. Therefore limiting the use and prohibiting paving.

These developmental limitations are the hardship of the site; limiting the area remaining for a conforming fence placement that is greatly diminished. There is currently a chain link fence running the length of the west property line and a fence along the east property line. The desire of the petitioner is to connect the side fences across the front of the property with a six (6) foot chain link fence with barbed wire.

Because of the limitations with utility easements and retention areas, along with the configuration of the new parking, the area to locate the proposed fence in a conforming location is not possible without significantly altering the redevelopment plans for the site.

Staff understands the limitations of the site with the existing easements and retention however the security and safety needs can be accomplished without barbed wire topping the fence. Staff recommends approval of the requested variance for the six (6) foot chain link fence without the barbed wire.

Recommendation

The Staff recommends **approval** of the developmental variance to vary from Section 26, Fence Requirements to allow a six foot chain link fence without chain link, 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;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the industrial park was established in the county with different fence standards and a number of adjoining properties have fences similar to the one being requested with this submittal;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because its allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** that are peculiar to the land involved and which are not applicable to other lands or structures in the district because of the existing utility easements, stormwater retention area and proposed building addition, locating the fence in a conforming location would compromise the functional area of the property, specifically the parking lot;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because the utility easement and retention pond make the parking lot configuration challenging to locate the fence in a permitted location.
6. The special conditions and circumstances **do not** result from action or inaction by the applicant because the utility easement was platted as a part of the development and the storm water computation requirements are regulated by another body;
7. This property **does not** lie within a designated flood area.

Photos





01/02/2025 14:13

PETITION #: 25-BZA-04

FILING FEE: \$ 300

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE:

Developmental Variance Appeal from Staff Decision
 Use Variance Special Exception Conditional Use

Property Owner(s): Pura Vida Chicas Holdings, LLC

Mailing Address: [REDACTED]

Phone #: _____ Email: _____

Contact Person: Tim McCollough

Mailing Address: PO Box 2807

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2831 Jami St

Zoning: M-1 Limited Manufacturing District

Present Use: Vacant Proposed Use: Manufacturing

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): Jill James-Laudeman

SIGNATURE(S):  DATE: 12-9-24

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: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF VARIANCE PETITION

I, Jill James-Laudeman, 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 2831 Jami St Elkhart, Indiana.
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 27 day of November, 2024.

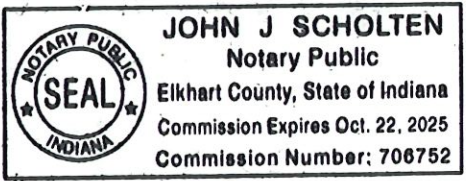
Jill James-Laudeman
Printed: Jill James-Laudeman

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.

John J. Scholten
Printed: John J. Scholten

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared before me, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 27th day of November, 2024.



My Commission Expires: 10/22/2025

John Scholten
Printed: John Scholten

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

DATE: November 18, 2024

To: Board of Zoning Appeals
City of Elkhart, Indiana

Re: Developmental Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. We, Pura Vida Chicas Holdings, LLC, are the owners of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit:

A part of the recorded plat of SACHS INDUSTRIAL PARK, as said lot is known and designated in plat book 15, page 30, recorded 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.
3. Petitioner proposes to occupy the above-described property in the following manner:
Manufacturing
4. Petitioner desires to manufacture personal care products.
5. The Zoning Ordinance of the City of Elkhart states fences forward of the building cannot exceed 4' in height.
6. The strict adherence to the Zoning Ordinance requirements would prevent the owner from ensuring their property is adequately secure in comparison to neighboring businesses.
7. The Developmental Standards are addressed as follows:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - i. *The 6' fence with barbed wire is a security measure; installation of the fence provides additional security for the business and ensures potential trespassers cannot access the property or potential hazards.*
 - b. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
 - i. *A portion of the 6' barbed wire fence is existing behind and along both sides of the existing building. Extending the fence to surround the property ensures*

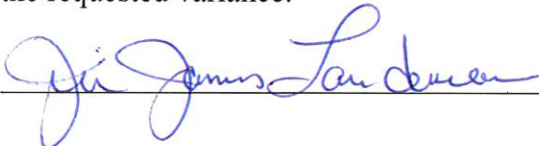
cohesiveness in the M-1 district as the property to the North has a 6' barbed wire fence as well.

- c. The need for the variance arises from some condition peculiar to the property involved.
 - i. *Neighboring properties already have chain link fencing with barbed wire in front of their building as this was allowable when this industrial park was under the jurisdiction of Elkhart County. Since this industrial park has been annexed into the city, by ordinance, the location of this fencing is not allowed.*

- d. 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.
 - i. *The ordinance will restrict the Owner's use of the existing fence to create a uniform appearance while also losing the benefits that a long-lasting steel fence provides.*

- e. The approval does not interfere substantially with the Comprehensive Plan.
 - i. *The approval of this variance allows PVC to install fencing that adjoining properties already have and has no effect on the comprehensive plan.*

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: Jill James-Laudeman

Contact Person:
Tim McCollough



Elkhart County, IN

Summary

Parcel Number 20-01-24-326-020.000-006
Alt Parcel Number 01-24-326-020-006
Property Address 2831 JAMI STREET
 ELKHART IN 46514
Property Class Code 399
Property Class Industrial: Other Industrial Structure
Neighborhood 0637008-Industrial-Acre-City Public Utilities-Average Rates (006)
Legal Description SACHS INDUSTRIAL PARK SEC 24 & NO PT LOT A & PT VAC JAMIE ST 2.50A
Township CLEVELAND TOWNSHIP
Corporation ELKHART COMMUNITY
Taxing District 006 - EC CLEVELAND



[View Map](#)

Owners

PURA VIDA CHICAS HOLDINGS LLC
 29155 COUNTY ROAD 2
 ELKHART, IN 46514

Land

Land Type	Acres	Dimensions
11 - PRIMARY	2.30	
13 - UNDEVELOPED USABLE	0.20	

Transfer of Ownership

Date	Name	Document	Deed Type	Sale Price
2/2/2024	PURA VIDA CHICAS HOLDINGS LLC	00466	WD	\$380,000
11/12/2014	HEARTLAND RECREATIONAL VEHICLES LLC	5119	WD	\$200,000
1/1/1900	HICKMAN PROPERTIES LLC		QC	\$104,880
1/1/1900	ROBINSON HICKMAN LLC		QC	\$104,880

Valuation

Assessed Year	2024	2023	2022	2021	2020
Assessment Date	2024-01-01	2023-01-01	2022-01-01	2021-01-01	2020-01-01
Reason for Change	Annual Adjustment	Annual Adjustment	Annual Adjustment	Annual Adjustment	Annual Adjustment
Land	\$100,300.00	\$100,300.00	\$100,300.00	\$100,300.00	\$100,300.00
Improvements	\$228,800.00	\$212,100.00	\$193,900.00	\$161,300.00	\$152,100.00
Total Valuation	\$329,100.00	\$312,400.00	\$294,200.00	\$261,600.00	\$252,400.00

Sales

Sale Date	Buyer Name	Seller Name	Sale Price
1/31/2024	PURA VIDA CHICAS HOLDINGS LLC & PURA VIDA CHICAS HOLDINGS LLC	HEARTLAND RECREATIONAL VEHICLES LLC	\$380,000
11/12/2014	HEARTLAND RECREATIONAL VEHICLES LLC	HICKMAN PROPERTIES LLC	\$200,000

Public Utilities

Water Y
Sewer Y
Gas Y
Electricity Y
All Y

Improvements

Buildings	Grade	Condition	Construction Year	Effective Year	Area
Fencing	D	F	2001	2001	0
Paving	D	P	2001	2001	2500
Mixed Use Commercial	D	A	2001	2001	6000
Detached Garage	D	A	2001	2001	1040
Utility Shed	C	A	2001	2001	168
TOTAL					9708

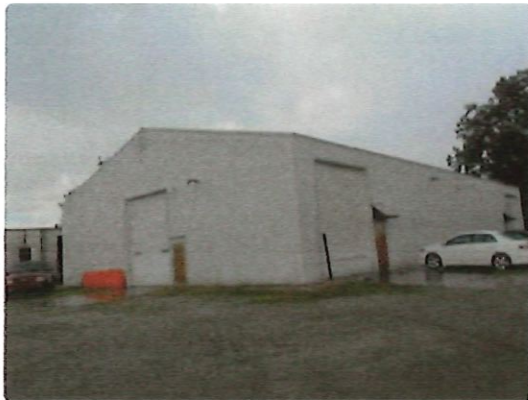
Commercial Buildings

Building	Mixed Use Commercial	Area 6000	Area AC	Area Heat
Floor	Usage	Area In Use		
1	GCK	6000	0	6000

Tax History

Year	Type	Category	Description	Total Charge	Posted Pay	Balance Due
2023 PAYABLE 2024	Fall Ditch	SA	23/24 Fall Ditch: Storm Water	\$129.75	\$129.75	\$0.00
2023 PAYABLE 2024	Fall Tax	Tax	23/24 Fall Tax	\$4,724.27	\$4,724.27	\$0.00
2023 PAYABLE 2024	Spring Ditch	SA	23/24 Spring Ditch: Storm Water	\$129.75	\$129.75	\$0.00
2023 PAYABLE 2024	Spring Tax	Tax	23/24 Spring Tax	\$4,724.27	\$4,724.27	\$0.00
2022 PAYABLE 2023	Fall Ditch	SA	22/23 Fall Ditch: Storm Water	\$128.25	\$128.25	
2022 PAYABLE 2023	Fall Tax	Tax	22/23 Fall Tax	\$4,452.86	\$4,452.86	
2022 PAYABLE 2023	Spring Ditch	SA	22/23 Spring Ditch: Storm Water	\$128.25	\$128.25	
2022 PAYABLE 2023	Spring Tax	Tax	22/23 Spring Tax	\$4,452.86	\$4,452.86	

Photos



Sketches

Permit #: 24-1726

4/20.01

Building Permit

Additions - Commercial

FAILURE TO COMPLY WITH THE FOLLOWING INSTRUCTIONS WILL CONSTITUTE VIOLATION OF THE BUILDING CODE OF THE CITY OF ELKHART, INDIANA:

- 1) This notice of permit must be posted in a conspicuous place on the street side of the job site and must remain until completion of the work.
- 2) The Building Department must be notified as soon as all work has been completed and the building is ready for occupancy. Occupancy will not be permitted until a Certificate of Occupancy has been issued and signed by the Building Commissioner.

THE ISSUANCE OF THIS PERMIT IN NO WAY RELEASES THE RECIPIENT FROM THE RESPONSIBILITY OF COMPLYING WITH THE REQUIREMENTS OF THE ZONING ORDINANCES AND BUILDING CODES OF THE STATE OF INDIANA AND THE CITY OF ELKHART, INDIANA.

ISSUED TO: McCollough Scholten Construction, Inc.

FOR: office addition to warehouse

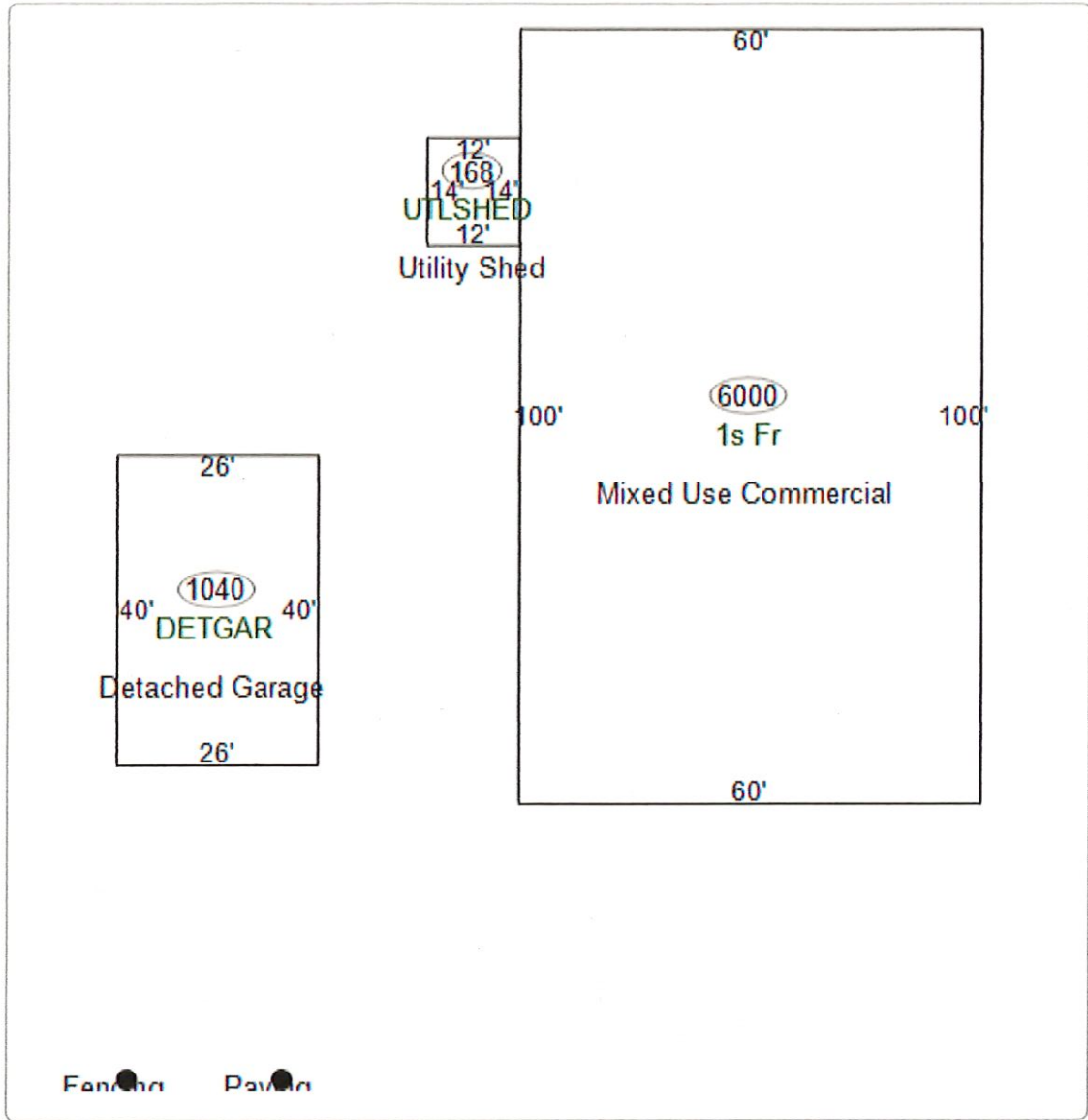
LOCATED AT: 2831 JAMI STREET

Permit Issuance Date: August 9, 2024

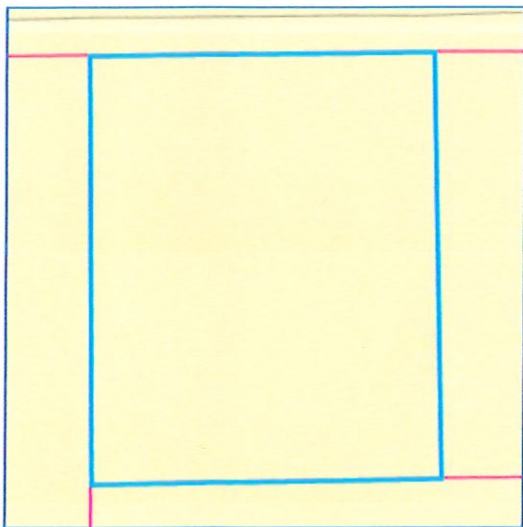
Permit Expiration Date: August 8, 2025

Permit Issued By: Wendy Sonora Velazquez

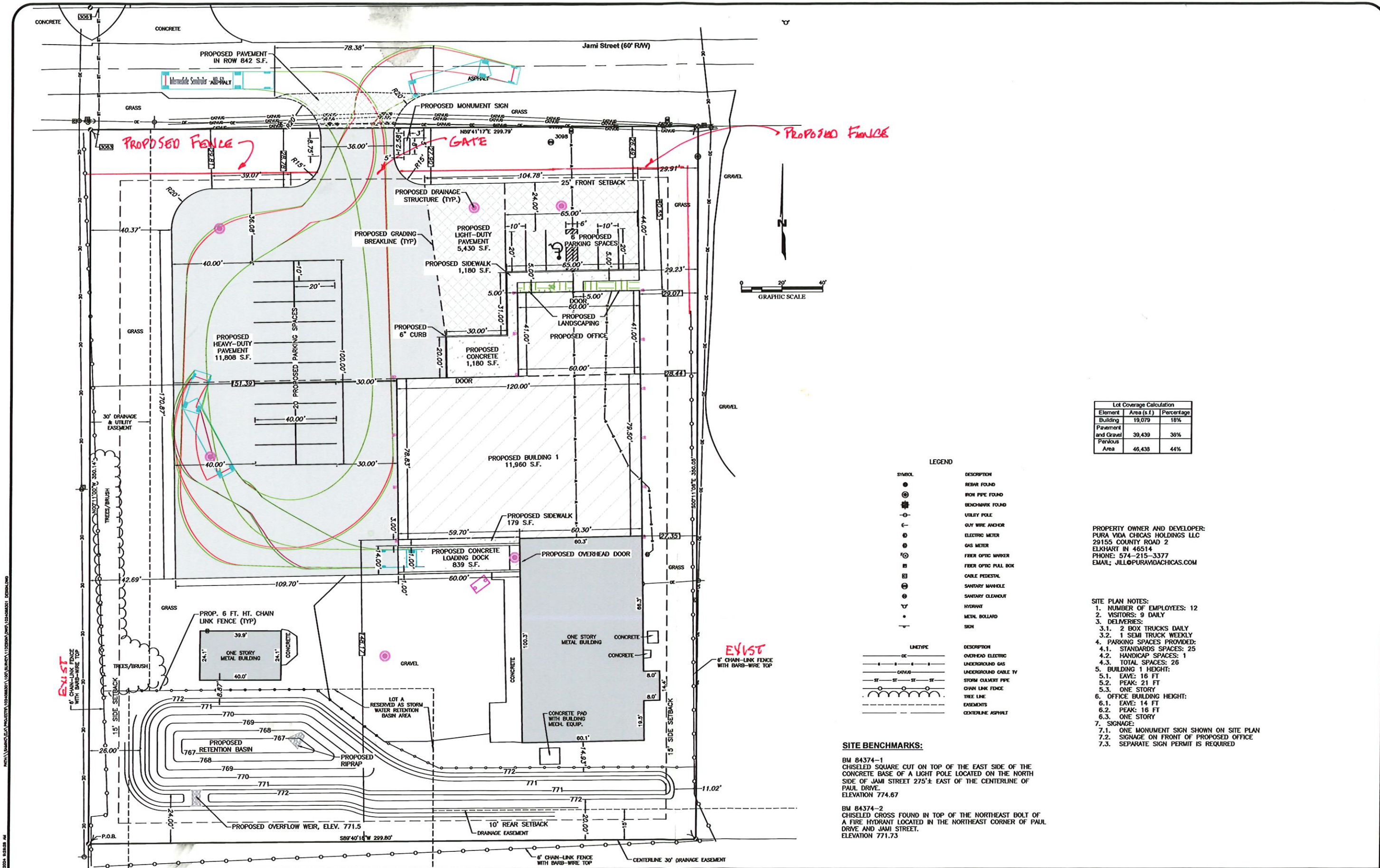
FOR INSPECTIONS: Schedule your inspection(s) through your CivicGov Citizen Portal Account or call (574)294-5474 ext. 1009 to speak with the Building Inspector, Paul Goodwin.



Map



No data available for the following modules: Exterior Features, Special Features, Residential Dwellings, Tax Deductions.



Lot Coverage Calculation		
Element	Area (S.F.)	Percentage
Building	19,079	18%
Pavement and Gravel	39,439	38%
Pervious Area	46,438	44%

LEGEND	
SYMBOL	DESCRIPTION
●	REBAR FOUND
⊙	IRON PIPE FOUND
⊕	BENCHMARK FOUND
○	UTILITY POLE
⊖	GUY WIRE ANCHOR
⊙	ELECTRIC METER
⊙	GAS METER
⊙	FIBER OPTIC MANHOLE
⊙	FIBER OPTIC PULL BOX
⊙	CABLE PEDESTAL
⊙	SANITARY MANHOLE
⊙	SANITARY CLEANOUT
⊙	HYDRANT
⊙	METAL BOLLARD
⊙	SIGN
LINE TYPE	DESCRIPTION
---	OVERHEAD ELECTRIC
---	UNDERGROUND GAS
---	UNDERGROUND CABLE TV
---	STORM CULVERT PIPE
---	CHAIN LINK FENCE
---	TREE LINE
---	EASEMENTS
---	CENTERLINE ASPHALT

PROPERTY OWNER AND DEVELOPER:
 PURA VIDA CHICAS HOLDINGS LLC
 29155 COUNTY ROAD 2
 ELKHART IN 46514
 PHONE: 574-215-3377
 EMAIL: JILL@PURAVIDACHICAS.COM

- SITE PLAN NOTES:**
- NUMBER OF EMPLOYEES: 12
 - VISITORS: 9 DAILY
 - DELIVERIES:
 - 2 BOX TRUCKS DAILY
 - 1 SEMI TRUCK WEEKLY
 - PARKING SPACES PROVIDED:
 - STANDARDS SPACES: 25
 - HANDICAP SPACES: 1
 - TOTAL SPACES: 26
 - BUILDING 1 HEIGHT:
 - EAVE: 16 FT
 - PEAK: 21 FT
 - ONE STORY
 - OFFICE BUILDING HEIGHT:
 - EAVE: 14 FT
 - PEAK: 16 FT
 - ONE STORY
 - SIGNAGE:
 - ONE MONUMENT SIGN SHOWN ON SITE PLAN
 - SIGNAGE ON FRONT OF PROPOSED OFFICE
 - SEPARATE SIGN PERMIT IS REQUIRED

SITE BENCHMARKS:

BM 84374-1
 CHISELED SQUARE CUT ON TOP OF THE EAST SIDE OF THE CONCRETE BASE OF A LIGHT POLE LOCATED ON THE NORTH SIDE OF JAMI STREET 275'-E EAST OF THE CENTERLINE OF PAUL DRIVE.
 ELEVATION 774.67

BM 84374-2
 CHISELED CROSS FOUND IN TOP OF THE NORTHEAST BOLT OF A FIRE HYDRANT LOCATED IN THE NORTHEAST CORNER OF PAUL DRIVE AND JAMI STREET.
 ELEVATION 771.73

NO.	REVISIONS	BY	DATE
1	SETBACK, FENCE, NOTE REVISIONS FOR CITY COMMENTS	DSH	07/19/2024

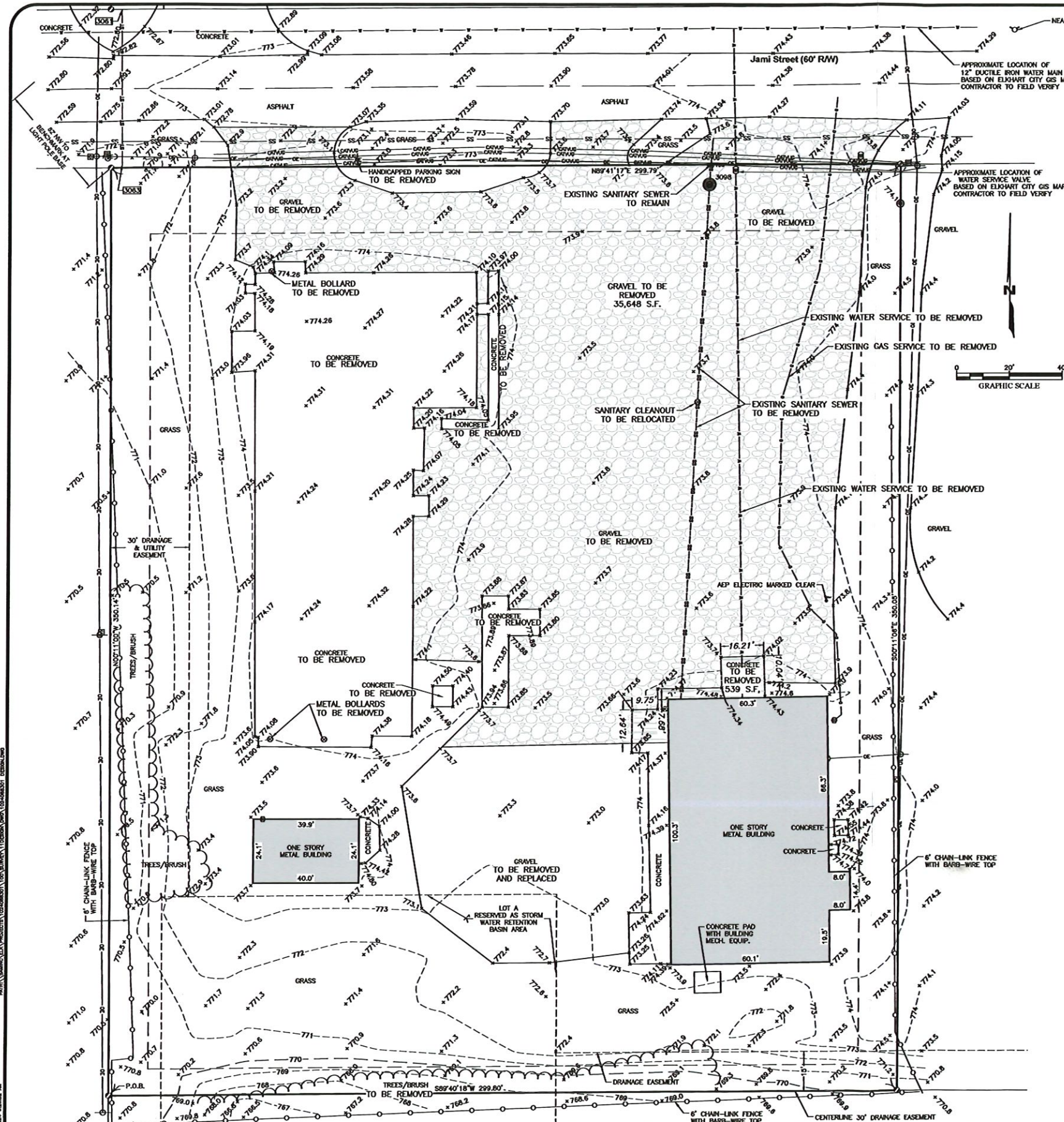


2810 Dexter Drive
 Elkhart, IN 46514
 Phone: 574-266-1010
 Email: info@sam.biz

DRAWING FILE: 1024088301 DESIGN.DWG
 CERTIFICATION DATE: 08/07/2024
 HORIZONTAL SCALE: 1"=20'
 VERTICAL SCALE: NONE
 ENGINEER: Debra S. Hughes, P.E.
 TECHNICIAN: MMR



PROPOSED SITE PLAN
 PURA VIDA CHICAS HOLDINGS LLC, 2831 JAMI ST., ELKHART SACHS INDUSTRIAL PARK, PT. SW 1/4, SEC. 24, T38N, R4E, CLEVELAND TWP., ELKHART CO., INDIANA
 JOB NUMBER: 1024088301



LEGEND

SYMBOL	DESCRIPTION
●	REBAR FOUND
⊙	IRON PIPE FOUND
⊛	BENCHMARK FOUND
⊕	UTILITY POLE
⊖	GUY WIRE ANCHOR
⊙	ELECTRIC METER
⊙	GAS METER
⊙	FIBER OPTIC MARKER
⊙	FIBER OPTIC PULL BOX
⊙	CABLE PEDESTAL
⊙	SANITARY MANHOLE
⊙	SANITARY CLEANOUT
⊙	HYDRANT
⊙	METAL BOLLARD
⊙	SIGN

LINE/TYPE	DESCRIPTION
---	OVERHEAD ELECTRIC
---	UNDERGROUND GAS
---	UNDERGROUND CABLE TV
---	STORM DRAINAGE PIPE
---	CHAIN LINK FENCE
---	TREE LINE
---	EASEMENTS
---	CONTIGUOUS ASPHALT



DRAINAGE DETAILS

3061 CULVERT
TOP 772.20 24" CMP
INVERT 24" CMP (S TO 3063) 770.2 (PARTIALLY BURIED)
DIRT 771.3

3063 CULVERT
TOP 771.65 24" CMP
INVERT 24" CMP (N TO 3061) 769.7 (BURIED)
DIRT 771.6

SANITARY DETAILS

3098 SANITARY MANHOLE
RIM 773.58
(NOT DETAILED)

SITE BENCHMARKS:

BM 84374-1
CHISELED SQUARE CUT ON TOP OF THE EAST SIDE OF THE CONCRETE BASE OF A LIGHT POLE LOCATED ON THE NORTH SIDE OF JAMI STREET 275'± EAST OF THE CENTERLINE OF PAUL DRIVE.
ELEVATION 774.67

BM 84374-2
CHISELED CROSS FOUND IN TOP OF THE NORTHEAST BOLT OF A FIRE HYDRANT LOCATED IN THE NORTHEAST CORNER OF PAUL DRIVE AND JAMI STREET.
ELEVATION 771.73

BEARING BASIS:

BEARINGS ARE BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 1983 (CORS).

GENERAL INFORMATION

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.

HORIZONTAL AND VERTICAL DATA IS BASED ON A SOLUTION DERIVED FROM THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS PROCESSED IN INDOT CONTINUOUSLY OPERATING REFERENCE STATIONS. THE COORDINATE SYSTEM IS US STATE PLANE 1983, NAD 1983 (CONUS), INDIANA EAST ZONE. GROUND ELEVATIONS ARE BASED UPON SAID INDOT SOLUTION ARE ON THE 1988 NORTH AMERICAN VERTICAL DATUM (NAV88). THIS ORTHOMETRIC ELEVATION WAS DERIVED UTILIZING THE MOST RECENT GEOID MODEL (GEOID18).

UTILITY NOTES

INDIANA 811 WAS CONTACTED ON APRIL 24, 2024 REQUESTING LOCATION OF BURIED UTILITIES FOR THIS PROJECT. TICKET NUMBER 2404245770 WAS ISSUED. ALL BURIED UTILITIES MARKED AS A RESULT OF THE CONTACT WERE LOCATED IN THE FIELD AND ARE SHOWN. OTHER BURIED UTILITIES MAY EXIST ON THIS SITE THAT WERE NOT MARKED.

LEGAL DESCRIPTION: (FROM DOCUMENT NO. 2024-01845)

A PART OF THE RECORDED PLAT OF SACHS INDUSTRIAL PARK, AS THE SAID LOT IS KNOWN AND DESIGNATED IN PLAT BOOK 15, PAGE 30, RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR LOCATED AT THE SOUTHWEST CORNER OF SAID PLAT; SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 4 EAST, ELKHART COUNTY, INDIANA; THENCE NORTH 0 DEGREES 02 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID SUBDIVISION 240.02 FEET TO A HALF INCH REBAR AT THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE SAID WEST LINE NORTH 0 DEGREES 04 MINUTES 44 SECONDS EAST 350.34 FEET TO A HALF INCH REBAR ON THE SOUTH BOUNDARY OF JAMI STREET; THENCE ALONG SAID SOUTH BOUNDARY NORTH 89 DEGREES 56 MINUTES 11 SECONDS EAST 299.79 FEET TO A HALF INCH REBAR AT THE NORTHWEST CORNER OF THAT TRACT CONVEYED TO METIONGA PROPERTIES LLC BY INSTRUMENT RECORDED IN DEED RECORD 2009-27157; THENCE ALONG THE WEST LINE OF SAID TRACT SOUTH 0 DEGREES 04 MINUTES 39 SECONDS WEST 350.05 FEET TO A HALF INCH REBAR IN THE CENTERLINE OF A 30 FOOT PLATTED DRAINAGE EASEMENT; THENCE SOUTH 89 DEGREES 52 MINUTES 52 SECONDS WEST ALONG THE CENTERLINE OF SAID DRAINAGE EASEMENT AND SAID CENTERLINE EXTENDED WESTERLY 299.80 FEET TO THE PLACE OF BEGINNING.

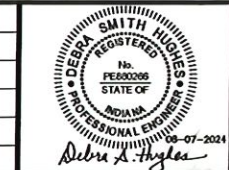
PROJECT NUMBER: August 7, 2024, 8:24:32 AM
 PROJECT LOCATION: ELKHART COUNTY, INDIANA
 PROJECT OWNER: PURA VIDA CHICAS HOLDINGS LLC
 PROJECT ENGINEER: DEBRA S. HUGHES, P.E.
 PROJECT SURVEYOR: DEBRA S. HUGHES, P.E.
 PROJECT DATE: 08/07/2024

NO.	REVISIONS	BY	DATE



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

DRAWING FILE: 1024088301 DESIGN.DWG
CERTIFICATION DATE: 08/07/2024
HORIZONTAL SCALE: 1"=20'
VERTICAL SCALE: NONE
ENGINEER: Debra S. Hughes, P.E.
TECHNICIAN: MAT



EXISTING CONDITIONS PLAN

PURA VIDA CHICAS HOLDINGS LLC, 2831 JAMI ST., ELKHART SACHS INDUSTRIAL PARK, PT. SW 1/4, SEC. 24, T38N, R4E, CLEVELAND TWP., ELKHART CO., INDIANA

JOB NUMBER: 1024088301



Staff Report

Planning & Zoning

Petition: 25-UV-01

Petition Type: Use Variance

Date: January 9, 2025

Petitioner: Alondra Salazar

Request: To vary from Section 11.2, Permitted Uses in the B-1, Neighborhood Business District to allow for an automotive detailing business.

Site Location: 1320 Harrison Street

Existing Zoning: B-1, Neighborhood Business District

Size: +/- 0.26 Acres

Thoroughfares: Franklin and Harrison Streets

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by a mix of residential and commercial uses zoned R-3, Two Family Dwelling, R-4, Multi Family Dwelling and B-1, Neighborhood Business District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with medium density residential uses.



Staff Analysis

The petitioner is requesting a use variance to allow the property to be used as an automotive detailing business. The request comes to us based on a complaint and an investigation by zoning staff that observed a new use at the location after seeing activity and cars parked around the building. There was also some new signage displayed that also led staff to believe there was a new use of the property. It is the understanding of staff, the petitioner has leased the building to a tenant for the auto detail business.

The property is located in the B-1 District. This district's purpose is designed to accommodate service and business establishments with less than 7,500 square feet of floor area and is intended to serve the daily convenience needs of surrounding residential neighborhoods. Some examples of B-1 uses are bakery shops, barber shops, dry cleaner, florist, medical office, professional office, restaurant or café and funeral homes. The Development Conditions for the district restrict business activity wholly to the inside of the building, shall not offer good or services to customers directly in motor vehicles, businesses shall be of retail or service character, selling to or performing services directly for the ultimate customer and no business shall create nuisance from noise, smoke or odor. The requested auto detail use is a B-2 use, therefore the need for the use variance.

Based on assessor records, the building was built around 1920 and is approximately 3,500 square feet over two floors with about 2,300 square feet on the first floor (a small basement is also shown on the record card). There are two overhead doors on the east side of the building that would allow cars to be parked inside while being detailed.

Staff struggles with this request. We don't want to presuppose a violation but we have already observed work being performed on cars outside the building – which is a violation of the district development standards. The statement the petitioner makes that this request will further diversify the mix of businesses in the area and attract other investment is a valid point if and when the business meets the development requirements for the area. The

standards require all work to be wholly inside the building and performed in compliance with the other development standards for the district.

The other main concern staff has with the request is the noise and impact to the residential uses that surround this property. The noise from the act of washing and detailing a car by itself is minimal, especially when performed inside a building. The problem comes from other tools for more intense automotive uses – impact wrenches, hammers, etcetera when working on cars. Up to this point staff hasn't been able to substantiate the actual level of work being performed on cars as staff has observed on several occasions cars parked outside without plates with the hood up seemingly being worked on by employees. Which is a violation of the development standards for the district.

Additionally, staff has spoken with the Public Works and Utilities Pretreatment Division about concerns surrounding the automotive use and the chemicals associated with and related to that use. The primary concern from PW is that there not be any floor drains that would allow the chemicals to be introduced into the sanitary sewer system. They are requesting an inspection to confirm there is no floor drain in the building.

Recommendation

The Staff recommends **denial** of the use 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 proposed use is inconsistent with the purpose of the district and is more intense than the permitted B-1 uses;
2. The use and value of the area adjacent to the property **will** be affected in a substantially adverse manner because the proposed use is not in keeping with the purpose of the B-1 district intended to serve the daily convenience needs of the surrounding residential neighborhood;
3. The need for the variance arises from some condition peculiar to the property involved because the petitioner has already leased the property to a tenant for the use requested;
4. 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 any of the permitted uses could be established on this site;
5. The request **does not comply** with the Comprehensive Plan which calls for the area to be developed with medium density residential uses.

Conditions

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

1. Petitioners allow Public Works pretreatment staff and Building inspectors to inspect the building to confirm as to whether or not floor drains exist within the building. Inspection shall also determine if the structure is compliant with current building codes.
2. A plan shall be submitted to Technical Review to establish off street parking and a paved drive to the overhead door.
3. Any signage proposed for the business shall be submitted to zoning staff for review. Petitioner shall be required to obtain proper permits prior to installation.

Photos





PETITION #: 25-UV-01

FILING FEE: \$ 300

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Alondra Salazar

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Alondra Salazar

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: 1320 Harrison St Elkhart IN

Zoning: B1

Present Use: none Proposed Use: auto detailing

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): Alondra Salazar

SIGNATURE(S): Alondra Salazar DATE: 11-25-24

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: 12/20

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Alondra, 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 1320 Harrison St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 5 day of Dec, 2024.

Alondra Salazar

Printed: Alondra Salazar

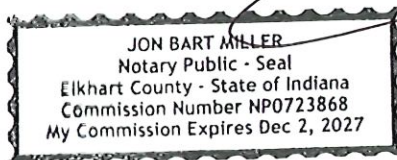
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Alondra Salazar

Printed: Alondra Salazar

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Alondra Salazar, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 5th day of December, 2024.



My Commission Expires:
12/2/27

Jon Bart Miller
Printed: Jon Bart Miller

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

DATE: 12\07\2024

TO: Board of Zoning Appeals City of Elkhart,IN

1. I, Alondra Salazar am the owner of 1320 Harrison Street, Elkhart, IN 46516
- 2.The above described property has a zoning classification of B1 District under the Zoning Ordinance of the City of Elkhart
3. It is currently unoccupied
4. It is desired the be occupied as a small family auto detailing business, the is not yet allowed due to the zoning of the property
5. The Zoning Ordinance of the City of Elkhart requires the B-1 District Section 11 is intended to serve the daily need of the surrounding residential neighborhoods
6. Reasons why the Zoning ordinance requirements should create an unusual hardship
 - * A small auto detailing business can create local employment opportunities, whether it be for the owner, employees, or even part-time workers. This helps reduce local unemployment and stimulates the local economy.
 - *Allowing an auto detailing business in a B-1 district can be convenient for local residents who may need these services. It reduces the need for long-distance travel to other areas for auto care.
 - *The auto detailing business could attract customers who also frequent nearby retail shops, restaurants, or service providers, helping to enhance the overall appeal and function of the district.
 - *Small businesses like auto detailing shops can help fill vacant or underused spaces in commercial areas, boosting the district's appearance and making it more attractive to other businesses and customers.
 - * Small auto detailing businesses typically have minimal environmental impact, especially if they focus on eco-friendly cleaning products or water recycling methods. This makes them a sustainable addition to the community. By helping maintain the appearance of vehicles, the business can also encourage a cleaner community overall. Well-maintained cars are less likely to pollute the environment.
 - *The presence of an auto detailing business adds to the diversity of services available in a B-1 district, ensuring a mix of businesses that cater to different needs. A diverse business landscape makes the area more appealing to a broader audience.
 - * If the auto detailing business is well-maintained and operates in a clean, organized manner, it can positively influence the surrounding property values. Clean and cared-for commercial properties contribute to the general appeal of the area. A well-functioning and successful small business can attract further investment into the district, spurring the development of additional services and infrastructure that can benefit everyone.

USE VARIANCE STANDARDS

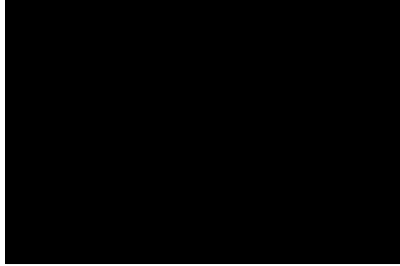
1. The approval will not be injurious to the public health, Auto detailing services typically involve cleaning and maintaining vehicles using non-toxic cleaning products, and modern auto detailing shops are increasingly using eco-friendly and non-harmful materials. As long as the business adheres to environmental and health regulations (such as proper disposal of cleaning agents and waste), there is minimal risk to public health. Regular detailing can improve the cleanliness of vehicles, which can help reduce allergens, bacteria, and mold buildup inside cars, leading to healthier environments for drivers and passengers. Safety, Auto detailing services generally do not involve dangerous or hazardous activities. The work is typically limited to washing, waxing, vacuuming, and interior cleaning, which poses little to no risk to public safety. While the business may attract cars, a well-managed auto detailing shop can ensure that parking and vehicle flow are organized so that traffic disruptions are minimized. Measures like appointment scheduling or designated parking spots can prevent congestion, ensuring that the operation does not negatively affect the safety of pedestrians or drivers in the area, Morals Auto detailing businesses are typically seen as positive contributors to communities because they offer a service that supports vehicle maintenance and cleanliness. This type of business does not conflict with public morals or community values, as it is a widely accepted service that enhances personal property maintenance. Finally general welfare of the community, A small auto detailing shop can adopt eco-friendly practices that benefit the environment, such as using biodegradable products or employing water-saving technologies. This contributes to the overall welfare by promoting sustainable practices and reducing the impact of vehicle maintenance on the environment. As long as the business is properly managed, with consideration for noise levels, waste disposal, and customer traffic, it should not negatively impact the surrounding area. In fact, it could have a positive effect by maintaining a clean and well-maintained commercial property, contributing to the district's aesthetic appeal.
- 2 . Allowing a small auto detailing business in a B-1 district will not substantially affect the use and value of the adjacent properties in a negative manner. The business is compatible with the commercial nature of the district, minimizes negative externalities, and can actually enhance the area through improved aesthetics, increased investment, and potential benefits for neighboring businesses. Proper management of parking, traffic, and environmental impacts will further ensure that the business contributes positively to the overall character and value of the surrounding area.
- 3 The need for a variance for a small auto detailing business in a B-1 district arises from specific conditions unique to the property, such as its layout, location, and physical characteristics. These factors make the property particularly suitable for an auto detailing business, and a variance would allow the property to be used in a way that aligns with its unique qualities while still maintaining the overall intent of the district's zoning. By granting the variance, the community can benefit from the appropriate use of the property without negatively affecting the surrounding area.
1. The strict application of the zoning ordinance would constitute an unnecessary hardship for the property because it prevents the property from being used in a reasonable, economically viable, and productive way. The zoning restrictions may make the property unsuitable for more conventional commercial uses, and the variance would allow the property owner to use the space for an auto detailing business that is compatible with the character of the area and has minimal impact on the surrounding community. Without this variance, the property may remain

USE VARIANCE STANDARDS

vacant or underutilized, leading to financial hardship for the property owner and limiting the potential for the property to contribute positively to the neighborhood.

2. The approval of a small auto detailing business in a B-1 district does not substantially interfere with the Comprehensive Plan. In fact, it aligns well with the plan's goals of promoting local businesses, supporting economic development, maintaining community character, and ensuring the efficient use of existing infrastructure. The business would integrate into the district as a low-impact, service-oriented enterprise that supports both the local economy and the long-term vision for sustainable, mixed-use development in the area.

Alondra Salazar



11/25/2024

Zoning Board of Appeals

Elkhart

229 S. Second St

Elkhart, IN, 46516

Dear Members of the Zoning Board,

I hope this letter finds you well. My name is Alondra Salazar, and I am writing to request a zoning change or variance to allow the operation of a small family auto detailing business at 1320 Harrison St Elkhart IN 46516, which is currently zoned as B1. I believe this business will be a valuable asset to the local community and contribute to the economic development of the area.

The auto detailing business I intend to operate will provide services such as washing, waxing, interior cleaning, and detailing of vehicles along with tint. This business will be run with an emphasis on maintaining a clean and professional environment, and I will ensure that all activities comply with local regulations regarding noise, waste disposal, and other relevant codes.

I am fully committed to maintaining the highest standards of safety and professionalism, and I will work to ensure that the operation of this business will not negatively impact the surrounding properties or neighborhood. The business will operate during 8.am thru 7.pm, and I will take all necessary measures to minimize any disruptions, including managing customer traffic and ensuring that the exterior of the property remains neat and well-kept.

I would greatly appreciate your consideration of this request, and I am happy to provide any additional information or documentation needed to support my application. I would also be glad to meet with you in person to discuss the proposed business in further detail.

Thank you for your time and attention to this matter. I look forward to your response.

Sincerely,

Alondra Salazar

Legal description

EXHIBIT A

A part of the Northeast Quarter of Section 7, Township 37 North, Range 5 East, more particularly described as follows: Beginning at a point where the South line of West Franklin Street and the North line of Harrison Street in the City of Elkhart, County and State aforesaid, join each other; thence eastwardly along the South line of West Franklin Street, 92.5 feet; thence Southwardly at right angles to said South line of West Franklin Street, $82 \frac{4}{5}$ feet to the North line of Harrison Street; thence Westwardly along the North line of Harrison Street to the place of beginning.

ALSO:

A part of the Northeast Quarter of Section 7, Township 37 North, Range 5 East, described as follows: Commencing at a point where the North line of Harrison Street and the South line of West Franklin Street in the City of Elkhart join each other; thence Eastwardly along the South line of West Franklin Street 92.5 feet for the beginning point of this description; thence Southwardly at right angles to said South line of West Franklin Street $82 \frac{4}{5}$ feet to the North line of Harrison Street; thence Eastwardly along the North line of Harrison Street 50.00 feet; thence Northwardly on a line parallel with the West line of this description to a point on the South line of said West Franklin Street; which is $37 \frac{9}{10}$ feet Eastwardly from the beginning point of this description; thence Westwardly along the South line of said West Franklin Street to said beginning point.

ELKHART COUNTY RECORDER
KAALA BAKER
FILED FOR RECORD ON
10/31/2024 01:16 PM
AS PRESENTED

Prepared By

Name: Alondra Salazar

Address: [REDACTED]

State: Indiana Zip Code: [REDACTED]

After Recording Return To

mail taxes too
Name: Alondra Salazar

Address: [REDACTED]

State: Indiana Zip Code: [REDACTED]

Space Above This Line for Recorder's Use
DULY ENTERED FOR TAXATION

QUIT CLAIM DEED

SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

10/31 2024
Patricia A. Perkins AUDITOR

STATE OF Indiana

Elkhart COUNTY

TRANSFER FEE 10
PARCEL NO. 004887

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of
one dollar (\$ 1.00) in hand paid to

Alondra Salazar ~~Arnold Sanchez~~ a person, residing at [REDACTED],

County of Elkhart, City of Elkhart, State of Indiana

(hereinafter known as the "Grantor(s)") hereby remise, release and forever quitclaim to
Salazar Family LLC, a limited liability company, residing at [REDACTED],

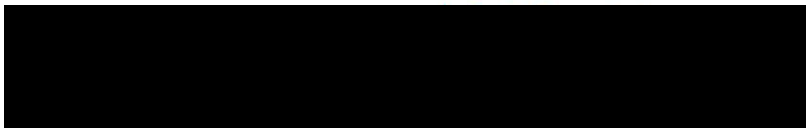
County of Elkhart, City of Elkhart, State of Indiana

(hereinafter known as the "Grantee(s)") all the rights, title, interest, and claim in or to the
following described real estate, situated in Elkhart County,
Indiana, to-wit:

See attached Exhibit 'A'

[INSERT LEGAL DESCRIPTION HERE OR ATTACH AND INSERT]

To have and to hold, the same together with all and singular the appurtenances
thereunto belonging or in anywise appertaining, and all the estate, right, title, interest,
lien, equity and claim whatsoever for the said first party, either in law or equity, to the
only proper use, benefit and behoof of the said second party forever.



DocId:8362316
TX:4256430

Arnold Sanchez and

In Witness Whereof,

Jose M. Salazar
Witness's Signature

Jose M. Salazar
Witness's Name

[Redacted Address]

Address
Elkhart IN 46516
City, State & Zip

NA
Witness's Signature

NA
Witness's Name

[Redacted Address]

Address
NA
City, State & Zip

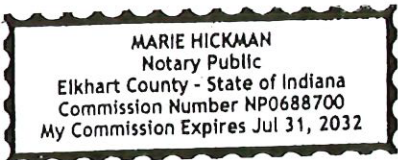
STATE OF INDIANA)

COUNTY OF ELKHART)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that ALONDRA SALAZAR, ARNOLD SANCHEZ ^{JOSE SALAZAR} whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 30 day of OCTOBER, 2024.

Marie Hickman
Notary Public



My Commission Expires: JULY 31, 2032



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.

Alondra Salazar



Location for
auto detailing

CONDITION

PU

INSPECTION ^{block} TO INSPECT

BLOCK - looking for fuel

DRAWNS.

NO FUELS TO ENTER STARTING
SYSTEM