

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, FEBRUARY 13, 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 **2303 887 8201** 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.roblesmadriral@coei.org prior to the meeting.

1. **ROLL CALL**
2. **2025 ELECTION OF OFFICERS**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES DECEMBER 12, 2024**
5. **APPROVAL OF PROOFS OF PUBLICATION**

6. **OLD BUSINESS**

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

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7. **NEW BUSINESS**

25-UV-02 PETITIONER IS LA VOS DE CRISTO AL MUNDO INC
PROPERTY IS LOCATED AT 1413 WEST INDIANA AVENUE

To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District to allow for a place of worship.

25-X-01 PETITIONER IS ELKHART PARKS FOUNDATION INC
PROPERTY IS LOCATED AT 3419 BRISTOL STREET

Per Section 4.3.O, a Special Exception for Parks and Playgrounds, to amend and update 98-X-06 (approved site plan) to allow for additional uses at Walker Park. The additional uses include: construction of ADA complaint restroom building with drinking fountain, new pavilion, new playground area, additional native landscape plantings, additional memorial tree plantings, expanded parking and recontour hillside for multi-purpose use.

8. **ADJOURNMENT**

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

BOARD OF ZONING APPEALS

-MINUTES-

Thursday, December 12, 2024 - Commenced at 6:00 P.M. & adjourned at 7:21 P.M.

City Council Chambers – Municipal Building

MEMBERS PRESENT

Doug Mulvaney
Ron Davis
Phalene Leichtman

MEMBERS ABSENT

Janet Evanega Rieckhoff

REPRESENTING THE PLANNING DEPARTMENT

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

LEGAL DEPARTMENT

Maggie Marnocha (Via WebEx)

RECORDING SECRETARY

Hugo Madrigal

APPROVAL OF AGENDA

Davis makes motion to approve; Second by Leichtman. Voice vote carries.

APPROVAL OF MINUTES FOR OCTOBER 10, 2024

Davis makes motion to approve; Second by Leichtman. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

Davis makes motion to approve; Second by Leichtman. Voice vote carries.

OPENING STATEMENT

Welcome to the December 12, 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-04 PETITIONER IS HERG INC

PROPERTY IS LOCATED AT 106 & 108 BOWERS CT

To vary from Section 7.2, Permitted Uses in the R-4, Multiple Family Dwelling District to allow for the demolition of 106 and 108 Bowers Court and used for a parking lot to provide off street parking for the River Queen.

Mike Huber states that the petitioner has not taken any action or activity, so Staff is not asking for any action on the request. However, given that it's the end of the year, the petition will roll off the agenda. If the project moves forward and the petitioner returns for the same variance, they must submit a new application in 2025.

Mulaney asks Huber if Staff recommends no action by the Board.

Huber says yes, no action.

Mulvaney states that there will be no action by the Board then.

NEW BUSINESS

24-BZA-30 PETITIONER IS MRV ELKHART PROPERTY LLC

PROPERTY IS LOCATED AT 2033 BORNEMAN 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 fence that is six (6) feet in height, a variance of two (2) feet. To also vary from Section 26.5.B.1, Roadway Regulations, where the Intersection Visibility Requirements, which state in part, On a corner lot in any district, no fence, hedge, sign or other structure shall be erected, placed or allowed to grow and no motor vehicle or recreational vehicle may be placed in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the established curb level to allow for a six (6) foot black chain link fence.

The fence section along Nappanee Street/SR 19 is within the Primary Street Setback. Section 26.5.C, states in part, which permits fences within the primary street setback if an agreement is filed with the City which forfeits the property owner's rights in the event the street is widened.

Mulvaney calls the petitioner forward.

Pat Baker, located at 2300 S Nappanee, appears in person as the petitioner. Baker says he does business in Elkhart as Fun Town RV. He says he has multiple properties around Elkhart, where he purchased international RVs, the Borneman and Nappanee sites. Baker says the property has been used for 49 years to sell RVs. Nonetheless, there is a need to install a fence on the Borneman side property for security purposes and insurance regulations. He states that initially, when looking at the GIS map, the property appeared to be in the county, so he began to install the fence. However, when the fence was being installed, they were stopped, and then they figured out what needed to be done to finish the installation. Baker says part of the problem with the property is that the other site has a six-foot chain link fence on it. So, they would try to dress it up and install a nicer, similar fence and gate, so they decided on an ornamental fence. Baker says Staff wanted them to install a four-foot high fence, but it would be \$44,000 more than chain-link. Baker states he requests approval for a clean, covered-coated black fence with cantilever gates that would give security and satisfy insurance regulations so he can receive a discount.

Mulvaney asks for questions from the Board.

Mulvaney asks Baker if he had time to review the five separate conditions recommended by Staff.

Baker says he reviewed the conditions as he arrived at the meeting.

Mulvaney states that the petitioner indicated powder-coated vs plastic-coated.

Baker states that it may just be plastic coated; he may have mistakenly said otherwise. The fence is black, and he wants it to look nice.

Mulvaney asks Baker if he has any issues with the conditions that Staff recommended.

Baker answers no.

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 MRV Elkhart Property LLC is requesting developmental variances from the fence and roadway regulations to permit a fence to secure the property used for storing RVs that are for sale. Fun Town RV will be the business located on the property and is consistent with the commercial nature of the Nappanee Street corridor, an RV sales business is located immediately across Borneman.

The site has been a sales and display lot since at least the 1980's. The site is almost 100% paved.

Nappanee Street is a gateway and commuter thoroughfare into the City. The desired fence, along with the requested conditions, will be an improvement over the other existing fences located along Nappanee Street.

Staff recommends approval of this variance, subject to the requested conditions.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance, subject to the requested conditions, to vary from Section 26.4.A.6, Fence Requirements and Section 26.5.B.1, Roadway Regulations, 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 use already exists, and the proposed fence, along with the requested conditions, will be an improvement over existing fences in the area;
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 with three road frontages;
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; and
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. The fence be black plastic coated;
2. The proposed fence be placed outside the vision clearance triangle at Nappanee and Borneman and Borneman and 20th Street intersections.
3. The Engineering Department and/or the Board of Public Works approve the curb cut location along Borneman Street.
4. The tree lawn along the Borneman frontage be restored by removing the pavement and planting grass.
5. The display of RVs be located at least 10 feet back from Nappanee Street.

Ughetti states there were 21 letters mailed with zero returned.

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

Mulvaney calls for a motion.

Leichtman makes a motion to approve 24-BZA-30 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 all conditions listed in the staff report; Second by Davis.

Davis – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

**24-BZA-31 PETITIONER IS ANNETTE PEOPLES
PROPERTY IS LOCATED AT 1723 OAKLAND AVENUE**

To vary the requirements of Section 5.4, Yard Requirements, where the front yard average established setback is sixty-seven (67) feet, to allow the construction of two single family residences both at a front yard setback of eighteen and five hundredths (18.5) feet, a variance of forty eight and five hundredths (48.5) feet. To also vary from the Section 5.4, Yard Requirements, to allow the future corner home to be placed at a distance of sixteen (16) feet from the corner side yard setback (Oakland Avenue) where twenty eight (28) feet is the average, a variance of twelve (12) feet.

Mulvaney calls the petitioner forward.

Hugh Williams, located at 350 W Blaine, appears in person on behalf of the petitioner. Williams says that when the petitioner acquired the property, it was initially zoned commercial residential, which allowed for multi-family units. Williams says the proposal is to switch the property's frontage from Oakland to Wolfe Avenue. In the petitioner's view, Williams says it makes for a safer and more attractive frontage. That said, the property is considerably large; therefore, the property is being split to allow for two single-family homes. Williams says the reason for the modified setbacks is to allow for the placement of two homes with off-street parking. After talking to people in the neighborhood, Williams said that a small house is being requested, allowing for two or three children and a large enough yard for them.

Mulvaney asks for questions from the Board.

Mulvaney states that the City needs more affordable housing.

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

Annette Peoples is requesting the enumerated setback variances to construct two single family homes. The homes will be located on separate lots and face Wolf Avenue. The petitioners have been working with City staff to come to this development plan. The petitioners will also be installing sidewalks along the north side of Wolf Avenue.

The petitioner faces an unnecessary hardship due to the location of the only other home on the north side of Wolf Avenue. This one existing home is setback 67 feet. Due to the setback averaging requirements, the proposed homes would also need to meet this established setback. Other existing homes in the area are at the proposed setback of 30 feet or less. The required setback in R-2 is 20 feet. The proposed project will help encourage infill residential development.

Staff recommends approval of this variance.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from the requirements of Section 5.4, Yard Requirements 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 by promoting infill residential development in established neighborhoods;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because existing homes in the area are at the proposed 30 foot setback or less and the required setback in R-2 is 20 feet;
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 setback is established by only one other home on the street frontage and located at 67 feet;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by creating an excessive setback for an urban residential neighborhood;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because the established setback is set by the one other existing home at 67 feet; and
7. This property does not lie within a designated flood area.

Huber states there were 32 letters mailed with zero returned.

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

Mulvaney calls for a motion.

Davis moves to approve 24-BZA-31 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
Leichtman – Yes
Mulvaney – Yes

Motion carries.

**24-BZA-32 PETITIONER IS JFS REAL ESTATE HOLDING LLC
PROPERTY IS LOCATED AT 444 NORTH NAPPANEE STREET**

To vary from the requirements found in Section 26.10, Sign Regulations, Table 2, to allow a new freestanding sign at a zero (0) foot setback where the required setback is five (5) feet and that is seven and seventeen hundredths (7.17) feet tall where maximum sign height permitted is six (6) feet, a variance of five (5) feet for the setback and one and seventeen hundredths (1.17) feet for the height.

To also vary from the maximum allowed message center which limits the size to 50% of the principal sign face which is nine and sixty two hundredths (9.62) square feet to allow a message center that exceeds the 50% maximum to allow a message center of thirty two (32) square feet, a variance of twenty seven and nineteen hundredths (27.19) square feet.

Mulvaney calls the petitioner forward.

Todd Lehman, located at 1508 Bashor Rd, appears in person on behalf of the petitioner. Lehman says there's a lot of history on the property. He says the Board approved a variance for the property's square footage of an EMC. Lehman states that this all started when they did a monument sign in the City of Elkhart; they used the GIS program to determine the right of way to see how much frontage a property has to allow for a recommendation. Lehman says he saw ample room in the front of the property, so he proposed a masonry monument-style sign. Lehman says he then showed the rendering to the customer, and they loved it. Thereafter, Lehman submitted the design to Eric Trotter; however, since the right of way had changed, City ordinances required an

additional 15 feet of frontage. So, the next step was to file for a variance to keep the design the petitioner liked and allow for proper landscaping.

Mulvaney asks for questions from the Board.

Mulvaney asks Lehman if he has any issues with the conditions recommended by Staff.

Lehman says no and must comply with the requests if he wants it.

Mulvaney states that that was one of the things that happened when the City was revamped, so all signs must comply with that.

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 subject property is occupied by the Northern Indiana Hispanic Health Coalition (NIHHC), which provides the community with educational, vaccine, and community health programs. NIHHC is requesting the proposed sign to be at a more readable height for drivers and an EMC to showcase current programs and events at the center.

City staff has been working closely with NIHHC to reach a sign design that the City is comfortable recommending approval. City staff appreciates that this sign is significantly closer to the regulations than most other signs in the area that are nonconforming. The site does pose some practical difficulties due to the building placement at 15 feet from the Nappanee Street property line, where the current required setback is 30 feet, leaving little room for a sign or to set the sign farther back which would allow them a greater height by-right.

Staff recommends approval of the requested variances subject to the recommended conditions that have been placed on other EMC Board of Zoning Appeals approvals.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from the requirements found in Section 26.10, Sign Regulations 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 uses in the area are commercial and industrial uses;
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 due to the structure being located only 15 feet from the Nappanee Street right-of-way, leaving little room for a sign. An additional 5 feet from the edge of the pavement exists, giving the sign an effective setback from the edge of the pavement of 10 feet;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property due to the structure being located so close to this very wide road;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because NIHHC is only the tenant of this building. They have no control on the placement of the building;
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. The variances related to sign area, height, and location shall apply to both signs/faces.
2. Movement, including video, flashing, and scrolling, is prohibited.
3. Message sequencing, where content on one message is related to content on the next message, is prohibited.
4. The minimum time duration of each message shall be 20 seconds.
5. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
6. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
7. Light trespass shall not exceed one-tenth (0.1) foot candles as measured at the property line of any residential district.
8. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
9. No sign message may depict, or closely approximate, official traffic control signage

Ughetti states there were eight letters mailed with zero returned.

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

Mulvaney calls for a motion.

Davis makes a motion to approve 24-BZA-32 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 all conditions listed in the staff report; Second by Leichtman.

Davis – Yes
Leichtman – Yes
Mulvaney – Yes

Motion carries.

**24-BZA-33 PETITIONER IS JEFFREY AND NICOLE CRIPE
PROPERTY IS LOCATED AT 3660 GORDON ROAD**

To vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states ‘A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.’ To allow for a perimeter fence that is four (4) feet in height on the west side of the rear yard, to allow for no fence along the east side of the rear yard where a hedge and four (4) foot wire fence exist currently and to allow for no fence adjacent to the St. Joseph River. The in ground pool will have an automatic pool cover.

Mulvaney calls the petitioners forward.

Jeffrey Cripe and Nicole Cripe, located at 3660 Gordon Rd., appear in person as the petitioners. Nicole says they are installing a small pool with an auto cover for safety. She says there is an existing four-foot fence on the west side of their property. On the east side of the house is a hedge line that has been there for over 50 years, which goes about 10 or 15 feet. Nicole states there is also a three or four-foot metal fence so no one can get through it. The fence would also extend down to the river to fully enclose that side of the house. Nicole says she wants to do it for several reasons, such as not wanting to block the neighbor's view, allowing the hedge line to stay, which initially belonged to the parents of their neighbors, and keeping the property and the St. Joseph River beautiful.

Mulvaney asks for questions from the Board.

Mulvaney states that it is a common request because of the current Ordinance since the City of Elkhart does not match the state ordinance, and they also have a river that acts as a natural barrier.

Mulvaney asks Nicole if she would have an issue with the condition that Staff recommended.

Nicole answers no.

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 requesting a variance to allow for existing structures and landscaping to secure their pool instead of the required 6 foot fence. Instead of the required fence, the petitioners are requesting to use an existing 4’ wire fence on the northwest side, a seawall along the St. Joseph River, and an approximately 8’ tall, dense evergreen hedges on the southeast side to enclosure and secure the pool area. Gates will be necessary to fully secure the pool area. The pool also has a powered automatic pool cover.

The City of Elkhart is currently undergoing the process of amending this requirement to reflect the updated residential building codes that went into effect December 26, 2019. R326.27.3 found in this code states that either a 4 foot fence OR power safety pool cover is required to secure the pool. Elkhart’s current standards impose an unnecessary hardship on the owner given the updated State adopted standards.

Staff recommends approval of this variance subject to the installation of a fence will be required if the hedge row is damaged, destroyed, or removed that meets the standards in place at the time of occurrence.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from the requirements found in Section 26.1.C.3, Swimming Pools, 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 the enclosure meets the intent of the required regulations to safely secure the pool;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the structures and landscaping are existing;
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 front the St. Joseph River with a seawall and the property is bordered by an approximately 8’ tall hedge row;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by requiring a fence in excess of the proposed regulations of the UDO and state building code;
6. The special conditions and circumstances do not result from any action or inaction by the applicant; and
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. Installation of a fence will be required if the hedge row is damaged, destroyed, or removed that meets the standards in place at the time of occurrence.

Huber states there were 14 letters mailed with zero returned.

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

Mulvaney calls for a motion.

Leichtman makes a motion to approve 24-BZA-33 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 all conditions listed in the staff report; Second by Davis.

Davis – Yes
Leichtman – Yes
Mulvaney – Yes

Motion carries.

**24-UV-13 PETITIONER IS CRB BECK DRIVE LLC
PROPERTY IS LOCATED AT 5309 BECK DRIVE**

To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District to allow for the property to be used for retail sales of new travel trailers and fifth wheels manufactured by Alliance RV. And to allow for the sale of pre-owned recreational vehicles.

Mulvaney calls the petitioner forward.

Stuart Bailey, located at 5309 Beck Dr., appears in person on behalf of the petitioner. Bailey says the building is zoned M-1, which permits him to do everything he needs to do as an RV dealership except sell to retail customers. He states the variance is asking for an exception to accept retail customers. Bailey says he understands that currently, M-1 allows for wholesale sales, so there is no difference except that he has to collect taxes. He says that people will be coming in and out regarding traffic, but nothing will change.

Mulvaney asks for questions from the Board.

Mulvaney states that Staff recommended approval subject to the condition that the RVs be stored within a defined display area of 120 feet by 200 feet, then asks if Bailey has had time to review the condition.

Bailey says he has not, but he understands what is being requested.

Mulvaney asks Bailey if he would have any issues with the condition.

Bailey answers no.

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

CRB Beck Drive is the owner of the subject property and the petitioners. The request is to allow for a use variance to permit RV sales. While storage of RVs themselves are a permitted use in this district and found on multiple lots in the surrounding area, sales of them are not permitted and would require a rezoning to a commercial district. It is modern best urban planning practices to permit less intense uses found in other districts in more intense districts. Approval of the use variance would allow the property to remain its current zoning, and a zoning that is consistent with the surrounding area, while allowing the proposed use.

Staff recommends approval subject to the condition that storage of the RVs only occur in the defined display area (orange) as shown on the site plan to the right.

STAFF RECOMMENDATION

The Staff recommends approval of the use variance, subject to the recommended condition, 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 RV sales, the requested use, and RV storage, a permitted use, have very similar effects on the surrounding property;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because RV storage occurs on multiple properties in the surrounding area, which is similar to the requested use variance;
3. The need for the variance does arise 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 constitute an unnecessary hardship as RV sales are allowed in a less intense district, and RV storage, which has a similar impact on surrounding property, is a permitted use;
5. The approval does comply with the Comprehensive Plan which calls for the area to be developed for industrial uses. It is consistent with the neighborhood goal: "Continue the City's economic development efforts of business recruitment, retention, and expansion."

CONDITIONS

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

1. That storage of the RVs only occur in the defined display area as shown on the site plan.

Ughetti states there were six letters mailed with zero returned.

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

Mulvaney calls for a motion.

Davis makes a motion to approve 24-UV-13 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 all conditions listed in the staff report; Second by Leichtman.

Davis – Yes
Leichtman – Yes
Mulvaney – Yes

Motion carries.

**24-BZA-34 PETITIONER IS RICHARD AND KATHLEEN COLLINS
PROPERTY IS LOCATED AT 2600 BLOCK GREENLEAF BOULEVARD**

To vary the requirements of Section 5.4, Yard Requirements, where the front yard average established setback is fifty nine and eighty two hundredths (59.82) feet, to allow the construction of a single family residence at a front yard setback of forty one and three tenths (41.3) feet, a variance of eighteen and fifty two hundredths (18.52) feet.

Mulvaney calls the petitioner forward.

Crystal Welsh, located at 303 River Race Dr., appears in person on behalf of the petitioner. Welsh says the petitioner intends to construct a single-family home. However, an issue arises along the river because two necessary front yards are the road and the river itself. Welsh says they are attempting to figure out how to wedge the houses between the established setbacks. Welsh says she believes the BZA, Staff, and property owners all put significant importance on the riverside. So, when it was determined the house wasn't going to be able to meet the setbacks, she thought it would be necessary for everyone's view, property values, and adjacent property owners to hold the established rear yard setback on the riverside. To satisfy all parties, only the front yard setback would be impacted. She then states the petition is for a 40-foot front yard setback, allowing a little wiggle room. She says their surveyors are good, but sometimes inches matter. Welsh says she knows the site plan itself had to be a tenth of an inch, but due to the

publication, whether it has to be at 41.3 or if the Board could grant a 40-foot front yard setback to allow for some extra room in case someone is off by a half inch or so. Welsh states she does not know if it's practiced to get down to decimals, but if it's possible to change that, then it would be preferred. Understandably, the drawing did show it at 41.3, but their letter requested a 40-foot setback, and she understands if it's an issue. She said they'll ensure their surveyors are on the ball that day if that's the case.

Mulvaney asks for questions from the Board.

Mulvaney asks Welsh that the setbacks...(unintelligible, off mic).

Welsh answers that in their letter, they requested 40 feet, but the site plan shows it as 41.3 feet; yet, it's a lot easier said than done. She says she thinks the variance should be granted to allow for a 40-foot setback and could always go behind that; she can't get closer to it. If the 41.3 setback is given, and her people go 41.2, not they are out of compliance by a tenth of a foot. She says it just makes things easier. She understands if that's not possible because of the public notice.

Mulvaney asks Welsh if there are no site line issues and that it won't block the river view.

Welsh answers no. That is why she requests that it be pushed closer to Greenleaf Boulevard rather than pushed back to impact the river view.

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 wishes to vary the requirements of Section 4.4, Yard Requirements, where the front yard average established setback is fifty nine and eighty two hundredths (59.82) feet, to allow the construction of a single family residence at a front yard setback of forty one and three tenths (41.3) feet, a variance of eighteen and fifty two hundredths (18.52) feet.

The petitioner is proposing to build a new single family dwelling on a river front lot in the 2600 block of Greenleaf Boulevard. The proposed home meets the setback requirements for the river frontage and because of the configuration of the home, a front yard variance is required. This type of variance is not that uncommon for lots in established neighborhoods where the new infill home is a more contemporary layout – in this case an L-shaped ranch.

The lot, by the zoning ordinance development standards has two front yards – the street frontage and the river front side of the property. The Ordinance requires the setback be calculated for the front and rear (for river front lots) be established by determining the average for that part of the street. This method for determining setback, helps to protect the adjacent property owners' views to the river. Which is why most people live on the river – the view.

Within the last five to seven years, there have been three similar variances along the river side of Greenleaf. Most times, the homeowner will want to maximize the view of the river and in order to also not block the view of other surrounding properties, some sort of variance is required. The proposed L-shaped home configuration is also common for water front parcels where the property owner wishes to maximize the number of rooms in the home having water views.

The scale of home is not out of character for the neighborhood and may in fact be desirable in terms of property values. Given the constraints of the established setback, it will not allow a home of this scale to be built without some measure of relief.

Before reading the approval, Huber asks Maggie Marnocha if it's appropriate to change the distance from 41.3 feet to 40 feet.

Marnocha asks if it would be a foot more of a variance.

Huber answers yes, it would be 1.3 feet, from 41 to 40 feet.

Marnocha believes that the Board can add it as a condition since it's a minimal request.

Huber states he just wanted to confirm that before moving forward.

Marnocha says that if the Board did not want to grant the request, it was certainly within their right, but she believes it's such a small request that she does not believe it needs to be re-advertised.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental 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 both the front and rear setbacks are similar to adjacent properties;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed structure will have a significant setback in both the front and rear yards;
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 and which are not applicable to other lands or structures in the same district because the established setbacks create a hardship on this particular plot of land;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because it limits the scale of housing on the lot;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because the setbacks were established by neighboring properties;
7. This property does not lie within a designated flood area.

Huber states there were 17 letters mailed, with three returned in favor with no comment.

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

Mulvaney asks Huber if the Board can add a condition allowing the request to be changed from 41.3 feet to 40 feet.

Huber answers yes.

Mulvaney calls for a motion.

Leichtman makes a motion to approve 24-BZA-34 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 conditions: Include the 40 foot amendment to the request; Second by Davis.

Davis – Yes
Leichtman – Yes
Mulvaney – Yes

Motion carries.

**24-UV-14 PETITIONER IS CREATIVE SEWING DESIGNS INC
PROPERTY IS LOCATED AT 1919 CASSOPOLIS STREET**

To vary from Section 18.2, Permitted Uses in the B-3, Service Business District to allow for the property to be used for light assembly and warehousing.

Mulvaney calls the petitioner forward.

Christian Davey, located at 200 N Church St., appears in person on behalf of the petitioner. Davey says the petitioner has been operating at the property for several years. They purchased the real estate, understanding that they could operate during the day, which was built for light assembly and warehousing. However, the zoning has changed, so it's now in a district that doesn't necessarily allow it. Davey states that a VR Arcade is located in the front of the property and falls within the zoning use. Davey says the petitioner was unaware but has been a responsible operator within the building, keeping operations inside and noxious odors away. Davey says the petitioner is currently servicing the RV industry and has been a good supplier. He says they would like to continue current operations and would appreciate the support from the Board.

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

Creative Sewing Designs, Inc. is the occupant and petitioner of the use variance. The petitioner is also the owner of the vacant lot abutting the property directly to the west. The company now makes PPE face masks, protective gowns, medical mattress covers and other medical-related products for the healthcare industry in its main location at 2020 Industrial Parkway in Elkhart. In addition, the company works with local RV facilities making custom and specialty upholstered pieces from cushions and custom RV furniture to pop-up camper tents. Creative Sewing Designs, Inc. hopes to use this new Cassopolis Street building for displaying many of the company's products.

Staff recommends approval of the use variance. Sewing and upholstery and the associated equipment needed to produce these goods are low impact manufacturing retailer uses that can often be located in commercial area.

STAFF RECOMMENDATION

The Staff recommends approval 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;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because operations are quiet and located completely indoors;
3. The need for the variance does arise 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 constitute an unnecessary hardship as this use is primarily commercial with a few low/no impact manufacturing and warehousing uses;
5. The approval does comply with the Comprehensive Plan which calls for the area to be developed for commercial uses. It is consistent with the economic development goal: "Continue the City's economic development efforts of business recruitment, retention, and expansion."
7. This property does not lie within a designated flood area.

CONDITIONS

1. The proposed fence shall meet the development conditions found in Section 15.5.C. of the CBD, Central Business District development standards chapter.

Ughetti states that there were 22 letters mailed, with two returned in favor with comments. Ughetti says the first comment addresses the fact that the current property has been used for light assembly and storage. The previous tenant was Lippert Components, which used it to warehouse surplus materials and products used in their business operations. Their only concern with approving the variance is the future development of the property. As long as it operates as it has for the last year, they do not understand why a new use variance was necessary if nothing has changed in how it has been used. Considering the size of the building with several loaded docks on the north side, warehousing would be an expected use of the building. Ughetti says the second comment says they would favor it if the petitioner keeps their delivery trucks off their yard since they have recently damaged their yard. If the petitioner agrees to repair any damage to their property without any limitation or complaint should there be any damage.

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

Mulvaney calls for a motion.

Davis makes a motion to approve 24-UV-14 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 all conditions listed in the staff report; Second by Leichtman.

Davis – Yes
Leichtman – Yes
Mulvaney – Yes

Motion carries.

**24-BZA-35 PETITIONER IS DUNDER HOLDINGS INC
PROPERTY IS LOCATED AT 2807 MARINA DRIVE**

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.

Mulvaney calls the petitioner forward.

Sharon Schrock appears in person on behalf of the petitioner. Schrock states that the property is unique in that it's a corner, so they have two front yards, according to the Ordinance. She says the front where the offices are at face Readie Drive. The area they want to fence is on the side of the warehouse, facing Marina Drive. She says that's where the petitioner seeks to secure the parking lot due to safety concerns. Schrock says the property is directly across the street from Bennington Marina, which has the same type of fence running the whole length of their property across the street.

Mulvaney asks for questions from the Board.

Mulvaney asks Schrock if anything specific is related to the business...(unintelligible, off mic).

Schrock answers that products are stored in a cooler in the parking lot. This is to secure the food and prevent tampering or vandalism.

Mulvaney asks Schrock if the entrance to the cooler is off the parking lot.

Schrock answers yes.

Mulvaney asks Shrock...(unintelligible, off mic).

Shrock answers yes.

Leichtman asks Schrock...(unintelligible, off mic).

Schrock answers yes and that it's identical to the one across the street.

Schrock states they are new to the area but want to protect the food.

Mulvaney asks if the barbed wire is essential.

Schrock says that a six-foot fence could be climbed over, and she could make it over one herself. She says they had it at the previous manufacturing zone on Lilian Avenue, but since this was deemed a front yard, she guesses that's why there are differences. According to the Ordinances, Schrock says it is unfortunate that they have two front yards. She says there is still 15-20 feet of grass, and trees are planted between what would be the fence and the street.

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 subject property is occupied by Dunder Holdings, Inc. and the current tenant is in the food production and processing business. They are requesting to increase the maximum allowed height of a fence in the front yard and place barbed wire below the required 7 feet.

The petitioners have not demonstrated any hardship based on the conditions of the property to require the requested variances. There are no conditions specific to the property that prevent them from meeting the development regulations.

Staff recommends denial of the requested variances.

STAFF RECOMMENDATION

The Staff recommends denial of the developmental variance to vary from 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 as the fence won't meet the required regulations and will place dangerous barbed wire below the required 7 foot minimum height;
2. The use and value of the area adjacent to the property will be affected in a substantially adverse manner because approving the variances will set an unnecessary precedent for further approvals of similar requests;
3. Granting the variance would not 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 not exist that are peculiar to the land involved that support approving the requested variances;
5. The strict application of the terms of this Ordinance will not result in practical difficulties in the use of the property because the fence is not enclosing or securing valuables. The operations are within the building.
6. The special conditions and circumstances do result from action or inaction by the applicant because there are no conditions or hardship as the reason needed for the relief;
7. This property does not lie within a designated flood area.

Huber states there were five letters mailed with zero returned.

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

Mulvaney asks Huber if the main objection by Staff is the barbed wire.

Huber answers that he believes the single biggest objection of Staff is the percentage of the barbed wire height at the location.

Mulvaney asks Huber if a six-foot fence without barbed wire would be a better alternative from the Staff's point of view.

Huber answers that that would be more consistent with previous variances recommended by the City. In this case, allowing a precedent of a barbed wire fence at that height becomes a slippery slope for future requests.

Mulvaney states that he recalls the Bennington property staff's approval.

Huber says that he cannot speak on the Bennington property other than his guess that it was a fence that existed before it came to the City. It could've been allowed under county ordinances, but he can't speak to it.

Mulvaney states that with an RV manufacturer, people like to steal converters.

Huber states that he is unsure if it would have been in the backyard.

Leichtman also states that the Board does not know if it was six feet or seven feet.

Huber says he has not verified any of that information.

Mulvaney asks Huber if a six-foot chain link fence would not be a problem.

Huber says that a six-foot chain link fence would be consistent with previous variances recommended by Staff.

Davis asked Huber if the Board could approve the fence without the barbed wire.

Huber says it would be consistent with the previous decisions made by the Board.

Mulvaney asks Schrock if she could live with a six-foot fence with no barbed wire.

Schrock answers yes.

Huber asks the Board if it is approving the six-foot-high fence variance but denying the barbed wire.

Mulvaney says that that is correct.

Mulvaney asks Huber if the Board would have made that in one or two motions.

Marnocha says she would have them do it in two just so there is no confusion.

Mulvaney says the Board will take the six-foot high request first.

Mulvaney calls for a motion.

Leichtman makes motion to approve 24-BZA-35 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 the petitioner can have a six-foot fence; Second by Davis.

Davis – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

Mulvaney calls for a motion.

Davis makes a motion to approve 24-BZA-35 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 with respect to barbed wire; Second by Leichtman

Davis – Yes

Leichtman – Yes

Mulvaney – Yes

Davis makes a motion to deny 24-BZA-35 and adopt the Staff's findings of fact as the findings of fact in the present petition.

Davis – Yes
Leichtman – Yes
Mulvaney – Yes

**24-BZA-36 PETITIONER IS GUADALUPE GONZALEZ
PROPERTY IS LOCATED AT 529 STIVER AVENUE**

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 privacy fence, to remain, that is six (6) feet in height, a variance of two (2) feet.

Mulvaney calls the petitioner forward.

Guadalupe Gonzalez, located at 529 Stiver Ave, appears via Webex as the petitioner. Gonzalez says this all started when she bought her house five years ago through Habitat for Humanity. She purchased the home in August 2020 before any chatter about additional housing. Gonzalez says there were soccer fields, so she installed the fence due to broken glass on the ground from people hanging out. There were also safety concerns since her son was diagnosed with autism. Gonzalez says her son is a runner, so her son likes to take off and run. With the fence, her son can run within the boundaries of her property. Gonzalez then says she would also request another two feet on top of her six-foot fence because of conflict with the back neighbor. She says her son likes to jump over the fence, which has led to issues with the neighbor.

Mulvaney asks for questions from the Board.

Mulvaney states that Staff has recommended that the petitioner stick with the six-foot fence; however, as a condition, Staff would require the fence to be moved back a foot so there is a clearance between it and the sidewalk, primarily to allow maintenance replacement. Mulvaney says this would mainly allow for the sidewalk replacement without damaging the fence.

Mulvaney asks Gonzalez if she would have any issues with that.

Gonzalez says she would not have any issues.

Mulvaney states that the City would require the proper permits for the two existing sheds. He says he's unaware of any apparent issues with them, given that the pictures of the sheds provided look nice.

Mulvaney asks Gonzalez if she would have any issues obtaining the proper permits for the sheds.

Gonzalez answers that she will demolish the rear shed. She says the shed was improperly built and will be disposed of in spring 2025.

Mulvaney asks Gonzalez if she will only have one shed then.

Gonzalez answers yes.

Mulvaney asks Gonzalez if she will have any issues obtaining a permit for the remaining shed.

Gonzales answers no but would need to be walked through the steps to obtain a permit.

Leichtman wants to know about the extended support beams for the fence on exhibit A.

Ughetti says that the posts in the exhibit are in the rear yard toward the petitioner's neighbor. He says the petitioner originally extended the height of the privacy fence to a nonconforming height, but they have since removed the extension.

Leichtman asks Gonzalez if the support beams are still there.

Gonzalez answers yes but says she was told that she could ask the Board for a height extension. She says the fence was initially taken down because it had extended 16 inches past her property line when her neighbor's home was being built. She says the fence

was taken down, and the poles were removed. Gonzalez said her neighbor started yelling at her children when she removed the poles, and they crossed into her neighbor's property.

Mulvaney asks Gonzalez if she would have any problem cutting the posts off at the top of the fence line.

Leichtman asks that the posts be made flush with the fence.

Gonzalez answers that she wants a fence height extension from the Board.

Ughetti states that the request is for a fence in a front corner yard. There is no request for an extension of the fence height, which would require a separate petition.

Mulvaney states that a separate petition would be required if the petitioner wishes to do something different with the fence. The Board is only acting to approve the six-foot fence that is there, subject to it being moved a foot inwards.

Gonzalez asks Mulvaney if a new petition would be required for what she wants.

Mulvaney states that if Gonzalez wants to extend it higher, it must be a separate petition.

Gonzalez states she understands but then asks if she would have to cut down the posts now or if she could file the petition and go from there.

Ughetti states that he believes that would be something the Board would have to take action on.

Leichtman states that she would give them a timely fashion to file the request.

Mulvaney asks Ughetti what the time frame is for someone to file the petition before it comes before the Board.

Ughetti answers... (unintelligible, off mic).

Mulvaney asks Gonzalez if, in this case, the Board gave her 90 days, it would be more than sufficient.

Gonzalez answers that 90 days would be sufficient.

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 subject property is occupied by Guadalupe Gonzalez as their primary residence. The petitioners are requesting the developmental variances to allow for a privacy fence that is taller than what is permitted by Ordinance in a corner side yard. The home referenced in the variance request was one of the first constructed by Habitat for Humanity along the 500 block of Stiver Avenue.

In 2017, a seven (7) lot subdivision was approved, six (6) home sites and a park. The layout was approved so that in the event the park would no longer exist, the land south could be developed for housing. The area east of the home in question was established as right of way to the park. At some point after the approval, the neighborhood association could no longer support the park, and Habitat began the process of developing the area for homes. The subdivision for the new homes south of Stiver was approved in May 2022.

The fence was constructed without the benefit of a zoning clearance permit. If the homeowner would have come into the Permit Center for the required permit – the developmental requirements would have been explained to them by Staff and shown the plat which depicted the area for the new street adjacent to the residence. Unfortunately, the buyer of the home did not understand there was a future road planned on the east side of their property. This face to face interaction is helpful because oftentimes when a person visits the Permit Center many questions can be answered covering a spectrum of topics.

All of the evidence supplied in the variance request demonstrates no hardship of the land. The evidence supplied is specific to the people that reside in the home not the property itself. Although unfortunate, the hardship must be for the land.

The current ordinance standards for corner side yards require for six (6) foot fences, the fence be even with the home. Which in this circumstance would virtually eliminate half of the yard currently enclosed by the six (6) foot privacy fence. A four (4) foot open picket or split rail would be permitted where the current fence exists.

The Staff is willing to offer a compromise. Similar to other cases where fences were installed without benefit of permit – the Board has allowed the fence to remain, but moved to a location that reflects updated ordinance language. The future language is anticipated to allow six (6) foot fences in the corner side yard and be located one (1) foot back from the property line, which would allow room for maintenance and replacement of the sidewalk without disturbing or damaging any fences or objects adjacent to the sidewalk.

Staff recommends approval of the requested variances subject to the recommended conditions.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variances, subject to the recommended conditions, to vary from Section 26.4.A.6, Fence Requirements 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;
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 due to being located on a corner side lot as the developmental requirements are different for corner side lots;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property;
6. The special conditions and circumstances do result from any action or inaction by the applicant because the fence was installed without the benefit of permit;
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. Locate the fence a one (1) foot setback from the property line;
2. Permits shall be obtained for the two (2) accessory structures (sheds) that have been placed without benefit of permit and review size and location standards i.e. foundation requirements, material standards and location. Staff will also take the opportunity to review with the petitioner what activities require permits.

Ughetti states there were 46 letters mailed, with one returned not in favor with a comment saying: They live behind Guadalupe's house, and they have two small boys, and the petitioner has three dogs, whereas two are rottweilers, and the other is a pit bull. They say they believe the petitioner needs a taller fence because the dogs have tried knocking down the fence when their family is outside, and they jump high. They say they fear for the safety of their kids, so if the petitioner would install a picket fence, the petitioner ought to get rid of the dogs. They also say the dogs have chased someone before, and the petitioner has chickens, and they should not go into her yard. They say they can look into the backyard, and the petitioner can look into her backyard.

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

Leichtman asks Ughetti if chickens are allowed in the area.

Ughetti answers no.

Mulvaney asks Ughetti that the pictures indicate... (unintelligible, off mic) as part of the Board condition.

Ughetti answers that he believes in placing a timeline on the to-be-destroyed shed.

Mulvaney asks Ughetti...(unintelligible, off mic).

Ughetti states that it's something that Staff can work on with the petitioner.

Leichtman states that she knows the Board has previously placed a condition regarding keeping animals.

Guadalupe says that she had Elkhart Police go to her house, and there are no chickens at her property. She says there is a doghouse but does not know where the chickens are coming from. She says the dogs do not jump on the fence. She said she wanted to add a higher fence since her neighbor throws things at the dogs and taunts them, which is why they react the way they do.

Mulvaney calls for a motion.

Leichtman makes a motion to approve 24-BZA-36 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 conditions: Locate the fence a one (1) foot setback from the property line, Permits shall be obtained for the one (1) accessory structures (shed) that have been placed without the benefit of permit and review size and location standards, i.e., foundation requirements, material standards and location with the demolition of the other shed by May of 2025, and any codes in the City have to be followed regarding chickens and animals, and if the petitioner does not within ninety days file a new developmental variance for the fence, the post must be made flush with the rest of the six-foot fence; Second by Davis.

Davis – Yes
Leichtman – Yes
Mulvaney – Yes

Motion carries.

ADJOURNMENT

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

Doug Mulvaney, President

Ron Davis, Vice-President

CALL 269-500-1711

0200 EMPLOYMENT

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0900 LEGALS

STATE OF INDIANA COUNTY OF ELKHART In The Elkhart Superior Court No. 6
SS:
CAUSE NUMBER: 20D06-2408-JC-000134
IN THE MATTER OF: AISA COLLINS
DOB: 3/5/2020 (Minor child)
And
CRYSTAL SMITH, MOTHER
PERCY COLLINS, JR, ALLEGED FATHER
UNKNOWN ALLEGED FATHERS (Parents)

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING TO: UNKNOWN ALLEGED FATHERS NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has filed its Verified Petition Alleging the child to be in Need of Services, in accordance with I.C. 31-34-9-3, and that an adjudication hearing has been scheduled with the Court. YOU ARE HEREBY

adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing. UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support. YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition and a dispositional decree may be entered against you without further notice.
Dated this 14th day of January, 2025. Christopher Anderson Clerk of Elkhart County Carrie Risner, 35815-37, Attorney, Indiana Department of Child Services, 1659 Mishawaka St., Elkhart, IN 46514 Office: (574) 266-2401 hspaxlp

STATE OF INDIANA COUNTY OF ELKHART In The Elkhart Superior Court No. 6
SS:
CAUSE NUMBER: 20D06-2408-JC-000134
IN THE MATTER OF: KEY'NAI RYALL
DOB: 5/7/2021 (Minor child)
And
EMILY RYALL, MOTHER
TRESEAN DAVIS, ALLEGED FATHER
UNKNOWN ALLEGED FATHERS (Parents)

SUMMONS FOR SERVICE BY PUBLICATION & NOTICE OF CHILD IN NEED OF SERVICES HEARING TO: UNKNOWN ALLEGED FATHERS NOTICE IS HEREBY GIVEN to the above noted parent whose whereabouts are unknown, that the Indiana Department of Child Services has

Summons - Service By Publication/Thomas J Hutkins
State Of Indiana County Of Elkhart In The Elkhart Superior Court Cause No: 20D05-2411-MF-000250 Newrez LLC D/B/A Shellpoint Mortgage Servicing Plaintiff -vs- Unknown Heirs And devisees Of Thomas J Hutkins (Now Deceased) Defendant(s) Notice Of Suit To the defendants above named, and any other person who may be concerned. You are notified that you have been sued in the Court above named. The nature of the suit against you is the foreclosure of a mortgage upon the property legally described as follows: Lot Numbered 286 And 287 As The Said Lots Are Known And Designated On The Recorded Plat Of Hudson Sterling Addition Of The City Of Elkhart, Indiana, As Per Plat Thereof Recorded In Deed Record 115, Page 413 In The Office Of The Recorder Of Elkhart County, Indiana Commonly known as: 1518 Moyer Ave, Elkhart, IN 46516 This summons by publication is specifically directed to the following defendant(s) whose whereabouts are unknown: Thomas J Hutkins In addition, to the above-named defendants being served by this summons, there may be other defendants who have an interest in this lawsuit. An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney with the Clerk of the Court for Elkhart County at: Elkhart County Clerk 101 North Main St Room 204 Goshen, IN 46526 on or before the 16th day of March, 2025, (the same being thirty (30) days after the Third Notice of Suit), and if you fail to do so, a judgment may be entered against you for what the plaintiff has demanded. Phillip A. Norman, P.C. /s/ Benjamin Pliskie #30407-45 Attorney for Plaintiff Phillip A. Norman, P.C. 2110 Calumet Avenue Valparaiso, IN 46383 Telephone: 219-462-5104 24-01178 Attest: /s/ Christopher Anderson Clerk, Elkhart Superior Court KA hspaxlp

LEGAL NOTICE #25-UV-02

Hearing on proposed Use Variance #25-UV-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, FEBRUARY 13, 2025 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Use Variance Petition #25-UV-02.

Petitioner: La Vos de Cristo al Mundo, Inc

Request: To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District to allow for a place of worship.

Location: 1413 West Indiana Avenue

Zoning: M-1, Limited Manufacturing District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2303 887 8201 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:

Lots Numbered 59 and 60 in Elliston's Second Addition to the City of Elkhart, as per plat thereof, recorded in Deed Record 111, page 303, in the Office of the Recorder of Elkhart County, Indiana, together with the North Half of the vacated alley lying South of an adjacent to said Lots Numbered 59 and 60, which said alleys were vacated pursuant to the Declaratory Resolution Number 244 of the board of public works and safety of the City of Elkhart, 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 27th day of January, 2025, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: January 31, 2025 hspaxlp

Hearing on proposed Special Exception #25-X-01 at 1:30P.M. At said hearing, the Court will consider the Petition and evidence thereon and will render its decision as to whether the above named minor child is a child in need of services and shall enter adjudication accordingly. Your failure to appear after lawful notice will be deemed as your default and waiver to be present at said hearing. UPON ENTRY OF SAID ADJUDICATION, A DISPOSITIONAL HEARING will be held in which the Court will consider (1) Alternatives for the care, treatment, or rehabilitation for the child; (2) The necessity, nature, and extent of your participation in the program of care, treatment, or rehabilitation for the child; and (3) Your financial responsibility for any services provided for the parent, guardian or custodian of the child including child support. YOU MUST RESPOND by appearing in person or by an attorney within thirty (30) days after the last publication of this notice, and in the event you fail to do so, an adjudication on said petition and a dispositional decree may be entered against you without further notice.
Dated this 14th day of January, 2025. Christopher Anderson Clerk of Elkhart County Carrie Risner, 35815-37, Attorney, Indiana Department of Child Services, 1659 Mishawaka St., Elkhart, IN 46514 Office: (574) 266-2401 hspaxlp

Dated this 14th day of January, 2025. Christopher Anderson Clerk of Elkhart County Carrie Risner, 35815-37, Attorney, Indiana Department of Child Services, 1659 Mishawaka St., Elkhart, IN 46514 Office: (574) 266-2401 hspaxlp

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LEGAL NOTICE #25-X-01

Hearing on proposed Special Exception #25-X-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, FEBRUARY 13, 2025 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Special Exception Petition #25-X-01.

Petitioner: Elkhart Parks Foundation Inc

Request: Per Section 4.3.O, a Special Exception for Parks and Playgrounds, to amend and update 98-X-06 (approved site plan) to allow for additional uses at Walker Park. The additional uses include: construction of ADA complaint restroom building with drinking fountain, new pavilion, new playground area, additional native landscape plantings, additional memorial tree plantings, expanded parking and recon-tour hillside for multi-purpose use.

Location: 3419 Bristol Street

Zoning: R-1, One Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2303 887 8201 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:

AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN ELKHART COUNTY, STATE OF INDIANA:

Commencing at the northwest corner of Lot Nineteen (19) as the said Lot is known and designated on the recorded Plat of RUNYAN'S FIRST ADDITION (Plat Book 7, page 63); thence due North along the East line of Marguerite Avenue as the same is platted and used in the City of Elkhart, Indiana, forty and three hundredths (40.03) feet to an iron stake at the northwest corner of land conveyed to David L. and Denise M. Knoll (Deed Record 374, page 858) for the beginning point of this description; thence South eighty-seven (87) degrees fifty-seven (57) minutes East along the northerly line of said Knoll land, one hundred fifty-five and four hundredths (155.04) feet to an iron stake at the northeasterly corner of said Knoll land, said iron stake being North two (2) degrees three (3) minutes east along the northerly extension of the easterly line of said Lot Nineteen (19), a distance of forty (40) feet from the northeasterly corner of said Lot Nineteen (19); thence North two (2) degrees three (3) minutes East along the westerly line of land conveyed to Lete S. and Barbara J. Hilbish (Deed Record 239, page 436), ten (10) feet to an iron stake at the northwesterly corner of said Hilbish land; thence South eighty-seven (87) degrees fifty-seven (57) minutes East along the northerly line of Lots Thirteen (13) to Eighteen (18) inclusive and Lot Eleven (11) in said recorded Plat, one thousand nine and nineteen hundredths (1009.19) feet to an iron stake at the northerly corner of said Lot Eleven (11); thence North one (1) degree eleven (11) minutes West along the easterly line of the land conveyed to Harry G. and Mabel M. Runyan (Deed Record 164, pages 464 and 465) and along the westerly line of the Recorded Plat of Glenwood Park (Plat Book 11, page 85), four hundred thirty-eight and seventy-nine hundredths (430.79) feet to an iron stake at the northeasterly corner of the sixteen and one-half (16 1/2) acre tract described in said Runyan conveyance, said point being the northwesterly corner of Lot Twenty-nine (29) in said recorded Plat of Glenwood Park; thence south eighty-eight (88) degrees fifty (50) minutes west, two hundred (200) feet along the south line of land conveyed to Elkhart Public Library (Deed Record 421, page 577); thence North one (1) degree eleven (11) minutes West along the west line of said Library land, three hundred twenty-eight and forty-two hundredths (328.42) feet to the north line of the Southwest Quarter (SW 1/4) of said Section Thirty-five (35); thence south eight -eight (88) degrees fifty (50) minutes West along the North line of the West One-half (W 1/2) of the Southwest Quarter (SW 1/4) of said Section Thirty-five (35) and the centerline of Bristol Street, five hundred twenty-nine and forty-two hundredths (529.42) feet to a railroad spike at the northwest corner of said Section Thirty-five (35); thence North eighty-eight (88) degrees two (2) minutes West along the North line of the Southeast Quarter (SE 1/4) of said Section Thirty-four (34) and the centerline of said Bristol Street, and ninety-two hundredths (418.92), feet to a railroad spike; thence South along the East line of the aforementioned Marguerite Avenue, seven hundred thirty-four and forty-one hundredths (734.41) feet to 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 27th day of January, 2025, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: January 31, 2025 hspaxlp



Staff Report

Planning & Zoning

Petition: 25-UV-02

Petition Type: Use Variance

Date: February 13, 2025

Petitioner: La Vos de Cristo al Mundo, Inc

Request: To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District to allow for a place of worship.

Site Location: 1413 West Indiana Ave

Existing Zoning: M-1, Limited Manufacturing District

Size: +/- 0.29 Acres

Thoroughfares: Elliston Street and West Indiana Avenue

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

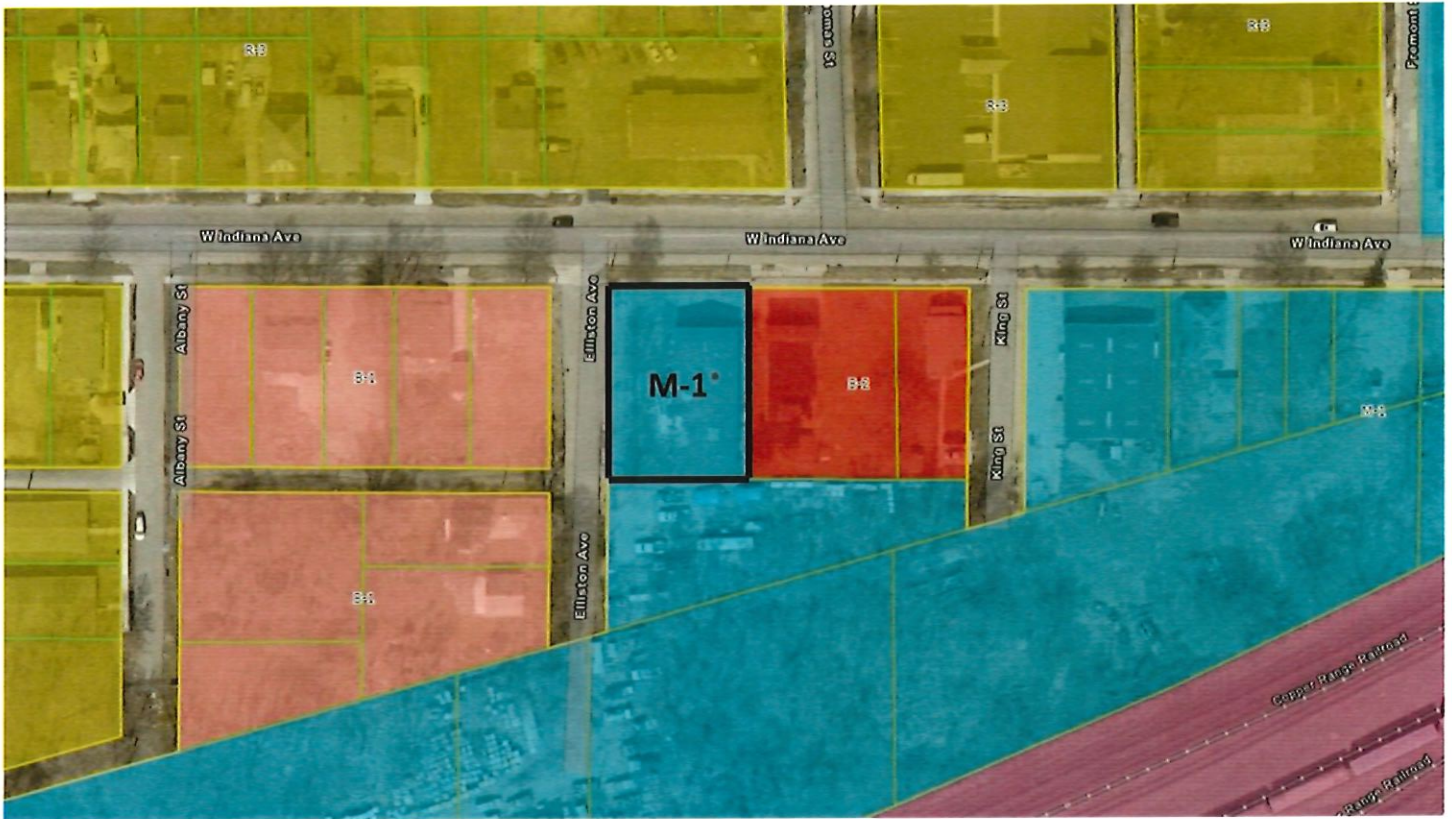
The property is surrounded by a mix of residential and commercial uses zoned R-3, Two Family Dwelling, M-1, Limited Manufacturing District, B-2, Community Business District and B-1, Neighborhood Business District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with a mix of medium density residential uses and manufacturing uses.



Staff Analysis

The petitioner is requesting a use variance to allow the property to be used as a place of worship. The request comes to us from a request from a local church looking to move and expand into a new space recently purchased.

The property is located in the M-1 District. The M-1 District is designed to accommodate limited manufacturing uses having a minimal impact on surrounding areas. The intent is to allow manufacturing development by reason of location and the availability of adequate transportation and infrastructure systems, while protecting the surrounding uses from negative external effects. Some examples of M-1 uses are equipment rental facilities, auction barns, boat building and repair, bicycle manufacture, warehousing, kennels and animal hospitals. The Development Conditions for the district restrict business activity wholly to the inside of the building, shall offer all operations, servicing, and processing shall be conducted within completely enclosed buildings or structures and no business shall create nuisance from noise, smoke or odor. The requested place of worship use for a M-1 use, therefore the need for the use variance as its not listed as a permitted use.

Based on assessor records, the building was built around 1963 and is approximately 8,600 square feet over two levels with about 4,300 square feet on the first floor and basement level. The building had been original used as a labor union hall then became an insurance agent office in the early 1970s with the most recent use as for the storage of chemicals. Based on the records from the Planning Commission, the property was rezoned from B-2, Business to M-1 in 1970.

Staff conducted a site visit of 1413 W Indiana Ave with the Elkhart Building Department and Property owner on February 6, 2025. The building has been neglected and interior is in a state of disrepair. The applicant will need to work with the Building Department to bring the building up to current building code and receive a CDR for all

trade work. The upper floor contains a large room which will be used for worship space with a proposed wall dividing the room into two spaces. The basement/ lower-level space contains a men's and women's bathrooms with a row of small rooms divided by a hallway from a large room intended to be used for a kitchen and fellowship hall (dining space). The congregation currently has services with 30-50 members at each service. Worship services are held on Friday, Saturday, and Sunday ranging from morning to late afternoon. Individuals are picked up from their homes by van and delivered to the site for worship services.

The main concern staff has with the request is the parking for the mix of commercial and residential uses that surround this property. Parking demands could grow as the congregation expands leading to the need for more available parking in close proximity. Existing parking will need to be pushed back from the street and existing sidewalk to increase visibility of pedestrians. The exact amount of parking needed is unknown but based on the Elkhart Zoning Code, Religious Institutions are required to have 1 space per 4 seats in the main place of assembly plus other uses.

Additionally, staff has spoken with the Public Works and Utilities Pretreatment Division about concerns surrounding the parking as related to the use. The primary concern from PW was to ensure city right-away was maintained and proper approvals are granted. Approval from the Board of Works must be granted to allow the parking on city right-way on the west side of the building.

Recommendation

The Staff recommends **approval** 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 proposed use is inconsistent with the purpose of the district and is less intense than the permitted M-1 uses;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the proposed use is in keeping with the purpose of the M-1 district intended to serve the daily convenience needs of the surrounding residential neighborhood;
3. 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;
4. The request **does comply** with the Comprehensive Plan which calls for the area to be developed with mix of medium density residential and commercial uses
5. The property was originally used as an assembly building when constructed which will retain a similar use from the petitioner's request for a use variance of the space as a place of assembly for worship.

Conditions

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

1. If the petitioner is unable to comply with the Development Standards for parking, then the applicant will need to apply for a Development Variance for parking.
2. A request shall be submitted to the Board of Works to establish and allow access of city owned right-way for off-street parking.
3. Petitioners work with the Redevelopment Commission on the possibility of setting up a lease agreement for the property across Elliston Street owned by the Elkhart Redevelopment Commission for additional space for parking.

Photos

PETITION #: 25-WV-02

FILING FEE: \$ 300

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: USE VARIANCE

Property Owner(s): Iglesia La Voz de Cristo al Mundo, Inc. 20783

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: _____

Contact Person: Pastor Luis Velasquez

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: _____

Subject Property Address: 1413 W. Indiana Ave.

Zoning: R3-1

Present Use: Vacant Proposed Use: Church

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): Luis Velasquez

SIGNATURE(S):  DATE: 12-30-24

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: 1/3/25

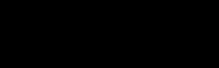
Wherefore, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested use variance

Signature of Property Owner:  _____

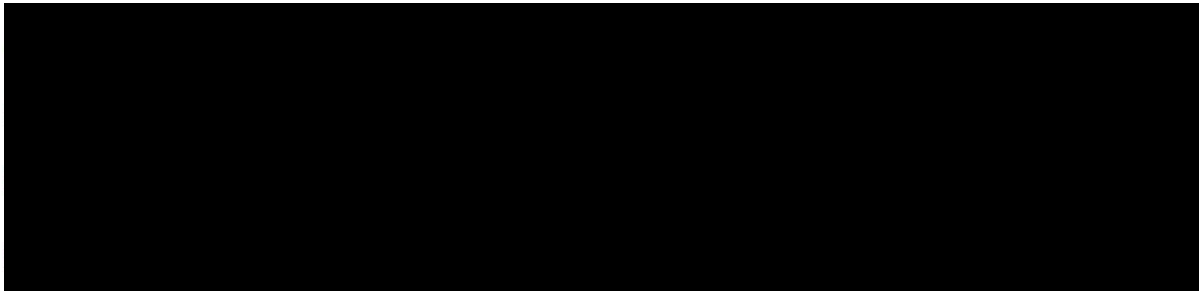
Printed Name: Luis Velasquez

Contact Person: Luis Velasquez

Address: 

Phone number: 

Email: 



December 2 , 2024

To: Board of Zoning Appeals **RE:** Use Variance
City of Elkhart, Indiana

1. Iglesia LaVos de cristo al Mundo, Inc., is the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:
1413 West Indiana Avenue:

Ellistons 2ND Lots 59 &60 N 1/2 Vac Alley Adj.S. Side

2. The above described real estate presently has a zoning classification of **M-1 District** Under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently proposes to occupy the above described property as a Church with the usual services on Sundays and at other times during the week as the Programming requires.
4. Petitioner desires to have the Use Variance because Churches are not listed as an Approved use in the M-1 District.
5. **Section 18; M-1 Limited Manufacturing District: Section 18.2 Permitted Uses** Does not list churches as a use. **18.3 Special Exception Uses**, does not list Churches **18.4** lists only Adult Entertainment Establishments & **18.5 Business Uses** **Therefore**, churches have no category which requires a **Use Variance**
6. Churches have no standing in the Ordinance; therefore, a built in hardship exists Because they are required to go through the zoning process. This also can create a Timing hardship.
- 7.1 There is an existing building on the site which has been vacant for many years which considered an attractive nuisance. This is adjacent to existing residential Properties, a former City Fire Station and a church at the corner of Thomas St. & Indiana Ave.; therefore, it would not be injurious to adjacent properties but would Instead be an asset compared to existing conditions.
- 7.2 There is an existing church nearby, manufacturing of sorts to the South, other uses To the East; therefore, renovating the existing structure will not adversely affect the Adjacent properties.
- 7.3 Churches have no accepted District to be placed; therefore, this property requires a Use Variance. The Ordinance as is only allows for Limited Manufacturing. The existing building is a two story structure and was likely used for an office building previously. It doesn't Lend itself very well for that use which would be injurious to the neighborhood does have existing spaces that are advantageous for church use.
- 7.4 The church is in need of a location. All locations require a Special Exception or Use Variance. This location is a good one for their constituency whereas another location may be a hardship of travel distance.
- 7.5 This property would most likely not be classified as M-1 under todays standards. It Would be a two or multiple family district; therefore, it will not interfere substantially With the Comprehensive Plan

Raymond L. Enfield, Architect

December 26, 2024

TO: Board of Zoning Appeals
City of Elkhart, Indiana

RE: This is in response to Item 5 of the Applicant Checklist - Use Variance

I and my Engineer, Kevin Finn, P. E., Inc have been retained to redesign this building to meet the needs and wants of the local congregation. This process involves 3 to 4 months of our time. We are in the process of developing the Program to comply with their needs. Once that is completed through meetings with the church Committee, we can begin the design work.

There will not be any addition other than possibly an entry porch. The interior has some spaces that appear to be compatible for use; however there maybe some demolition and there will be some new walls. The electrical, plumbing and heating will all be new except for the reuse of items that fit a new design of same.

Due to the Use Variance process and the cost of preparing design plans, it is financially unwise to invest for these services prior to the Use Variance approval.

The Plans will be required to be approval by the State of Indiana, Homeland Security, Plan Review Division and the the City of Elkhart, Building Department.

Raymond L. Enfield, Architect, Retired.

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Luis Velazquez, 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 1413 W. Indiana Ave. Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the _____ day of _____, 20____.

Printed: Luis Velazquez

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.

Printed: _____

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Luis Velazquez, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 30 day of December, 2024.



CLAYTON BRIGHT, Notary Public
St. Joseph County, State of Indiana
Commission Number NP0710073
My Commission Expires February 04, 2026

Printed: Clayton Bright

Notary Public in and for the State of Indiana
Resident of St. Joseph County, Indiana

My Commission Expires:
February 4th, 2026

20-06-07-427-002.000-012

General Information

Parcel Number
20-06-07-427-002.000-012
Local Parcel Number
06-07-427-002-012
Tax ID:
0607H
Routing Number

TREUMUTH JOHN

Ownership

TREUMUTH JOHN
10561 W 105TH AVE
WESTMINSTER, CO 80021

Legal

ELLISTONS 2ND LOTS 59 & 60 N1/2 VAC ALLEY
ADJ S SIDE

Property Class 447
Office Bldg (1 or 2 Story)

Year: 2024

Location Information

County
Elkhart
Township
CONCORD TOWNSHIP
District 012 (Local 012)
EC CONCORD
School Corp 2305
ELKHART COMMUNITY
Neighborhood 1246023-012
1246023-Commercial-Acre-Fringe-
Section/Plat

Location Address (1)
1413 W INDIANA
ELKHART, IN 46516

Zoning

Subdivision

Lot

Market Model
Commercial Market

Characteristics

Topography Flood Hazard
Public Utilities ERA
All
Streets or Roads TIF
Paved
Neighborhood Life Cycle Stage
Static
Printed Thursday, April 25, 2024
Review Group 2021

1413 W INDIANA

447, Office Bldg (1 or 2 Story)

Transfer of Ownership

Date Owner
02/22/2022 TREUMUTH JOHN
01/01/1900 MARSHALL J JOHN &
Doc ID Code Book/Page Adj Sale Price VII
00619 TS / \$7,002 I
CO /

1246023-Commercial-Acre- 1/2

Notes

Commercial

Valuation Records

Assessment Year	2024	2023	2022	2021	2020
Reason For Change	AA	AA	AA	AA	AA
As Of Date	01/01/2024	01/01/2023	01/01/2022	01/01/2021	01/01/2020
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land	\$38,100	\$25,500	\$25,500	\$25,500	\$25,500
Land Res (1)	\$0	\$0	\$0	\$0	\$0
Land Non Res (2)	\$0	\$0	\$0	\$0	\$0
Land Non Res (3)	\$38,100	\$25,500	\$25,500	\$25,500	\$25,500
Improvement	\$90,500	\$74,800	\$76,400	\$70,000	\$66,800
Imp Res (1)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$90,500	\$74,800	\$76,400	\$70,000	\$66,800
Total	\$128,600	\$100,300	\$101,900	\$95,500	\$92,300
Total Res (1)	\$0	\$0	\$0	\$0	\$0
Total Non Res (2)	\$0	\$0	\$0	\$0	\$0
Total Non Res (3)	\$128,600	\$100,300	\$101,900	\$95,500	\$92,300

Land Data (Standard Depth: Res 100', Cl 100' Base Lot: Res 100' X 0', Cl 100' X 0')

Land Type	Pricing Method	Soil ID	Act Front	Size Factor	Rate	Adj. Rate	Ext. Value	Inf. %	Market Factor	Cap 1	Cap 2	Cap 3	Value
11	A		0	0.294	\$70,000	\$129,500	\$38,073	0%	1.0000	0.00	0.00	100.00	\$38,070

Land Computations

Calculated Acreage 0.29
 Actual Frontage 0
 Developer Discount
 Parcel Acreage 0.29
 81 Legal Drain NV 0.00
 82 Public Roads NV 0.00
 83 UT Towers NV 0.00
 9 Homesite 0.00
 91/92 Acres 0.00
 Total Acres Farmland 0.29
 Farmland Value \$0
 Measured Acreage 0.00
 Avg Farmland Value/Acre 0.0
 Value of Farmland \$0
 Classified Total \$0
 Farm / Classified Value \$0
 Homesite(s) Value \$0
 91/92 Value \$0
 Supp. Page Land Value \$0
 CAP 1 Value \$0
 CAP 2 Value \$38,100
 CAP 3 Value \$38,100
 Total Value \$38,100

Data Source Aerial

Collector 01/13/2022

Appraiser

Tax ID Number(s):
20-06-07-427-002.000-012

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Luis Alberto Velasquez Cabrera

CONVEY(S) AND WARRANT(S) TO

La Voz de Cristo al Mundo, Inc., an Indiana non-profit corporation, for consideration other than monetary the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Elkhart County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 28TH day of August, 2024.



Luis Alberto Velasquez Cabrera



2446927-1729-0

HOLD HARMLESS AGREEMENT (REQUEST FOR DOCUMENT PREPARATION)

Property Address: 1413 West Indiana Avenue, Elkhart, IN 46516
Property County: Elkhart

I (We), the undersigned, **Luis Alberto Velasquez Cabrera**, authorize Meridian Title Corporation's counsel to prepare a deed on my (our) behalf. The undersigned understands that Meridian Title Corporation (MTC) and its counsel have prepared the document based solely upon information supplied by one or more of the parties to this conveyance, and a limited examination of the public records. The title search report is for reference purposes only. I (we) understand that MTC will not be providing any services related to the clearing of the liens found, if any, from the title. I (we) fully understand that if there are any title issues such as liens or encumbrances attaching to the real estate as a result of this conveyance or issues relating to estate planning, I (we) will hold MTC and its counsel harmless against all loss or damage resulting from the conveyance.

I (We) make this request with the understanding that I (we) have had the opportunity to seek independent counsel to give me (us) advice to this request and I (we) understand that counsel for MTC is preparing the deed as an accommodation to me without providing me with any counsel to its effect. The undersigned acknowledge that the drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their assent to this disclaimer by the Grantor's execution and the Grantee's acceptance of the instrument.

The undersigned hereby acknowledges that the application of various tax exemptions and/or credits may not be applied due to this document request and the undersigned agrees to hold Meridian Title Corporation harmless against all loss or damage resulting from this conveyance request by the undersigned, including but not limited to the possibility of an increase in property taxes assessed against the property.

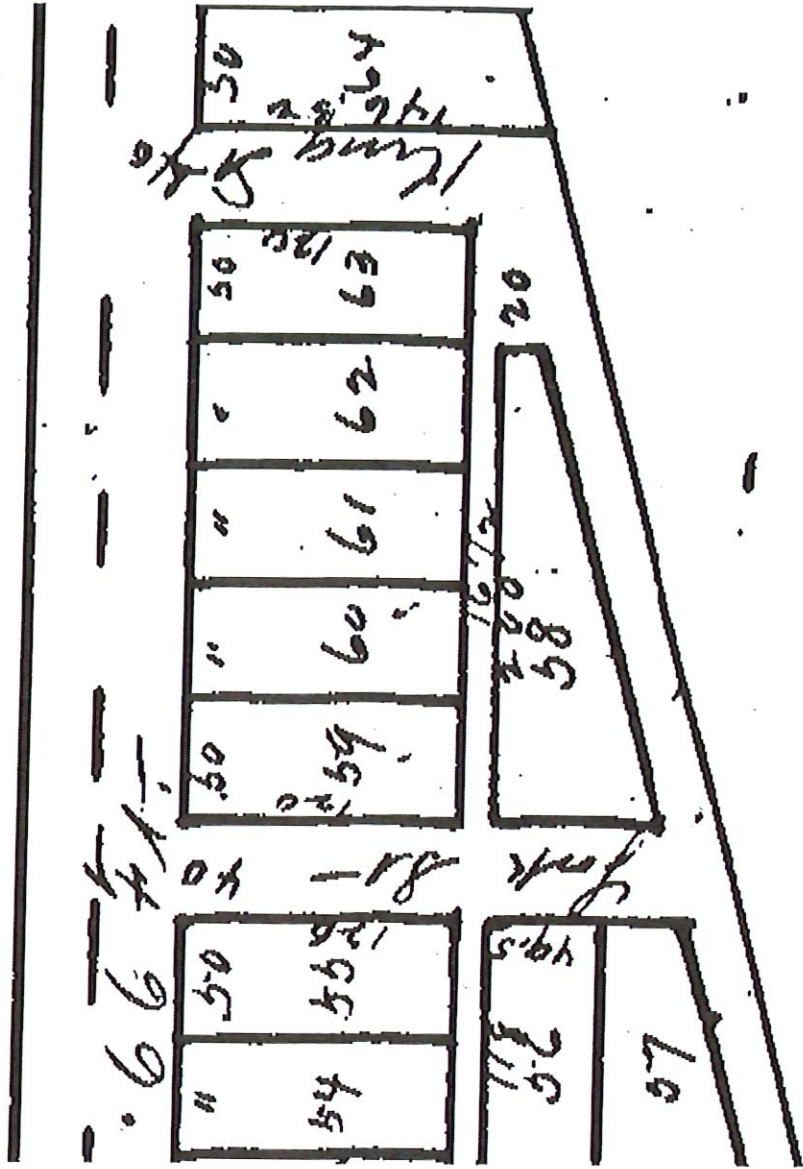
Dated: 8/28/24

Luis Alberto Velasquez Cabrera

EXHIBIT A

Lots Numbered 59 and 60 in Elliston's Second Addition to the City of Elkhart, as per plat thereof, recorded in Deed Record 111, page 303, in the Office of the Recorder of Elkhart County, Indiana, together with the North Half of the vacated alley lying South of and adjacent to said Lots Numbered 59 and 60, which said alleys were vacated pursuant to the Declaratory Resolution Number 244 of the board of public works and safety of the City of Elkhart, Indiana.

ELMSTON'S 2ND



S



Iglesia La Voz de Cristo al Mundo, Inc.

10924 Pleasant Acres Dr

Hyattsville MD 20783

301-706-2192

Monday, September 2, 2024

To whom it may concern:

As Senior Executive Pastor, I hereby authorize Pastor Luis Velasquez in Elkhart, Indiana to sign on behalf of our organization in reference to the properties being bought and managed. I authorize him to represent me and the organization in all legal proceedings regarding the real estate properties in the state of Indiana.

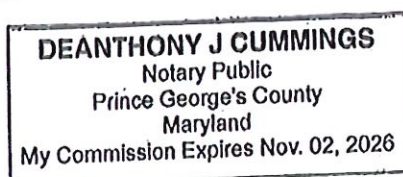
If you have any questions, feel free to call me at 301-706-2192 or email me at

balmoreruiz@hotmail.com.

Sincerely,

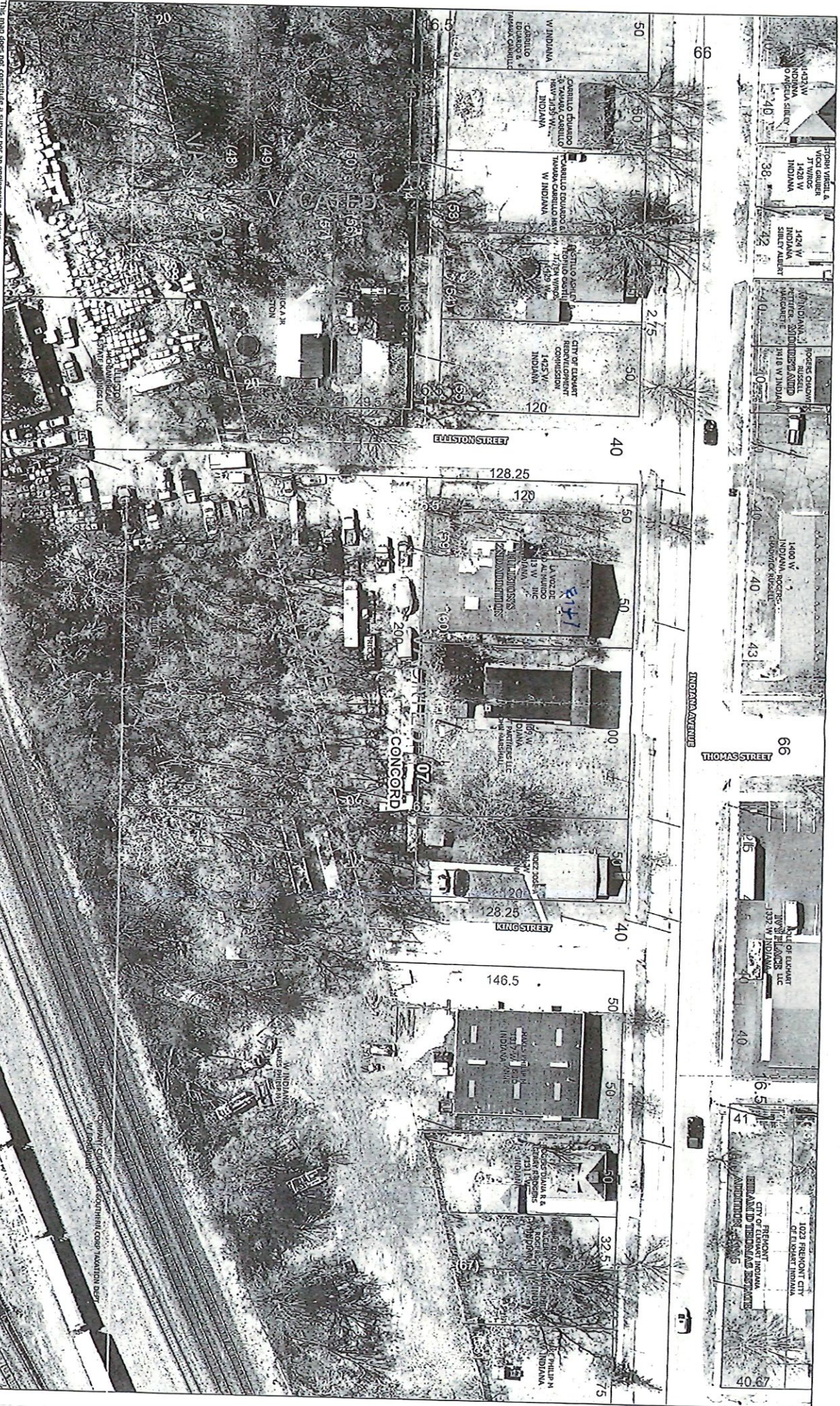
Balmore Ruiz

Senior Pastor



State of Maryland, County of Prince Georges
I hereby certify that on the 20th day of December
2024 before me a Notary Public personally
appeared Balmore Ruiz and made a affirmation
in due form of law that all matters and
facts set forth within this document are true.

Witness my hand and seal,



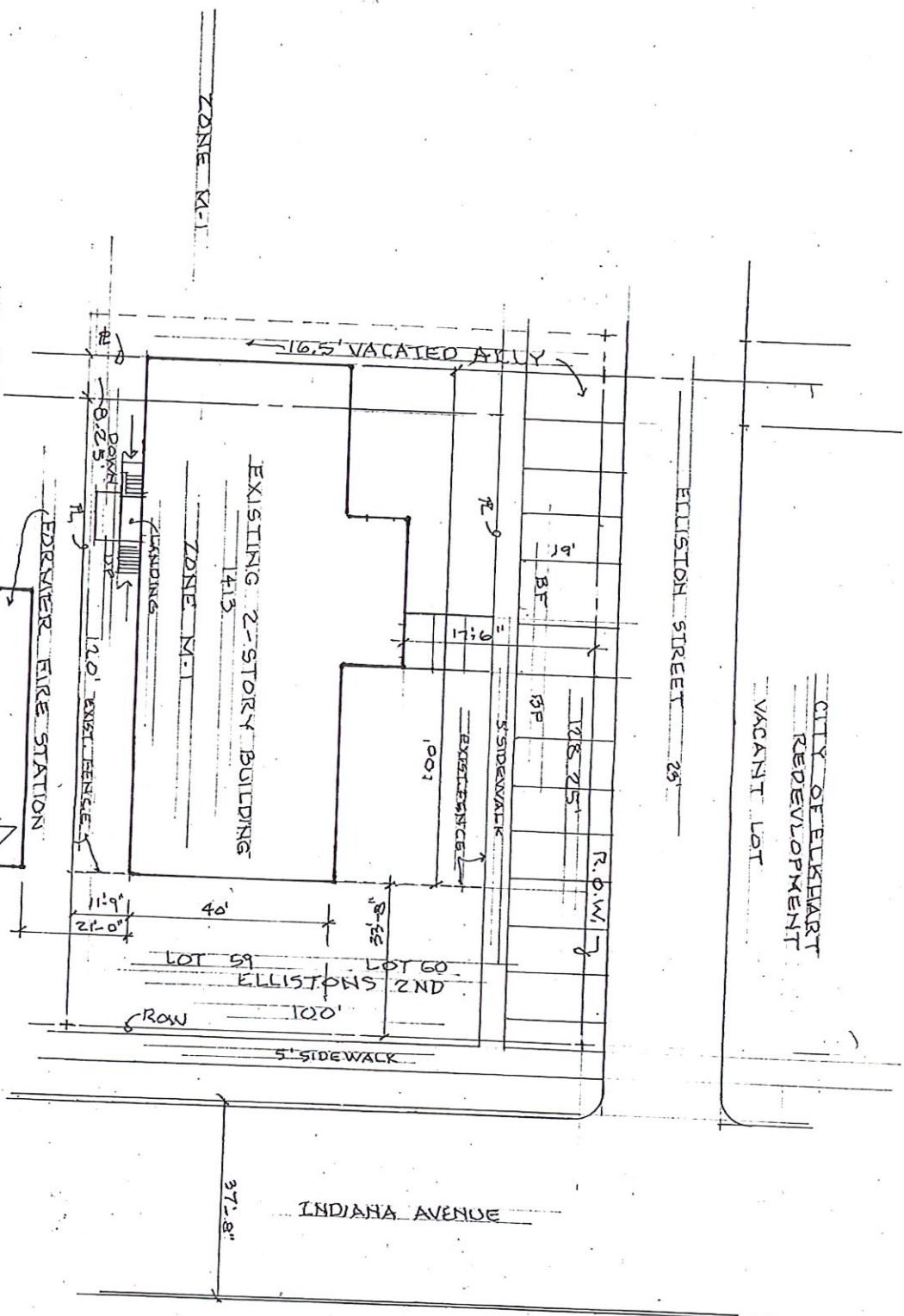
This map does not constitute a survey nor an engineering drawing. The map and any information shown on it is not warranted for accuracy, mechanicality, or fitness for a particular purpose. Reliance is at the information shown on it is prohibited without the prior written permission



1 inch = 50 feet

Elkhart County Surveyor's Office
 4230 Elkhart Road Goshen, Indiana 46526
 Aerial Imagery: Spring 2023
 Printed: 12/29/2024





OWNER: IGLESIA LA VOS DE CRISTO AL MUNDO, INC.
 RAYMOND L. ENFIELD, ARCHITECT - RETIRED

APARTMENTS



Staff Report

Planning & Zoning

Petition: 25-X-01

Petition Type: Special Exception

Date: Plan Commission: February 3, 2025, Board of Zoning Appeals: February 13, 2025

Petitioner: Elkhart Park Foundation

Site Location: 3419 E. Bristol Street – Walker Park

Request: Per Section 4.3.O, a Special Exception for Parks and Playgrounds, to amend and update 98-X-06 (approved site plan) to allow for additional uses at Walker Park. The additional uses include: construction of ADA complaint restroom building with drinking fountain, new pavilion, new playground area, additional native landscape plantings, additional memorial tree plantings, expanded parking and recontour hillside for multi-purpose use.

Existing Zoning: R-1, One-Family Dwelling District

Size: +/- 17 Acres

Thoroughfares: E. Bristol Street

School District: Elkhart Community Schools

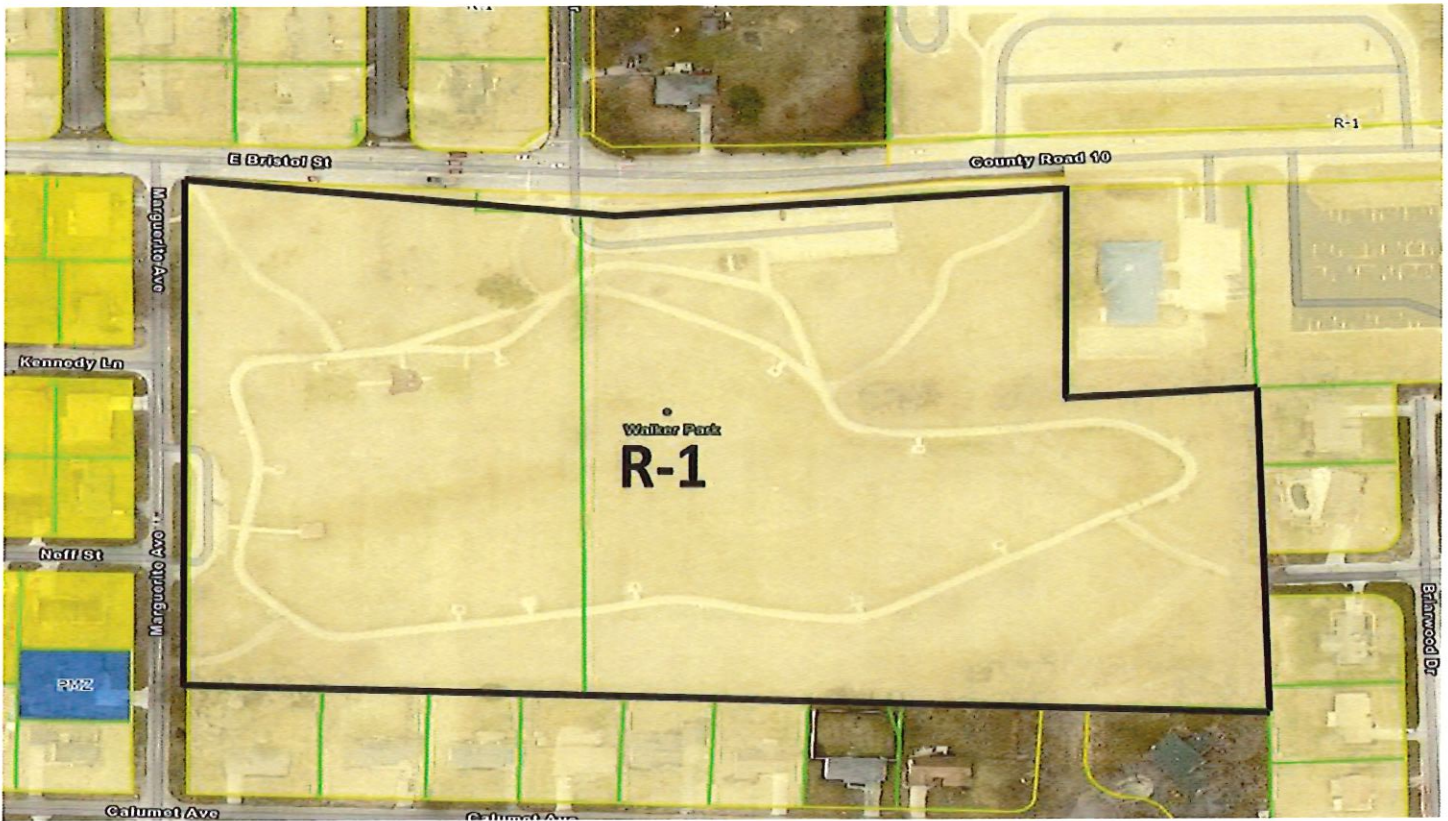
Utilities: Available and provided to site.

Surrounding Land Use & Zoning:
Properties to the north is a school, south, and west are residential uses and east is a library all in the City of Elkhart and Elkhart County zoned residentially.

Applicable Sections of the Zoning Ordinance:
Enumerated in request.

Plan Commission Action: Recommendation to Board of Zoning Appeals.

Comprehensive Plan:
The Comprehensive Plan identifies this site for parks and recreation land uses.



Staff Analysis

The petitioner is requesting to amend and update 98-X-06, which approved the original site plan for Walker Park to allow for additional uses. The additional uses include: construction of ADA complaint restroom building with drinking fountain, new pavilion, new playground area, additional native landscape plantings, additional memorial tree plantings, expanded parking and recontour hillside for multi-purpose use.

The Parks Department is updating the master plan for Walker Park. Parks has undertaken, along with assistance from consulting firm DLZ, a revised plan that expands the amenities at the park. A part of the update was seeking feedback from the community through a series of public meetings and the creation of an online survey. The outcome of this feedback was a park that provided for more inclusive activities as well as a restroom.

Since being established some 30 years ago, Walker Park has become the most utilized park in the city. As an essential element of the Mayor's ASPIRE Initiative that seeks to enhance the vibrancy and usage of our parks and greenspaces, Walker Park is used for group fitness and recreational activities for both the surrounding neighborhoods and Pinewood Elementary across the street. The park currently has a walking/fitness trail, playground and parking on both Bristol Street and Maguerite Avenue. In addition to the restroom building, over the next five (5) years plans call for a new pavilion, new playground area, pollinator gardens, additional parking to both lots and toddler play area.

The restroom building was submitted for and was reviewed by the Technical Review Committee and has been approved pending the special exception. The building will have ADA compliant restrooms for men and woman, a family restroom with changing stations, some storage for park programming and a drinking fountain with water bottle filling capability. The building will have security cameras, internal motion sensors, and will be heated for year round use. It will be opened in the morning by Buildings and Grounds staff and closed by Park Rangers who will patrol the park.

Staff recommends approval of this special exception.

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; The Walker Park improvements are being designed to add amenities to make this park a premier park for the City of Elkhart. The improvements to the playground, parking, additional landscape plantings along with a recontoured multi-purpose hill area and restroom will allow for future growth and attendance to increase usage. The restroom building will have security, be opened and closed at the beginning and end of each day by city staff and/or park rangers and also be monitored at regular intervals by park rangers.
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because the additional amenities proposed will add to the quality of place for Walker Park and enhance the city's park system. The park is part of the Mayor's ASPIRE Initiative to enhance the vibrancy and increase usage of the City's parks and greenspaces. This structure is part of a updated Master Plan that will include a new playground, gazebo and new multi-use field.
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. The proposed amenities will add to the vibrancy of the neighborhood and allow for more programming for the Parks Department. The restroom building will be built to conform to all necessary building construction requirements and have been submitted for Technical Review and addressed all comments raised during the review.

Photos



PETITION #: 25-X-01

FILING FEE: \$ N/A

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE: SPECIAL EXCEPTION

Property Owner(s): Elkhart Park Foundation Inc.

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: Jamison Czarnecki

Mailing Address: 224 S. Second St Elkhart, IN 46514

Phone #: 574 295-7295 Email: _____

Subject Property Address: 3419 Bastard St.

Zoning: R1

Present Use: Park Proposed Use: Park

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): Jamison Czarnecki

SIGNATURE(S):  DATE: 1-15-2025

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 SPECIAL EXCEPTION PETITION

I, Jamison Czarniecki, 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 special exception 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 3414 Bristol Street Elkhart, Indiana.
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 17th day of January, 2025.

[Signature]
Printed: Jamison Czarniecki

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.

[Signature]
Printed: Jamison Czarniecki

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Jamison Czarniecki, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 17 day of January, 2025.



My Commission Expires:
10/31/2031

[Signature]
Printed: Hugo Robles Madrigal

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

January 13, 2025

To: Elkhart City Plan Commission and Elkhart City Board of Zoning Appeals

RE: Special Exception Request for Walker Park Restroom Project

The undersigned petitioner respectfully shows the Plan Commission and Board of Zoning Appeals:

1. I, Jamison Czarnecki, Superintendent, City of Elkhart Parks and Recreation on behalf of the Elkhart Park Foundation, Inc., am the owner's representative of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana to wit:

See attached legal description

2. The above described real estate presently has a zoning classification of R-1, One Family Dwelling 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: The land is used as a park on the north side of the City. Since it's opening some 30 years ago, it has become the most utilized park in the city. The approximately 17 acre park is home to a multi-use of fitness activities, including walking and group classes, Rocket Football, police/fire cadet training and playgrounds.
4. Petitioner desires to (Explain the proposed Special Exception in detail) The petitioner wishes to construct an ADA compliant restroom building in Walker Park for the residents of the City of Elkhart. The building will include ADA men's and women's facilities, a family restroom that include changing stations for children and adults, storage for programming and a drinking/bottle filling fountain. To also construct a new playground, add a new pavilion, expand the parking areas, add additional native plantings, additional memorial trees and recontour hillside for multi-purpose use
5. The Zoning Ordinance of the City of Elkhart requires in Section 4.3.O, Parks and Playgrounds are special exception uses. The Elkhart Park Foundation is requesting the existing special exception be expanded to allow for the addition of the restroom building.
6. Explain why this property is suited to the special exception use being requested. The area has been used as a park for close to 30 years. Over the last year a public engagement process was undertaken to determine the needs for Walker Park. One of the key findings was the need for restrooms.
7. Using the standards from page 3, address each standard. You cannot answer simply Yes or No; you must state why this is true.
 - 7.1 – The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected. The restroom building will have security to monitor usage as well be opened and closed at the beginning and end of each day by city staff and/or park rangers. Additionally, the park is monitored at regular intervals by park rangers.

7.2 – The Special Exception will not reduce the values of other properties in its immediate vicinity. The building is part of the Mayor’s ASPIRE Initiative to enhance the vibrancy and increase usage of the City’s parks and greenspaces. This structure is part of a updated Master Plan that will include a new playground, gazebo and new multi-use field.

7.3 – The Special Exception shall conform to the regulations of the zoning district in which it is to be located. The restroom building will be built to conform to all necessary building construction requirements. The plans have been submitted for Technical Review and have addressed all comments as a result of the review.

Wherefore, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested special exception.

Signature of Property Owner:  _____

Printed Name: Jamison Czarniecki

Contact Person: Jamison Czarniecki

Name: _____

Address: ~~229~~ 229 S. Second St.

Phone Number: 574 304 2180

Email: Jamison.Czarniecki@Coei.org

Executive Summary: Walker Park Restroom Project

Prepared By Jennifer Kobie, Marketing Specialist Elkhart



Introduction

Elkhart Parks & Recreation conducted a public engagement process to gather community input on proposed upgrades to Walker Park. This process included multiple public meetings and an online survey designed to assess the level of support for new amenities and to collect demographic and usage data from residents. The feedback overwhelmingly supported the addition of restrooms, alongside other improvements such as a new inclusive high capacity playground.

Public Engagement and Survey Overview

In January 2024, we hosted public engagement meetings to discuss proposed enhancements at Walker Park. Mailed invites were sent to nearby residents adjacent to the park and over 80 attendants participated between the 2 sessions. The Parks Department also hosted 2 engagement sessions with Pinewood Elementary sessions that hosted over 60 students. These meetings provided an opportunity for community members to share their thoughts and priorities. To further expand community input, an online survey was launched and promoted through social media, email newsletters, and community outreach. The survey received 286 responses, reflecting diverse perspectives from park users and local residents.

Support for Restrooms:

We had over 85.3% of respondents indicated they supported adding restrooms to the park. This need was frequently mentioned as a priority to enhance the usability and convenience of the park, especially for families with young children.

Would you support adding restrooms to Walker Park?
286 responses

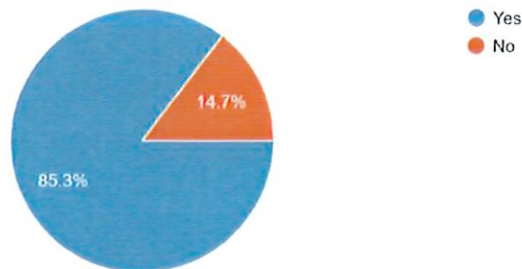


Figure 1: Community Support for Adding Restrooms at Walker Park

Park Usage Patterns:

The survey results show consistent usage of Walker Park, with 25.2% visiting weekly and 29.7% visiting monthly. See Figure 2 for detailed frequency data.

How often do you visit Walker Park?
286 responses

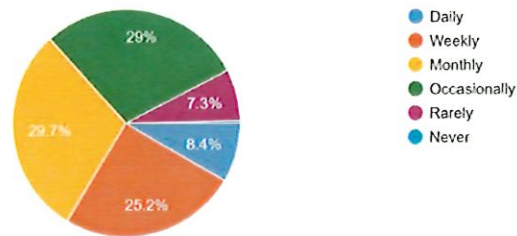


Figure 2: Frequency of Visits to Walker Park

Mode of Transportation:

The majority of respondents (63.6%) reported traveling to Walker Park by vehicle, followed by 43.7% who walk and 12.9% who bike. These results highlight the park's accessibility for various transportation methods, though most users rely on cars to reach the park (see Figure 3).

How do you normally get to Walker Park?
286 responses

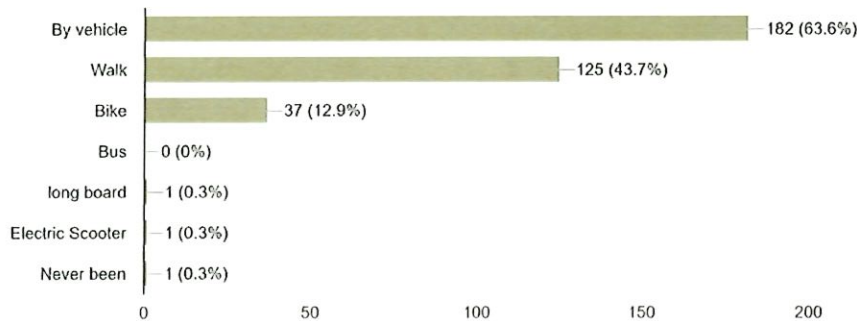


Figure 3: Mode of Transportation to Walker Park

Proximity to the Park

The survey revealed that Walker Park attracts visitors from both nearby and farther away:

- 24.8% live within a quarter mile of the park.
- 33.2% live within a half mile.
- 26.6% travel more than 1 mile to the park.
- 15.4% travel more than 5 miles.

These findings emphasize the park's role as both a neighborhood and regional destination (see Figure 4).

How far do you travel from your home to get to Walker Park?

286 responses

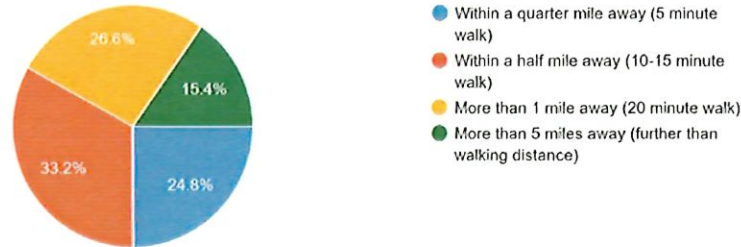


Figure 4: Distance from Walker Park

Family Composition

The survey results demonstrate that Walker Park is a valued destination for families, with a majority of respondents indicating they visit the park with children:

- 52.3% of respondents identified as couples with children.
- 24% identified as grandparents visiting with their grandchildren.

These insights reinforce the park's role as a hub for intergenerational family activities. The high proportion of families with children highlights the need for family-friendly facilities, such as restrooms, to ensure the park is welcoming and convenient for all visitors.

See Figure 5 for a breakdown of family composition among respondents.

Which best describes your family?

283 responses

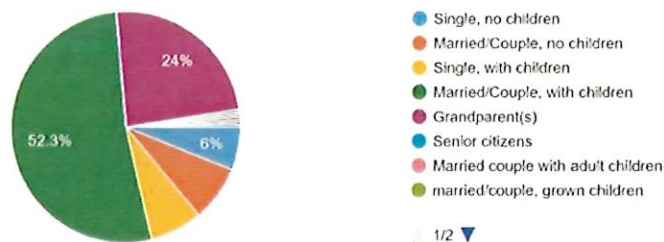


Figure 5: Family

Composition of Walker Park Visitors

Demographic Data: Ages of Children at Walker Park

The survey highlighted that Walker Park is a popular destination for families with children of varying ages. Among respondents who bring children to the park:

- 23.8% bring children aged 0-2 years old.
- 45.1% bring children aged 2-5 years old.

- 59% bring children aged 6-12 years old.
- 28.7% bring children aged 13 and older.

These results emphasize the park’s critical role as a gathering place for families, particularly those with young children. The strong representation of children aged 2-12 underscores the need for age-appropriate amenities, such as restrooms, which can support families during longer visits.

See Figure 6 for a breakdown of the age groups of children visiting Walker Park.

Figure 6: Ages of Children Visiting Walker Park

Visitor Zip Codes

The survey revealed that Walker Park primarily serves residents from the surrounding community:

- 84.2% of respondents live in the 46514 zip code, which includes the park’s location.
- 7.5% of respondents live in the 46516 zip code.

These findings highlight that Walker Park is a vital neighborhood asset, with most visitors living within the immediate area. This strong local engagement underscores the importance of investing in amenities, such as restrooms, that directly benefit nearby residents and encourage continued park use.

See Figure 7 for a visual representation of visitor zip codes.

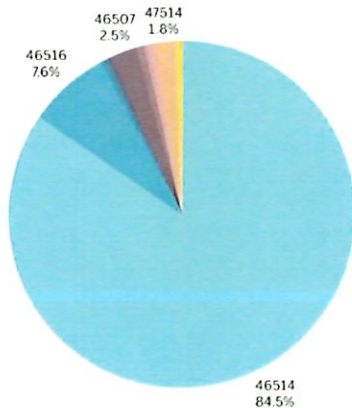


Figure 7: Visitor Zip Codes for Walker Park

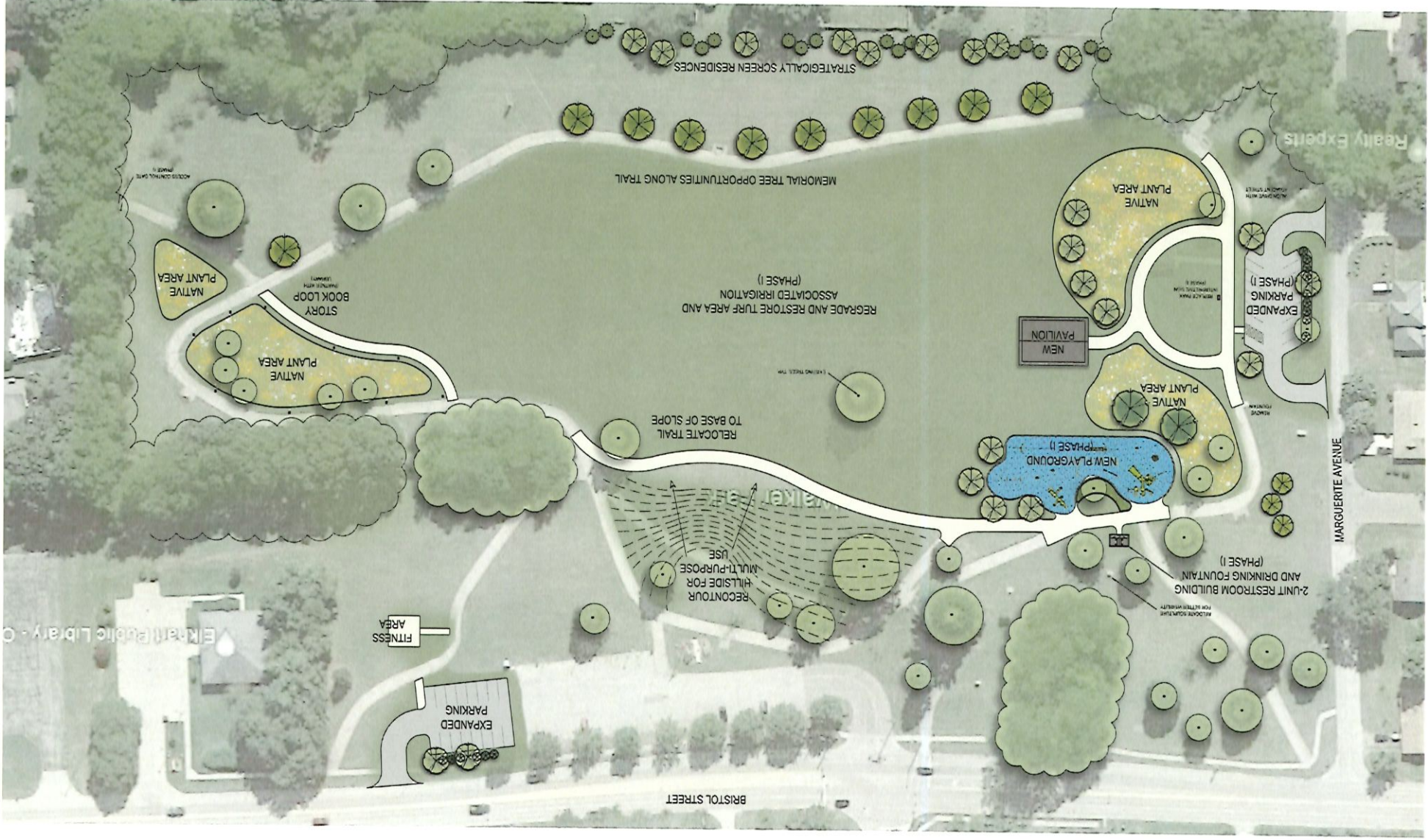
Conclusion and Next Steps

The results of the public engagement process and survey demonstrate substantial community support for the new restrooms at Walker Park. The data also provides a comprehensive understanding of how the park is used, who its visitors are, and what they value most in its amenities. Moving forward, this feedback will guide the design and planning of the new restroom facilities, ensuring they meet the needs of park visitors and align with community expectations.

Walker Park Restroom Building Conceptual



DATE: JULY 8, 2022



Walker Park Design Survey

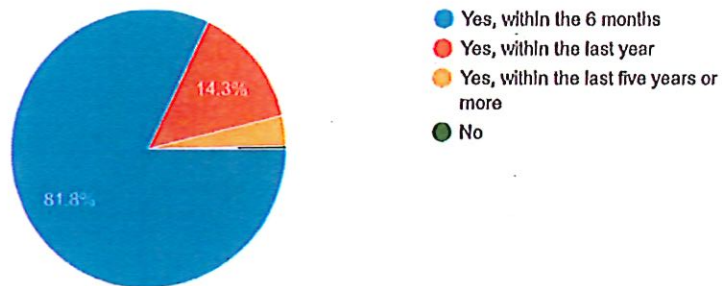
286 responses

[Publish analytics](#)

Have you visited Walker Park before?

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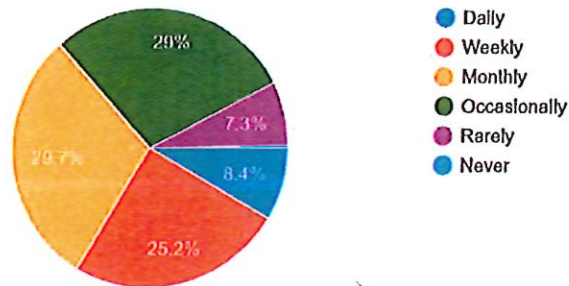
286 responses



How often do you visit Walker Park?

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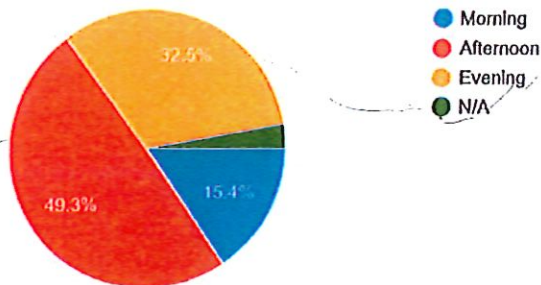
286 responses



What time of day do you most often visit Walker Park?

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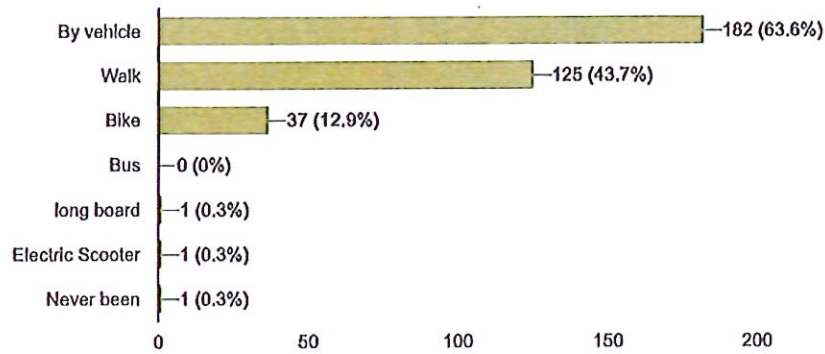
286 responses



How do you normally get to Walker Park?

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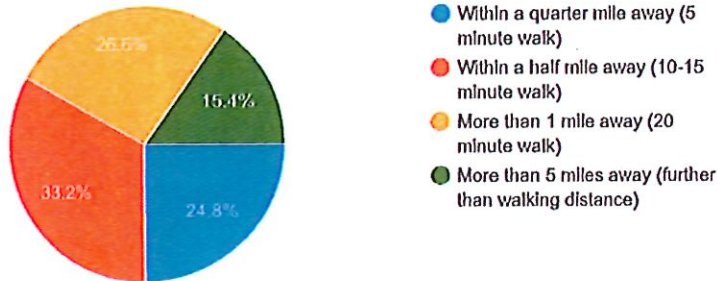
286 responses



How far do you travel from your home to get to Walker Park?

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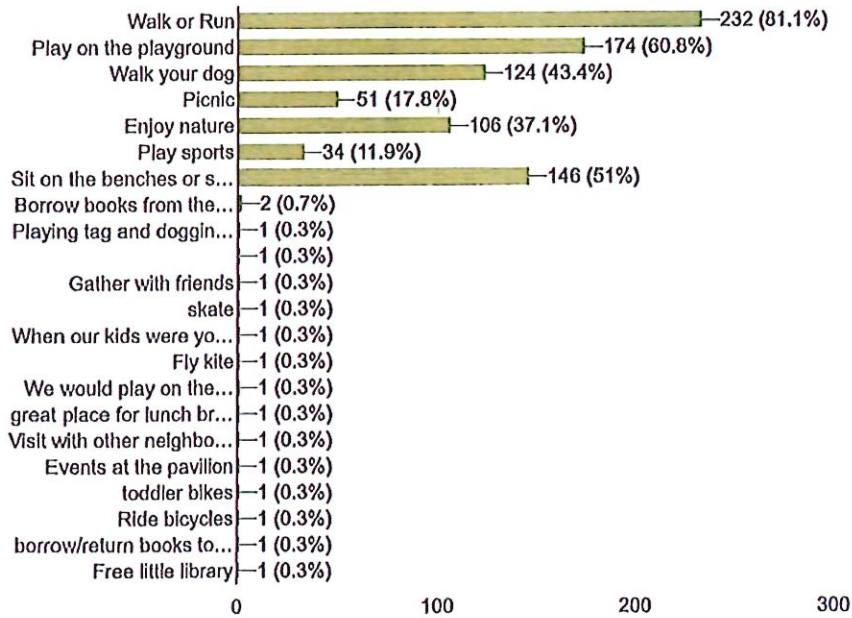
286 responses



What do you or members of your household like to do at Walker Park?

[Copy](#)


286 responses



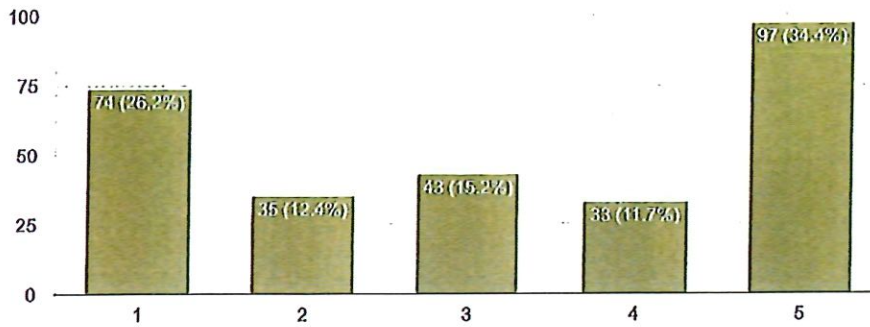
Playground Design



How much of a priority would **Toddler Play** be to you?
(This includes structures intended for use by children ages 2 to 5.)

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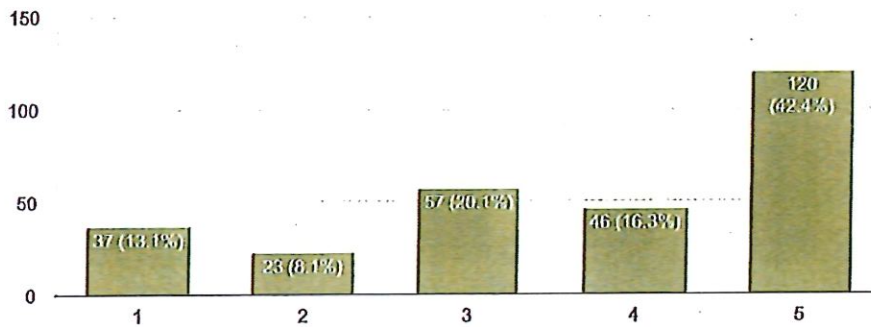
282 responses



How much of a priority would **Inclusive Play** be to you?
(This includes giving visitors with disabilities the opportunity to interact & use the play equipment.)

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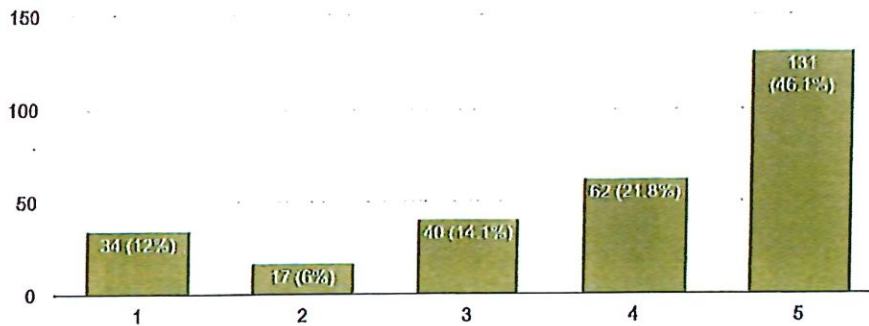
283 responses



How much of a priority would **Intergenerational Play** be to you?
(This includes giving visitors of all ages the opportunity to interact and use the play equipment.)

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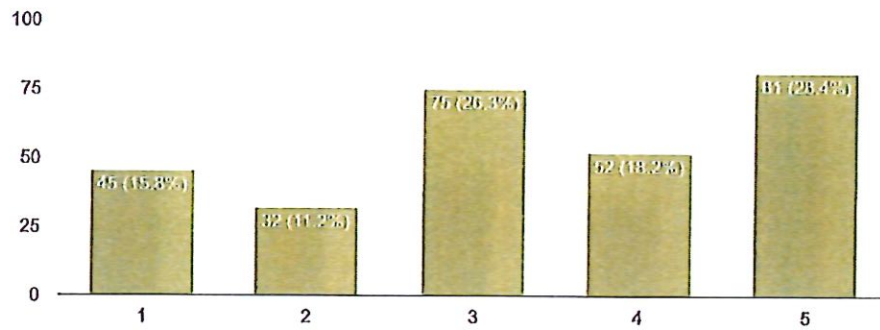
284 responses



How much of a priority would **Adventure/Competitive Play** be to you?
(This includes space & activities that encourage competition or sport.)

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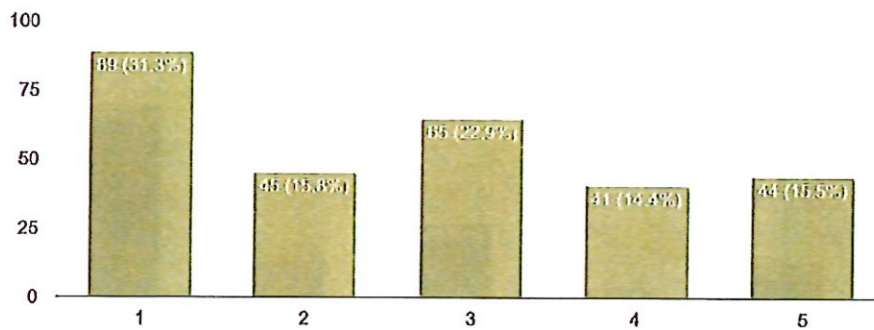
285 responses



How much of a priority would **Themed/Dramatic Play** be to you?
(This includes creating themed spaces that inspire imaginative play.)

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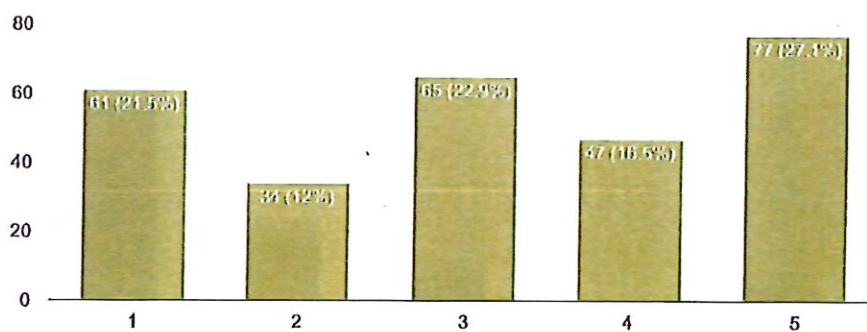
284 responses



How much of a priority would **Outdoor Fitness Equipment** be to you?
(This includes equipment just for exercise & physical wellness for visitors of all ages.)

 Copy

284 responses

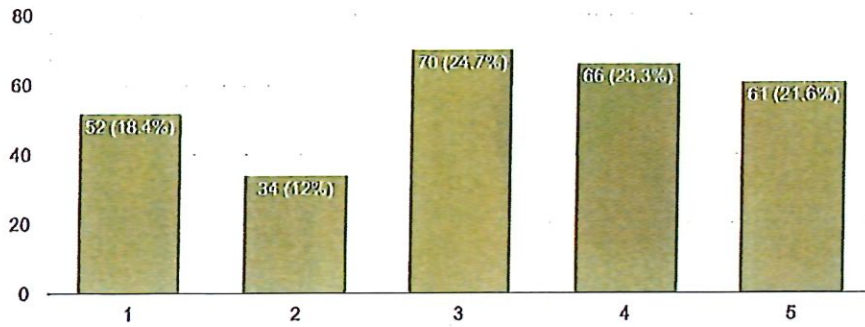


How much of a priority would Sensory Play be to you?

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(This includes spaces designed to stimulate senses like hearing, touch, or sight.)

283 responses

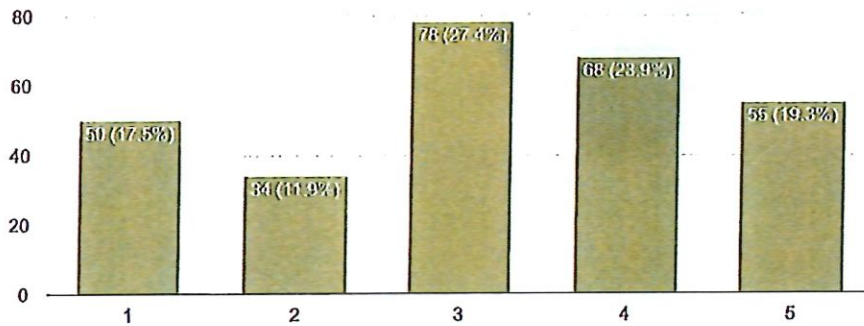


How much of a priority would Climbing or Net Play be to you?

[Copy](#)

(This includes equipment that allows visitors to climb.)

285 responses

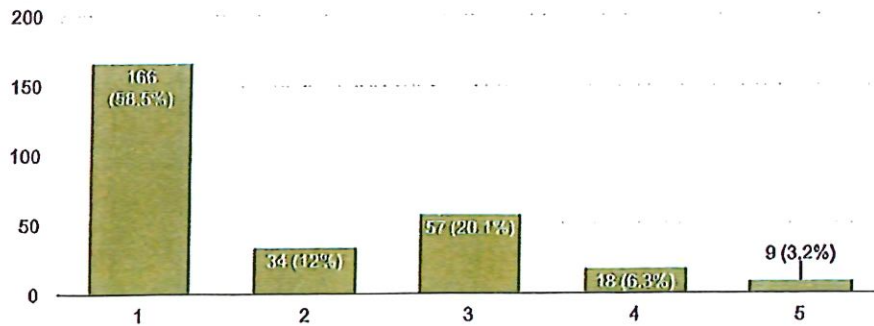


How much of a priority would Electronic Play Equipment be to you?

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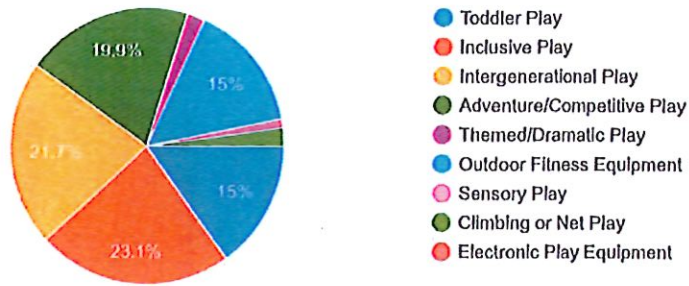
(This includes electronic playground systems designed to help improve hand-eye coordination, strength, and stamina.)

284 responses



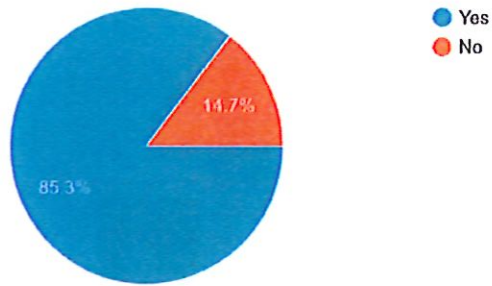
What would you choose as the most important design priority for the new playground? [Copy](#)

286 responses



Would you support adding restrooms to Walker Park? [Copy](#)

286 responses



Is there anything else you'd like to share with us about Walker Park?

132 responses

It would be great if an enclosed dog park area could be added to Walker Park for visitors visiting with dogs.

Add a place where there's space to climb and run for tag and such

My son loves going to the park but there definitely needs an upgrade, he loves climbing and slides and anything that is more functional than what is there now. I feel like Walker park has been neglected and the function of the playground is ridiculous. There is so much area to build and create a much more inclusive and fun environment for families and children. Bathrooms would be amazing there as well.

The large open spaces need to be preserved because many people use those areas for games such as soccer, football, etc. If restrooms are added, please have them locked at night.

We need NEED GREEN SPACE!!!!!!!!!!!!!! It allows for creativity, exercise, tranquility, self directed science, nature walks etc!

Please don't change the walking path. It is beautiful and functional. And also very helpful when trying to measure distance walked.

This is exciting! Ever thought about being concerts to the park?

Thank you for paving the walkway. I'm glad we are looking at improving the kids playground. For those of us without children that just enjoy walking our dogs, perhaps reroute part of the walking path around the play area accordingly.

Just because I am answering the way I did doesn't mean I think that is what is best for this park for future equipment. I've always enjoyed the relaxing, quietness of this park. It has always felt like a safe place. The green space in the center is wonderful for people to do their own thing without having any sports type fields. It is my favorite park.

Basket ball hoops

Keep it open for dog walking

water park would be great

We are big fans!!! Anything you do we will be grateful for. Thank you for taking care of our parks!!!

If you choose to do this, we will file lawsuits to prevent it. What the city has done to the park since it received this gift has brought crime and dropped our property values. It has not been maintained or patrolled and the city has not abided by the original document agreements in years. No renderings or hiring of contractors should have been done until after any public meetings. Trying to get opinions on something you are already planning is unethical at the very least. The neighbors and neighborhood were here before the park and the residents have been screwed over. Stop trying to portray this as a need or an improvement when it is not. The reason schools are having to lock playgrounds is because of the violence and crime that has been increasing steadily. Leave our neighborhood alone, having the city in charge has brought nothing but heartbreak and anger to those of us who live here. The past few years we have had to watch it change from a safe place to a very unsafe place. Put your stupid playground in your own neighborhoods and stop destroying ours.



The simplicity and openness of the park is its true value

More swings with shade

We love it and would not be supportive of a pavilion.....

When designing the stages of the park take into consideration the people who live in this neighbor. We already have issues with vandalism, trashing being dumped, and people not picking up after their animals.

I believe it will be a really nice opportunity to consider Hay park/ Kenny kids playground for the new layout of the playground. It has enough spacing for everything, sensory play on the outer playground the play gym is split between younger kids on one side older on the other. Different type of swings, maybe consider doubling up on swings so more than one family could access the swings. A lemonade stand themed/dramatic play area to support Lemonade day that we have in the spring and in the summer.

Need a public pool on the Northside of Elkhart!

Walker park has been a rock for myself and my multigenerational family members. Keeping its beauty is a must but adding additions to attract more people is welcomed.

This playground equipment is fairly boring. This is a HUGE park and the kids would love something more like a traditional playground. It is also lacking shade on hot sunny days the play things get very hot. The bathrooms would be a very welcome addition. We often drive to this park because of the need to leave to get to a bathroom quicker than we can walk home.

Should add a bicycle pump track.

Maybe add more picnic tables to lure more families to picnic and enjoy more time there. But would also need restrooms.

I would like to see the walking path remain and some (maybe less than current) open area in the middle.

I would like to see the play areas more at the center of the park instead of right next to the paths. Let the kids have a nice long walk to the middle to play so the adults can use the outside paths without being nearly run over by kids who aren't paying attention. The center isn't utilized enough.

We love it being so close to many neighborhoods.

Add more summer activities. A splash pad or spray park would be nice.

Love the equipment at High Dive Park for our younger kids.

Leave it alone and the way it is. Bathrooms will bring loiterers. You won't keep them clean. Sometimes things are fine just the way they are.

We love coming to Walker park! We would love to finally see an upgrade and we will support whatever is eventually decided!

I'd like a water park like Mishawaka has free of charge but fun for the kids

The warm amber lighting is much better than the newer bright LEDs that you are putting in now. Could we make it a priority to have the warm lighting so we can still stargaze?



I love the area, I think it's a great idea to update this park.

Glad that the playground is being updated. We love walker park because it is so close but there is nothing for the kids to do. Would enjoy seeing options that aren't at other parks nearby.

Thank you for continuing all the work to keep it not only usable but beautiful! So grateful it is in our neighborhood!

There is so much dog poop around the path I would be wary letting my kids play in the grass. So we need some creative solutions to get people to clean up after their dogs or maybe steer them away from the play areas.

Sports courts

It's a beautiful space. Restrooms would be a huge plus. anything to get rid of that stinky porta potty that's out there. The playground equipment definitely needs to be taken down and something safer needs to be installed. There are a lot of children that play there. More seating around the playground would be nice.

Love to hear of this upgrade happening

The walking path is the most desired feature of the park and it's wonderful that you replaced it this year Thank you!

When playing in the field, it's very easy to roll an ankle. Would be great to smooth that out and have a better mole eradication program.

A few fitness pieces for adults would be a great idea as well.

Don't take the kids to play as often as we would like due to the outdated equipment there now. Love walking the little neighborhood park though.

I would support a small rental space, no more than 50 people.

Walker Park is one of the neighborhood's greatest assets. I think that a lot of people use the park well into the evening. While the park is well lit, the surrounding area could use a greater level of attention. I also think equipment that could be used by adults would be a wonderful addition.

We love it!

So many kids come here from age 1 to 12

I love walker park but it is not inclusive enough. Let alone for infants/toddlers. My school just got a new playground and I believe it is more inclusive for younger kiddos. I really like Roosevelt park and think those adjustments could benefit Walker Park but of course, not make it just like Roosevelt

I feel just a more practical playground, such as the playground at Potawatomi zoo front park. Second I feel work out stations around the walking path would be a huge hit. Off subject but, at times would be nice to see more police presence at park (drive throws or just sit in parking lot for 15min.

I think a splash pad would be amazing for this location with how many families live in the area. We barely visit this playground because it is not appropriate for all ages.



It would be lovely to see more gardens and native plants

We enjoy going there very much. I think if you add too much additional high-end playground equipment it will become over-crowded, and not the peaceful park that exists now. I think the main focus should be on nature, walking, bird watching, flowers. Please plant more trees near the new picnic tables for shade. Most of the tables are out in the wide open and in hot summer months, not a good spot for a picnic.

Would love to have more play equipment for toddlers, including a variety of swings, slides, etc. most of the playground currently is for older children, is broken or unusable. I think families in the area would be willing to donate their time to help in different ways also. It would be great to have more shaded areas to spend time with the kids in the summer also.

Walker Park has a lot of untapped space in the middle grass area that many times isn't used. Walker Park has the capacity to add basketball courts and I feel this would bring the community together and provide a better alternative than "fitness equipment" or "intergenerational play".

Build a ninja zone playground please!

If the option was presented, I feel a splash pad or water feature would be great for the size of the park. I feel that there is way more grass area than is needed and a splash area could fit nicely here!

Keep it simple and quiet

Please consider adding more native plantings on the entire southern portion of the park. There are rarely people using the lawn. The increase of native grasses has the potential to attract wildlife and reduce the mowing burden on staff.

PLEASE use dog friendly salt when salting for snow and ice in the winter. I can't go there in the winter at all because of the salt.

A place with a lot of space where you can place many things for games, fun and exercise, both for children and adults. Thank you

Zip line

Utilize the space more! Add a splash pad or skate park or something special that this side of Elkhart doesn't have!

More benches around the play equipment for parents/grandparents to sit. Restrooms would have to have security cameras. Include swings, slides and climbing equipment. There is an inclusive park in Goshen that is very nice. Pinewood's school equipment is awesome.

I think the wishes of the Walker Family who donated the park should be respected. Enlarging the current playground area does not seem to fall within a "peaceful, passive" description.

"Walker Park was generously donated to the city by the Walker family during the late 1980s. The park was designed with the intention of providing a peaceful, passive neighborhood space, complete with a playground, walking path, and a small shelter. Mrs. Walker desired native plants and trees to be featured prominently throughout the park to enhance its natural beauty."

I know it might not fit in budgets, but I think that toddler and sensory play are really critical for the area around Pinewood, but inclusive options would be really nice. I love the idea of intergenerational play, I see a lot of grandparents with the grandkids around the park. So many

good ideas you have but I don't know how many of them are achievable. But I absolutely support restrooms.

It is a wonderful resource for our town and it's exciting that the city wants to make it even better!

In my opinion, this is the best park in Elkhart

We used to go to the park a lot but everything is broken and the kids would rather I go farther away to a nicer playground.

It would be nice to have an area that separated off with fences for dogs, play or like a jungle gym for dogs so they could run around and we could train them to go up and down things and around things

My kids (1, 4, 7, 9) love Hay Park and McNaughton Park. There are only 2 things they enjoy about Walker park; its next to the Greenleaf area, and the walking path.

Walker Park has become more popular and during nice weather is quite busy, which is a good thing. But, as more and more people use it you have more issues, such as overflowing trash containers, port a potty being pushed over, rowdy groups.

I love all the new benches and picnic tables, however, in the summer, they are too hot to use because they are not covered. More covered seating area would be ideal. Also, make sure the park continues to be friendly to dogs and their humans.

As an adult, it's nice to have a place to go where loud, screaming kids aren't always a part of the equation. I'm in favor of kids having fun, really, but adults need to decompress too, lol! Maybe there's a way to provide areas for all users.

We have 4 children, (4,5,5,10) and are therapeutic foster parents. My brother and his family live in Fishers, and we've been to SO many amazing parks around there. Walker Park is the closest to our home by far, yet we've had to go to Shanklin and Hay Park in Goshen for decent, safe outdoor parks in the area. 20+ minute drive is not at all ideal. The McNaughton Park is okay, but generally overrun by trash and sketchy people. Please make this park the best in the county! It has so much potential, and so much land available.

We would like to see the underbrush on the east end cleaned up.

I love it exactly as it is, but am excited to see what comes next!

Walker Park is an attractive outdoor area. I hope that any new garish plastic play equipment would be isolated to the far north east side of the park. Why is this necessary? Pinewood School is just across the street.

I'm looking forward to an upgrade! There are not enough swings & bathrooms would be wonderful!! A splash pad would be cool too!!

The playground there now is hard for young children to play on. When I was younger I had a hard time playing on it.

We have a park called WALKER Park that few in our community can actually walk to due to the death trap that is Bristol St. I live directly across Bristol St from the park and I feel like I risk life and limb if I walk to the park. I wouldn't permit my kids to walk or ride their bikes to the park. The road is way too dangerous without sidewalks and no place to get over.

I like that the park has a lot of open green space. Most parks in the city don't so I think it's important to preserve that.

I miss the sign that said how many laps equalled a mile. The sign is unreadable now and a new one should be put up with a different design that can't be so easily scratched up.

dont need a pavillan..donmess with the walking path

Parks need to be designed for the changing needs of the public

I'm cautious about restrooms as it could be used for illegal activittles. If one is put in, it should be only open during daylight/park times and monitored.

Please fix the damaged equipment! Swings are not secure, sharp edges and broken playground equipment- my family loves going to Walker park but with so many Items broken, we have been avoiding it- expand the playground- it's such a beautiful park and having a large and safe playground would bring more people - adding a short fence around the playground would also help parents contain the little children - thank you!!

Keep it primarily for walkers, and runners. Where did the memorial bench seat to a walker and her dog go after repaving the track? Keep an open space for kite flying as it is now. Do not remove swings and the current vinyl chip ground coverage in the playground. Do not use cheap plastic which doesn't last, and overly small slides which causes the rider to be at the bottom in one second.

Na

Would like to see more blooming plants for every season

Love walker park. It's close to home as my family and I live in Eastlake, but there is very little to do for our young kids to do there. It seems geared toward older children play unfortunately.

I would love to see more benches in shaded areas near the playground

We use walker park often. The sidewalk for walking around the outside of the park is important to keep.

I do not like the playground. It's not easy play for all ages. Howard Park in South Bend is a good example of what this playground should be like. I choose adventure and competitive play as the more important, only because of the image, not the description.

I don't support the electronic play simply because it will likely break and not be repaired. There are a lot of adults with children, so the intergenerational play would be great! I'd love a good mix of that with some activities for younger and older kids so that there is something for everyone. The addition of restrooms would be amazing!

I would like to see the walking/jogging path marked for running/biking on one half and walking/dog walking on the other half. I have seen a couple bad accidents where people on bikes have run into a dog leash and caused injuries.

Ambient Lighting, dog fountains and bag/trash stations, more picnic tables and or gazebos for picnics. NO Barbeque STATIONS

A drinking fountain would be great also

Have not been in a few years because I know from experience (30 years in the Bristol street area) that the playground isn't usable. It's weird and my son literally couldn't figure out how to play on it. It's just awkward shapes that aren't even climbable!



We love many things about Walker park, but the playground is very disappointing, especially in its current condition with broken pieces of equipment. As a mom of young children and an occupational therapist, we often choose Hay park in Goshen over Walker Park when we have time for the drive. But I would so love to stay right here in Elkhart! I would be happy to get more involved if you are looking for people to help with planning. I'm an occupational therapist and professor at IUSB in the Master of Science in OT program (downtown - Elkhart Center). This is within my scope of practice. am121@iu.edu. I plan to be at the meeting tonight. Thank you!

I live within walking distance and very much want amenities comparable to the new Mishawaka ones. I find Howard park unsafe for young children and would like something more suited to ages 2-7. Bathrooms and shaded areas to sit and watch my kids play would be so nice. Water feature would be a cherry on top!

I'd love for there to be adult benches and equipment that can be used while watching and interacting with toddler and young children play areas. Currently, there is not a good place for my two young kids to play together. The equipment is geared for 10+ children other than the slide.

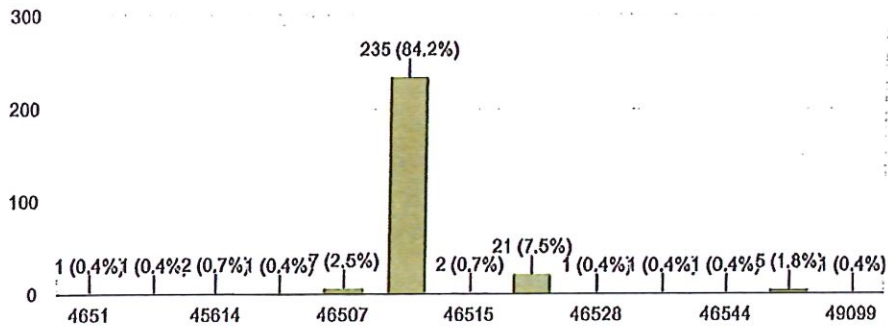
31 more responses are hidden

Demographics

What is your zip code?



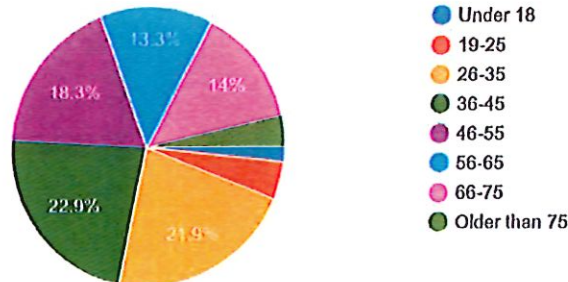
279 responses



What is your age?



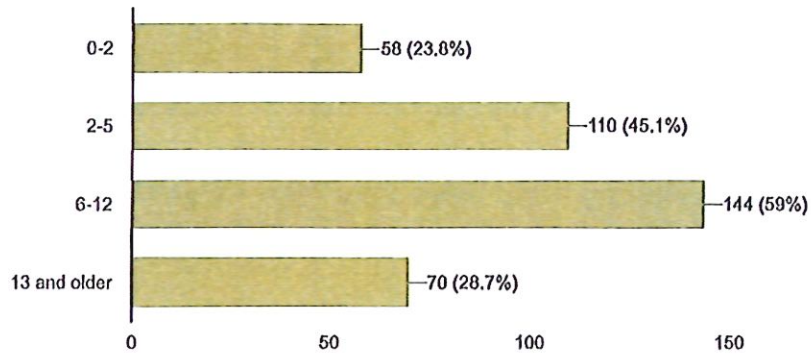
279 responses



What are the ages of the children you bring to Walker Park?

 Copy

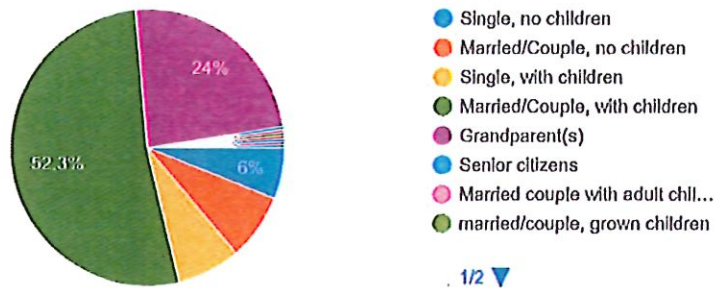
244 responses



Which best describes your family?

 Copy

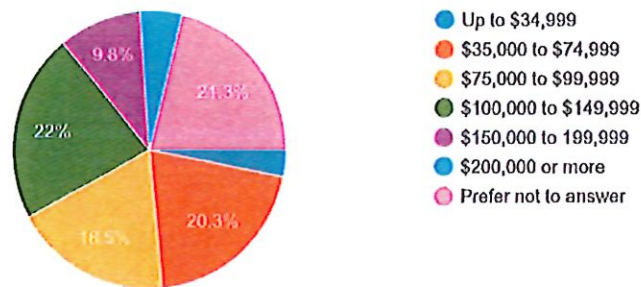
283 responses



What was your approximate Total Household Income before taxes in 2022?

 Copy

286 responses



City of Elkhart, Board of Zoning Appeals (BZA)
Elkhart City Hall, Municipal Building
229 South 2nd Street
Elkhart, Indiana 46516

ATTN: Eric Trotter, Assistant Director of Planning and Zoning, Eric.Trotter@coei.org

To Board of Zoning Appeals,

The Elkhart Park Foundation and Elkhart City Parks Department are asking for permission to construct a public restroom facility at Walker Park, located at 3419 E. Bristol Street, Elkhart Indiana 46415. The park is over 17 acres in size and features many amenities including a playground, gazebo, half mile walking path, and a large multi-use field. This restroom building will add a needed amenity into the park that our residents have requested.

The restroom will include ADA Men's and Women's facilities, a separated family restroom with changing stations for children and adults, limited storage to support recreational programming, and a drinking/bottle-filling fountain. It will house cameras for monitoring park use, feature internal sensors for safety and energy savings and will be heated for year round use. It is also planned to have dark sky approved security lighting at night surrounding the building. Like other restroom buildings, the Buildings and Grounds team will open the restrooms in the morning and park rangers will close them at night around 10pm as the park closes.

Walker Park is considered the flagship park for the northeast side of the City of Elkhart. Over the past 30 years, this 17 acre park has become the most utilized park in the city, largely due to the half mile pathway within it. It also has a high use of children on the playground. We anticipate the use to grow exponentially now with the improvements. The park is currently widely used for group fitness and recreational activities such as Rocket Football, the elementary schools, police/fire cadet physical fitness training, parks department sports programs, and many more. It is evident that this has become a park for the community and is estimated to see an increased usage in the near future.

The restroom building is part of the ASPIRE Initiative that aims to enhance the vibrancy and usage of our parks and greenspaces, among many other needed city-wide improvements. A large multi-modal pathway along Bristol Street is planned to run adjacent to the park and will provide park users a safer way to connect with the park in a sustainable manner. The restroom building compliments additional amenities going in this year such as a compact high capacity fitness court comfortably accommodating 20 people at once, additional benches, and landscaping. Plans for the park within the next 5 years include an enlarged pavilion, regrading of the multi-purpose field, pollinator gardens, additional parking, and more trees. It is also planned to install a toddler specific play zone adjacent to the playground.

The additional amenities for the park were identified in a series of public engagement activities which included 2 public engagement sessions that invited adjacent neighbors the park through mailers which over 80 people participated in. We also hosted 2 engagement sessions with elementary school students for ideas in the park as well which hosted over 60 students. A digital survey was also distributed

requesting feedback for the proposed amenities which received 286 responses. The survey results are included for review but showcase over 87% of respondents being in favor of a public restroom building. Comments included nearby families that wanted a clean and updated restroom that would allow them to stay longer in the park, a restroom that includes an adult changing station for adults with intellectual and developmental disabilities, and the frustrations of the portable toilet that creates a negative experience. For at least the last five years, the City has been providing portable toilets at this park at the public's request. It has been an ineffective, unattractive stop-gap measure but it has allowed more people to enjoy their park.

The need for this public health improvement is clear. As we plan to safely and comfortably accommodate the increase in park users, through the current and future amenities, we want to be provide them a better experience while doing so. The restroom building provides a much needed amenity that has long been requested. I hope that you will agree and approve an amenity that will provide many benefits for thousands of park users each year.

Sincerely,

Jamison Czarnecki

Superintendent, City of Elkhart Parks and Recreation

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Sincerely,

Jamison Czarnecki

Superintendent, City of Elkhart Parks and Recreation

DULY ENTERED FOR TAXATION

FEB 0 2 33 PM '00

88 000000

Feb. 8 1900
Charl. M. ... AUDITOR
00429

ELKHART COUNTY RECORDER
PEGGY A. MILLER
CLERK FOR RECORD

WARRANTY DEED

This indenture witnesseth that MAX K. WALKER

of Elkhart County in the State of Indiana

Conveys and warrants to ELKHART PARK FOUNDATION, INC.,
an Indiana not-for-profit corporation,
301 South Main Street, Suite 305
Elkhart, IN 46516

of Elkhart County in the State of Indiana
for and in consideration of One (\$1.00) Dollar
the receipt whereof is hereby acknowledged, the following Real Estate in Elkhart County
in the State of Indiana, to wit:

AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING DESCRIBED REAL ESTATE, SITUATE IN ELKHART COUNTY, STATE OF INDIANA;

A part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34) and the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-five (35), all in Township Thirty-eight (38) North, Range Five (5) East, more particularly described as follows:

Commencing at the Northwest corner of Lot Nineteen (19) as the said Lot is known and designated on the recorded Plat of RUNYAN'S FIRST ADDITION (Plat Book 7, page 63); thence due North along the East line of Marguerite Avenue as the same is platted and used in the City of Elkhart, Indiana, forty and three hundredths (40.03) feet to an iron stake at the northwest corner of land conveyed to David L. and Denise M. Knoll (Deed Record 374, page 858) for the beginning point of this description; thence South eighty-seven (87) degrees fifty-seven (57) minutes East along the northerly line of said Knoll land, one hundred fifty-five and four hundredths (155.04) feet to an iron stake at the northeasterly corner of said Knoll land, said iron stake being North two (2) degrees three (3) minutes east along the northerly extension of the easterly line of said Lot Nineteen (19), a distance of forty (40) feet from the northeasterly corner of said Lot Nineteen (19); thence North two (2) degrees three (3) minutes East along the westerly line of land conveyed to Klete S. and Barbara J. Hilbish (Deed Record 239, page 436), ten (10) feet to an iron stake at the northwesterly corner of said Hilbish land; thence South eighty-seven (87) degrees fifty-seven (57) minutes East along the northerly line of Lots Thirteen (13) to Eighteen (18) inclusive and Lot Eleven (11) in said recorded Plat, one thousand nine and nineteen hundredths (1009.19) feet to an iron stake at the northeasterly corner of said Lot Eleven (11); thence North one (1) degree eleven (11) minutes West along the easterly line of the land conveyed to Harry G. and Mabel M. Runyan (Deed Record 164, pages 464 and 465) and along the westerly line of the Recorded Plat of Glenwood Park (Plat Book 11, page 85), four hundred thirty-eight and seventy-nine hundredths (438.79) feet to an iron stake at the northeasterly corner of the sixteen and one-half (16 $\frac{1}{2}$) acre tract described in said Runyan conveyance, said point being the northwesterly corner of Lot Twenty-nine (29) in said recorded Plat of Glenwood Park; thence south eighty-eight (88) degrees fifty (50) minutes west, two hundred (200) feet along the south line of land conveyed to Elkhart Public Library (Deed Record 421, page 577); thence North one (1) degree eleven (11) minutes West along the west line of said Library land, three hundred twenty-eight and forty-two hundredths (328.42) feet to the north line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Thirty-five (35); thence south eighty-eight (88) degrees fifty (50) minutes West along the North line of the West One-half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Thirty-five (35) and the centerline of Bristol Street, five hundred twenty-nine and forty-two hundredths (529.42) feet to a railroad spike at the northwest corner of said Section Thirty-five (35); thence North eighty-eight (88) degrees two (2) minutes West along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-four (34) and the centerline of said Bristol Street, four hundred eighteen

(CONTINUED ON PAGE TWO)

Richard H. Trickle

and ninety-two hundredths (418.92), feet to a railroad spike; thence South along the East line of the aforementioned Marguerite Avenue, seven hundred thirty-four and forty-one hundredths (734.41) feet to the place of beginning.

GRANTOR CERTIFIES THAT THIS CONVEYANCE IS MADE TO GRANTEE, A TAX EXEMPT ORGANIZATION UNDER SECTION 501(c) (3) OF THE INTERNAL REVENUE CODE, TO BE USED FOR PARK PURPOSES ONLY.

Dated this 2 Day of February, 19 88

Max K. Walker Seal
Max K. Walker

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

State of Indiana, Elkhart County)SS:
Before me, the undersigned, a Notary Public in and for said County and State, this 2 day of Feb. 19 88 personally appeared:

Max K. Walker
K. WALKER
And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires Dec. 12, 1991

Mary M. Johnston
Mary M. Johnston
Notary Public
A resident of Elkhart County, Indiana
State of

Before me, the undersigned, a Notary Public in and for said County and State, this day of 19 personally appeared:

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 19

Notary Public

State of
Before me, the undersigned, a Notary Public in and for said County and State, this day of 19 personally appeared:

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 19

Notary Public

State of
Before me, the undersigned, a Notary Public in and for said County and State, this day of 19 personally appeared:

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 19

Notary Public

State of
Before me, the undersigned, a Notary Public in and for said County and State, this day of 19 personally appeared:

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 19

Notary Public

State of
Before me, the undersigned, a Notary Public in and for said County and State, this day of 19 personally appeared:

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 19

Notary Public

Prepared by ~~XXXXXXXX~~ Victor Arko, Atty at Law, 115 W. Lexington, Elkhart, IN 46516.
Member of Elkhart County Indiana Bar Association

MAIL TO: *Richard M. Drueke*
301 10. Main St.
Elkhart, In 46516

and ninety-two hundredths (418.92) feet to a railroad spike; thence South along the East line of the aforementioned Marguerite Avenue, seven hundred thirty-four and forty-one hundredths (734.41) feet to the place of beginning.

GRANTOR CERTIFIES THAT THIS CONVEYANCE IS MADE TO GRANTEE, A TAX EXEMPT ORGANIZATION UNDER SECTION 501(c) (3) OF THE INTERNAL REVENUE CODE, TO BE USED FOR PARK PURPOSES ONLY.

Dated this 11th Day of December, 1987

Max K. Walker Seal
Max K. Walker

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

State of Indiana, Elkhart County)SS:
Before me, the undersigned, a Notary Public in and for said County and State, this 11th day of Dec., 1987 personally appeared:

Max K. Walker
And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires Dec. 12, 1987
Manda M. Johnston Notary Public
A Resident of Elkhart County, Indiana

State of _____
Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____ 19 _____ personally appeared:

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires _____ 19 _____

Notary Public

State of _____
Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____ 19 _____ personally appeared:

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires _____ 19 _____

Notary Public

State of _____
Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____ 19 _____ personally appeared:

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires _____ 19 _____

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Notary Public

Prepared by Victor Arko, Atty at Law, 115 W. Lexington, Elkhart, IN 46516.
Member of Elkhart County Indiana Bar Association

MAIL TO:



200 NIBCO Parkway Suite 303
Elkhart, IN 46516

To Board of Zoning Appeals
City of Elkhart, Indiana

January 17, 2025

Dear Board Members,

The Elkhart Park Foundation supports the construction of a restroom building at Walker Park. We give the park superintendent, Jamison Czarnecki, permission to work on our behalf for all activity related to the special exemption for the restroom building at Walker Park with the Board of Zoning Appeals. We hope you will also support this important amenity.

Sincerely,

A handwritten signature in black ink that reads "Chloé Klein". The signature is written in a cursive, flowing style.

Chloé Klein
Secretary, Elkhart Park Foundation