

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, JULY 11, 2024 AT 6:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

THIS MEETING WILL ALSO BE HELD ELECTRONICALLY VIA WEBEX.

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2317 077 1574** as the meeting number and “**BZA2023**” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to hugo.roblesmadrigal@coei.org prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES APRIL 11, 2024**
4. **APPROVAL OF PROOFS OF PUBLICATION**

5. **OLD BUSINESS**

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

24-BZA-06 PETITIONER IS SFS REAL ESTATE HOLDING LLC
PROPERTY IS LOCATED AT 444 N NAPPANEE ST
TABLED

24-BZA-09 PETITIONER IS MARK SHARP & COLLETTE SHARP
PROPERTY IS LOCATED AT 1626 W EAST LAKE DR

To vary from the requirements found in Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states in part ‘For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed,’ to allow for no public sidewalk.

6. **NEW BUSINESS**

24-BZA-11 PETITIONER IS ROGER ELLSWORTH & KELLY ELLSWORTH
PROPERTY IS LOCATED AT VAC-LOT 406 RIVER POINTE DRIVE (CURRENTLY VACANT) - 20-05-12-201-017.000-006

To vary the requirements of Section 4.4, Yard Requirements, for the front yard average established setback of sixty-two and eight hundredths (62.08) feet, to allow the construction of a single family residence at a front yard setback of forty-three and eight tenths (43.8) feet, a variance of eighteen and twenty eight hundredths (18.28) feet.

24-BZA-12 PETITIONER IS SALLIE HIMES
PROPERTY IS LOCATED AT 1804 OSOLO ROAD

To vary from Section 26.1.B.8.a, Development Standards for Accessory Structures, which states ‘Accessory buildings on property occupied by a one or two family residential use shall be limited to a maximum floor area of seven hundred twenty (720) square feet for the largest structure, with a maximum total of eight hundred forty (840) square feet for all accessory buildings combined to allow for the construction of an additional accessory structure with an area of one thousand forty (1040) square feet for a total area of accessory structures of one thousand six hundred sixty four (1664) square feet, a variance of three hundred twenty (320) square feet for one structure and eight hundred twenty four (824) square feet for the combined area.

24-BZA-13 PETITIONER IS MARIA LOURDES LARIOS SALMERON
PROPERTY IS LOCATED AT 1517 WEST FRANKLIN STREET

To vary from Section 6.4, Yard Requirements, Front Yard setbacks, to allow the front porch to be enclosed which alters the average front yard setback for the block. The average front yard setback for the block is 15.38 feet. To allow the front porch to be enclosed that would have a new setback of 11 feet, a variance of four and thirty eight hundredths (4.38) feet.

24-BZA-14 PETITIONER IS NELSON B HOLDINGS

PROPERTY IS LOCATED AT 529 SOUTH SECOND STREET

To vary from Section 26.4.B.1, which states in part, 'In a corner lot, no fence, wall or vegetation exceeding four (4) feet in height or a fence wall or vegetation that is opaque may be placed, built or installed: 1. In the required side yard adjacent to the street'. To allow for a fence that is six (6) feet in height to be placed in the required side (Harrison Street) yard.

24-BZA-15 PETITIONER IS JAMES HUBBARD & SHARRON FERRIN

PROPERTY IS LOCATED AT 3620 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. The in ground pool will have an automatic pool cover.

7. ADJOURNMENT

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

BOARD OF ZONING APPEALS

-MINUTES-

**Thursday, April 11, 2024 - Commenced at 6:00 P.M. & adjourned at 7:22 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Doug Mulvaney
Ron Davis
Janet Evanega Rieckhoff

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

Mike Huber, Director of Development Services
Eric Trotter, Assistant Director for Planning
Jason Ughetti, Planner II

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Hugo Madrigal

APPROVAL OF AMENDED AGENDA

Amendment to the agenda to table 24-UV-04, 24-BZA-06, and 24-UV-07
Davis makes motion to approve; Second by Evanega Rieckhoff. Voice vote carries.

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the April 11, 2024 meeting of the Elkhart City Board of Zoning Appeals. There will be video comment through WebEx only.

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-BZA-03 PETITIONER IS NANCY SHAUM

PROPERTY IS LOCATED AT VACANT-LOT TOLEDO RD - 06-11-251-013

To vary from Section 12.4 Yard Requirements in the B-2, Community Business District, to allow for a ten (10) foot rear yard setback where twenty (20) feet is required, a variance of ten (10) feet.

Mulvaney calls the petitioner forward.

Terry Lang appears in person on behalf of the petitioner. Lang says the petition is for a rear yard variance, and he has met with the Planning and Engineering departments on the position of the building. He states that following the required 20-foot rear yard setback would eliminate extensive parking for using the B-2 site. Lang says the neighboring property north of the site is the AEP industrial-type warehouse where transformers and cables are stored. He then states they are asking for the variance because they want to slide the building back 10 feet to the north.

Mulvaney asks for questions from the Board.

Mulvaney asks Lang if the building being built has a tenant.

Lang answers that the proposed building does not have a tenant.

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 owns the approximately 1.3 acre parcel on the north side of Toledo Road, east of Middleton Run Road. The developer has submitted a proposal to develop the property as a 16,000 square foot building, with associated areas for off-street loading and parking.

The site is located on Toledo Road, an arterial road within the city. The proposed building, again submitted with the request, has no end user and use is still unknown. Subsequent to the second filing, representatives from both planning and engineering met with the owner and representative. From the City's perspective, we wanted assurances of the type and level of quality of construction to expect at the property in question. The petitioner assured Staff the building would be quality and an asset to the City. The petitioner also understands the uses allowed within the list of permitted uses in the B-2 District.

The property is currently zoned B-2, Community Business District. The comprehensive land use plan does reflect industrial use for this area, drawing from the density of industrial uses found north and west of the site. Petitioner had previously submitted a petition to rezone the property to M-1, Limited Manufacturing District. At council, the ordinance failed to progress for lack of a second for the motion.

The Toledo Road corridor effectively serves as the southern boundary of the Corporate limits in this area connecting the City to the US 20 bypass, with a mix of City and County properties fronting on the road. Land uses in the corridor between Goshen Avenue and Middleton Run Road is characterized by a mix of commercial, industrial and multi-family uses. Land Uses east of Middleton Run Road, where the subject property is located, become less intense, with a larger presence of lower density single-family residential and small office uses. While the Comprehensive Land Use Plan does call for Industrial Use at this site, the character of the uses immediately surrounding the subject property are not conducive to manufacturing or production uses, but would be better suited to supporting neighborhood or community business uses.

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 the reduced Rear Yard Setback will not place the proposed structure at an unsafe distance from surrounding structures,
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the rear yard abuts a large campus occupied by Indiana Michigan Power;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance as a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to this property as the proposed building could not be constructed within the required development standards;

5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property as it the parcel may not be of sufficient size to accommodate some of the potential B-2 uses such as: appliance stores, dry cleaner and laundry, indoor recreation and liquor stores are examples of uses requiring larger footprint building approved within the B-2 uses;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant as the proposed building design is driving the request for the variance;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

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

1. The petitioner shall submit plans for review and approval at Technical Review for the site and proposed façade elevations.

Huber states that 12 letters were mailed, with zero returned in favor and one returned not in favor with no comment.

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

Davis asks Huber why the Council failed to second the motion.

Huber answers that he is assuming the Council followed the Staff's advice, which was recommended for denial.

Evanega Rieckhoff states that it was a different petition in which the petitioner was asking for a rezoning, whereas now they are asking to move the proposed building back so it's closer to the property line.

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-BZA-03 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

Evanega Rieckhoff – Yes

Mulvaney – Yes

Motion carries.

NEW BUSINESS

24-X-03 PETITIONER IS NM VYT, LLC (d/b/a Voyant Beauty) **PROPERTY IS LOCATED AT 1919 SUPERIOR STREET**

A Special Exception per Section 18.3.L, Special Exception Uses in the M-1, Limited Manufacturing District, for the storage of any liquid or gas in excess of 10,000 gallons, to allow for the addition of 2 – 10,000 gallon tanks and 2- 5,000 gallon tanks.

Mulvaney calls petitioner forward.

Brian McMorrow appears in person on behalf of the petitioner. McMorrow says he was retained last fall to prepare site plans in connection with a proposal from Voyant to construct a building expansion on the back of the existing building. The building would be about 60,000 square feet to increase the plant capacity of the product that has been manufactured. McMorrow stated that his firm prepared site plans and submitted them to the city last month. He then says he met with engineering staff to review the tech review comments that Staff had written. He says that last December, he met with Eric Trotter, Mike Huber, and other staff members to introduce plans for the expansion. During the meeting, Eric Trotter had asked if there would be any chemical storage tanks as part of their proposal. McMorrow confirmed there would be, so he says he was directed to apply for a Special Exception request to appear before the Plan Commission and Board of Zoning Appeals. McMorrow says it's appropriate to go through the process because Voyant has been conducting business in the facility for about 25 years. This opportunity would allow them to provide the city with complete inventory listings of all on-site storage tanks. He says the packet information that was submitted to the Board includes not only a site plan but also a list of all 19 storage tanks that are in the facility. The ones highlighted in red are the proposed new ones that will be included in the expansion. McMorrow reiterates that the purpose of the expansion is to increase capacity, and they are not introducing any new chemicals that are not already in use in the facility.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff asks McMorrow if there will be two new 10,000-gallon tanks in addition to the eight existing ones.

McMorrow answers that that is correct.

Evanega Rieckhoff asks McMorrow if there will be two new 5,000-gallon tanks in addition to the six existing 5,000-gallon tanks.

McMorrow answers yes.

Evanega Rieckhoff states that it's important to remember that several tanks are already on the premises.

Evanega Rieckhoff asks McMorrow if new jobs are provided with the expansion.

Eric Collins appears in person on behalf of the petitioner. Collins answers that Voyant will be hiring 10 additional people per shift, for a total of 30 new jobs.

Mulvaney asks Collins if one of the proposed four tanks will be bulk water.

Collins answers yes.

Mulvaney asks Collins what specific chemicals will be in the other proposed tanks.

Collins answers that the end product is an aerosolized room spray, and the customer owns a lot of that information. Collins then says the property has alcohol tanks as well as water tanks, so most of what's in the proposed tanks will be a combination of those two ingredients.

Mulvaney asks Collins if the proposed tanks would have everything mixed.

Collins answers yes.

Mulvaney asks if the bulk alcohol will be used to create the powder mixture.

Collins answers yes.

Mulvaney asks Collins if there are any risks with flames or explosions with the tanks.

Collins answers no, and when talking about alcohol and its flash point, the room itself is with the electrical and other components in it that are protected against that flash point, so the risk is relatively low. Some tanks are about 15 years old; others were added in 2014.

Evanega Rieckhoff asks Collins how long they have had tanks in that building.

Collins answers that he has been employed with Voyant for around ten years, so he knows that before Voyant, it was Custom Products, which was sold by Kick, which Kick bought from White Haul Industries.

Evanega Rieckhoff asks Collins if they have ever had any spillage or any explosion.

Collins answers no, not at that address.

Davis asks Collins if any additional safety measures will be put in place.

Collins answers yes, and they already have safety measures in place that will be expanded to where the tanks will be. Collins says that a lot of it has to do with the vapors, so as the alcohol gets added, if vapors are detected, alarms will be set off. This would shut off any alcohol being fed into the tanks until the problem can be assessed.

Evanega Rieckhoff asks Collins...(unintelligible, off mic).

Collins answers yes.

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

Dale McDowell appears in person in opposition to the petition. McDowell says he is the president of the Riverview Association and has lived there for over 60 years. He states that some of the people in his neighborhood are concerned about how the request was written. McDowell says he was not far away when an explosion occurred at Accra Pac, so there would be concerns naturally. He says that in the variance request, the petitioner is asking for several liquid and gas tanks, so he would like to ask if there will be LP gas in the building.

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

McDowell then asks Mulvaney if additional variance requests can be added to existing ones.

Mulvaney answered no, and the Board would have to approve any changes or new proposed projects if the petitioner made them.

McDowell states that he is still concerned for the neighborhood, the school, clinic, daycare, and adult daycare. He says that after what he saw years ago, he does not want to bring the project into the neighborhood and put anyone in that situation.

Susan Gingaman appears in person in opposition to the petition. Susan says she lives across the street from the factory. She says she has lived at her home for 66 years and was brought up there. She said that when she was a little girl, her parents told her that the property was safe for wildlife. Additionally, she says the public notice sent out did not say anything about the add-on to the factory. Susan says that if they are going to be asking for more flammables, then obviously, they are going to build a building. She also states that she asked a guy who was working on the property what kind of project they would be working on, and the worker told her that he was marking where the new factories would be extended. Susan says that when she looks out the kitchen windows, she will see a factory in front of her house. She then states that traffic there is terrible and has complained to the city before because the ballpark and skating park also bring in much traffic. Susan is concerned that although the skating park is for kids, some adults use it who are not from there. She says she found an empty McDonald's bag with a receipt from Mishawaka as proof that outside traffic congested the area. Susan then states that she went to the library for two hours, receiving much information about when Accra Pac exploded. She says she believes it was two buildings that the explosion had affected. Next, she says that Voyant used to be White Haul, and then it was Accra Pac, but she says she believes they are all the same, just different owners. Susan fears water contamination and another explosion. She states that when the building exploded, 19 emergency responders were burnt the first time around, so it's a common sense decision to have additional tanks in the neighborhood. She then says that every year, she asks the city to paint some marker to alert drivers that there is a school nearby so that people are aware of slowing down for kids. Gingaman stated that the city repaved Superior, which was done two years ago. Curbs and sidewalks were also installed so the city knew what was forthcoming. Gingaman says a neighbor told her it was all politics, and the city had already decided.

Craig Gingaman appears in person in opposition to the petition. Craig says he received the letter Monday about building the new factory and adding two 10,000-gallon tanks and two 5,000-gallon tanks without saying what is in them. Craig acknowledges they have to have a propellant, and he knows Voyant sells pressurized cans, which are propellants. This could cause a fire and explode. He then says that the field is not supposed to be built up as it is city-owned, and its use is reserved for wildlife, so he needs to understand how that happened. Craig states that no one was advised about the new building and was given short notice. He says he is underprepared, given that he was notified of the structure on Monday. He says another reason why he is against it is because there is too much traffic with the school and parks nearby. With the addition the factory is proposing, he says there will be a parking lot in front of his house, which was supposed to be for wildlife.

Susan asked the Board how many letters had been sent out within a 300-foot radius.

Mulvaney answers that Eric Trotter will tell them how many letters were sent.

Susan says that not everyone received a letter, that the radius only extended three houses back on her street, and that it was the same on the next street. She also says no one at the school was notified of the request either. Susan then asked what 10,000 gallons of fuel would be created if it exploded, especially with the number going up to 40,000 gallons.

Mulvaney answers that they are chemicals, not fuel.

Susan states that that's what it says in the letter they received.

Mulvaney asks if the petitioner's representatives want to address the public's concerns.

Collins says the tanks will not contain gas. The liquid will go into a can, which would be charged with a propellant, which is strictly nitrogen-based. Collins says there is only one propellant on site.

Craig states that it has to be stopped before there is an accident...(unintelligible, off mic).

Mulvaney asks Craig if he realizes eight existing tanks are already on the property.

Craig answers yes. However, it's down the street, and their building blocks the existing tanks.

McMorrow says that based on what he has heard, there appears to be some confusion about the flags. When looking at the site plan, the building that is being proposed is behind the existing structure, so the green field that exists out there will not change in any way. The flags being marked on the property are merely survey flags that indicate the limits of the property.

Susan says that McMorrow's statements help a lot.

Craig says his letter was the first notice he received, and he needed to know where the new building would be placed.

McMorrow says the letter did not come with a site plan, so it would be difficult to know. However, he is glad he can clarify.

Evanega Rieckhoff asks McMorrow if the new structure will be between the factory and the railroad tracks.

McMorrow answers yes.

Collins asks McMorrow if the new building is behind the present building.

McMorrow answers yes, it would be, and no change is proposed to the original building. All of the planned building expansion is behind the parking lot. To be clear, he says the Board is not approving the building expansion. It's subject to a site plan review and carefully reviewed by the engineers and the planners.

Susan states she spoke with Eric Trotter and asked him when the field was sold. If the field is part of the petitioner's property, she was told the city sold it. If that happened, she wonders if the buyer was ever informed that the field must remain since it's designated for wildlife.

Mulvaney states that when Staff comes forward, the Board can ask about the status of the property.

Evanega Rieckhoff states that the field is not part of the project.

Susan says that is right, but the public notice needed to be more precise than what was sent. Additionally, now that McMorrow showed her the site plan, she says there is a nearby daycare, close to where the tanks will be. Also, years ago, the city said the traffic was crazy there so that Simpson Street would be expanded.

Evanega Rieckhoff states that the project will add 30 new jobs, so there may be new traffic with the additional hired people, but some of those people will be staggered with each shift.

Craig asks McMorrow where the tanks are going to be placed.

McMorrow answers that the tanks listed and the ones being proposed...(unintelligible, off mic). McMorrow says four tanks will go behind the building in a cross-hatched area. There are anywhere between 16 and 18 tanks throughout the building today.

Susan says water contamination is also a concern of hers too.

Greg Deisenroth appears in person in opposition to the petition. He says he has lived in the area since 1959, so he knows what happened with Accra Pac. The city at the time sent every piece of fire equipment available to fight the fire. During that time, it was promised that the owner of Accra Pac would be able to install two 50,000-gallon LP tanks. Deisenroth says those are bombs and was able to vote that down. Deisenroth states that people were assured that everything would have modern fire suppression and mediation procedures. He says it's unfortunate that a company that comes in every ten years wants to occupy the building for a specific reason. He then states that the area now has a school, health center, and ballparks, and hopes everything goes smoothly. He says he understands that the representatives are saying they will not use compressed LP gas and only water and alcohol. However, LP gas is the go-to for compressed aerosol cans. Next, he states that he has been handling hazardous materials for most of his life, so he has a wealth of knowledge. He says he hopes the petitioner will not put compressed LP Gas in there. It's too dangerous, and he would like to see the tanks on the outside of the building. He hoped that the explosion and shockwave would go toward the railroad or the Nipsco property if there were ever to be an explosion. He says he understands that he is within 300 feet of the property; however, with a combination of 30,000 gallons, he and others would be in danger, so he hopes the petitioner keeps their word. Deisenroth lastly says that traffic routes should enter on the southwest corner off of Simpson, not up to Superior Street, so he wants to keep a handle on things so that the petitioner operates safely.

Kathy Deisenroth appears in person to state that the semi-trucks come down their street and tear the wires off her and her husband's house. Once, they tore off their house siding and were concerned that there would be even more issues with the expansion. She says the truck traffic needs to stay at the back of the business, where they go onto Simpson Street and then turn onto Middlebury Street.

Evanega Rieckhoff states that, unfortunately, the Board cannot do anything about that. However, Eric Trotter can help and discuss their issues with them.

Bob Barnes appears in person and says he is present because neighbors who received the letters went through the neighborhood like Facebook. He states that he has questions because he worked at the White Haul plant and is unsure if the air handlers are still there. Nonetheless, the previous tenant had chemicals on the southwest corner of the building where the bottles were packaged. Barnes says it was all explosion-proof there, and there were many flammables when it was White Haul. He says he was not there when other occupants were in the building. He wants to know about an emergency response plan, how neighboring properties are notified, and how possible evacuations are handled. Barnes states that nitrogen-based gasses are not flammable but wants to know if any of the chemicals are hazardous. Other than that, Barnes says he believes the petitioner is doing a fine job because he knows people who work with them, and they commit to good work practices in manufacturing and handling flammable liquids. Nevertheless, if the representatives could answer his questions, he would like to know their answers.

Mulvaney asks if the representatives could address their emergency response plan and specifics on tank spill protection.

Collins says that the emergency response plan exists, but he only knows some of its extent because it would be with their ESH department. He says he knows it's in place, and it calls for contacting emergency services, who is in charge, and who gets contacted if a situation arises. To address the other question, Collins says the tanks will be embedded into a six-foot bottomless pit, and any spillage will be accounted for and collected there.

Mulvaney asks Collins if that would comply with federal and state laws.

Collins answers yes and says existing tanks on the property also have pits, which would keep that standard.

Barnes says that if the petitioner installs the tanks in pits, anything that spills will be contained, so he has no concerns.

Cindy Goff appears in person in opposition to the petition. Goff says that everyone has touched on everything she wanted to say. However, her main concern remains the proximity of the school. She says there have been explosions at the location with previous tenants. She says the latest incident was about seven years ago, but when it happened, she was walking her dog when it happened on the dock where trucks are loaded. She says that although the incident was contained quickly, the risk of it still concerns her, especially with kids and a ballpark being so close.

Glenn Miller appears in person in opposition to the petition. He says he has lived across the factory for over 30 years. Miller states there is a tremendous amount of truck traffic, and his concerns are about the tankers that come during the night. He wonders if the trucks are hiding something. Miller then says that truck traffic is ridiculous, especially since the entrance to the facility is poorly marked, and the semis have to stop on Superior Street. Miller says he has to direct the truck drivers where to go because the signs are poorly marked. He says he understands that the Board cannot address traffic issues. However, he asked the Board if they could make it a requirement as a part of the petition because it's tearing up the road and ties up traffic. He says he knows the road was not made to handle that size of vehicle. Miller added that even though he lives across the street from the factory, he received the letter everyone else did when the neighbor gave him a copy of one.

Elizabeth Bond appears in person and states that 24 years ago, Accra Pac appeared before the Board requesting large LP tanks. There was a neighborhood gathering, and it turned into an organization called CORP, which stood for Citizens Organized for Residential Protection. A year ago this month, she said there was a hearing in front of the Board, and the residents won the case, but the petition was turned down. Bond says she is neither for nor against the petition, but she wants to let the Board know that there is sensitivity with the placement of the building. Bond states that the building should have never been built there, but it is, so she wants the Board to understand its history. She says she wants them to realize that there has been a long history of that type of business in the area, and it draws concerns from neighborhood residents. Bond says she hopes the project is safe and that they can guarantee the neighborhood that it is secure and will not cause harm. She says she knows they will go out of their way for safety. However, human error is a factor, so the petitioner must ensure they are careful with their work.

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

STAFF ANALYSIS

The petitioner is requesting a special exception to allow for the addition of four (4) new tanks as a part of an expansion project at the Superior Street facility. The petitioner, d.b.a. Voyant Beauty, is a manufacturing and packaging plant for aerosol blend configurations and specialty viscous liquids in bottles, tubes and jars; for use in hair, body, face, sun and natural formulations.

The plan is to add additional product lines to increase capacity. The tanks are proposed to be used as a part of the product line expansion. No new chemicals are being added – just additional capacity. Based on plans submitted to the City for review, the tanks will be contained within an enclosure that will have a drain connected to the existing monitored sanitary sewer line, should the tank need to be drained.

The construction plans have been submitted for review and approval at Tech Review for a +/- 60,000 square foot addition on the south side of the current building on Superior Street. This addition is adjacent to the Norfolk Southern Railroad.

STAFF RECOMMENDATION

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

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected because all tanks will be built per all applicable codes, located within the building and have the necessary floor drains connected to the sanitary sewer system;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the additional tanks will not change the use of the property and will not impact the adjacent uses;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because the tanks will not generate adverse effects on adjacent properties with noise, emissions or vibrations.

Trotter states there were 56 letters mailed with zero returned in favor and one returned not in favor with no comment. There were three telephone calls not in favor and an email from Richard Bond, in which he asked for some expansion or clarification on the meeting record as to the nature of the liquids being stored and permitted to be stored in the new tanks. He says the petition indicates that one 10,000-gallon tank will be bulk water storage, but the other tanks list some numbers and letters for the contents. Then, asking specifically, do the liquids intended to be stored, or permitted to be stored, have volatile, hazardous, flammable, or explosive characteristics? For context, recall the high-profile LP bulk storage tank permitting matter involving Accra Pac from 20+ years ago at this location. He concludes by saying that the Riverview neighborhood remains sensitive about the nature of industrial operations that are bordering it to the south.

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

Mulvaney asks Trotter who the appropriate authority would be to address traffic concerns.

Trotter answers that it would be the engineering department, and he would relay those concerns.

Mulvaney calls for a motion.

Davis makes motion to approve 24-X-03 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 Evanega Rieckhoff.

Davis – Yes

Evanega Rieckhoff – Yes

Mulvaney – Yes

Motion carries.

**24-UV-06 PETITIONER IS JAMES RUPRIGHT
PROPERTY IS LOCATED AT 2020 INDUSTRIAL PARKWAY**

To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District to allow for the property to be used for a daycare center. Daycare Centers are not allowed by right in the M-1 district.

Mulvaney calls petitioner forward.

Trishana Wright-Middleton appears in person on behalf of the petitioner. She states that she operates a licensed childcare center in the South Bend area. She says she is petitioning for the location to be a high-end upscale childcare center in Elkhart.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff states that Trishana must do much work on the building. However, the good thing is that there will be a lot of children in the building.

Evanega Rieckhoff asks Wright-Middleton how many children she will be taking care of.

Wright-Middleton answers that it will be between 150 and 200 children.

Mulvaney opens for public comments to speak in favor.

James Rupright appears in person in favor of the petition. He says Elkhart General Hospital used the building for classes, and it is mainly empty office space.

James Middleton appears in person in favor of the petition. Middleton states that another reason to support the petition is the economic benefits for the community. Along with employment, he says people need to think about better serving the community's children, and it's a great opportunity.

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

STAFF ANALYSIS

The petitioner is requesting a use variance to allow the industrial building at 2020 Industrial Parkway to be a daycare center. Based on Assessor's records the building was built in 1967 and is just under 30,000 square feet in area and is sited on a 3.37 acre parcel. The operator of the daycare center will lease the building with an option to buy at a later date. The proposed age range of children cared for onsite, will be newborn to 12 years of age. In speaking with the potential operator, she plans on having ultimately 150-200 children and around 100 staff. Utilizing aerial photographs, Staff determined the current parking area would accommodate approximately 106 parking spaces.

Planning Staff, building and fire inspectors toured the facility at 2020 Industrial Parkway on April 5, 2024. During the tour a number of observations were made – the concrete block building had a large number of classroom sized rooms as well as several larger open space areas that would be well suited for indoor play equipment and open space for children. The building had a large kitchen area that is intended for warming only. There were three (3) sets of restrooms. At least one (or otherwise as specified by the State) will need to be modified with smaller fixtures to accommodate children.

It was apparent that much of the building's carpet would either need to be replaced, cleaned and/or removed entirely. Many of the ceiling tiles (there is a dropped ceiling in most of the building) will need to be replaced. As the building was most recently a small manufacturing company, the walls will also need to be repaired and painted to restore the walls. They look to have been damaged from likely moving furniture out of the building. In the past the building was previously owned by Elkhart General Hospital for some sort of medical and office use.

Based on the building tour, Fire Department inspectors relayed necessary and critical information to the operator. A plan would need to be developed meeting Chapter 34 of the Building Code to ensure the occupancy requirements are met as the functional classification is changing. Those plans will need to be signed and sealed by a by a design professional willing to certify the plans and submitted to the State for review and approval.

Staff recognizes there is a critical need for additional daycare facilities. The location of the building would seemingly allow those individuals who work in this and surrounding industrial parks an opportunity for child care within close proximity of their workplace.

The daycare operator shall be required to obtain licensing per Indiana Code 12-17.2. Any modifications to the building will require Building Department review and approval. Submittal at Technical Review will not be required unless renovation plans require exterior changes to the footprint of the building or additional paving.

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 because the building will be required to be modified to the current building code requirements as well as any condition or stipulation required by the State of Indiana Family and Social Services Administration, Office of Childhood and Out of School Learning;
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 as a daycare center most all activities will occur indoors and would be an asset as this facility would provide a needed service for the workers in the area;
3. The need for the variance arises from some condition peculiar to the property involved because without board action the use would not be permitted;
4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because the building was constructed with many offices and open spaces which lends itself reasonably well to the proposed use. Most contemporary industrial users require much more ceiling height and open area for production;
5. The approval does not comply with the Comprehensive Plan which calls for the area to be developed with industrial uses, however this site was historically used as a facility that provided space for community gathering. The proposed use is similar in its mission.

CONDITIONS

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

1. The petitioner shall submit plans for building renovations to the State as per Chapter 34 of the Building Code. The petitioner shall also obtain permits for any work performed on the premises from the City of Elkhart.
2. All children shall be restricted to the building or any future exterior fenced-in play area except when arriving and leaving.
3. The facility and grounds shall be kept clean at all times.
4. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
5. Any exterior display, signs, or other forms of advertising on the premises shall be required to obtain a zoning clearance prior to installation. Signage is required to be installed by a bonded sign contractor.
6. A copy of the child care license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
7. If the daycare ceases to operate for more than one (1) year, or the license is revoked, the Use Variance becomes null and void.
8. Any violation of the terms of this Use Variance as determined by the City Zoning Administrator shall render the Use Variance invalid.
9. The number of children to be cared for at this location will be calculated by the Indiana Family and Social Services Administration.
10. Pickup and drop-off shall occur onsite and any after care bus drop-offs must take place onsite and not from the public right of way.
11. The Use Variance is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by April 11, 2026.

Trotter states there were 22 letters mailed with one telephone call returned not in favor with no comment and two returned not in favor with comments. The first one reads that the area is unsafe and has industrial noise, and it's close to railroad tracks. The second one says the building on the east side of 2020 Industrial Parkway has semi's that come in and off all day long, pulling next to the proposed daycare. Another concern is that traffic in front of the property can be dangerous since drivers are arriving late to their jobs, and often speed fast past businesses. The same is said when those workers get off of work when they are in a hurry to arrive home and are driving way too fast.

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

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-UV-06 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
Evanega Rieckhoff – Yes
Mulvaney – Yes

Motion carries.

ADJOURNMENT

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

Doug Mulvaney, President

Ron Davis, Vice-President



Staff Report

Planning & Zoning

| | |
|--------------------------------|---|
| <u>Petition:</u> | 24-BZA-09 |
| <u>Petition Type:</u> | Developmental Variance |
| <u>Date:</u> | June 13, 2024 |
| <u>Petitioner:</u> | Mark and Colette Sharp |
| <u>Site Location:</u> | 1626 East Lake Drive West |
| <u>Request:</u> | To vary from the requirements found in Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states in part 'For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed,' to allow for no public sidewalk. |
| <u>Existing Zoning:</u> | R-1, One Family Dwelling District |
| <u>Size:</u> | +/- 0.4 acres |
| <u>Thoroughfares:</u> | East Lake Drive West |
| <u>School District:</u> | Elkhart Community Schools |
| <u>Utilities:</u> | Available and provided to site. |

Surrounding Land Use & Zoning:

The surrounding properties are R-1, One Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive calls for this area to be developed as residential. The subject property is included in an area identified for residential use on the future land use map.



Staff Analysis

The petitioner wishes to vary from the requirements found in Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states in part 'For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed,' to allow for no public sidewalk.

The petitioner built a home, which was completed earlier this year, on one of the last remaining vacant tracts of land within the East Lake Subdivision north of Bristol Street; there are two or three vacant lots remaining throughout the subdivision. This subdivision was established in the mid 1950's with the majority of the homes being built into the 1990's. The site that is part of the request is in the third phase of the subdivision where no adjacent sidewalks currently exist. Typically, the later phases (three or four) of the eleven, in the subdivision have public sidewalks, mainly in the central and northern part of the neighborhood.

Staff recognizes the concerns posed by the petitioner in their submittal material around maintenance and aesthetics. However, this circumstance is not unlike many other circumstances in the city where development has occurred over time – even this subdivision is evidenced where sidewalks exist in some areas and not others. Sidewalks provide a designated place for pedestrians and allow for the separation of pedestrians from automobile traffic. Part of living in a more urban area include the urban elements which include sidewalks.

As a compromise to the lack of majority vote last month, staff offers this suggestion - *In the event the municipality undertakes a reconstruction of the public right of way, the home owner will not object to the installation of public sidewalks as a part of the project.*

Recommendation

The Staff recommends **denial** of the developmental variance to vary from the requirements found in Section 26.7.C.7.o.ii.(a), Pedestrian Access, which states in part ‘For new construction on vacant land, both a public sidewalk as per City standards and the required designated pedestrian connections shall be installed,’ to allow for no public sidewalk based on the following findings of fact:

1. The approval **will be** injurious to the public health, safety, morals or general welfare of the community because it is necessary to establish standards regulating off street parking, pedestrian movement and in part for the enhancement 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 new home is in an area of the subdivision with no existing sidewalk system;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do not** exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the public sidewalk in question could have been installed at the time of construction;
5. The strict application of the terms of this Ordinance **not will** result in practical difficulties in the use of the property because the public sidewalk in question could have been installed at the time of construction;
6. The special conditions and circumstances **do** result from any action or inaction by the applicant because the petitioner chose not to install the sidewalk and file for relief from the requirement;
7. This property **does not** lie within a designated flood area.

Conditions

Should the BZA choose to approve the request, the staff offers the following condition:

1. In the event the municipality undertakes a reconstruction of the public right of way, the home owner will not object to the installation of public sidewalks as a part of the project.

Photos





PETITION #: 24-BZA-09

FILING FEE: \$ 200

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Mark & Collette Sharp

Mailing Address: 1626 E Lake Dr W, Elkhart, IN 46514

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Collette Sharp

Mailing Address: 1626 E Lake Dr W, Elkhart, 46514

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 1626 W East Lake Dr, Elkhart 46514

Zoning: R-1 - One Family Dwelling

Present Use: R-1 Proposed Use: R-1

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): Collette Sharp ; Mark Sharp

SIGNATURE(S): *Collette Sharp* *Mark Sharp* DATE: 4-22-24

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.
- Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Collette Sharp 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 1626 E Lake Dr. W Elkhart, Indiana.
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 30th day of April, 2024.

Collette Sharp
Printed: Collette Sharp

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.

Collette Sharp
Printed: Collette Sharp

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

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



My Commission Expires:
10/31/2031

Hugo Robles Madrigal
Printed: Hugo Robles Madrigal

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

Date: 4/22/2-24

RE: Developmental Variance

Subject: Developmental Variance Request

To: Board of Zoning Appeals
City of Elkhart, Indiana

Dear Board of Zoning Appeals,


We, Mark and Collette Sharp, are the owners of 1626 West E Lake Dr in the City of Elkhart, Osolo Township, Elkhart County, State of Indiana. Our property is currently classified as R-1: One Family Dwelling District under the Zoning Ordinance of the city of Elkhart. We plan to use this property as our primary residence and raise our son here.

We are writing to request a developmental variance for Section 26.7.C.7.o.2.a of the Elkhart Zoning Ordinance, which obligates us to install a new sidewalk in front of our home. We believe that a sidewalk would detract from the natural beauty of our surroundings. Additionally, we are concerned about the long-term maintenance required to keep the sidewalk in good condition, especially as we grow older. We feel that it would be unfair to burden us with this responsibility for years to come. Furthermore, adding a sidewalk would make our house stand out among the rest of the neighborhood, compromising the area's charm.

We believe that the absence of a sidewalk in front of our house will not pose any threat to public health, safety, morals, or general welfare. Our neighborhood does not experience high traffic and it is safe for pedestrians to walk on the street. Walking on the road is familiar to everyone in our area, so there are no confusion or safety issues. Moreover, the park adjacent to our property already has a walking area, parking lot, and access, so adding a sidewalk to our property will not affect it or change its value. Granting this variance would align with the intent and purpose of the zoning ordinance since the safety of the area will not be compromised. Approving the variance will also not have any impact on the flood hazard area since we are not located in one, and it will not result in any additional public expenses, as there will be no repairs or maintenance for the city to worry about. The absence of sidewalks in neighboring properties means that not having one in our property will maintain uniformity in the area and will not harm the value of other properties. If a sidewalk installation is mandated in our vicinity, we fear losing the privilege of enjoying the same rights as our neighbors, who are not burdened with the responsibility of sidewalk upkeep. We chose to build our homes on unoccupied land in an established community, and we wish to remain here without the added expense and maintenance of a sidewalk that is not necessary.

The land in question does not have any special circumstances or conditions that are specific to this land and not applicable to other lands or structures within the same district. Furthermore, there have been no actions that resulted in unique conditions or circumstances on the land. Our property is similar to other lands in the district.

Petitioner respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested developmental variance.

Signature of Property Owner: 

Printed Name: Collette Sharp

Second Property Owner:

Printed Name: Mark Sharp 

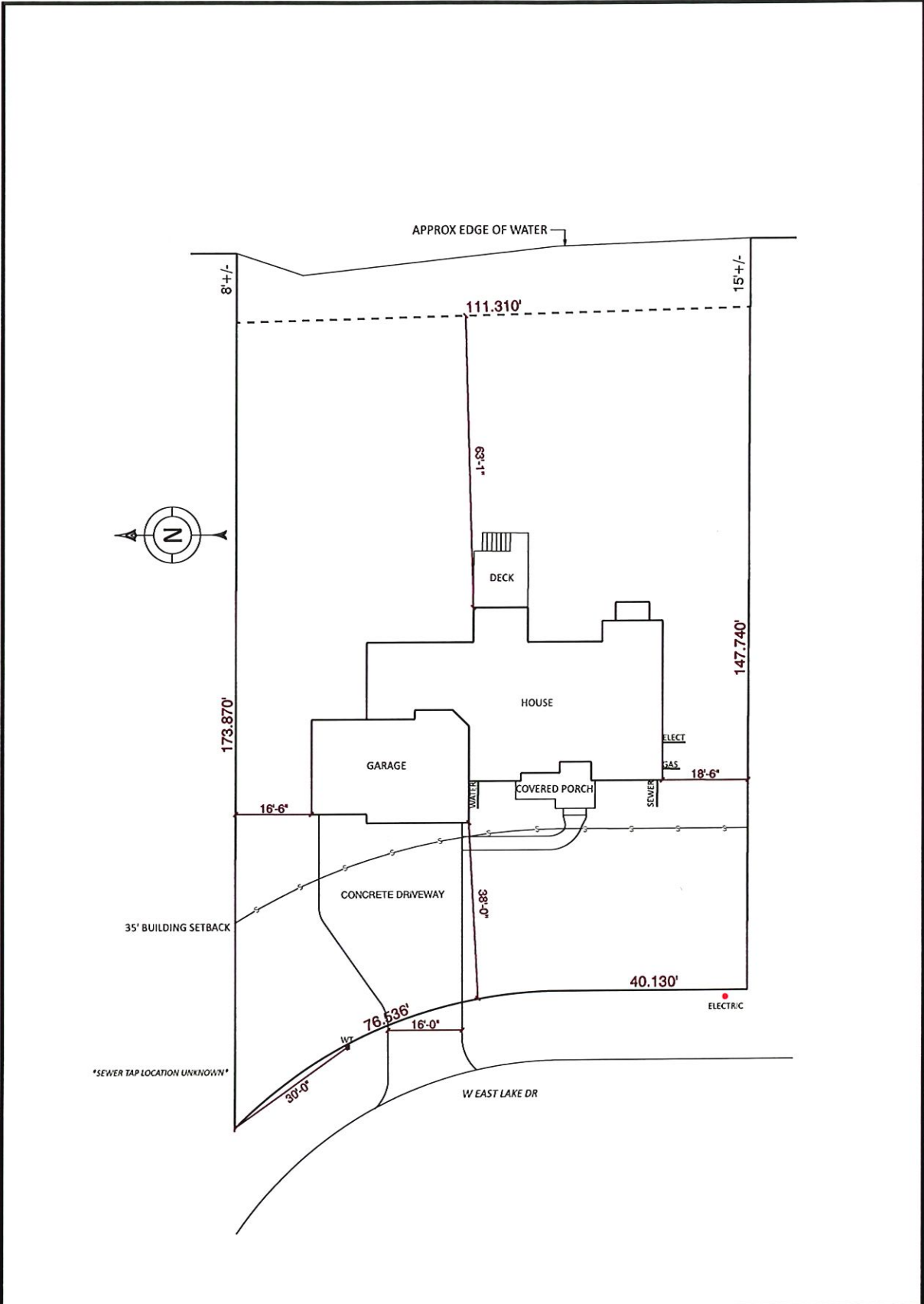
Contact Person


Name: Collette Sharp

Address: 1626 W East Lake Dr, Elkhart, IN 46514

Phone number: 574-361-5723

Email: cmcrane2085@gmail.com



| | | |
|--|--------------------|---|
|  <p>team construction company, inc.</p> <p><i>a better way to build</i></p> <p>1349 W Lincoln Ave Goshen, IN 45326 314.533.9100</p> <p><small>THIS DRAWING AND ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF TEAM CONSTRUCTION CO., INC. AND IS NOT TO BE REPRODUCED WITHOUT THE EXPRESS WRITTEN PERMISSION OF TEAM CONSTRUCTION CO., INC. TEAM CONSTRUCTION CO., INC. ASSUMES NO RESPONSIBILITY FOR UNLAWFUL USE.</small></p> | LOT SIZE: 17,511sf | JOB NAME SHARP Collette & Mark |
| | NOTES | JOB LOCATION 1626 E Lake Dr W Elkhart 46514 |
| | | SCALE 1" = 20'-0" |
| | | DATE 11/2/2023 |
| | | DRAWING SITE PLAN |



Staff Report

Planning & Zoning

| | |
|--|---|
| <u>Petition:</u> | 24-BZA-11 |
| <u>Petition Type:</u> | Developmental Variance |
| <u>Date:</u> | July 11, 2024 |
| <u>Petitioner:</u> | Roger Ellsworth & Kelly Ellsworth |
| <u>Site Location:</u> | 406 River Pointe Drive, (currently vacant) |
| <u>Request:</u> | To vary the requirements of Section 4.4, Yard Requirements, for the front yard average established setback of sixty-two and eight hundredths (62.08) feet, to allow the construction of a single family residence at a front yard setback of forty-three and eight tenths (43.8) feet, a variance of eighteen and twenty eight hundredths (18.28) feet. |
| <u>Existing Zoning:</u> | R-1, One Family Dwelling District |
| <u>Size:</u> | +/- .542 acres |
| <u>Thoroughfares:</u> | Haines Drive and River Pointe Drive |
| <u>School District:</u> | Elkhart Community Schools |
| <u>Utilities:</u> | Available and provided to site. |
| <u>Surrounding Land Use & Zoning:</u> | The surrounding properties are R-1, One Family Dwelling District. |
| <u>Applicable Sections of the Zoning Ordinance:</u> | Enumerated in request. |
| <u>Comprehensive Plan:</u> | The Comprehensive calls for this area to be developed as residential. The subject property is included in an area identified for residential use on the future land use map. |



Staff Analysis

The petitioner wishes to vary the requirements of Section 4.4, Yard Requirements, for the front yard average established setback of sixty-two and eight hundredths (62.08) feet, to allow the construction of a single family residence at a front yard setback of forty-three and eight tenths (43.8) feet, a variance of eighteen and twenty eight hundredths (18.28) feet.

The petitioner is proposing to build a new single family dwelling on the river front Lot 27 in the Lexington Landing Subdivision. 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. 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.

Since 2007, this is the third developmental type variance for setback on River Pointe Drive. On a river front lot, in a developed neighborhood, this is not that uncommon a variance. 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.

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 lie within a designated flood area. That part of the subdivision has an approved LOMR-F. The applicant will take appropriate steps to raise the floor level above the base flood elevation.

Photos



PETITION #: 24-BZA-11

FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Roger & Kelly Ellsworth

Mailing Address: [REDACTED]

Phone #: _____ Email: _____

Contact Person: Crystal Welsh, Abonmarche

Mailing Address: 303 River Race Drive, Goshen, IN 46526

Phone #: 5574-314-1027 Email: cwelsh@abonmarche.com

Subject Property Address: 20-05-12-201-017.000-006 River Pointe Dr, Elkhart, In 46516

Zoning: Residential R-1

Present Use: vacant Proposed Use: new home

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): *Crystal Welsh*

SIGNATURE(S): *[Signature]* DATE: 5-28-24

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.

A completed Petition form signed by the legal owner of record (or approved representative).

_____ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.

A full and accurate legal description of the property.

One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.

_____ Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: *[Signature]* DATE: 6/5/24



PO BOX 901 GRANGER, INDIANA 46530

PROJECT TITLE: Ellsworth Residence
PROJECT: New Home build Lexington Landing
DATE: 5-28-24

TO WHOM THIS MAY CONCERN, DUSTIN BROWN FROM LEGACY WILL BE OUR REPRESENTATIVE IN FINALIZING SITE DETAILS FOR OUR NEW HOME BUILDING PROJECT.

THANK YOU, ROGER ELLSWORTH

SIGNATURE

A handwritten signature in black ink, appearing to read "R. Ellsworth", written over a horizontal line.

May 24, 2024

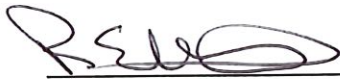
Mr. Eric Trotter
City of Elkhart Planning and Development
229 South Second Street
Elkhart, IN 46514

RE: Developmental Variance Petition
20-05-12-201-017.000-006
River Pointe Dr, Elkhart, In 46516

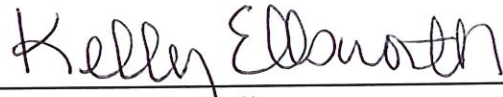
To Whom It May Concern:

This letter is to verify that Roger & Kelly Ellsworth are the owners of the parcel listed above. We authorize Abonmarche Consultants to prepare and submit the Developmental Variance applications, site plans, and provide representation at any hearings relating to the request, and any other matters relating to this project.

Sincerely,



Roger Ellsworth



Kelly Ellsworth

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Roger Ellsworth, 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:

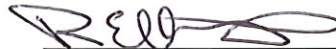
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 20-05-12-201-017.000-006 Elkhart, Indiana. River Pointe Dr, Elkhart, In 46516
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 28 day of May, 2024.



Printed: Roger Ellsworth

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: Roger Ellsworth

STATE OF INDIANA)
) SS:
 COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Roger Ellsworth, and acknowledged his her execution of the foregoing. Subscribed and sworn to before me this 28th day of May, 2024.




Printed: BRIANNE ELIZABETH COLLIER

My Commission Expires:
03/04/2026

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

May 24, 2024

TO: Board of Zoning Appeals
RE: Developmental Variance

Request City of Elkhart, Indiana

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. We, Roger and Kelly Ellsworth, the owner of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit:


Haines's Lexington Landing; Lot 27

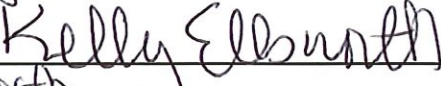
2. The above-described real estate presently has a zoning classification of R -1 District under the Zoning Ordinance of the City of Elkhart.
3. The petitioner presently proposes to occupy the above-described property in the following manner: *To build a new single-family home.*
4. Petitioner desires to *(Explain what is proposed that violates the provisions of the Zoning Ordinance)*. Build the home with a front yard setback of 34 feet which is less than the average setback.
5. The Zoning Ordinance of the City of Elkhart requires *in section 5.4 that the front yard setback be at the established setback or 20 feet if no established setback.*
6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. *This property is along the St. Joseph River. The lot complies with all aspects of the City of Elkhart Zoning Ordinance except for meeting the established front yard setback. From a review of the adjacent properties on the same block, the established front yard setback is 62.08 from the back of curb (no survey data was available, so this was the best available data). The new home on lot 27 is proposed to be placed 43.8 feet from the back of curb or 34 feet from the front property line. When reviewing the options for this project, it was determined that reducing the rear yard setback would adversely impact the adjacent property owner's view of the river and was not a viable option. Keeping the rear yard set back in place is more important to the neighbors. To allow for construction of the home and protect the view of the adjacent properties, the home must be built closer to the front property line than is the established average front yard setback. The requested front yard setback is more than the minimum 20-foot setback required in the ordinance for lots without an established setback.*

7. **Standards that must be considered for a Developmental Variance:** I.C. 36-7-4-918.4 and Section 29.9 A. of the City of Elkhart Zoning Ordinance states: "**No** variance shall be granted by the Board unless the Board specifically finds that:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. *The proposed single-family home is in keeping with the character of the neighborhood and by orienting the home to protect the view, the project is not injurious to the public or neighbors.*
- B. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. *As this will be a single-family home in the established subdivision, it is in keeping with the character of the neighborhood. By placing the homes to protect the rear yard setback, the project protects the view of the neighboring homes. This reduces any adverse impacts of the project.*
- C. Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance. *The reduced front yard setback is consistent with the intent and purpose of the Zoning Ordinance as it allows for the construction of a new single-family home while protecting the river view. The requested front yard setback is more than the minimum 20-foot setback required in the ordinance for lots without an established setback.*
- D. Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district. *This lot is on the St. Joseph River and has a view of the river that must be protected for all the homes in the neighborhood. By utilizing the established rear yard setback to protect the view, it creates a physical constraint of the lot that requires a reduced front yard setback.*
- E. The strict application of the terms of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance. (Financial considerations do not qualify). *The subdivision was established to allow for the construction of single-family homes as is proposed. By allowing for a reduction in the front yard setback, the owner can have their new home while not having any negative impacts on their neighbors.*
- F. The special conditions and circumstances do not result from any action or inaction by the applicant. *No, the home has not been constructed yet.*
- G. In designated flood hazard areas, the variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing laws or ordinances." – *The property is in a floodplain, but the home site will be graded to be a minimum of 2 feet above base-flood elevation as is required.*

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: Roger Ellsworth

Signature of Property Owner: 
Printed Name: Kelly Ellsworth

Contact Person: Abonmarche
Name: Crystal Welsh
Address: 303 River Race Drive, Goshen, IN 46526
Phone Number where you can be reached: 574-314-1027
Email: cwelsh@abonmarche.com

C:\Projects\2023\23-0360 Legacy Homes - MASTER Misc. Surveys\CAD_Surveys\Drawings\23-0360-11 Lot 27 Haines Lexington Landing\230360-11 Lot 27 Haines Lexington Landing-EXHIBIT.dwg, SITE, 6/4/2024 3:10:58 PM

EXHIBIT

LOT 27, HAINES' LEXINGTON LANDING
 S HALF OF SECTION 1 & NORTH HALF OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 4 EAST,
 BAUGO TOWNSHIP, ELKHART COUNTY,
 INDIANA

**LEXINGTON BAY
 (ON ST. JOSEPH RIVER)**

FRONT SETBACK
 (FROM HOUSE TO BACK OF CURB)

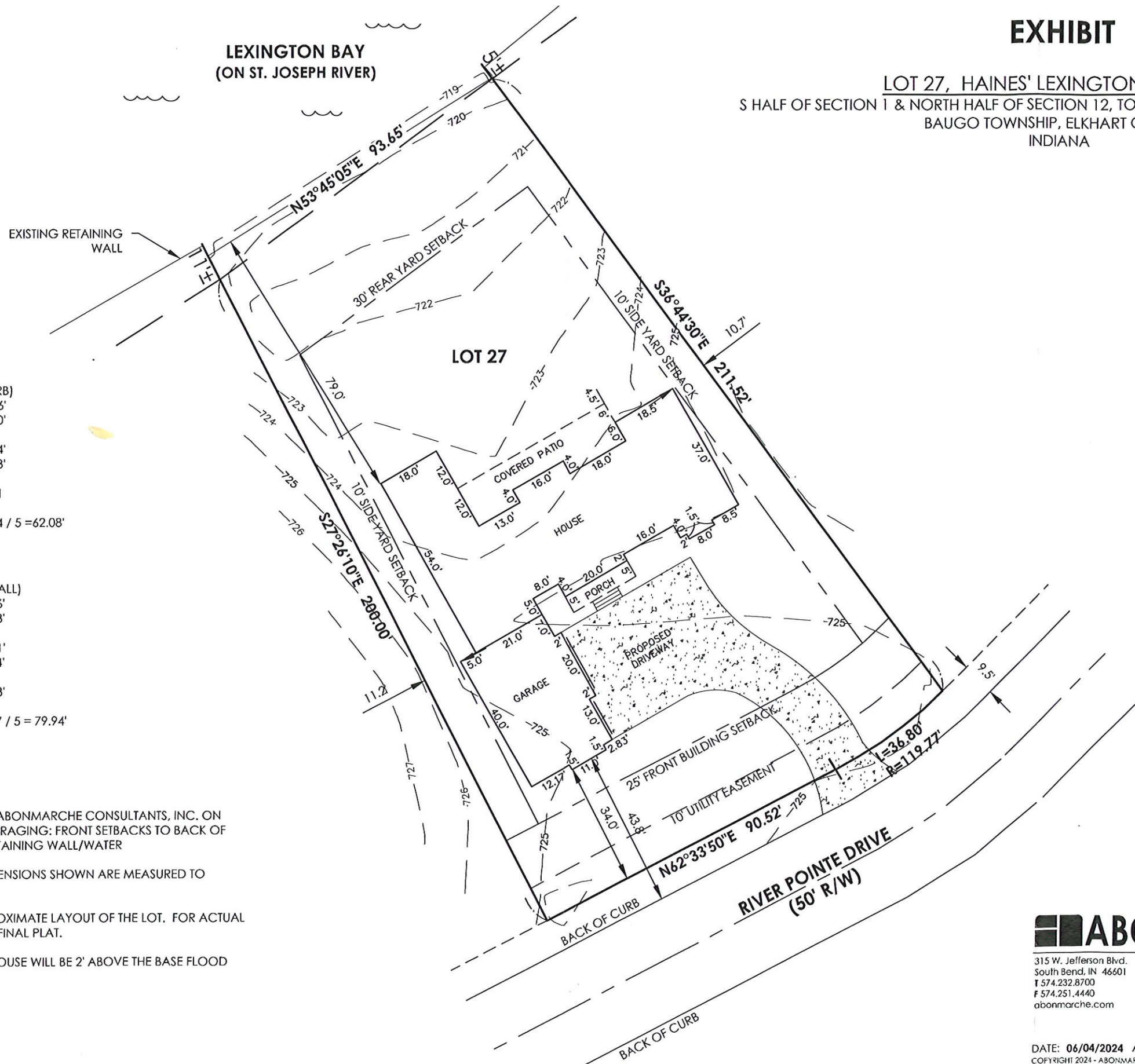
| | |
|---------------------|----------------------|
| LOT 25 | 46.6' |
| LOT 26 | 62.0' |
| SUBJECT PARCEL | |
| LOT 28 | 65.4' |
| LOT 29 | 62.3' |
| LOT 30 - VACANT LOT | |
| LOT 31 | 74.1 |
| LOT 32 - VACANT LOT | |
| TOTAL | $310.4 / 5 = 62.08'$ |

REAR SETBACK
 (FROM HOUSE TO RETAINING WALL)

| | |
|---------------------|----------------------|
| LOT 25 | 76.6' |
| LOT 26 | 73.3' |
| SUBJECT PARCEL | |
| LOT 28 | 89.1' |
| LOT 29 | 75.4' |
| LOT 30 - VACANT LOT | |
| LOT 31 | 85.3' |
| LOT 32 - VACANT LOT | |
| TOTAL | $399.7 / 5 = 79.94'$ |

NOTES:

1. FIELDWORK WAS PERFORMED BY ABONMARCHE CONSULTANTS, INC. ON APRIL 26, 2024 TO DETERMINE AVERAGING; FRONT SETBACKS TO BACK OF CURB AND REAR SETBACKS TO RETAINING WALL/WATER
2. FRONT & SIDE YARD SETBACK DIMENSIONS SHOWN ARE MEASURED TO HOUSE FOUNDATION.
3. THIS DRAWING DEPICTS THE APPROXIMATE LAYOUT OF THE LOT. FOR ACTUAL DIMENSIONS, SEE THE RECORDED FINAL PLAT.
4. THE LOWEST LEVEL ON THE NEW HOUSE WILL BE 2' ABOVE THE BASE FLOOD ELEVATION.



ABONMARCHE

315 W. Jefferson Blvd.
 South Bend, IN 46601
 T 574.232.8700
 F 574.251.4440
 abonmarche.com

| | |
|---|------------|
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| Grand Haven | Hobart |
| Grand Rapids | Lafayette |
| Kalamazoo | South Bend |
| Fort Wayne | Valparaiso |
| Engineering · Architecture · Land Surveying | |

DATE: 06/04/2024 ACI JOB #: 23-0360-11
 COPYRIGHT 2024 - ABONMARCHE CONSULTANTS, INC.

SHT: 1 of 1



Staff Report

Planning & Zoning

Petition: 24-BZA-13

Petition Type: Developmental Variance

Date: July 11, 2024

Petitioner: Maria Lourdes Larios Salmeron

Site Location: 1517 West Franklin Street

Request: To vary from Section 6.4, Yard Requirements, Front Yard setbacks, to allow the front porch to be enclosed which alters the average front yard setback for the block. The average front yard setback for the block is 15.38 feet. To allow the front porch to be enclosed that would have a new setback of 11 feet, a variance of four and thirty eight hundredths (4.38) feet.

Existing Zoning: R-3, Two Family Dwelling District

Size: +/- .12 acres

Thoroughfares: West Franklin Street

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

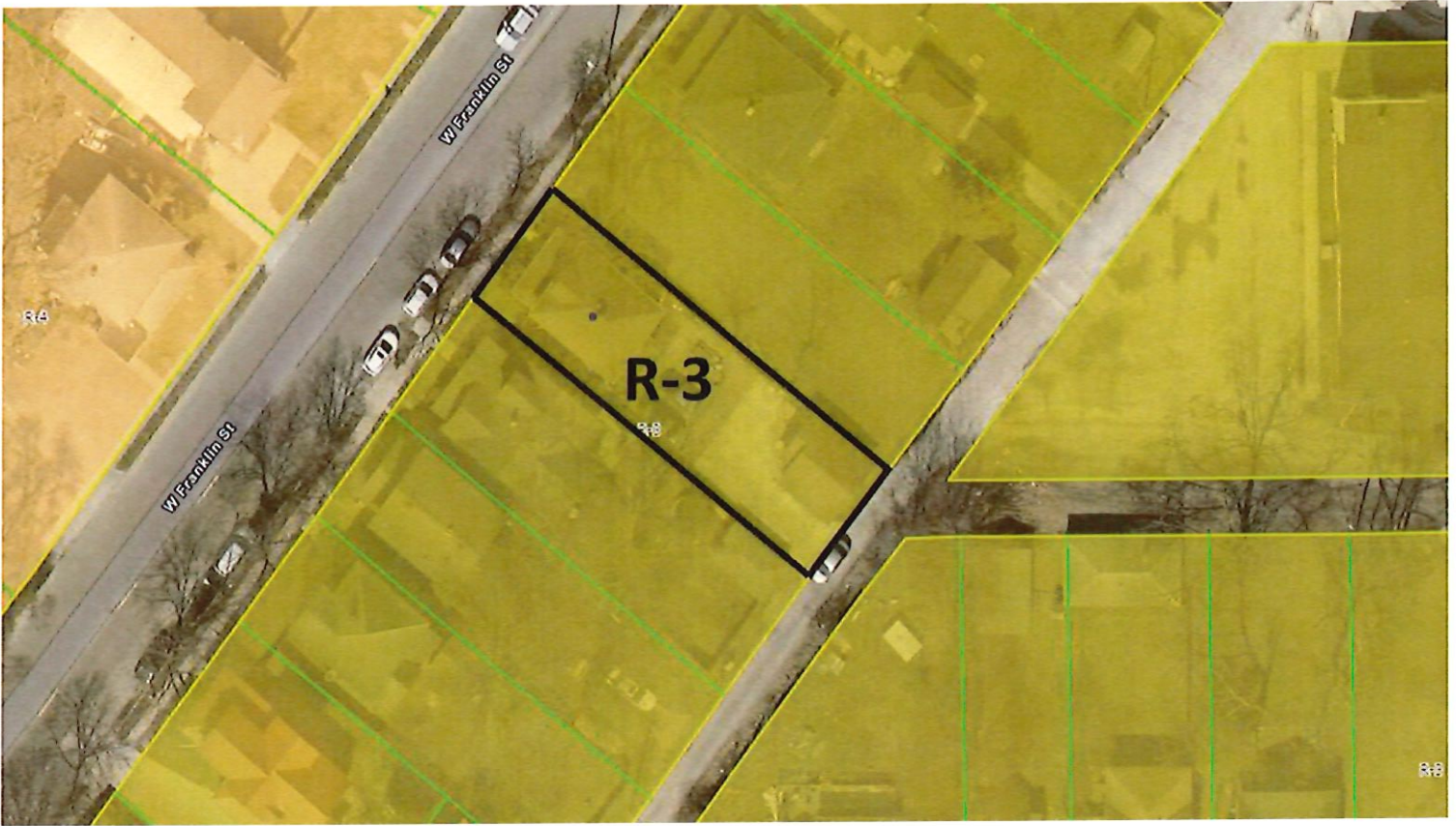
The surrounding properties are R-3 Two Family Dwelling District and R-4 Multiple Family Dwelling District Development.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive calls for this area to be developed as residential. The subject property is included in an area identified for residential use on the future land use map.



Staff Analysis

The petitioner is requesting to vary from Section 6.4, Yard Requirements, Front Yard setbacks, to allow the front porch to be enclosed which alters the average front yard setback for the block. The average front yard setback for the block is 15.38 feet. To allow the front porch to be enclosed that would have a new setback of 11 feet, a variance of four and thirty eight hundredths (4.38) feet.

The petitioner is seeking this variance due to the theft of personal belongings and to keep people from accessing the front door of the home. The variance is less than five (5) feet and staff supports the request.

Recommendation

The Staff recommends approval of the developmental variance to vary from based on the following findings of fact:

1. The approval **will not be** injurious to the public health, safety, morals, or general welfare of the community, because the petitioner will be required to complete the modifications in a workmanlike manner and have inspection by the building department;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the variance requested is small and should be imperceptible from the street;
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 of the need to provide safety and security for the home;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because of the need to provide safety and security of the home;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because no work has begun;
7. This property **does not** lie within a designated flood area.

Photos



LEGAL NOTICE #24-BZA-13

Hearing on proposed Developmental Variance #24-BZA-13

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, JULY 11, 2024 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #24-BZA-13.

Petitioner: Maria Lourdes Larios Salmeron

Request: To vary from Section 6.4, Yard Requirements, Front Yard setbacks, to allow the front porch to be enclosed which alters the average front yard setback for the block. The average front yard setback for the block is 15.38 feet. To allow the front porch to be enclosed that would have a new setback of 11 feet, a variance of four and thirty eight hundredths (4.38) feet.

Location: 1517 West Franklin Street

Zoning: R-3, Two Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2317 077 1574** as the meeting number and **"BZA2023"** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to hugo.roblesmadrigal@coei.org prior to the meeting.

LEGAL DESCRIPTION:

A STRIP OF LAND IN THE SHAPE OF A PARALLELOGRAM OFF OF LOTS SIXTEEN (16) AND SEVENTEEN (17) IN KRAU'S ADDITION TO THE CITY OF ELKHART, INDIANA: SAID PLAT BEING RECORDED IN DEED RECORD 61, PAGE 16 OF THE RECORDS IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF WEST FRANKLIN STREET, FORTY (40) FEET SOUTHWEST OF THE MOST NORTHERN CORNER OF LOT NUMBER SEVENTEEN (17); THENCE SOUTHEASTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT NUMBER SEVENTEEN (17), 132 FEET; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERN LINE OF SAID LOTS SEVENTEEN (17) AND SIXTEEN (16) 40 FEET; THENCE NORTHWESTWARDLY PARALLEL WITH THE SOUTHWESTERN LINE OF SAID LOT SIXTEEN (16), 132 FEET TO THE EASTERLY LINE OF SAID WEST FRANKLIN STREET; THENCE NORTHEASTWARDLY ALONG THE EASTERLY LINE OF SAID STREET 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 24th day of June, 2024, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: June 28, 2024

NOTE NOT FOR PUBLICATION: The City of Elkhart Planning Department, Municipal Building, 229 South Second Street, Elkhart, IN 46516 should be billed for the cost of this publication. Please send proof of publication to this address. Thank you.

PETITION #: 24-BZA-13

FILING FEE: \$ 200

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE:

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

Property Owner(s): Maria Lourdes Larios Salmerón

Mailing Address: 1517 W. Franklin St Elkhart IN

Phone # [REDACTED] Email: _____

Contact Person: Maria Lourdes Larios Salmerón

Mailing Address: 1517 W. Franklin St. Elkhart IN

Phone #: _____ Email: _____

Subject Property Address: 1517 W. Franklin St. Elkhart IN

Zoning: R-3

Present Use: SFR Proposed Use: SFR

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): Maria Lourdes Larios Salmerón

SIGNATURE(S): MLS DATE: 05-29-2024

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: _____

Petitioner presently occupies or proposes to occupy the above described property in the following manner: Single Family residence. The above described real estate presently has a zoning Classification of R-3. The zoning ordinance of the City of Elkhart requires (explain ordinance requirements and note the section number of the ordinance. Explain why strict adherence to the zoning ordinance requirements would create an unusual hardship. I want to close because when I leave things on the porch, people take them and come to the door when they ~~are~~ aren't suppose to.

Exhibit A

Legal Description

For Apn/Parcel ID's : 20-06-07-277-005.000-012

I, Maria Lourdes Larios Salmeron am the owner of the following described real estate located within the city of Elkhart, ^{CONCORD} Township State of Indiana, to-wit:

a strip of land in the shape of a parallelogram off of lots Sixteen (16) and Seventeen (17) in Krau's addition to the City of Elkhart, Indiana: Said Plat Being recorded in deed record 61, page 16 of the records in the office of the recorder of Elkhart County, State of Indiana, Being more particularly described as follows:

Beginning at a point on the easterly line of west Franklin Street, Forty (40) Feet Southwest of the most Northern Corner of Lot number Seventeen (17);

Thence Southeasterly parallel with the Northeasterly line of said lot number Seventeen (17), 132 feet;

Thence Southwesterly along the southeastern line of said lots seventeen (17) and sixteen (16) 40 feet;

Thence Northwestwardly parallel with the Southwestern line of said Lot sixteen (16), 132 feet to the easterly line of said west Franklin street; Thence Northeastwardly along the easterly line of said Street to the place of Beginning.

1. I, Maria Lottles Lottles Sametson am the owner of the following described real estate located within the city of Elkhart, Concord Township State of Indiana.

1. I desire to block off the patch But it's close to the street, because of the kids, I want to put 6 windows and a door. The material I want to use is Gray Vinyl Universal Starter Strip. MLS

2. The real estate located in the city of Elkhart, Concord Township State of Indiana has a zoning classification of R-3 District under the zoning ordinance of the city of Elkhart.

3. Petitioner presently occupies the above described property in the following manner: Single Family Residence.

4. Petitioner desires to close Patch.

5. Vary from section 6.4 Front Yard setbacks of 20ft, where the established setbacks would be 15.31 Ft.

6. I have children living in the residence, from the ages of 7 to 2 years old, there are currently 4 children living in the real estate described above.

1. The approval will not be injurious to the Public health safety morals and general Welfare of the community - NO
2. The use and value of the area adjacent to the Property will not be affected in a substantially adverse manner - NO
3. Granting the variance would be consistent and propose of the zoning ordinance. - Yes
4. Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district. - Yes
5. The strict application of the terms of his ordinance would deprive the applicant of the rights commonly enjoyed by other Properties in the same district under the provisions of this ordinance (financial considerations do not qualify). - Yes, safety
6. The special conditions and circumstances do not result from any action or inaction by the applicant. - NO

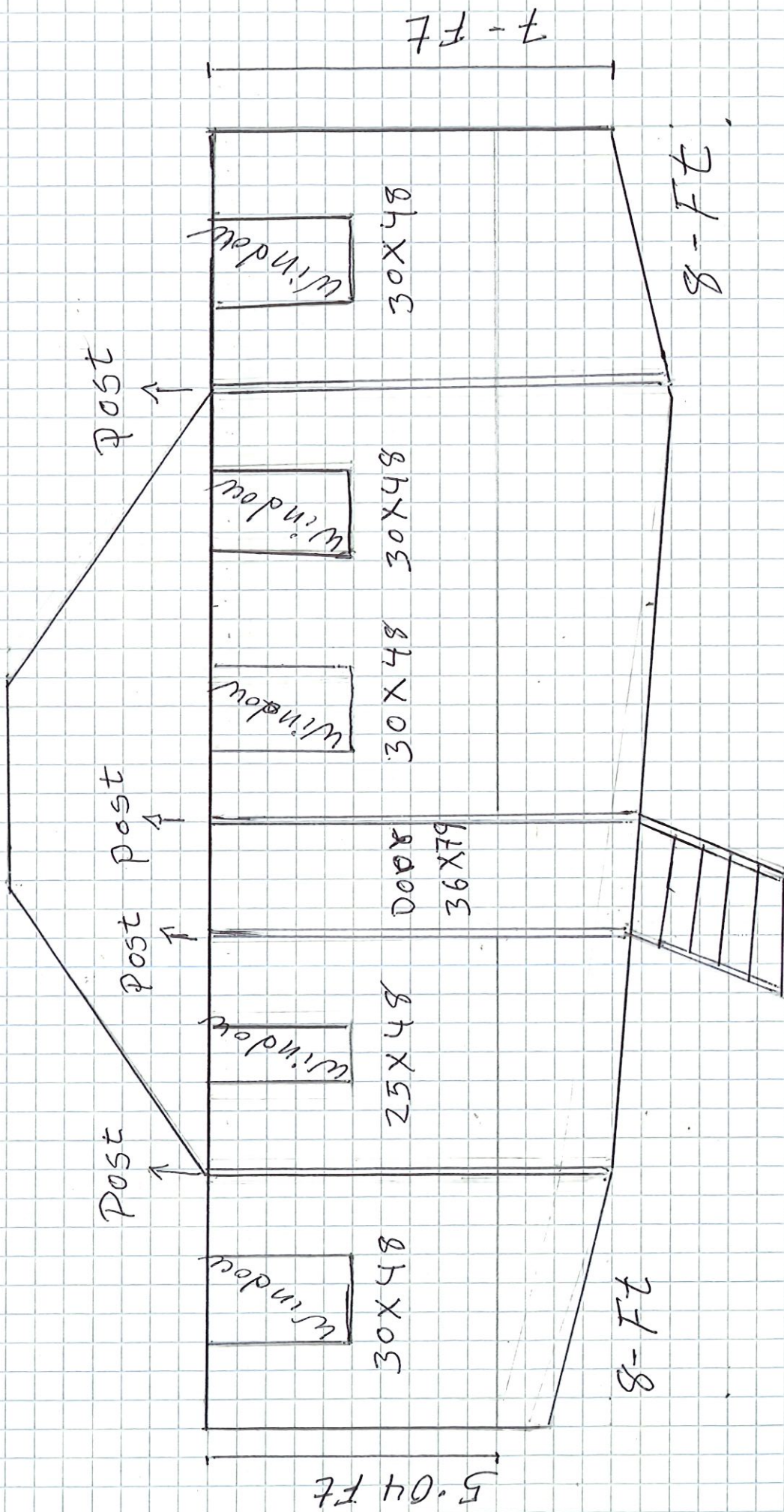
7. In designated flood hazard areas, the variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing law or ordinances." - NO

| | | | | | | | | |
|----------------------------|------------------------|---------------------------|---------------------------|-----------------------------|-----------------------------|------------------------|----------------------------|--------------------------|
| 1501 | 1503 | 1511 | 1517 | 1521 | 1525 | 1529 | 1533 | 1537 |
| 19.5 Ft opened Porch | 11.5 Ft No Porch | 19. Ft opened Porch | 19. Ft opened Porch | 10. Ft enclosed Porch | 9.5 Ft enclosed Porch | 18.5 Ft No Porch | 18.5 Ft opened Porch | 13 Ft opened Porch |

No
House

9.75 Average
enclosed
Porch

W. Franklin St.



21.5 FT

W-FRANKLIN



AFFIDAVIT IN SUPPORT OF VARIANCE PETITION

I, Maria, 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 1317 W Franklin St Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 29th day of May, 2024.

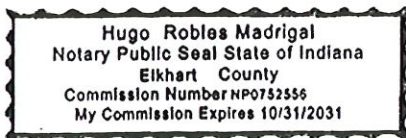
MLS
Printed: Maria Lourdes Larios

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 Maria Salmeron, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 29 day of May, 2024.



Hugo Robles Madrigal
Printed: Hugo Robles Madrigal

My Commission Expires:
10/31/2031

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



Staff Report

Planning & Zoning

Petition: 24-BZA-14

Petition Type: Developmental Variance

Date: July 11, 2024

Petitioner: Nelson B Holdings, LLC

Site Location: 529 South Second Street

Request: To vary from Section 26.4.B.1, which states in part, 'In a corner lot, no fence, wall or vegetation exceeding four (4) feet in height or a fence wall or vegetation that is opaque may be placed, built or installed: 1. In the required side yard adjacent to the street'. To allow for a fence that is six (6) feet in height to be placed in the required side (Harrison Street) yard.

Existing Zoning: CBD, Central Business District

Size: +/- .314 acres

Thoroughfares: South Second Street

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

The surrounding properties are CBD Central Business District

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for the area to be used for mixed uses.



Staff Analysis

The petitioner is requesting to vary from Section 26.4.B.1, which states in part, 'In a corner lot, no fence, wall or vegetation exceeding four (4) feet in height or a fence wall or vegetation that is opaque may be placed, built or installed: 1. In the required side yard adjacent to the street'. To allow for a fence that is six (6) feet in height to be placed in the required side (Harrison Street) yard.

The petitioner is seeking the variance due to the vandalism that has occurred on their property. Damage has occurred to both the vehicles parked on site and the building. Windows have been broken on both.

Staff supports the request and understands the need for security for the building and personal property on site.

Recommendation

The Staff recommends approval of the developmental variance to vary from based on the following findings of fact:

1. The approval **will not be** injurious to the public health, safety, morals, or general welfare of the community because the fence will be installed in a workmanlike manner;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because security fences are not that uncommon in urban areas;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because its allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances **do** exist that are peculiar to the land involved because the property is located on a corner the need for the variance exists;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because the need for safety and security is important for the viability of the business;
6. The special conditions and circumstances do not result from any action or inaction by the applicant;
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.

Photos





LEGAL NOTICE #24-BZA-14

Hearing on proposed Developmental Variance #24-BZA-14

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, JULY 11, 2024 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #24-BZA-14.

Petitioner: Nelson B Holdings, LLC

Request: To vary from Section 26.4.B.1, which states in part, ‘In a corner lot, no fence, wall or vegetation exceeding four (4) feet in height or a fence wall or vegetation that is opaque may be placed, built or installed: 1. In the required side yard adjacent to the street’. To allow for a fence that is six (6) feet in height to be placed in the required side (Harrison Street) yard.

Location: 529 South Second Street

Zoning: CBD, Central Business District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter **2317 077 1574** as the meeting number and **“BZA2023”** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to hugo.roblesmadrigal@coei.org prior to the meeting.

LEGAL DESCRIPTION:

THE SOUTH HALF OF LOTS NUMBERED TWO HUNDRED FIFTY-TWO (252) AND TWO HUNDRED FIFTY-THREE (253) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF SECOND SOUTH AND WESTERN ADDITION TO THE TOWN (NOW CITY) OF ELKHART, INDIANA; (AKA BEARDS 2ND ADDITION) SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 537 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Board, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 24th day of June, 2024, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: June 28, 2024

NOTE NOT FOR PUBLICATION: The City of Elkhart Planning Department, Municipal Building, 229 South Second Street, Elkhart, IN 46516 should be billed for the cost of this publication. Please send proof of publication to this address. Thank you.

PETITION #: 24-B2A-14

FILING FEE: \$ 300

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): NELSON B. HOLDINGS

Mailing Address: 30841 CHARLA LANE OSCEOLA IN 46561

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: CHRISTOPHER BAIKER

Mailing Address: 529 S. 2ND ST ELKHART, IN 46516

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 529 S. 2ND ST ELKHART, IN 46516

Zoning: CBD

Present Use: _____ Proposed Use: _____

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): CHRISTOPHER BAIKER

SIGNATURE(S): [Signature] DATE: 6/5/24

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.
- Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

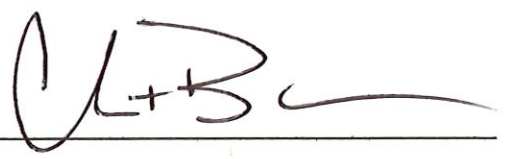
RECEIVED BY: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, ~~CHRISTOPHER~~
~~BAIKER~~, 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:

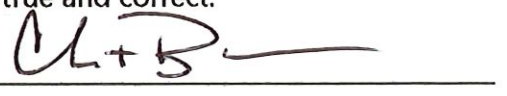
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my variance petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at 529 S. 2ND ST Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 6TH day of JUNE, 2024.



Printed: CHRISTOPHER BAIKER

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.

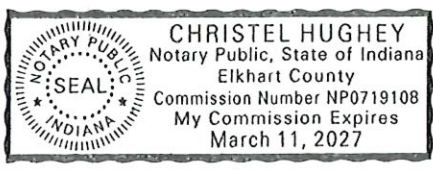


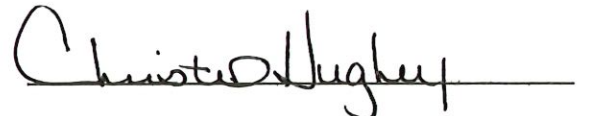
Printed: CHRISTOPHER BAIKER

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Christopher Baiker, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 6 day of June, 2024.

My Commission Expires:
March 11, 2027





Printed: Christel Hughey

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

NELSON B HOLDINGS LLC

June 5, 2024

TO: Board of Zoning Appeals.
City of Elkhart, Indiana

RE: Developmental Variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I, Christopher Baiker, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit: BEARDS 2nd S & W S1/2 LOT 252 S1/2 LOT 253 (TIF 75) with a mailing address of 529 S 2nd Street Elkhart, Indiana 46516
2. The above described real estate presently has a zoning classification of CBD (Central Business District) under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above described in the following manner: In addition to operating an event venue and housing a retail/service business (The Phacialist LLC) a skincare business operated by a licensed aesthetician, the building also serves as a residence for Christopher Baiker and Phalene Leichtman.
4. Petitioner desires to install a non conforming fence due to the proposed height of 6'. Said fence will conform to all other design standards and regulations.
5. The Zoning Ordinance of the City of Elkhart requires that fencing in the proposed areas not exceed 4'. Fence as described in the City of Elkhart Zoning Ordinance is "A structure partially or completely surrounding a part of or the whole of a zoning lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or natural growth." Section 26.4 (9) "in a corner lot, no fence, wall, or vegetation exceeding (4) feet in height or a fence..."
6. Strict adherence to the Zoning Ordinance requirements would create an unusual hardship because the safety and serenity of the property would be comprised. There have been numerous incidents of vandalism, property damage, theft and trespass which have given the owners no choice but to install a fence. Unfortunately a (4) foot fence would be too easy to scale. Property damage to date since owners took possession has topped \$10,000.00
7. Granting of this appeal would not be injurious to the public health, safety, morals and general welfare of the community. Granting of this appeal would not affect the use and value of the area(s) adjacent to the property in a substantially adverse manner. Granting of the variance WOULD be consistent with the intent and purpose of the Zoning

8. Ordinance. Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district. The strict application of the terms of the Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance and would neglect to remedy the safety issues that have been raised. The special conditions and circumstances do not result from any action or inaction by the applicant. In designated flood hazard areas, the variance will not increase flood height, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing laws or ordinances.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested developmental variance.

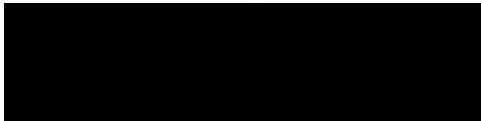


CHRISTOPHER BAIKER



Phalene Leichtman

Christopher Baiker
529 S 2nd Street
Elkhart, Indiana 46516



2nd Road variance,

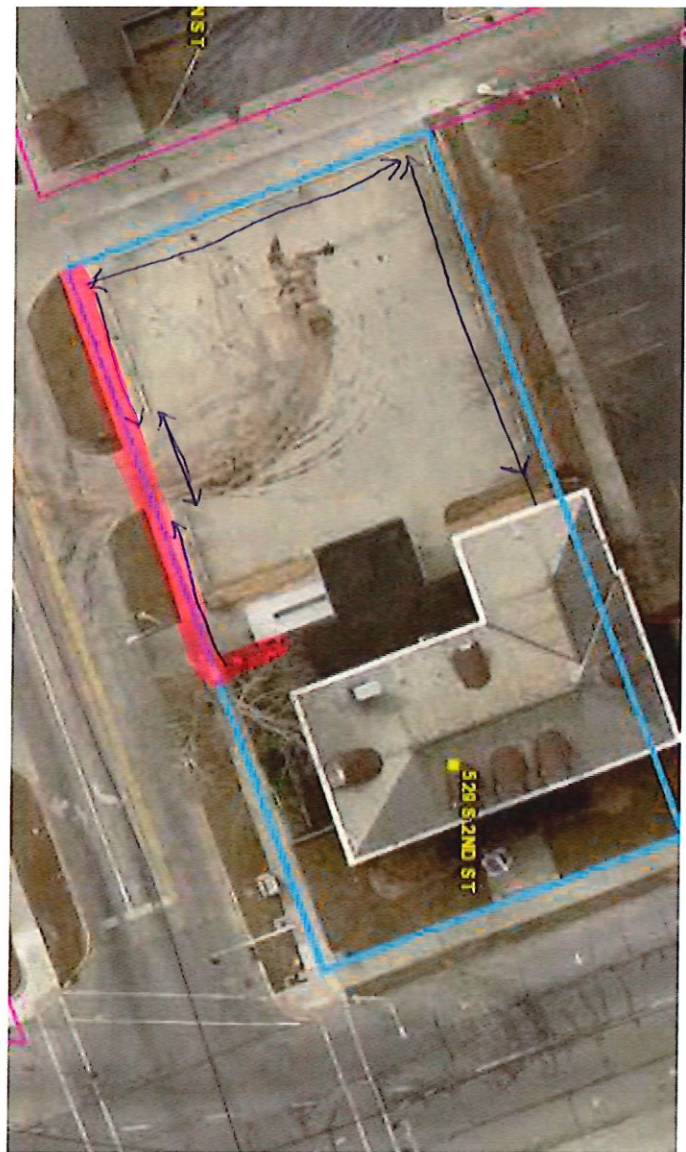


EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 20-06-05-457-014.000-012

THE SOUTH HALF OF LOTS NUMBERED TWO HUNDRED FIFTY-TWO (252) AND TWO HUNDRED FIFTY-THREE (253) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF SECOND SOUTH AND WESTERN ADDITION TO THE TOWN (NOW CITY) OF ELKHART, INDIANA; (AKA BEARDS 2ND ADDITION) SAID PLAT BEING RECORDED IN DEED RECORD 3, PAGE 537 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.



Staff Report

Planning & Zoning

Petition: 24-BZA-15

Petition Type: Developmental Variance

Date: July 11, 2024

Petitioner: James Hubbard and Sharron Ferrin

Site Location: 3620 Gordon Road

Request: To vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states ‘A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.’ To allow for a perimeter fence that is four (4) feet in height. The in ground pool will have an automatic pool cover.

Existing Zoning: R-1, One Family Dwelling District

Size: +/- .369 acres

Thoroughfares: East Jackson Boulevard and Gordon Road

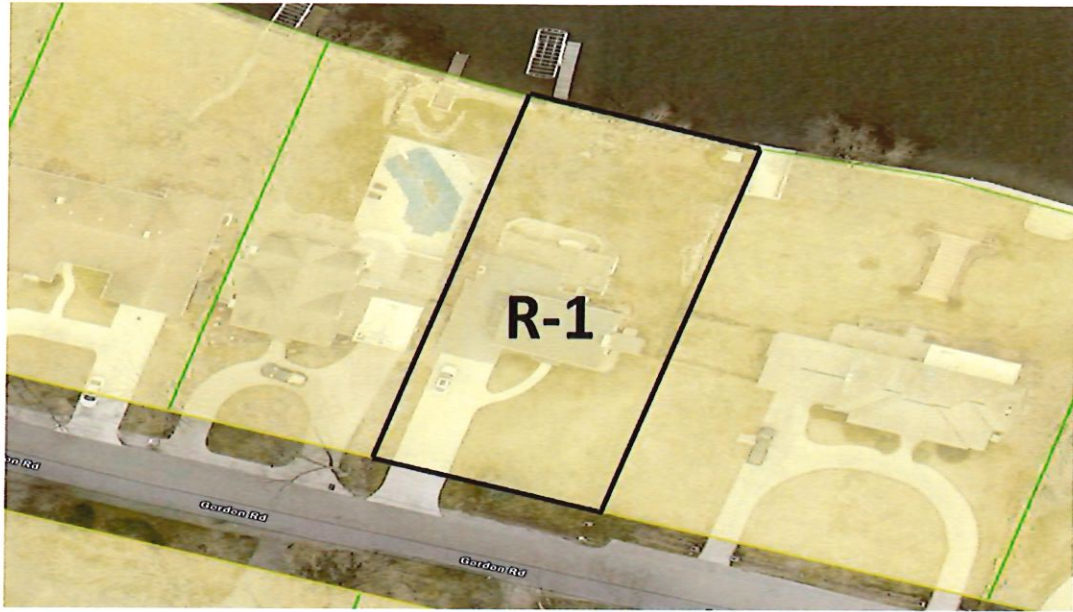
School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:
The surrounding properties are R-1, One Family Dwelling District

Applicable Sections of the Zoning Ordinance:
Enumerated in request.

Comprehensive Plan:
The Comprehensive Plan calls for this area to be used for low density residential uses.



Staff Analysis

The petitioner wishes to vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states ‘A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.’ To allow for a perimeter fence that is four (4) feet in height. The in ground pool will have an automatic pool cover.

The home site is located along the St. Joseph River. Based on county tax data, the home was built in 1953 and is surrounded by single family dwellings. The petitioner is in the process of constructing an in-ground pool with an automatic pool cover. The proposal is to have a four (4) foot fence surround the rear yard where the pool is being constructed. The intent is to also have the river bank act as the fourth side of the fence as any person wanting to enter from the north side of the property would have to enter by boat or swim up to the bank – this request is similar to other developmental variance requests heard by this body.

Staff shared the Planning Department is in the process of updating the current zoning ordinance. One of the regulations that would change is the pool development requirements. Although still in the draft form – the requirement would be for an in-ground pool with an automatic pool cover, a four (4) foot fence would be required. This proposed language will more closely mirror state code. It is anticipated that the new ordinance will have public hearings in the late fall.

Staff supports this request as it is similar to other water front developmental variances that this board has approved in the past.

Recommendation

The Staff recommends **approval** of the developmental variance to vary from based on the following findings of fact:

1. The approval **will not be** injurious to the public health, safety, morals, or general welfare of the community as the river wall would create a sufficient barrier equal to a fence. In addition, the pool has an automatic pool cover installed for added security;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the property would still remain a residential property in a residential neighborhood, and pools are commonly found in residential neighborhoods;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because its allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** that are peculiar to the land involved, as the rear of the property abuts a river, creating a natural barrier;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property by depriving the petitioner of the rights commonly enjoyed by other properties in the same area;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because the property abuts the St. Joseph River and the embankment would serve as preventative access to the pool comparable to the otherwise required fence;
7. This property **does not** lie within a designated flood area.

Photos



LEGAL NOTICE #24-BZA-15

Hearing on proposed Developmental Variance #24-BZA-15

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, JULY 11, 2024 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #24-BZA-15.

Petitioner: James Hubbard and Sharron Ferrin

Request: To vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states ‘A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.’ To allow for a perimeter fence that is four (4) feet in height. The in ground pool will have an automatic pool cover.

Location: 3620 Gordon Road

Zoning: R-1, One Family Dwelling District

This meeting can also be accessed via WebEx. To join, go to <http://coei.webex.com>, enter 2317 077 1574 as the meeting number and “BZA2023” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to hugo.roblesmadrigal@coei.org prior to the meeting.

LEGAL DESCRIPTION:

LOT 24 AND 6’ BY PARALLEL LINES FROM OFF THE ENTIRE WEST SIDE OF LOT 25 GORDON PARK, CITY OF ELKHART, ELKHART COUNTY, INDIANA. PLAT BOOK 2, PAGE 92.

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 24th day of June, 2024, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: June 28, 2024

NOTE NOT FOR PUBLICATION: The City of Elkhart Planning Department, Municipal Building, 229 South Second Street, Elkhart, IN 46516 should be billed for the cost of this publication. Please send proof of publication to this address. Thank you.

PETITION #: 24 BBA-15

FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): JAMES HUBBARD / SHARON FURMAN

Mailing Address: 3620 GORDON RD ELKHART, IN 46516

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: JIM HUBBARD

Mailing Address: SAME AS ABOVE

Phone #: + Email: _____

Subject Property Address: 3620 GORDON RD ELKHART, IN 46516

Zoning: _____

Present Use: RESIDENTIAL 1 Proposed Use: RESIDENTIAL 1

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): JAMES HUBBARD / SHARON FURMAN

SIGNATURE(S): [Signatures] DATE: 6.7.24

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- _____ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.
- _____ Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: [Signature] DATE: 6/7/24

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

JAMES A HUBBARD
WF SHARON FEELEN 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 3620 GORDON Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 7 day of JUNE, 2024.

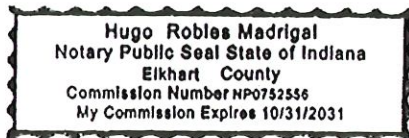
[Signature]
Printed: SHARON FEELEN

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: JAMES HUBBARD

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared James Hubbard and Sharon Feelein, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 7 day of JUNE, 2024.



[Signature]
Printed: Hugo Robles Madrigal

My Commission Expires:
10/31/2031

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

June 7, 2024

Board of Zoning Appeals
City of Elkhart

Re: Developmental Variance

1. The undersigned petitioner respectfully shows the Board of Zoning Appeals:

James A. Hubbard, is the owner of the following real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:

We are asking for a variance to install a four-foot fence to enclose our swimming pool.

Please see Exhibit A

2. The above-described real estate presently has a zoning classification of R1 District under the Zoning Ordinance of the City of Elkhart.

3. Petitioner presently does occupy the above-described property.

4. Petitioner desires to install a four-foot fence.

5. The Zoning Ordinance of the City of Elkhart requires a Use Variance for this request, the plot is located in Section Z 6.1.C.3Req 6" fence

6. Strict adherence to the Zoning Ordinance requirements would create an unusual hardship because the city is in the process of updating the requirements for pool fences to more closely match the State regulations.

Standards:

7.1 The approval will not be injurious to the public health, safety, morals and general welfare of the community because an automatic pool cover will be installed as well as a four-foot fence.

7.2 The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. because an automatic pool cover will be installed as well as a four-foot fence.

7.3 The need for the variance arises from the need to rezone the lot to allow for a four-foot fence.

7.4 The property will still provide a measure of security with a proper fence.

7.5 The approval does not interfere substantially with the Comprehensive plan.

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

Signature of Property Owner: Jim A. Hubbard

Printed Name: JIM A. HUBBARD

Contact Person: Jim Hubbard

Address: 3620 Gordon, Elkhart, Indiana 46516

Phone: [REDACTED]

Email: [REDACTED]

Survey 1
10/1/2016

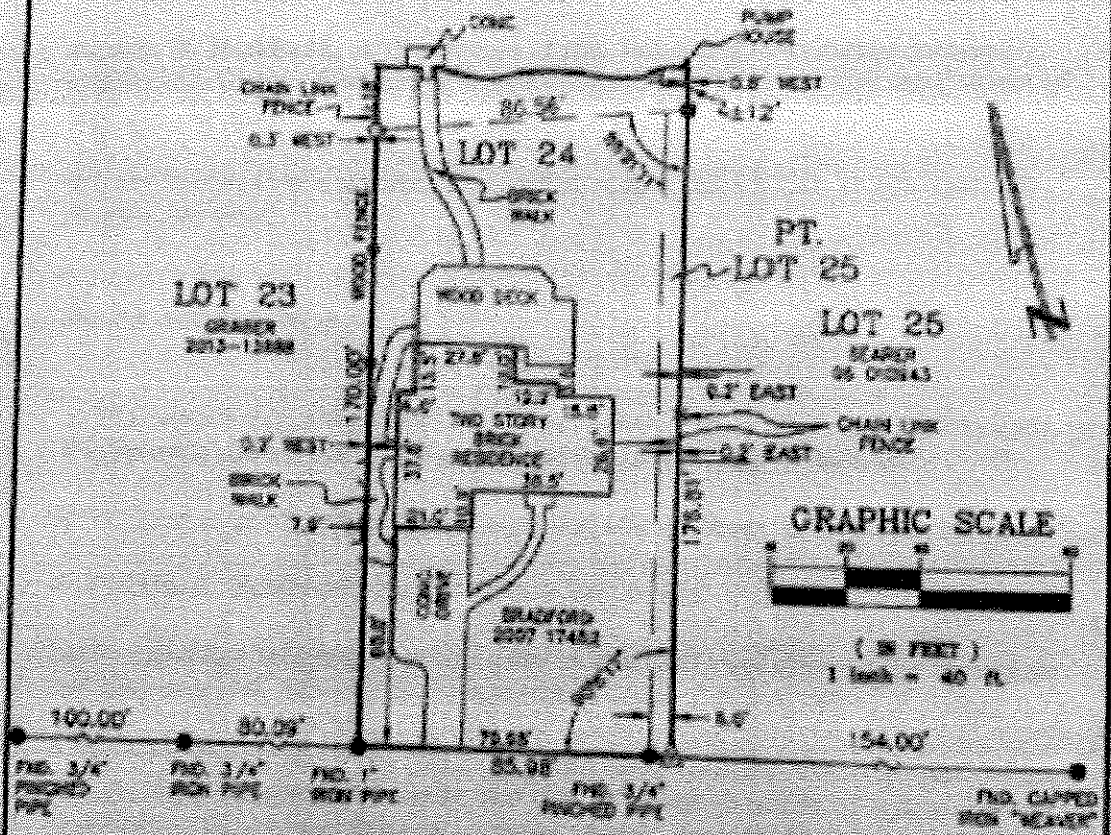
FILE 10000 DRAWN

SHEET 1 OF 2

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION
LOT 24 AND 5' BY PARALLEL LINES
FROM OFF THE ENTIRE WEST SIDE
OF LOT 25 GORDON PARK,
CITY OF ELKHART,
ELKHART COUNTY, INDIANA,
PLAT BOOK 2, PAGE 92.

ST. JOSEPH RIVER



GORDON ROAD

100.00' 80.09' 70.98' 50.98' 154.00'

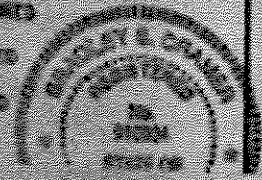
FIG. 3/4" FINISHED PIPE FIG. 3/4" IRON PIPE FIG. 1" IRON PIPE FIG. 3/4" FINISHED PIPE FIG. CAPPED IRON "NEVER"

LEGEND

- = SET 3/8" REBAR-FLUSH WITH I.S. CAP #102009
- = FOUND IRON PIPE
- △ = SET COTTON MOWER SPANGL
- ▲ = FOUND I.R. SPIKE
- (M) = MEASURED
- (P) = PLATTED
- (D) = DETERM

I, BRADLEY S. CRAMER, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA, LICENSE #190004, DO HEREBY CERTIFY THAT THIS REPRESENTS A SURVEY PREPARED BY ME OR UNDER MY DIRECT SUPERVISION. THIS SURVEY WAS COMPLETED ON JULY 26, 2016 IN ACCORDANCE WITH STATE AND ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE. I FURNISH AFTER, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SURVEY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

OWNER: LONA F. BRADFORD









4' FENCE INSTALLED
AFTER PROJECT IS COMPLETED

EXISTING
4' FENCE

708-567-7977
Gordon Rd