

AGENDA
ELKHART CITY BOARD OF ZONING APPEALS
THURSDAY, AUGUST 8, 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 JUNE 13, 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 NORTH NAPPANEE STREET

To vary from the requirements found in Section 26.10, Sign Regulations, Table 2, to allow a new freestanding sign at a height of 10.25 (ten and twenty five hundredths) feet where maximum sign height at the required minimum five (5) foot setback, is 6 (six) feet in height, a variance of 3.75 (three and seventy five hundredths) feet. To also vary from the maximum allowed message center of 50% of the principal sign which is 22.5 square feet to allow a message center of 32 square feet, a variance of twenty and seventy five hundredths) square feet.

24-BZA-12 PETITIONER IS SALLIE H. 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.

6. **NEW BUSINESS**

24-BZA-16 PETITIONER IS BLANCA PINA
PROPERTY IS LOCATED AT 304 WEST WOLF AVENUE

To vary from the requirement found in Section 26.3.B.9, Permitted Obstructions in Required Front Yards, to allow for an open front porch that is 8.58 (eight and fifty eight hundredths) feet away from the front wall of the structure, where 6 (six) feet is allowed, a variance of 2.58 (two and fifty eight hundredths) feet.

24-X-05 PETITIONER IS ELKHART COMMUNITY SCHOOLS
PROPERTY IS LOCATED AT 2608 CALIFORNIA ROAD

Per Section 4.3, a Special Exception to allow an addition to Elkhart High School. The proposed use is a Health and Wellness Center.

24-BZA-17 PETITIONER IS HABITAT FOR HUMANITY OF ELKHART COUNTY
PROPERTY IS LOCATED AT 3115 HOMER AVENUE

To vary from Section 5.4, Yard Requirements, to allow for a Corner Side Setback of fourteen and eight tenths (14.8) feet where twenty (20) feet is required, a variance of five and four tenths (5.4) feet.

24-BZA-18 PETITIONER IS ADEC INC

PROPERTY IS LOCATED AT 1205 MIDDLETON RUN ROAD

To vary from the requirements found in Section 26.10, Sign Regulations, Table 1, to allow for an existing freestanding sign that is forty (40) square foot in area to be refaced where the maximum area is thirty two (32) square feet in area a variance of eight (8) square feet. To also vary from the requirements found in Section 26.10, Sign Regulations, Table 1, to allow for a new wall sign that is 79.05 square feet in area where the maximum area allowed is two (2) square feet (name and address only) a variance of 77.05 square feet.

24-BZA-19 PETITIONER IS DAVID A NUFER LLC

PROPERTY IS LOCATED AT 2101-211 SOUTH MAIN STREET

To vary from Section 13.4, Yard Requirements to allow for a new structure that is 3.60 (three and six tenths) feet from the front property line (Main Street) where 30 feet is required and 2.16 (two and sixteen hundredths) feet from the corner side yard (Lusher Avenue) where 30 feet is required, a variance of 26.4 and 27.84 feet respectively. To also vary from Section 26.7.C.7.1.ii. (b). (2) where 10 (ten) feet is required for a parking lot adjacent to a right of way to allow for 8.66 (eight and sixty six hundredths) feet for the new parking lot. To also vary from Section 26.7.C.7.1.ii. (a). (1) where a 4 (four) foot landscape strip is required to allow for 3.5 (three and five tenths) feet, a variance of .5 (five hundredths) feet. To also vary from Section 26.7.C.7.1.ii. (b). (2) to allow for the landscape strip along the Main Street frontage to be 3.60 (three and six tenths) feet where 10 feet is required and 2.16 (two and sixteen hundredths) feet along the Lusher Avenue frontage where 10 (ten) feet is required a variance of 6.4 (six and four tenths) feet and 7.84 (seven and eighty four hundredths) feet respectively. To vary from Section 26.7.C.7.1.ii.(b).(2) to allow for the alley landscape strip to be 8.77 (eight and seventy seven hundredths) feet where 10 (ten) feet is required.

24-X-06 PETITIONER IS REPUBLIC SERVICES (BROWNING FERRIS INDUSTRIES)

PROPERTY IS LOCATED AT 3300 CHARLOTTE AVENUE

Per Section 18.3, Special Exception Uses in the M-1, Limited Manufacturing District, a special exception to allow for the replacement of a 10,000 gallon diesel fuel storage tank.

24-UV-08 PETITIONER IS ELKHART COMMUNITY SCHOOLS

PROPERTY IS LOCATED AT 2424 CALIFORNIA ROAD

To vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow for an addition to the Career Center Building, part of the Elkhart High School Campus

24-UV-09 PETITIONER IS ELKHART COMMUNITY SCHOOLS

PROPERTY IS LOCATED AT 2411 AND 2439 COUNTY ROAD 10

To vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow for an addition to the Diesel Tech and Building Trades Buildings, part of the Elkhart High School Campus

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, June 13, 2024 - Commenced at 6:00 P.M. & adjourned at 7:02 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Doug Mulvaney
Ron Davis
Janet Evanega Rieckhoff

MEMBERS ABSENT

Phalene Leichtman

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning

LEGAL DEPARTMENT

Maggie Marnocha

RECORDING SECRETARY

Hugo Madrigal

APPROVAL OF AMENDED AGENDA

Mulvaney moves to approve an amended agenda and tabling 24-UV-04 and 24-BZA-06 until the next meeting. Davis makes motion to amend the agenda; Second by Evanega Rieckhoff. Voice vote carries.

APPROVAL OF MINUTES FOR MARCH 14, 2024 & MAY 9, 2024

Evanega Rieckhoff makes a motion to approve March 14, 2024 minutes; Second by Davis. Voice vote carries. Davis makes a motion to approve May 9, 2024 minutes; 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 June 13, 2024 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the Board. If no decision is made, the petition will be set for another hearing.

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

OLD BUSINESS

24-UV-07 PETITIONER IS GURPREET SINGH
PROPERTY IS LOCATED AT 1900 & 1904 W FRANKLIN ST

To vary from Section 18.2, Permitted Uses in the M-1, Limited Manufacturing District to allow for the construction of a four family dwelling. Four family dwellings are not a permitted use in the M-1 District.

Mulvaney calls the petitioner forward.

Levi Ridhour appears in person on behalf of the petitioner. Ridhour says the plan is to build a quadplex on the vacant property. He says it will add value to the property since there is nothing there, and the plan is for it to be affordable housing. He adds that a concrete parking lot will be installed in the back on the north side to match the surrounding neighborhood so people are not parking on Franklin Street.

Mulvaney asks for questions from the Board.

Mulvaney asks Ridhour if each unit will be two bedrooms.

Ridhour answers yes and believes each unit will be 920 sq. feet.

Mulvaney states that the quadplex is needed and that there is a need for smaller apartments.

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

Ronald and Jackie Clay appear in person in opposition to the petition.

Ronald asks the Board why the petitioner can build a quadplex in a light manufacturing area.

Mulvaney answers that the petitioner is before the Board seeking relief, which is why they are present today. The rationale is that the neighborhood's character is starting to change.

Jackie states that she deals with many renters, and they have had issues with them in the past. She then says that if law enforcement is dispatched, they might or might not come, and people are left having to deal with the issue. Jackie states she has a quiet neighborhood and wants to keep it that way.

Ivy Iverson appears in person in opposition to the petition. Iverson says she owns the Franklin Street Tavern and has operated it for nearly 25 years. She says she agrees with the neighbors because the area can be messy. She states that people cut through and speed through her parking lot. The wear and tear of her property suffers because of it, and it costs her money. Iverson states that people leave their trash in the dumpster, and if it is closed, they leave it in the area. Iverson then says children play in the alley and parking lot, which can be dangerous. She then says that she has a chain link fence, which is being destroyed by visiting guests of the renters. Iverson adds that she receives large deliveries four to five times a week, which concerns her since children play around there. She says it's a huge liability and cannot install a fence around her property. Iverson says she wants the wear and tear to stop and people to stop trashing her property.

Evanega Rieckhoff states that the apartment complex will have its trash pickup.

Iverson states she is still determining if that will happen. She then says she has a petition with approximately 18 signatures against it. She says people do not want it in the area and believes it will not enhance the neighborhood.

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

STAFF ANALYSIS

The petitioner is proposing to construct a four family dwelling at the intersection of W Franklin and Navajo Streets. This section of Franklin has historically had manufacturing zoning mixed with various types of residential and commercial uses for almost 70 years. Since the 1950's, this area has been a mix of industrial, commercial and residential uses. Because of its adjacency to the railroad, the uses tended to be more intense along the south side of Franklin and became less intense the farther away one moved to the north from Franklin. Over time, the manufacturing and commercial uses have diminished with smaller industrial development moving to newer industrial areas, often adjacent to major thoroughfares and clustering with similar uses, in other parts of the city.

It is thought that in time much of this portion of the neighborhood will be considered for rezoning to some sort of residential or mixed use. Looking at the graphic above, there are a number of parcels on El Reno, Navajo and Avalon that sought and were granted rezoning to residential in 2005. This is noted to highlight the varying nature of uses in the neighborhood with a strong favor toward residential.

The need for a use variance is required in order to construct this project. The idea of a more intense residential use should not impact the surrounding uses or character of the neighborhood as this use is less intense than most commercial users or the permitted industrial uses.

Staff is supportive of this infill project. Proposals like this one are becoming more common in areas that have seen disinvestment over time and where the need for new and diverse housing options are needed. This proposal reflects a development pattern seen in other parts of the city that integrates varying levels of density within a neighborhood. This type of housing is considered the 'Missing Middle' – which the city is lacking. Because of the compact construction and it being developed where the necessary infrastructure is existing - it is more cost effective to construct. Therefore those costs do not have to be passed along to the tenant in the form of higher rent. This request adds to the inventory of alternative housing types needed in Elkhart.

It is anticipated that more of these requests will be coming in the future as staff looks for creative ways to reintroduce residential units on vacant infill property.

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 constructed to city standards;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the intensity of use will blend with the neighborhood that has a variety of residential, commercial and industrial uses along Franklin currently;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because it allows for a measure of relief when warranted;
4. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the site because any residential redevelopment will require board action and the land does not support most industrial uses on the small site;
5. The special conditions and circumstances do not result from an action or inaction by the applicant.

Trotter states there were 29 letters mailed with zero returned. Trotter says one telephone call was not in favor with concerns about too many rentals in the area.

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

Davis asks Trotter how parking will be accommodated.

Trotter answers that tenants will have access to the alley and parking can accommodate two per unit.

Davis asks if that will be within Staffs rules.

Trotter answers yes.

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-UV-07 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Davis.

Davis – Yes

Evanega Rieckhoff – Yes

Mulvaney – Yes

Motion carries.

NEW BUSINESS

24-BZA-08 PETITIONER IS STEVE MCGRATH & DAWN MCGRATH PROPERTY IS LOCATED AT 933 E BEARDSLEY ST

To vary from Section 6.2, which references the minimum size of a residential dwelling unit as seven hundred fifty (750) square feet to allow for an additional residential unit in this structure to be three hundred thirty five (335) square feet, a variance of four hundred fifteen (415) square feet.

Mulvaney calls the petitioner forward.

Dawn McGrath appears in person as the petitioner. McGrath says she and her husband bought their residence in 2015 and have lived there as their primary residence. McGrath states she also purchased the home in front of hers, located at 929 E Beardsley. She says she wants to stay consistent with the adjacent properties and convert them into two apartments. McGrath adds that she also transformed her basement into an apartment because the property forms a long strip along Cressy and Everett on Greenleaf. She states there is a sufficient amount of pavement between the new homes for the parking of about 12 cars. McGrath says she got the idea of turning the office into a small rental room with dimensions of 16 feet by 14 feet. It would have a private entrance, with a private bathroom, containing a second access to the garage. McGrath states it would be considered an extended stay.

Evanega Rieckhoff asks if there is a stove or hot plate.

McGrath answers that there will be a hot plate, mini fridge, coffee maker, water filter, and an air fryer. She says there will be a TV, and the property is furnished.

Mulvaney asks for questions from the Board.

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

STAFF ANALYSIS

The petitioner wishes to vary from the requirements found in Section 6.2, which references the minimum size of a residential dwelling unit as seven hundred fifty (750) square feet to allow for an additional residential unit in this structure to be three hundred thirty five (335) square feet, a variance of four hundred fifteen (415) square feet.

The property is zoned R-5, Urban Residential District. Multiple dwelling units in the structure are allowed by right.

This site abuts the St. Joseph River on East Beardsley Avenue just west of Greenleaf Boulevard. The structure was built in 1973 according to Elkhart County tax records and sits toward the rear of the property. The kitchen area and bath were existing when the petitioner purchased the property. The property currently has six off street parking spaces therefore having adequate parking for an additional unit.

There are single family and multifamily homes that surround the property. There is also a commercial building, currently used for Cressy & Everett Real Estate, northeast of the site.

Staff supports the variance request contained in the petition. There will be no outward change to the building. This request reinforces the demand for walkable and affordable housing and begins to address the market gap in housing diversity.

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 residential unit within the structure is built per all applicable current building codes;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because many of the adjacent properties are also multifamily dwellings. The use is permitted by right with, the size of the unit in question being of typical size for an efficiency unit;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because there will be no change to the outward appearance of the structure. Additionally, the unit is contained within the footprint of the structure;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because without board action the additional unit would not be a legal dwelling unit because of its size;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because the elements of unit (kitchen and bath) existed in the structure when the petitioner purchased the property;
7. This property does not lie within a designated flood area.

Trotter states that 55 letters were mailed, with three returned and one telephone call in favor with no comment. One letter was returned not in favor with the comment that the residential unit needed to be bigger and would change the neighborhood's characteristics from low to high-density residential.

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

Evanega Rieckhoff states that the apartment does seem relatively small and asks Trotter if there is any history of apartments being that small within the city.

Trotter answers that there is an increase in the type of request, as earlier in the year, there was a complex approved by the city that contained one, two, and three dwelling units and mixed-use. Trotter says there is a growing demand for younger professionals who may not need a larger apartment. He states this is the same for the other side of the spectrum, for older individuals who may want to downsize and enjoy as much responsibility for keeping a property. Trotter then says that one or two buildings in South Bend are effeminacy and one-bedroom units. He says there is a trend to attract single people who may not need or want all of the area to take care of.

Evanega Rieckhoff asks McGrath if there is a window.

McGrath answers that there are two windows.

Evanega Rieckhoff asks if the garage will belong to the tenant.

McGrath answers that it could be.

Mulvaney calls for a motion.

Davis makes motion to approve 24-BZA-08 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-BZA-09 PETITIONER IS MARK SHARP & COLETTE 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.

Mulvaney calls the petitioner forward.

Mark Sharp appears in person as the petitioner. Mark states that he recently built a house on East Lake Drive close to the park and pavilion in the neighborhood. He says there are two houses with no sidewalks on their street, and he claims there are no sidewalks on either side of the road. Mark then says his neighbors do not have sidewalks, nor does the park have one. He says that his house would be the only one in the area with a sidewalk, and it would look out of place.

Colette Sharp appears in person as the petitioner. Colette says she and her husband, Mark, live in an established neighborhood. She says the lot was a double lot, but it was combined when the house was being built. Colette states they are asking not to install a sidewalk since they would be the only ones in the area with a sidewalk, which would look unsightly. She says her neighbors are not concerned about sidewalks, and it's not a part of the neighborhood.

Mark states that it would look odd since a sidewalk on one side of their driveway extends 10 feet. Conversely, it would go around 70 feet and stop short of a street sign. He says he has talked to others in the neighborhood, and no one he knows wants the sidewalk. He says it has been a thing since the 1960s when the neighborhood was built, and there are no safety concerns.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff stated that she had been driving around before the meeting started and had realized there were no sidewalks around the area. She states it would be unique and understands what the petitioner is requesting.

Mark Sharp asks Evanega Rieckhoff if she has seen his house.

Evanega Rieckhoff answers yes, saying she drove by it and that it's a beautiful home.

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

STAFF ANALYSIS

The petitioner wishes to vary 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.

STAFF 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.

Trotter states that 21 letters were mailed, with three returned in favor. Two comments said that there are no sidewalks in the area and that installing one would be a waste of resources and an eyesore, and another said the HOA supports not installing a sidewalk.

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

Evanega Rieckhoff asks Trotter who would be responsible for maintaining the sidewalk.

Trotter answers that the city would assume the responsibility for the sidewalk over the long haul if it fell into disrepair.

Evanega Rieckhoff asks Trotter if the homeowner would assume responsibility for the tree lawn.

Trotter answers that the petitioner would be responsible for mowing the tree lawn, but the city would be responsible for the sidewalk.

Mulvaney calls for a motion.

Evanega Rieckhoff makes a motion to approve 24-BZA-09 and adopt the petitioner's documents and presentations, together with the Staff's finding of fact, as the Board's findings of fact in the present petition.

Maggie Marnocha, Board of Zoning Appeals attorney, states that the Board must withdraw the motion since it moved to approve the Staff's report and the petitioner's findings as the Board's findings of fact. It has to do one or the other.

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to withdraw the original motion; Second by Davis.

Mulvaney asks Trotter if the petitioners could avail themselves of the city's sidewalk program.

Trotter answers that that would be a Board of Works policy decision that would have to be considered by the Board of Works.

Evanega Rieckhoff makes a motion to approve 24-BZA-09 and adopt the petitioner's documents and presentations as the Board's findings of fact in the present petition.

Davis – No
Evanega Rieckhoff – Yes
Mulvaney – Yes

Motion fails as there is a minimum quorum and the petition will be heard next month.

**24-X-04 PETITIONER IS MALIK ENTERPRISES LLC
PROPERTY IS LOCATED AT 1710 LEER DR**

A Special Exception per Section 13.3, Special Exception Uses in the B-3, Service Business District, to allow for a Trade School.

Mulvaney calls the petitioner forward.

Crystal Welsh and Brianne Feeks appear in person on behalf of the petitioner. Welsh states that a medical health facility currently occupies an existing building. She says the current user of the property will continue to operate while they look for another facility. Welsh states that as part of negotiations as part of sales, they can stay in the current facility until they find an alternative building. Welsh states that the school is accredited and has been operating for the last ten years at 2701 South Parkway. She says it's not a new program, just a relocation to offer more class space. Welsh then says the classes will be operating during the evenings so that the actual class participants can work during the day and take classes at night. Welsh says there should be no issues since it is not a residential area. She states that the current medical facility will operate during the day, and the classes will go on at night. There are two separate parking lots, so parking should not be a concern. Welsh says it will be helpful since it's large enough for hands-on classes.

Mulvaney asks for questions from the Board.

Mulvaney asks Welsh if the petitioner will own the building and lease out certain spots to the previous owner until the previous owner can transition to a new location.

Welsh answers yes.

Evanega Rieckhoff asks Feeks how many students will be attending.

Feeks answers that there will be about 160 students, but the students only attend class one night a week, so there will be a total of 40 students who attend each class a week.

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

STAFF ANALYSIS

The petitioners are submitting an application to establish a trade school at 1710 Leer Drive in the Park Six Industrial Park. Trade schools are a special exception use.

The building was most recently used as a home medical equipment facility. The request as a trade school works well for the area along County Road 6, in an area largely populated with industrial users that would benefit from skilled workers completing the program. Based on information provided with the petition, the school is affiliated with Vincennes University and is accredited by NCCER, the National Center for Construction Education and Research.

STAFF RECOMMENDATION

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

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

CONDITIONS

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

1. Any/all necessary permits be obtained from the Building Department for interior renovations prior to occupancy.

Ughetti states there were eight letters mailed, with one returned in favor with a comment from Tom Kershner saying he values education and welcomes a trade school at the location. However, his concern is the traffic situation in the industrial park. They stated that the commercial area has only one entrance/exit, a "T" into CR 6. He said they have often requested an additional entrance/exit or a traffic light or turn lane to be added at the entrance for safety purposes. He told students that entering and exiting the industrial park will force them to navigate a crowded entrance/exit, and a left turn from this area is sometimes very challenging. Kershner said he did not oppose the zoning for a trade school but asked for vehicle safety to be addressed at the location.

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

Mulvaney calls for a motion.

Davis makes motion to approve 24-X-04 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 Evanega Rieckhoff.

Davis – Yes

Evanega Rieckhoff – Yes

Mulvaney – Yes

Motion carries.

24-BZA-10 PETITIONER IS THOMAS SHOFF PROPERTY IS LOCATED AT 2402 E JACKSON BLVD

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 and to allow for no fence along the St. Joseph River. The in ground pool will have an automatic pool cover.

Mulvaney calls the petitioner forward.

Thomas Shoff appears in person as the petitioner. Shoff states that he understands that Staff will review the pool ordinance to match the state ordinance, which requires a four-foot fence for pools. He says the pool will have an automatic pool cover and does not believe any toddlers will be swimming in from the river.

Mulvaney asks for questions from the Board.

Mulvaney states that the Board has approved similar petitions, primarily since the river acts as a natural barrier.

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 requests to vary from the requirements found 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 and to allow for no fence along the St. Joseph River. 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 1921 and is surrounded by single family dwellings. The petitioner is in the process of constructing an in-ground pool with an automatic pool cover. Prior to commencing construction, staff met with the petitioner to understand the scope of the pool project. At that time staff relayed the development requirements for in-ground pool construction. 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.

After hearing the petitioner's proposal, staff indicated a variance would be required. Staff at the same meeting 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.

STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from 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 and to allow for no fence along the St. Joseph River. 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.

Ughetti states there were 19 letters mailed with one returned in favor with no comment and one returned not in favor with a comment that they have three small children.

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

Mulvaney calls for a motion.

Evanega Rieckhoff makes a motion to approve 24-BZA-10 and adopt the petitioner's documents and presentations as the Board's findings of fact in the present petition.

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

DRAFT



Staff Report

Planning & Zoning

Petition: 24-BZA-06

Petition Type: Developmental Variance

Date: August 8, 2024

Petitioner: JFS Real Estate Holding LLC

Site Location: 444 North Nappanee Street

Request: To vary from the requirements found in Section 26.10, Sign Regulations, Table 2, to allow a new freestanding sign at a height of 10.25 (ten and twenty five hundredths) feet where maximum sign height at the required minimum five (5) foot setback, is 6 (six) feet in height, a variance of 3.75 (three and seventy five hundredths) feet. To also vary from the maximum allowed message center of 50% of the principal sign which is 22.5 square feet to allow a message center of 32 square feet, a variance of 20.75 (twenty and seventy five hundredths) square feet.

Existing Zoning: B-3, Service Business District

Size: +/- 0.29 acres

Thoroughfares: North Nappanee Street

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

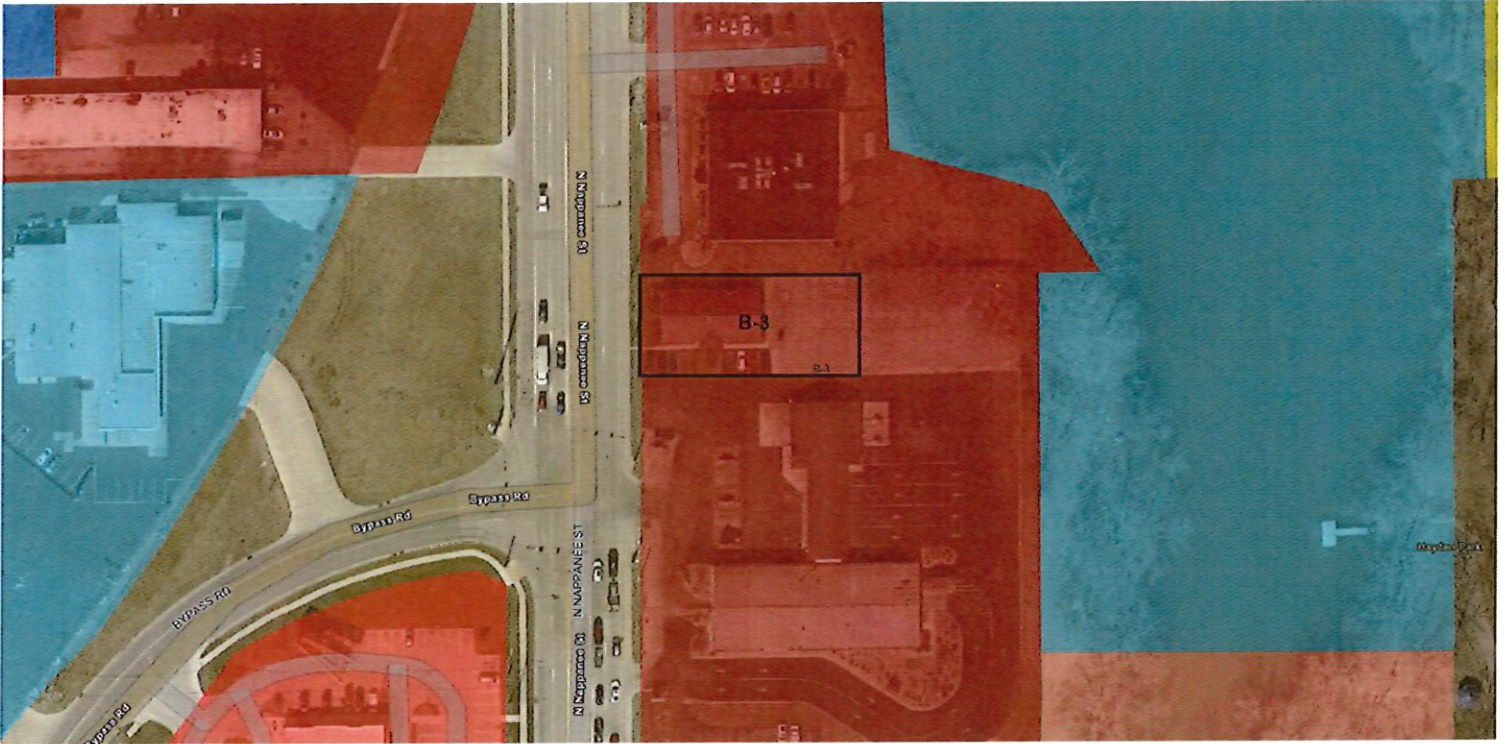
The surrounding properties are a mix of commercial and industrial uses. Abutting the property are other B-3 properties. To the east is a pond zoned M-1. Across Nappanee is a property zoned M-1.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

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

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

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

Recommendation

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

1. The approval **will not be** injurious to the public health, safety, morals, or general welfare of the community;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the uses in the area are commercial and industrial uses;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because its allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** that are peculiar to the land involved due to the structure being located only 15 feet from the Nappanee Street right-of-way, leaving little room for a sign. An additional 5 feet is from the edge of pavement exists, giving the sign an effective setback from edge of pavement of 10 feet;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property due to the structure being locate so close to this very wide road;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because NIHHC is only the tenant of this building. They have no control on the placement of the building;
7. This property **does not** lie within a designated flood area.

Conditions

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

1. The variances related to sign area, height, and location shall apply to both signs/faces.
2. Movement, including video, flashing, and scrolling, is prohibited.
3. Message sequencing, where content on one message is related to content on the next message, is prohibited.
4. The minimum time duration of each message shall be 20 seconds.
5. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
6. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
7. Light trespass shall not exceed one-tenth (0.1) foot candles as measured at the property line of any residential district.
8. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
9. No sign message may depict, or closely approximate, official traffic control signage

Photos



LEGAL NOTICE #24-BZA-06

Hearing on proposed Developmental Variance #24-BZA-06

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, AUGUST 8, 2024 at 6:00 P.M.** concerning the following request:

A public hearing will be conducted on a Developmental Variance Petition #24-BZA-06.

Petitioner: SFS Real Estate Holding LLC

Request: To vary from the requirements found in Section 26.10, Sign Regulations, Table 2, to allow a new freestanding sign at a height of 10.25 (ten and twenty five hundredths) feet where maximum sign height at the required minimum five (5) foot setback, is 6 (six) feet in height, a variance of 3.75 (three and seventy five hundredths) feet. To also vary from the maximum allowed message center of 50% of the principal sign which is 22.5 square feet to allow a message center of 32 square feet, a variance of twenty and seventy five hundredths) square feet.

Location: 444 North Nappanee Street

Zoning: B-3, Service 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:

Wildwood Lot 188 NE 80x193 feet and part vacated street adjacent N except W side of Right of Way as shown in the office of the Elkhart County Recorder, State of Indiana. The property is more commonly known as 444 N. Nappanee Street, Elkhart, IN 46514.

Subject to all taxes, rights of way, easements, liens, restrictions and other encumbrances of record.

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

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the 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 22nd day of July, 2024, by the City of Elkhart, Board of Zoning Appeals.

Publication Date: July 26th, 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-00

FILING FEE: \$ _____

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): JBS Real Estate Holding LLC

Mailing Address: P.O. 1397 GRANGER, IN 46530

Phone #: 574-614-1785 Email: ASPITE@YAHOO.COM

Contact Person: ANDY SPITE

Mailing Address: P.O. 1397 GRANGER, IN 46530

Phone #: 574-614-1785 Email: ASPITE@YAHOO.COM

Subject Property Address: 444 N. NARRANSSE ST ELK, IN

Zoning: _____

Present Use: office Proposed Use: office

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): M. A. (ANDY) SPITE

SIGNATURE(S):  DATE: 2/29/24

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: _____

Appeal Letter

1. I, Andy Spite, am the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:
2. The above described real estate presently has a zoning classification of Commercial District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner:

Northern Indiana Hispanic Health Coalition occupies the property for educational and community health purposes. Specifically targeting the Hispanic community in the area. The NIHHC offers vaccine programs, along with educational programs, fundraises and other events within the building.

4. Petitioner desires to (Explain what is proposed that violates the provisions of the Zoning Ordinance).

Install a monument sign that is 10'3" in total height, when only 6' is currently permitted. This monument sign would also have an electronic display at 32sq ft, while the principal sign is 22.5 sq ft. The zoning requires the message center not be over 50% of the total signage.

5. The Zoning Ordinance of the City of Elkhart requires (Explain ordinance requirements and note the Section Number of the Ordinance).

The ordinance requires the max height of a monument sign be 6' in height if it is 5' from the right of way. The ordinance also permits 50sq ft of signage, and if there is an electronic display, the unit has to be 50% or less of the total signage.

6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship. (Please note that the Board cannot consider financial hardship. *The Light Co., Inc. v. Houghton et. al.* 226 N.E. 2nd 341 (Ind. Ct. App. 1967)

The NIHHC wants to be sure their sign is visible and readable to passing traffic. The larger electronic display would allow a better display of upcoming events or educational programs happening at the center. The extra height would be beneficial as well to cars driving by, as the unit would be more at eye level if it was a couple feet off the ground.

7. Using the appropriate standards (developmental or use) from page 3
 1. The approval will not be injurious to the public health, safety, morals and general welfare of the community.
No, the approval of this sign will not be injurious to the general welfare of the community. The sign will set far enough off the road to not obstruct any visibility. This is an area with a lot of businesses so it will not be affecting any residential use.
 2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
The adjacent properties are businesses as well, most of which have larger signs than what the NIHHC is proposing.
 3. Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance.
The NIHHC is still maintaining a monument style sign. The height would need to be taller than allowed due to the limited set back that is available.
The branding for NIHHC also requires minimal space, therefore leaving additional scope for an electronic display.

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.

Due to the building being so close to the road, it limits how far the monument sign can be set back. Most businesses in the area have a building that sits much farther back than NIHHC.

5. 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 NIHHC would be deprived of overall broadcasting space. The traffic is 4 lanes in front of the building, and it is not slow traffic. If the electronic display is too small or too close to the ground, it will not be readable or safe to cars driving by.

6. The special conditions and circumstances do not result from any action or inaction by the applicant.

The space between the setback and the building is very limited. The applicant did not originally build the building, therefore not creating this hardship of limited space.

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 laws or ordinances.”

The granted variance of the sign structure. will not increase flood heights or create any additional threats to public safety.

AFFIDAVIT IN SUPPORT OF VARIANCE PETITION

I, Michael A Spite 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 444 N. NADDAWEE ST Elkhart, Indiana.
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 29 day of Feb, 2024.

[Signature]
Printed: M. A. SPITE

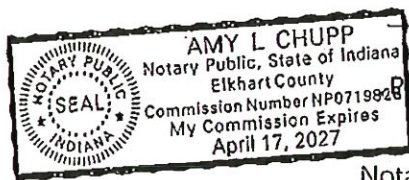
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

[Signature]
Printed: M. A. SPITE

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Michael A Spite, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 29 day of February, 2024.

My Commission Expires:
April 17, 2027



[Signature]
Printed: Amy L. Chupp
Notary Public in and for the State of Indiana
Resident of Elkhart County, Indiana

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

2011020280

10/28 2011
Pauline E. Hoff AUDITOR
003901

ELKHART CNTY
JERRY L WEAVER
FILED FOR RECORD
AS PRESENTED

Mail Deed to: Mail Tax Bills To:

TRANSFER FEE \$ _____
PARCEL NO. Taxing Unit

2011 OCT 28 P 2:16

~~NO SALES TAX DISCLOSURE REQUIRED~~

QUITCLAIM DEED
Key No. 06-06-151-049-012

GRANTOR, Michael A. Spite,

Quitclaims and releases and gives to

GRANTEE, J.F.S. Real Estate Holding LLC, an Indiana limited liability company, 1011 Herman Street, Elkhart, IN 46516

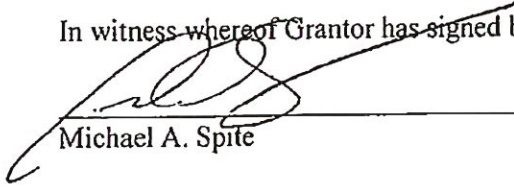
for no consideration, Real Estate located in Elkhart County, Indiana, more particularly described as:

①
17cl.

Wildwood Lot 188 NE 80x193 feet and part vacated street adjacent N except W side of Right of Way as shown in the office of the Elkhart County Recorder, State of Indiana. The property is more commonly known as 444 N. Nappanee Street, Elkhart, IN 46514.

Subject to all taxes, rights of way, easements, liens, restrictions and other encumbrances of record.

In witness whereof Grantor has signed below.



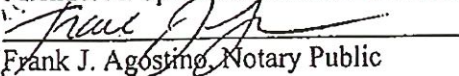
Michael A. Spite

7/12/11
Date

NON CONFORMING \$ 1

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me the undersigned, a notary in and for said county and state, personally appeared Michael A. Spite who executed the foregoing deed as his free and voluntary act.



Frank J. Agostino, Notary Public
Resident of St. Joseph County

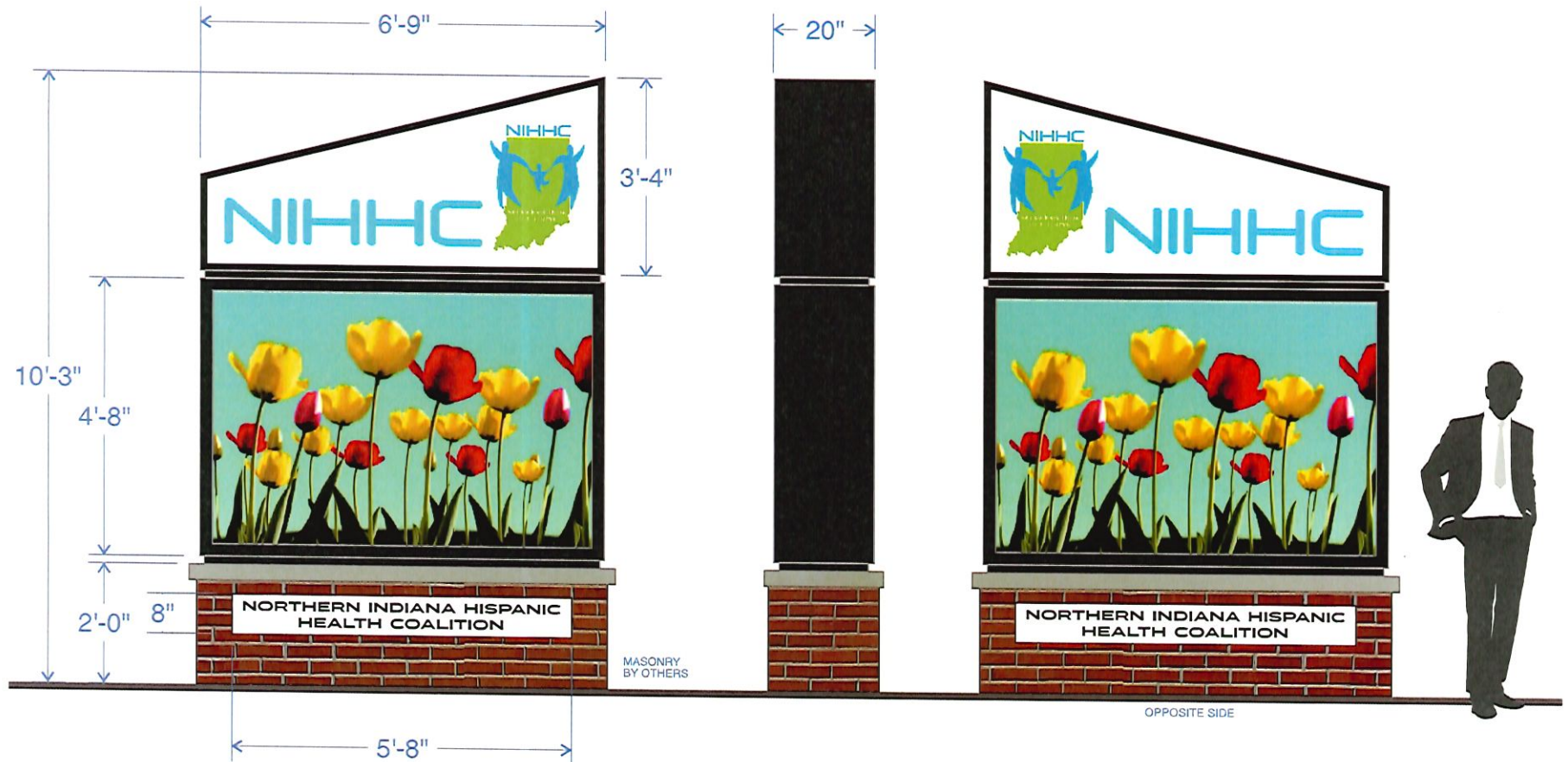
7/12/11
Date

My Commission Expires: September 30, 2016.

Prepared by Frank J. Agostino, Attorney at Law, 120 W. LaSalle Avenue, Suite 704, P.O. Box 1635, South Bend, IN 46634, Telephone (574) 288-3750, I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Frank J. Agostino, Esq.

GRANTEE ADDRESS J.F.S. Real Estate Holding LLC 1011 Herman Street, Elkhart, IN 46516

ELKHART



Vanadco Signs
 10625 STATE RD. 10 - ARGOS, IN - 46501 | vanadco.com

Internally Illuminated Monument Sign with White Polycarbonate Faces
Daktronics Full Color 15.85mm EMC - 80x125 Pixel Matrix
Non-Illuminated Wall Pan Sign Flush Mount on Brick Base

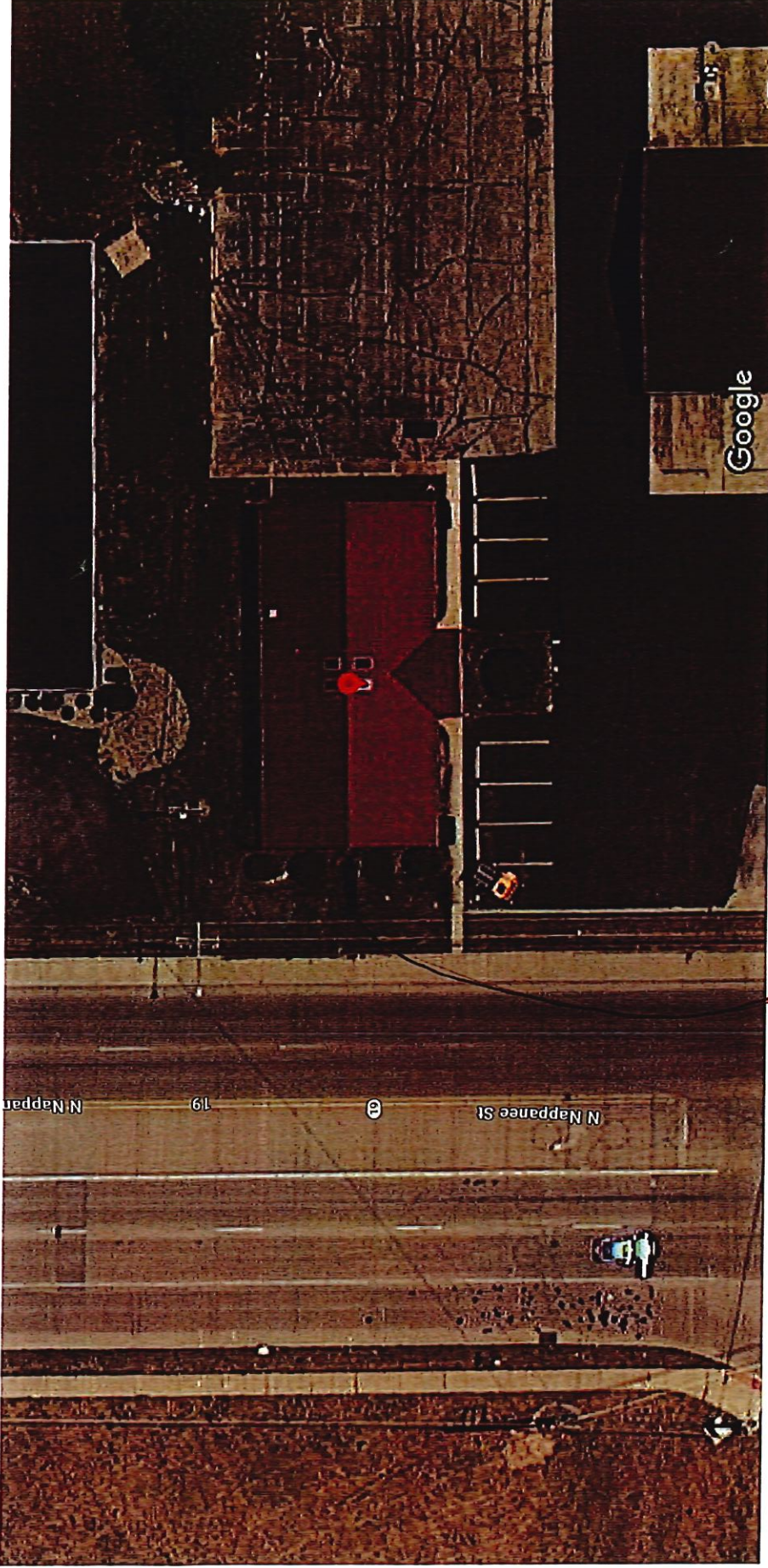
SCALE: 3/8"=1'
 DATE: 03-23-23 revised 04-02-23
 05-02-23, 06-03-24
 FILE: NIHHC 80x125 D.cdr

All drawings/designs/derivatives: ©2023, Vanadco Signs, Inc., All Rights Reserved.
 Due to the limitations of the printing process, printed colors can vary from actual colors.

ARTWORK APPROVED BY:

APPROVAL DATE:

Google Maps 444 N Nappanee St

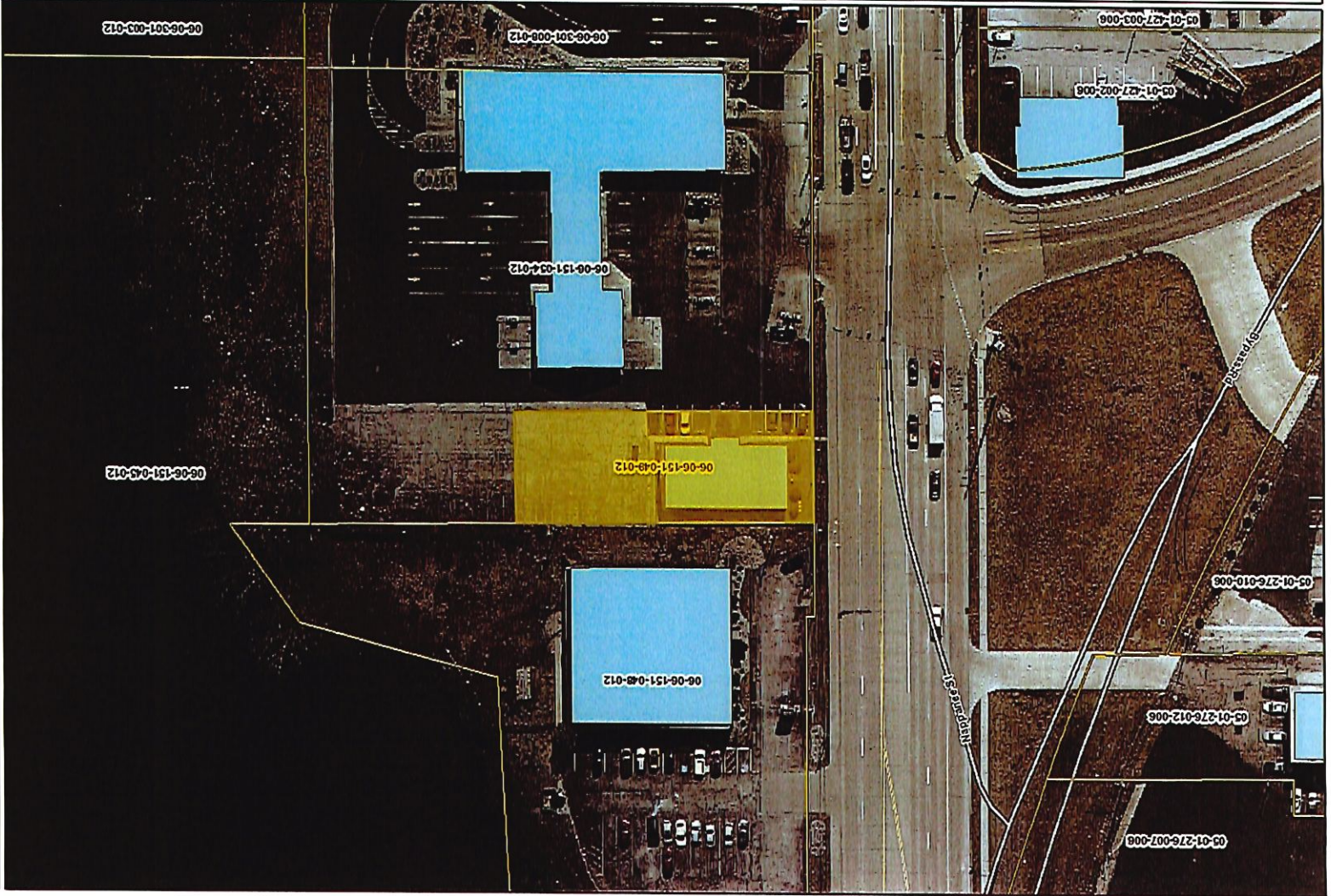
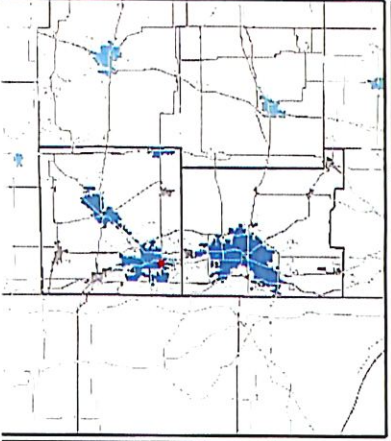
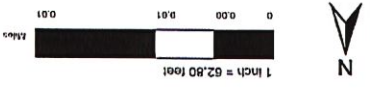


→ Sign will be centered
on the property.

Map data ©2024, Map data ©2024 20 ft

Legend

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge



Date Printed: 2/29/2024
 Map Generated By: Public
 Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.
 Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACCC.



5'
OFF PROPERTY
LINE.

10'
TO BUILDING

PROPERTY LINE



← sign →

setback

property line

CAR WASH

17
4
5

NORTH

INDIANA
19

EXPRESS 500 BUILDING
DAILY
REAL
ENS
TODD R. SCHLES
TAMARA W. HARRIS
FYCFI
MCCLOSKEY
1011 & HARRISBURG STREET

35

Handwritten text on a metal stake in the grass, including "17-4-5" and "1011 & HARRISBURG STREET".



Staff Report

Planning & Zoning

<u>Petition:</u>	24-BZA-12
<u>Petition Type:</u>	Developmental Variance
<u>Date:</u>	August 8, 2024
<u>Petitioner:</u>	Sallie H. Himes
<u>Site Location:</u>	1804 Osolo Road
<u>Request:</u>	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.
<u>Existing Zoning:</u>	R-2, One Family Dwelling District
<u>Size:</u>	+/- 2.35 acres
<u>Thoroughfares:</u>	Osolo Road
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site.

Surrounding Land Use & Zoning:

The surrounding properties are R-2, One Family Dwelling District, R-3 Two Family Dwelling District, and PUD Planned Unit 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

Petitioner is requesting to build a storage building (accessory structure) that is 1040 square feet in area in order to store building materials while he is remodeling the home at 1804 Osolo Road. The request is specifically 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.

The proposed structure would be placed east (behind) of the existing garage, not visible from Osolo Road. Plans call for at least one (1) opening (figure depicts two (2) doors) that is eight (8) foot by ten (10) foot, with an overall height of nine (9) feet. This size structure and door opening area would be large enough to accommodate vehicle storage.

Based on County Assessor records the home was constructed in 1870 – very likely one of the last remaining homes from the mid-1800s. The home owner is remodeling the home and would like to securely store material out of the elements. The current garage does not provide adequate room for all of the storage needs on the property.

The 2.35 acre total parcel has been divided into two (2) separate parcels in or around 2009. However, staff can find no record of a Minor Subdivision filed with the Planning Department. Staff did raise this issue with the legal representative for the petitioner and they have agreed to file a Minor Subdivision petition after this hearing. They will also expand the boundary by ten (10) feet to provide greater buffer from the adjacent parcel.

This type of request is not that out of the ordinary. However, typically when this type of variance is requested, staff looks for the site to be brought closer into compliance to slowly eliminate the non-conforming developmental standards. Staff would, in this circumstance, look for the drive to be paved as we would require anyone else building a new accessory structure, especially if there are doors that would permit the storage of vehicles. In discussions with the legal representative for the petitioner, he has agreed on behalf of his client, there will be no vehicles stored in the new accessory structure – it will only be used for the storage of materials.

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 accessory structure will be built per all applicable building codes;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the structure is a common addition to residential homes and if not for the size it would be otherwise permitted;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because it allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances **do exist** that are peculiar to the land involved because the size of the accessory structure requires that a variance be filed in order to construct it on the property;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property because the owner would not be able to adequately store materials for the restoration and maintenance of the grounds;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because no construction has begun;
7. This property **does not** lie within a designated flood area.

Conditions

1. No vehicles shall be stored or parked in the proposed accessory structure. This requirement condition shall be memorialized as a written commitment recorded against the property.
2. A Minor Subdivision shall be filed. The parcel with the home shall be expanded by ten (10) feet.
3. Building Department review and approval is required prior to construction.

Photos





PETITION #: 24-BZA-12

FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Sallie H. Himes

Mailing Address: c/o Logan C. Stevens, Attorney, 888 S. Harrison St, Ste. 600, Fort Wayne, IN 46802

Phone #: 574-606-6689 Email: Logan.Stevens@btlaw.com

Contact Person: Logan C. Stevens

Mailing Address: 888 S. Harrison St, Ste. 600, Fort Wayne, IN 46802

Phone #: 574-606-6689 Email: Logan.Stevens@btlaw.com

Subject Property Address: 1804 Osolo Road, Elkhart, IN 46514

Zoning: R-2

Present Use: Residential, Single Family Proposed Use: No Change

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): Logan Stevens, Barnes & Thornburg LLP

SIGNATURE(S): Sallie H. Himes 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: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Sallie H. Himes, being first duly sworn upon her oath deposes and says that 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 1804 Osolo Road, Elkhart, Indiana. 46514
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 28th day of May, 2024.

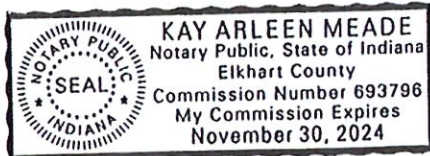
Sallie H. Himes
Printed: Sallie H. Himes

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.

Sallie H. Himes
Printed: Sallie H. Himes

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

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



Kay Arleen Meade
Printed: Kay Arleen Meade

My Commission Expires:
November 30, 2024

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

April 24/2024

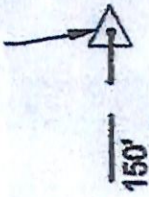
INDEX

Craig Himes
Building Zoning Variance

- 1) Site Plan
- 2) Survey by Marbach with legal description
- 3) Warranty Deed
- 4) Map showing Property Lines
 - a. Elkhart County
 - b. Google Maps
- 5) Documents previously submitted to Zoning Dept. by Craig Himes
 - a. Example of an Engineer's general building Plan by Northedge Steel LLC
 - b. "Garage" Work Sheet
 - c. Proposed Building measurement information
 - d. Sketch showing location

SKETCH

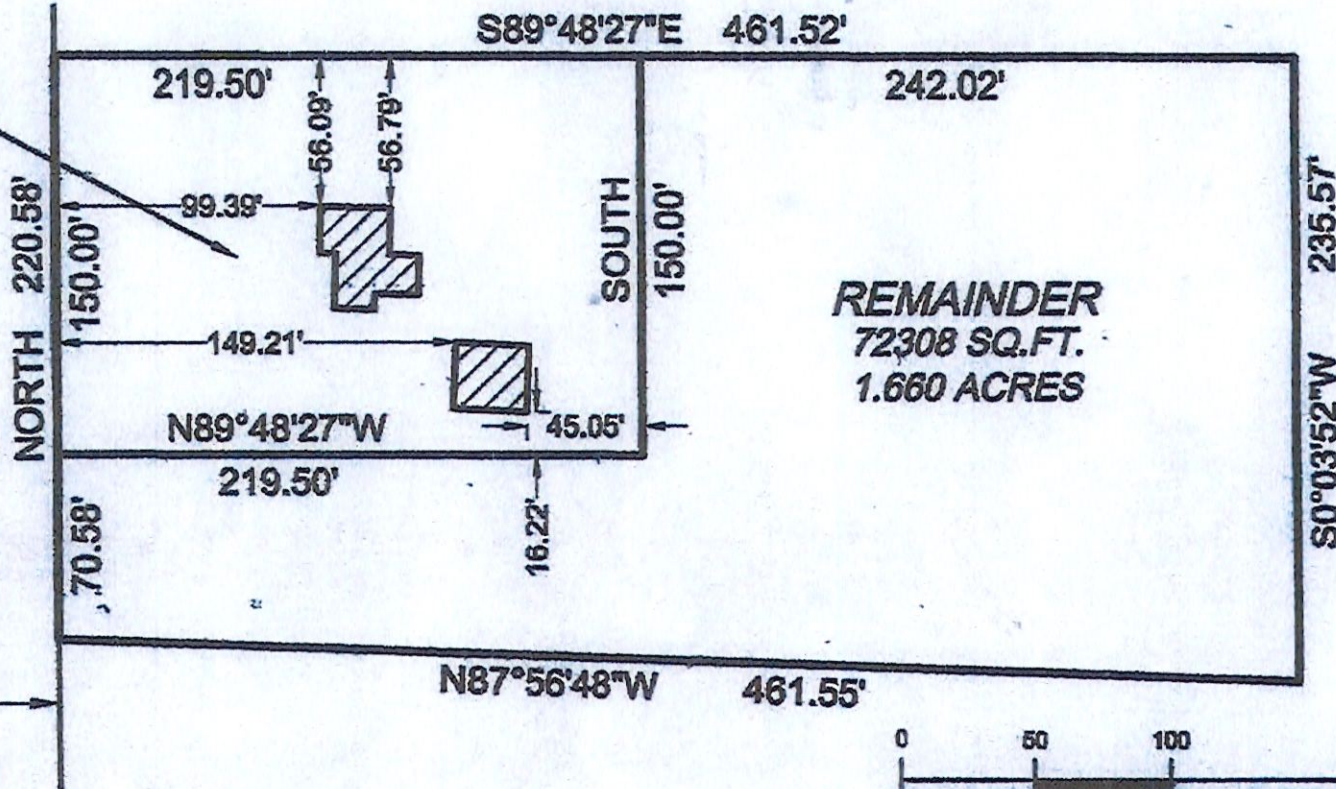
NW CORNER
NW ¼ SEC. 34



32925 SQ.FT.
0.756 ACRES
PARCEL 1

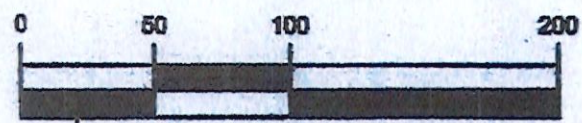


WEST LINE OF THE NW ¼ OF
SEC. 34 & COUNTY ROAD 11



REMAINDER
72308 SQ.FT.
1.660 ACRES

NOTE:
BUILDING LOCATION INFORMATION
PROVIDED BY CLIENT.



GRAPHIC SCALE
1 INCH = 100 FEET

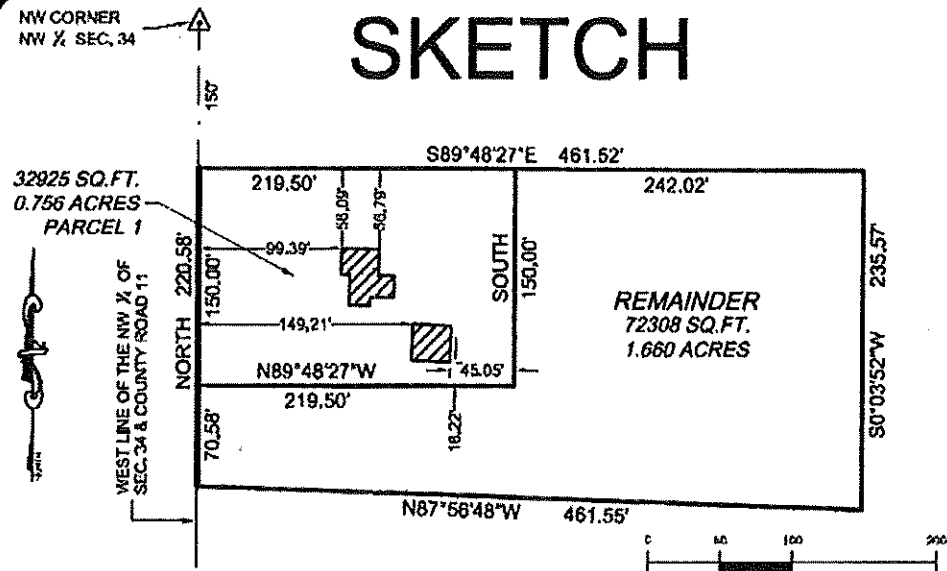
ORIGINAL DESCRIPTION FROM DR. #2008-28957

S:\CS\10 30 Project\1019-2009\Draw\1019-2009.dwg

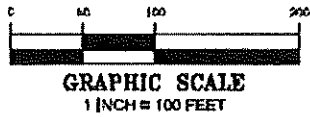
... NORTH QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 5 EAST, COUNTY OF TOWNSHIP

2

SKETCH



NOTE:
BUILDING LOCATION INFORMATION
PROVIDED BY CLIENT.



ORIGINAL DESCRIPTION FROM DR. #2008-28957

A PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 5 EAST, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID QUARTER SECTION, 150 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 48' 27" EAST 461.52 FEET TO AN IRON STAKE THENCE; SOUTH 00 DEGREES 03' 52" WEST 235.7 FEET (DEED 238.78) TO AN IRON STAKE; THENCE NORTH 87 DEGREES 58' 48" WEST 461.55 FEET (DEED 461.81 FEET) TO THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTH ON SAID WEST LINE, 220.58 FEET TO THE PLACE OF BEGINNING.

PARCEL ONE

A PART OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 6 EAST, SITUATE IN OSOLO TOWNSHIP, ELKHART COUNTY, STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID QUARTER SECTION, 150 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89°48'27" EAST A DISTANCE OF 219.50 FEET; THENCE SOUTH PARALLEL WITH SAID WEST LINE A DISTANCE OF 150.00 FEET; THENCE NORTH 88°48'27" WEST A DISTANCE OF 219.50 FEET TO A POINT ON THE SAID WEST LINE; THENCE NORTH ALONG THE SAID WEST LINE A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 0.756 OF AN ACRE OF LAND

SKETCH & LEGAL DESCRIPTION FOR CRAIG HIMES PART OF THE NW 1/4 OF SEC. 34, T.38N., R.5E., OSOLO TWP., ELKHART CO., INDIANA		 Marbach Marbach, Brady & Weaver, Inc. Engineering & Surveying Since 1918	3220 Southview Drive Elkhart, Indiana 46514 (574) 268-1010 Fax: (574) 262-3040 info@marbachpts.com www.marbachpts.com
AUTOCAD FILE: 0019-2009.dwg	DRAWN BY Mark A. Reavis		
JOB #/ISSUE # 0019-2009	SCALE 1"=100'	©2009 Marbach, Brady & Weaver, Inc.	DRAWING NO. D-30296

File Name: Z:\1812\181218\181218.dwg
 User: Mark A. Reavis
 Date: 03/02/2009 10:00 AM
 Plot Date: 03/02/2009 10:00 AM
 Plot Scale: 1"=100'
 Plot Size: 11x17
 Plot Device: HP DesignJet 2400

RETURN TO:

*Property
Address*

Property Address:
1804 Osolo Road
Elkhart, IN 46514

HOLD FOR MERIDIAN TITLE CORP
Tax ID No.

20-02-34-101-010.000-027

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

John Edward Rascoe

CONVEY(S) AND WARRANT(S) TO

Sallie H. Himes, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Elkhart County, in the State of Indiana, to wit:

①
16
CK

A part of the Northwest Quarter of Section 34, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows:

Beginning at a point on the West line of said quarter section, 150.00 feet South of the Northwest corner of said quarter section; thence South 89 degrees 48' 27" East 461.52 feet to an iron stake thence; South 00 degrees 03' 52" west 235.7 feet (deed 236.78) to an iron stake; thence North 87 degrees 56' 48" west 461.55 feet thence North 87 degrees 56' 48" west 461.55 feet (deed 461.81 feet) to the West line of said Quarter Section; thence North, on said West line, 220.58 feet to the place of beginning.

Subject to covenants, restrictions and easements of record.

Subject to the taxes for the years 2007 payable 2008 and taxes for all subsequent years.

IN WITNESS WHEREOF, the Grantor has executed this deed this 30th day of November, 2008.

John Edward Rascoe
John Edward Rascoe

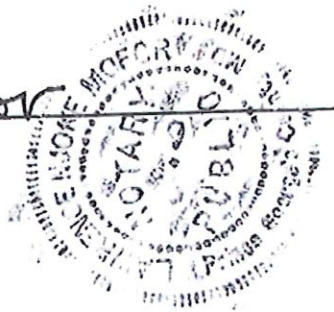
State of Maryland, County of Prince George, ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John Edward Rascoe who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 30th day of November, 2008.

My Commission Expires: July 20, 2011

Lawrence Mofor
Signature of Notary Public



LAWRENCE MOFOR
Printed Name of Notary Public

Prince Georges, Maryland
Notary Public County and State of Residence

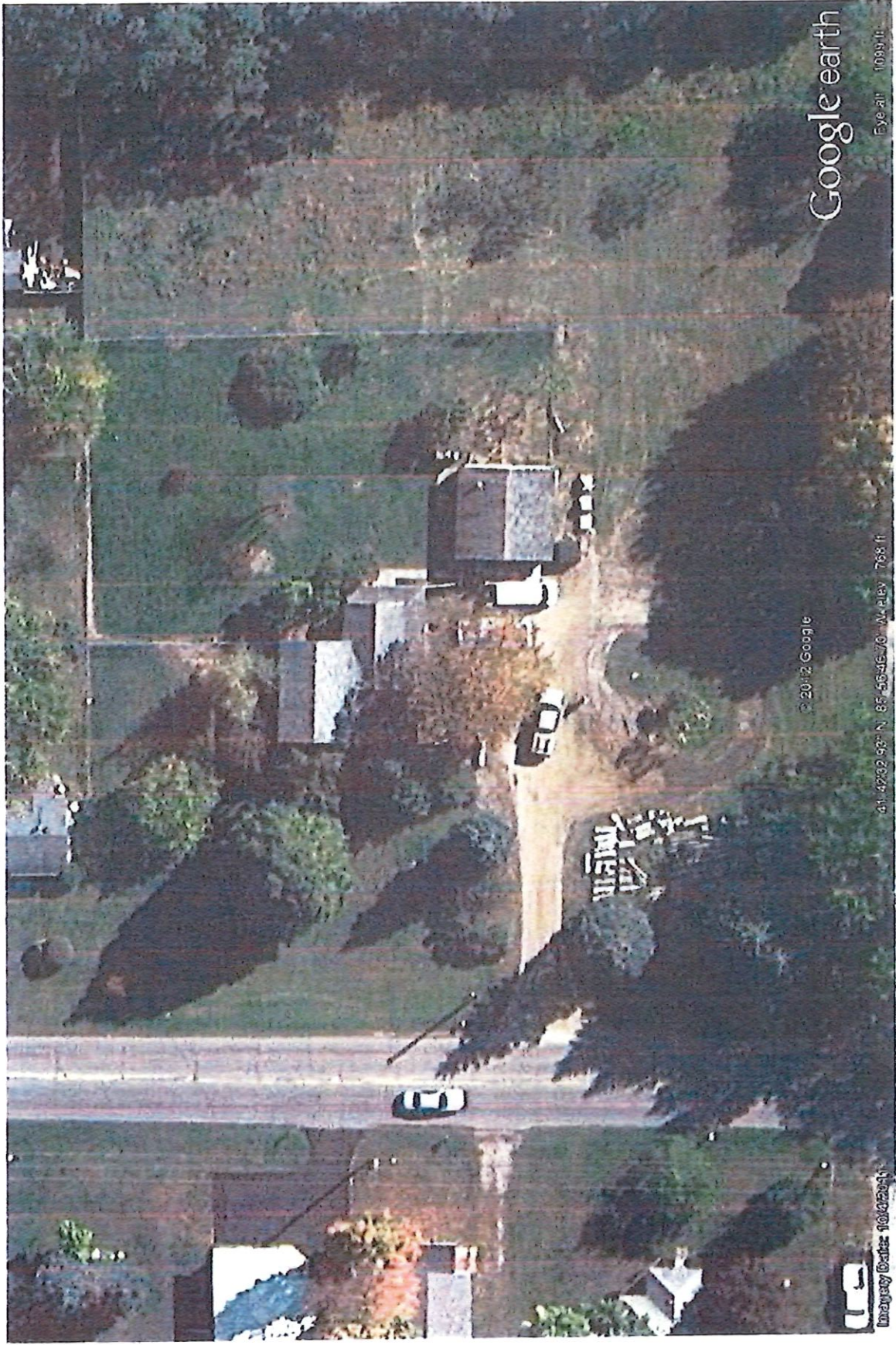
This instrument was prepared by: Debra A. Guy, Attorney-at-Law IN #24473-71 MI #P69602
202 S. Michigan St., Ste. 1000, South Bend, IN 46601
829447EL BS

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

[Name] Kathy Kantz

NOTE: The individual's name in affirmation statement may be typed or printed.

DISCLOSURE FEE PAID
DULY ENTERED FOR TAXATION



Google earth

Eye alt: 1099 ft

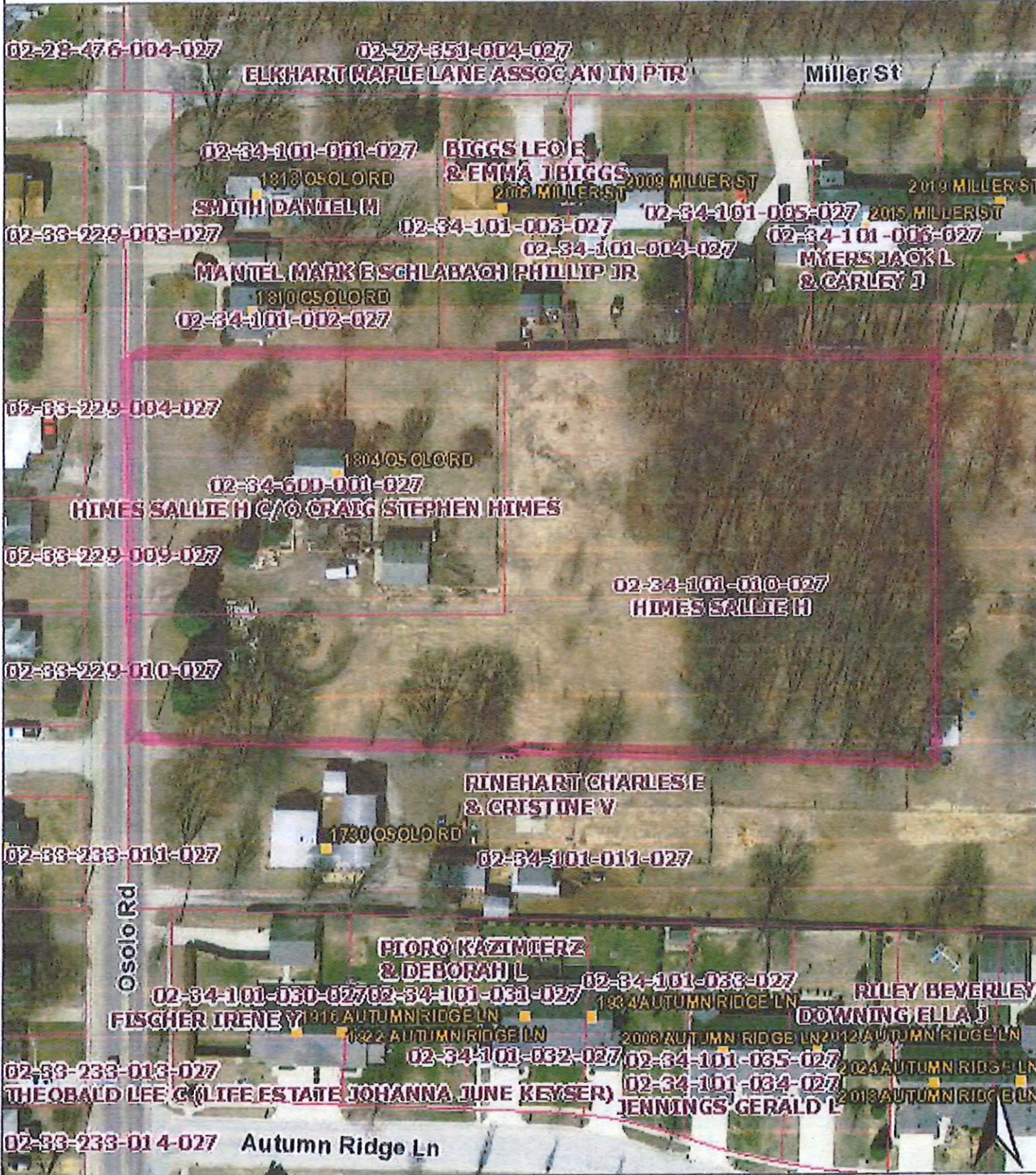
© 2012 Google

41.4732 92° N, 85.5546 70° W, Alt: 768 ft

Imagery Date: 10/12/2011



(4b)



Disclaimer:



REGULAR / A-FRAME 30'-0" WIDE CARPORT STYLE BUILDINGS

DESIGN NOTES

- ALL CONSTRUCTION SHALL BE PROVIDED IN ACCORDANCE WITH IBC 2012, OSHA, AISC 360, AISI 100, ASCE 7-10, AWS D13 CODES AND ALL APPLICABLE LOCAL REQUIREMENTS.
- ALL MATERIALS IDENTIFIED BY MANUFACTURER NAME MAY BE SUBSTITUTED WITH MATERIAL EQUAL OR EXCEEDING ORIGINAL.
- ALL SHOP CONNECTIONS SHALL BE WELDED CONNECTIONS.
- ALL STRUCTURAL FIELD CONNECTIONS SHALL BE #12-14 X 3/4" SDS (ESR-2196 OR EQ) WITHOUT WASHERS.
- STEEL SHEATHING SHALL BE 29GA. CORRUGATED GALV. OR PAINTED STEEL - MAIN RIB HT. 3/4" (FY=80KSI) OR EQ. CONNECTIONS SHALL BE #12-14 X 3/4" SDS (ESR-2196 OR EQ) WITH NEOPRENE WASHERS.
- ALL STRUCTURAL LIGHT GAUGE TUBING AND CHANNELS SHALL BE GRADE 50 STEEL (FY = 50 KSI, FU = 65 KSI).
- STRUCTURAL TUBE 2 1/2" X 2 1/2" - 14GA. IS EQUIVALENT TO TS 2 1/4" X 2 1/4" - 12GA AND EITHER ONE MAY BE USED IN LIEU OF THE OTHER.
- GYPSUM BOARD OR DRYWALL FINISH OR ANY BRITTLE BASE MATERIAL IS NOT CONSIDERED OR ACCOUNTED FOR ON THE DESIGN CRITERIA.
- ALL DESIGN CRITERIA MUST BE INCREASED TO THE NEXT HIGHER INCREMENT BASED ON THE TABLES ON PAGE 4. NO INTERPOLATION IS ALLOWED.

DESIGN CRITERIA

PREVAILING CODE:	INBC 2014 (IBC 2012)
USE GROUP:	U (CARPORTS, BARNS)
RISK CATEGORY:	I
1. ROOF DEAD LOAD (D)	D = 4 PSF
2. ROOF LIVE/SNOW LOAD (Lr)	Lr = 20 - 61 PSF (AS PER SNOW LOAD SEE TABLE 4)
3. SNOW LOAD (S)	P _g = 20 - 90 PSF
GROUND SNOW LOAD	I _s = 0.8
IMPORTANCE FACTOR	C _t = 1.2
THERMAL FACTOR	C _e = 1.0
EXPOSURE FACTOR	C _s = 1.0
ROOF SLOPE FACTOR	
4. WIND LOAD (W)	V _{ULT} = 105 - 120 MPH
BASIC WIND SPEED	C
EXPOSURE	
5. SEISMIC LOAD (E)	D
DESIGN CATEGORY	I _e = 1.00
IMPORTANCE FACTOR	

LOAD COMBINATIONS:

- D + (Lr OR S)
- D + (0.6W OR ±0.7E)
- D + 0.75 (0.6W OR ±0.7E) + 0.75 (Lr OR S)
- 0.6D + (0.6W OR ±0.7E)

DRAWING INDEX

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PURLIN & GIRT SCHEDULES	---	5
SHEATHING OPTIONS	---	6
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& OPENINGS	---	8-A, 8-B
CORNER BRACING DETAILS	---	9
OPTIONAL LEAN-TO ADDITION	---	10
FOUNDATION OPTIONS	---	11-A TO 11-D

Omar Abu-Yasein Digitally signed by Omar Abu-Yasein
Date: 2023.06.02 10:56:43 -0400

MANUFACTURED BY:



DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

COVER SHEET

SHEET NO.: 1 / 11

DRAWN BY: A.W. DATE: 5/16/22

CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

- ANY DUPLICATION OF THIS DRAWING IN WHOLE OR PART IS STRICTLY FORBIDDEN. ANYONE DOING SO WILL BE PROSECUTED UNDER THE FULL EXTENT OF THE LAW.
- DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.

SEAL:



5/16/22

DATE EXPIRES: 07-31-2024

DATE SIGNED: 06-01-2023

CUSTOMER INFORMATION

OWNER: Craig Himes
ADDRESS:

DESIGN LOADS

GROUND SNOW: 50
ROOF LIVE LOAD: 34
BASIC WIND SPEED: 115

BUILDING INFORMATION

WIDTH: 26
LENGTH: 40
HEIGHT: 9

FRAME TYPE: A-FRAME
 REGULAR
ENCLOSURE TYPE: FULL
 PARTIAL
 OPEN

CERTIFICATION VALIDITY NOTICE

DATE OF PLANS EXPIRATION: 06-01-2024
CERTIFICATION ON THESE DRAWINGS IS VALID FOR ONE YEAR FROM DATE OF ISSUE

TABLE 2.1: MEMBER PROPERTIES

NO.	LABEL	PROPERTY	DETAIL NO.
1	COLUMN POST	2.5" X 2.5" X 14GA TUBE W/ 2.25" X 2.25" X 12GA TUBE INSERT	11
2	ROOF BEAM	2.5" X 2.5" X 14GA TUBE	1
3	BASE RAIL	2.5" X 2.5" X 14GA TUBE	1
4	PEAK BRACE	2.5" X 2.5" X 14GA TUBE	1
5	KNEE BRACES	2.5" X 1.5" 14GA CHANNEL	4
6	CONNECTOR SLEEVE	2.25" X 2.25" X 12GA TUBE	2
7	BASE ANGLE	2" X 2" X 3" LG. 3/16" ANGLE	10
8	PURLIN	4.25" X 1.5" X 18GA / 14GA HAT CHANNEL	5
9	GIRT	4.25" X 1.5" X 18GA / 14GA HAT CHANNEL	5
10	SHEATHING	29 GA CORRUGATED SHEET	8
11	END WALL POST	2.5" X 2.5" X 14GA TUBE	1
12	DOOR POST	2.5" X 2.5" X 14GA TUBE	1
13	SINGLE HEADER	2.5" X 2.5" X 14GA TUBE	1
14	DOUBLE HEADER	DBL. 2.5" X 2.5" X 14GA TUBE	1
15	SERVICE DOOR / WINDOW FRAMING	2.5" X 2.5" X 14GA TUBE	1
16	ANGLE BRACKET	2" X 2" X 2" LG. 14GA ANGLE	7
17	STRAIGHT BRACKET	2" X 2" X 4" LG. 14GA PLATE	6
18	PB SUPPORT	2.5" X 2.5" X 14GA TUBE	1
19	DIAGONAL BRACE	2" X 2" X 14 GA TUBE	3
20	GABLE BRACE	2" X 2" X 14 GA TUBE	3
21	DB BRACKET	2.25" X 2.25 X 6" X 14GA ANGLE	9
22	TRUSS SPACER	2.5" X 2.5" X 14GA TUBE	1
23	ALL FASTENERS	#12 X 1" SELF-DRILL SCREWS (ESR-2196 OR EQ) W/ NEOPRENE/STEEL WASHER	

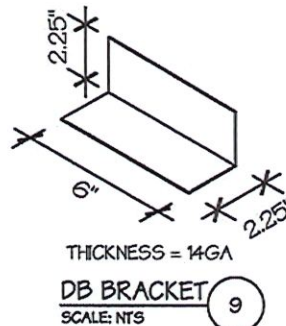
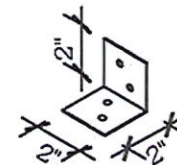
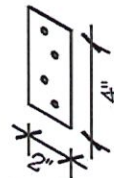
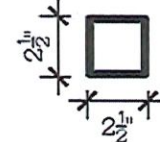
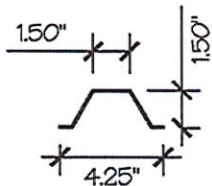
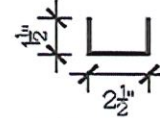
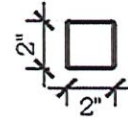
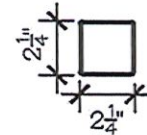
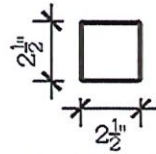
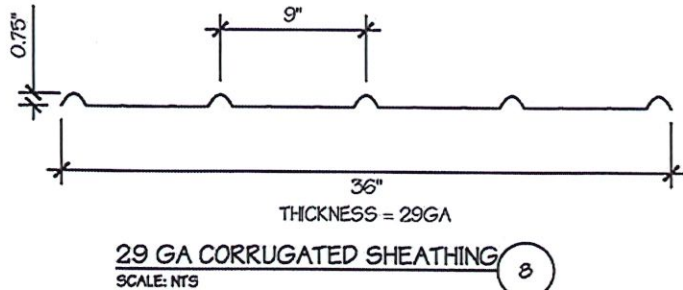
TABLE 2.2: SHEATHING FASTENER SCHEDULE

LOCATION	CORNER PANELS	SIDE LAPS	EDGE LAPS	ELSEWHERE
SPACING	9" C/C	MIN. 1	4 1/2" C/C	9" C/C

FASTENER TYPE: #12X1" SELF-DRILL SCREWS (ESR-2196 OR EQ) W/ NEOPRENE/STEEL WASHER
 *SEE TYP. SHEATHING FASTENER SCHEDULE DIAGRAM ON PAGE 6.

TABLE 2.3: GAUGE THICKNESS

GAUGE	29	18	14	12
THICKNESS (IN)	0.0135	0.049	0.083	0.109



MANUFACTURED BY:



DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS
 LOCATION: STATE OF INDIANA
 PROJECT NO.: 451-23-1380
 SHEET TITLE:

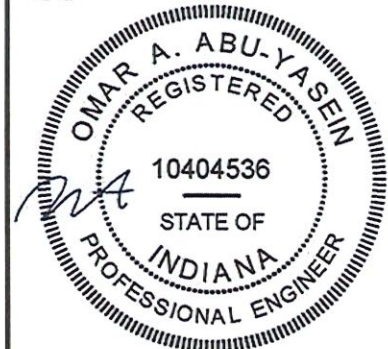
SCHEDULES & MEMBER SECTIONS

SHEET NO.: 2 / 11
 DRAWN BY: A.W. DATE: 5/16/22
 CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

- ANY DUPLICATION OF THIS DRAWING IN WHOLE OR PART IS STRICTLY FORBIDDEN. ANYONE DOING SO WILL BE PROSECUTED UNDER THE FULL EXTENT OF THE LAW.
 - DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.

SEAL:



DATE EXPIRES: 07-31-2024
 DATE SIGNED: 06-01-2023

MANUFACTURED BY:



DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

FRAME SECTIONS & DETAILS

SHEET NO.: 3 / 11

DRAWN BY: A.W. DATE: 5/16/22

CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

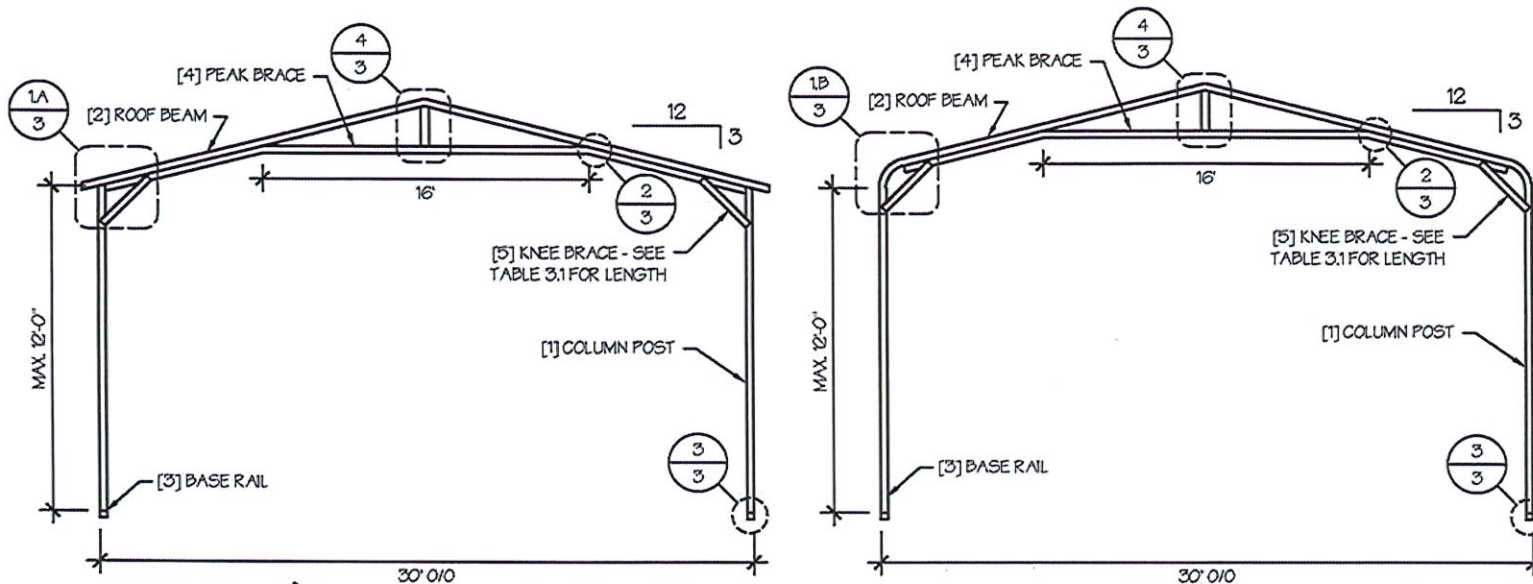
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DATE EXPIRES: 07-31-2024

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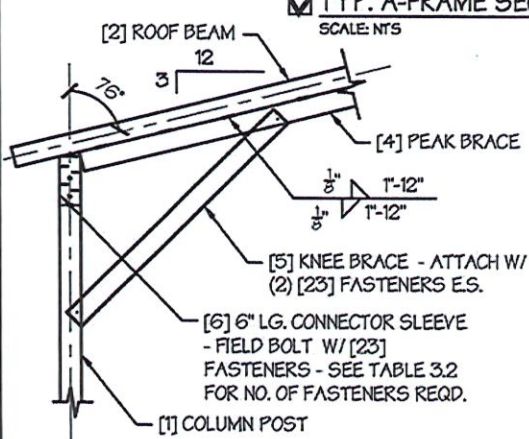


TYP. A-FRAME SECTION

SCALE: NTS

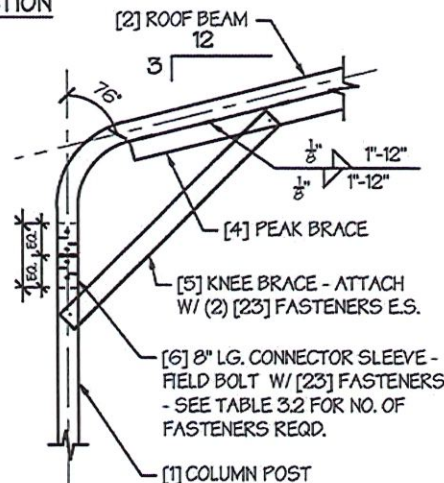
TYP. REGULAR FRAME SECTION

SCALE: NTS

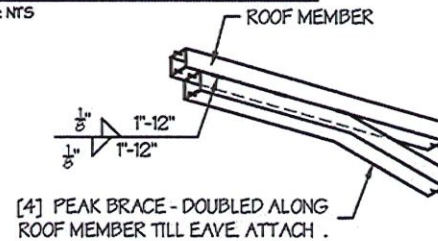


EAVE DETAIL 1

SCALE: NTS

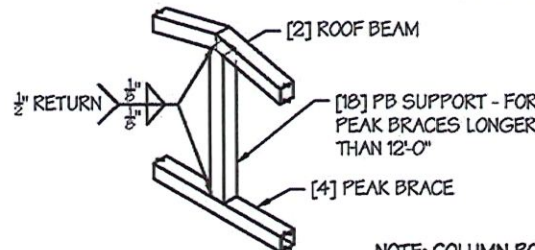


B. REGULAR FRAME



PEAK BRACE CONNECTION DETAILS 2

SCALE: NTS



BASE DETAIL 3

SCALE: NTS

PB SUPPORT DETAIL 4

SCALE: NTS

NOTE: COLUMN POST MAY BE ADJUSTED ±1" FOR LEVELING. MANUFACTURER IS NOT RESPONSIBLE FOR LEVELING OF GROUND AND/OR CONCRETE SURFACE PROVIDED BY OTHERS.

TABLE 3.1: KNEE BRACE SCHEDULE

EAVE HEIGHT	KNEE BRACE LENGTH
<input type="checkbox"/> UP TO 8'	24"
<input checked="" type="checkbox"/> 9' TO 12'	36"

TABLE 3.2 FASTENER SCHEDULE

WIND SPEED (MPH)	NO. OF FASTENERS
<input checked="" type="checkbox"/> 105 TO 125	4
<input type="checkbox"/> 130 TO 155	6
<input type="checkbox"/> 160 TO 180	8

MANUFACTURED BY:



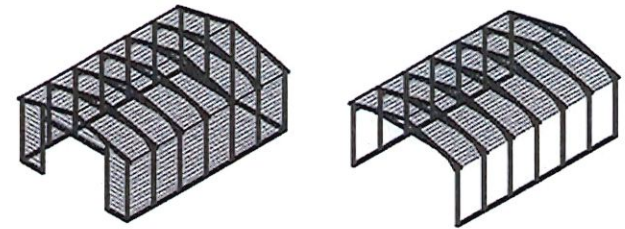
TABLE 4: FRAME SPACING CHART / SCHEDULE

GROUND SNOW / ROOF LIVE LOAD (PSF)	ENCLOSED BUILDINGS							OPEN BUILDINGS						
	WIND SPEED (MPH)							WIND SPEED (MPH)						
	105	115	130	140	155	165	180	105	115	130	140	155	165	180
30 / 20	60	60	54/60	54	48	42/48	36/42	54	48/54	42/48	42	36/42	36	30
40 / 27	48/60	48/60	42/60	42/54	48	42/48	36/42	48	48	42/48	42	36/42	36	30
50 / 34	40/48	40/48	40/48	40/48	40/48	40/48	36/42	40/42	40/42	40/42	40/42	36	36	30
60 / 41	36/42	36/42	36	36	36	36	36	36	36	30	30	30	30	24
70 / 47	32/36	32/36	32/36	32/36	30	30	30	30	30	30	30	24	24	24
80 / 54	24	24	24	24	24	24	24	24	24	24	24	24	24	---
90 / 61	18	18	18	18	---	---	---	18	18	---	---	---	---	---
30 / 20	60	60	54/60	54	48	42/48	36/42	54	48/54	42/54	42/48	36/42	36/42	30/36
40 / 27	48/60	48/60	42/60	42/54	48	42/48	36/42	48	48	42/48	42/48	36/42	36/42	30/36
50 / 34	40/54	40/54	40/54	40/48	40/48	40/48	36/42	40/42	40/42	40/42	40/42	36/42	36	30/36
60 / 41	36/48	36/42	36/42	36/42	36/42	36/42	36/42	36	36	36	36	36	36	30/36
70 / 47	32/36	32/36	32/36	32/36	32/36	30	30	30	30	30	30	30	30	24
80 / 54	30	30	30	30	30	30	30	24	24	24	24	24	24	24
90 / 61	24	24	24	24	24	24	24	18	18	18	18	18	18	18
30 / 20	60	60	54/60	54	48	42/48	36/42	54	48/54	42/54	42/54	36/48	36/48	30/36
40 / 27	48/60	48/60	42/60	42/54	42/48	42/48	36/42	48	48	42/48	42/48	36/48	36/48	30/36
50 / 34	40/54	40/54	40/54	40/48	40/48	40/48	36/42	40/42	40/42	40/42	40/42	36/42	36/42	30/36
60 / 41	36/48	36/48	36/48	36/48	36/42	36/42	36/42	36	36	36	36	36	36	30/36
70 / 47	32/42	32/42	32/36	32/36	32/36	32/36	30	32/36	32/36	30	30	30	30	24
80 / 54	30/36	30/36	30/36	30/36	30/36	30	30	30	30	30	30	30	24	24
90 / 61	30/36	30/36	30	30	30	30	30	24	24	24	24	---	---	---

- NOTES:**
1. FRAME SPACINGS ARE IN UNITS OF INCHES (IN).
 2. WHERE TWO VALUES ARE SHOWN, THE HIGHER VALUE CAN ONLY BE USED FOR VERTICAL SHEATHING.
 3. SNOW LOADS AND ROOF LIVE LOADS ARE IN POUNDS PER SQUARE FOOT (PSF). WIND SPEED IS 3 SEC. GUST IN MILES PER HOUR (MPH).
 4. FOR VALUES THAT LIE BETWEEN TWO CELLS, THE HIGHER (MORE STRINGENT) VALUE HAS TO BE USED. INTERPOLATION BETWEEN CELLS IS NOT ALLOWED.

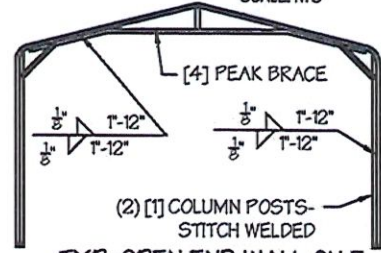
ENCLOSURE CLASSIFICATION:

1. **ENCLOSED BUILDING** = ALL 4 WALLS FULLY ENCLOSED WITH DOORS/WINDOWS = USE ENCLOSED BUILDING SPACING CHART.
2. **OPEN BUILDING** = ALL 4 WALLS FULLY OPEN = USE OPEN BUILDING SPACING CHART.
3. **3FT PARTIALLY ENCLOSED** = BOTH END-WALLS FULLY OPEN, WITH BOTH SIDE-WALLS ONLY 3FT ENCLOSED = USE OPEN BUILDING SPACING CHART.
4. **PARTIALLY ENCLOSED** = BOTH END-WALLS FULLY OPEN, WITH BOTH SIDE-WALLS ENCLOSED MORE THAN 3FT = START WITH OPEN BUILDING SPACING CHART AND THEN REDUCE SPACING BY 6".
5. **3 SIDED ENCLOSED** = ALL WALLS ARE ENCLOSED EXCEPT FOR 1 END-WALL = START WITH ENCLOSED BUILDING SPACING + THE OPEN END FRAME MUST HAVE EITHER A GABLED END OR HAVE DOUBLED WELDED LEGS & ROOF.
6. FOR ALL SHEATHING ENCLOSURES NOT LISTED ABOVE, REFER TO SHEET 5 FOR SPACING AND DESIGN REQUIREMENTS.



TYP. ENCLOSED BUILDING
SCALE: NTS

TYP. OPEN BUILDING
SCALE: NTS



TYP. OPEN END WALL ON 3
SIDE ENCLOSED BUILDING
SCALE: NTS

GENERAL NOTES:

1. THE MAX. BUILDING LENGTH FOR ENCLOSED BUILDINGS IS 50'-0". THIS CAN BE INCREASED BY ADDING A DOUBLE FRAME AT THE CENTER TO BREAK THE LENGTH OF THE BUILDING.
2. BUILDINGS WITH PARTIALLY ENCLOSED END WALLS NEED TO HAVE SIDE WALL BRACING TO SUPPORT THE PARTIALLY ENCLOSED END WALL (SEE FIGURE A ON SHEET 5).

DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

SPACING SCHEDULES
& ENCLOSURE NOTES

SHEET NO.: 4 / 11

DRAWN BY: A.W. DATE: 5/16/22

CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

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- DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.

SEAL:



DATE EXPIRES: 07-31-2024

DATE SIGNED: 06-01-2023

TABLE 5.1: PURLIN SPACING SCHEDULE

GROUND SNOW / ROOF LIVE LOAD (PSF)	14GA. HAT CHANNEL PURLIN							18GA. HAT CHANNEL PURLIN						
	WIND SPEED (MPH)							WIND SPEED (MPH)						
	105	115	130	140	155	165	180	105	115	130	140	155	165	180
30 / 20	54	48	42	36	30	24	24	36	30	24	18	18	12	12
40 / 27	42	42	42	36	30	24	24	30	30	24	18	18	12	12
50 / 34	40	40	40	36	30	24	24	24	24	24	18	18	12	12
60 / 41	36	36	36	36	30	24	24	18	18	18	18	18	12	12
70 / 47	32	32	32	32	30	24	24	18	18	18	18	18	12	12
80 / 54	30	30	30	30	30	24	24	18	18	18	18	18	12	12
90 / 61	24	24	24	24	24	24	24	12	12	12	12	12	12	12
30 / 20	54	48	42	42	36	30	30	48	36	30	24	18	18	12
40 / 27	42	42	42	42	36	30	30	42	36	30	24	18	18	12
50 / 34	40	40	40	40	36	30	30	30	30	30	24	18	18	12
60 / 41	36	36	36	36	36	30	30	30	30	30	24	18	18	12
70 / 47	32	32	32	32	32	30	30	24	24	24	24	18	18	12
80 / 54	32	32	32	32	32	30	30	18	18	18	18	18	18	12
90 / 61	30	30	30	30	30	30	30	18	18	18	18	18	18	12
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70 / 47	32	32	32	32	32	32	30	30	30	30	30	24	24	18
80 / 54	32	32	32	32	32	32	30	24	24	24	24	24	24	18
90 / 61	30	30	30	30	30	30	30	24	24	24	24	24	24	18
30 / 20	54	48	42	42	36	36	30	54	48	42	42	36	30	30
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70 / 47	32	32	32	32	32	32	30	32	32	32	32	32	30	30
80 / 54	32	32	32	32	32	32	30	32	32	32	32	32	30	30
90 / 61	30	30	30	30	30	30	30	30	30	30	30	30	30	30
30 / 20	54	48	42	42	36	36	30	54	48	42	42	36	36	30
40 / 27	42	42	42	42	36	36	30	42	42	42	42	36	36	30
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60 / 41	36	36	36	36	36	36	30	36	36	36	36	36	36	30
70 / 47	32	32	32	32	32	32	30	32	32	32	32	32	32	30
80 / 54	32	32	32	32	32	32	30	32	32	32	32	32	32	30
90 / 61	30	30	30	30	30	30	30	30	30	30	30	30	30	30

- NOTES:
- PURLIN SPACING UNITS ARE IN INCHES.
 - FRAME SPACING NEEDS TO BE DETERMINED FROM TABLE 4.

IRREGULAR BUILDING NOTES:

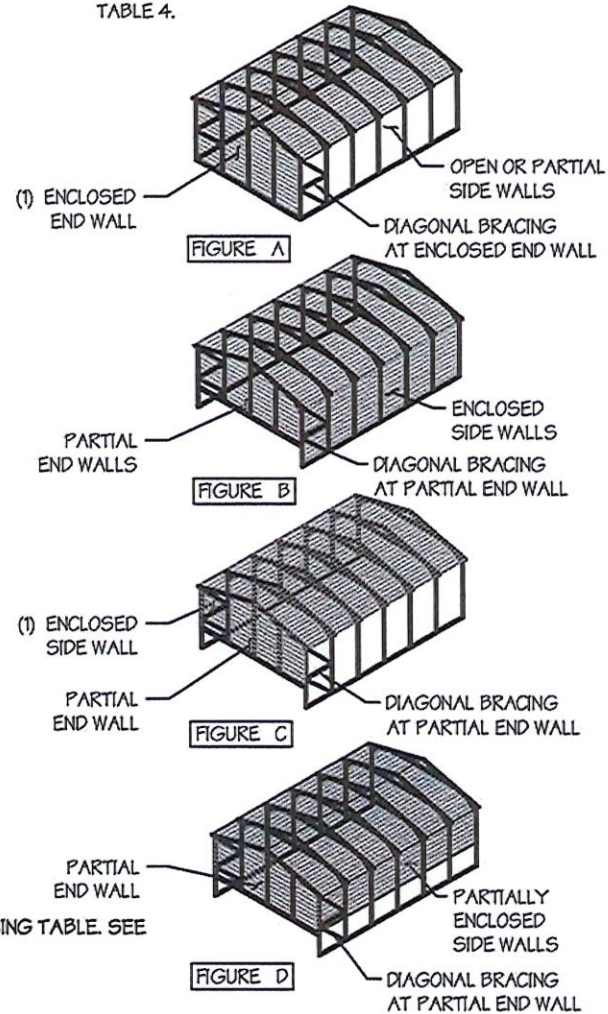
- FIGURES A, B, C & D ON THE RIGHT INDICATE EXAMPLES OF IRREGULAR BUILDINGS.
- FOR IRREGULAR BUILDINGS, FRAME SPACING MUST BE REDUCED BY 12" FROM OPEN BUILDING SPACING TABLE. SEE SHEET 4 FOR OPEN BUILDING TABLE.
- SITE SPECIFICS MAY ALLOW FOR ALTERNATIVE SPACING.

TABLE 5.2: GIRT SPACING SCHEDULE

FRAME SPACING	WIND SPEED (MPH)						
	105	115	130	140	155	165	180
5'-0"	60	48	36	30	24	24	18
4'-6"	60	60	48	42	36	30	24
4'-0"	60	60	54	54	42	36	30
3'-6"	60	60	54	54	48	42	42
2'-0" TO 3'-0"	60	60	54	54	48	42	42

NOTES:

- GIRT SPACING UNITS ARE IN INCHES.
- THIS SCHEDULE IS TO BE USED FOR BOTH 14GA AND 18 GA GIRTS.
- FRAME SPACING NEEDS TO BE DETERMINED FROM TABLE 4.



MANUFACTURED BY:



DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

PURLIN & GIRT SPACING SCHEDULES

SHEET NO.: 5 / 11

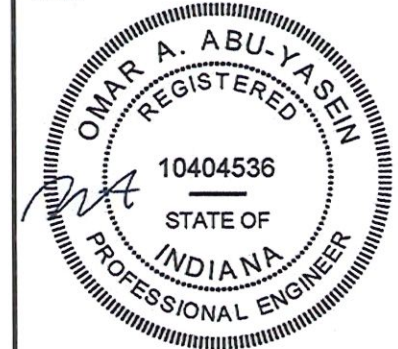
DRAWN BY: A.W. DATE: 5/16/22

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LEGAL INFORMATION

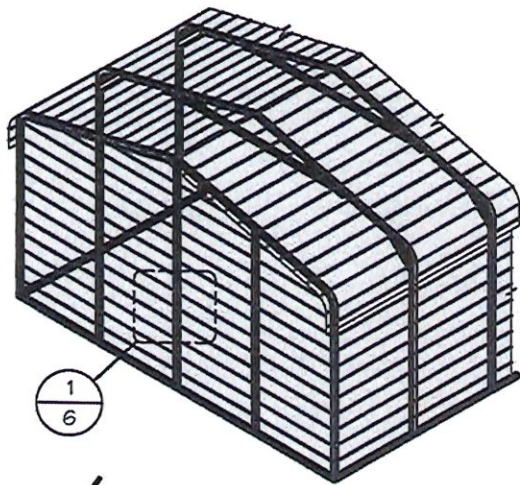
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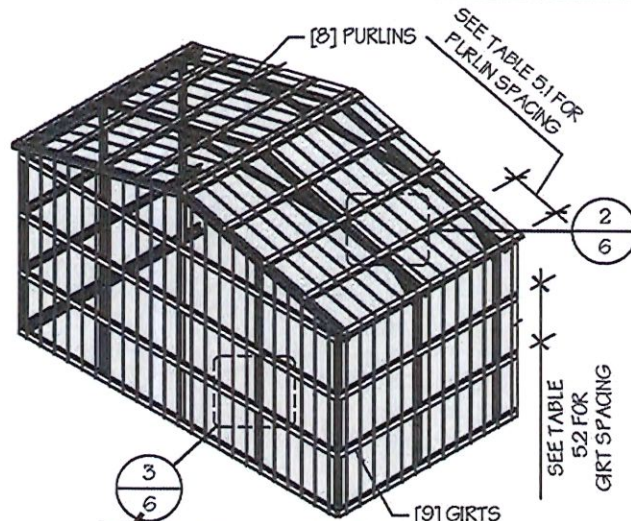


DATE EXPIRES: 07-31-2024

DATE SIGNED: 06-01-2023



TYP. HORIZONTAL SHEATHING
SCALE: NTS

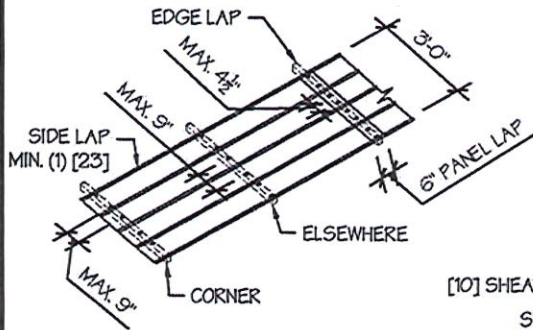


TYP. VERTICAL SHEATHING
SCALE: NTS

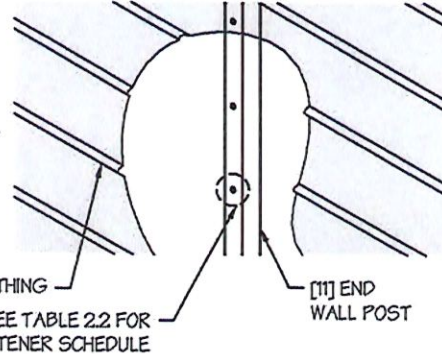
GENERAL SHEATHING NOTES:

1. REGULAR STYLE BUILDINGS CAN ONLY HAVE HORIZONTAL SHEATHING ON ROOF AND WALLS.
2. A-FRAME STYLE BUILDINGS CAN HAVE ANY COMBINATION OF HORIZONTAL OR VERTICAL SHEATHING ON ROOFS AND WALLS.
3. BOTH HORIZONTAL AND VERTICALS ROOF SHEATHING CAN HAVE MAX. 6" OVERHANG.
4. USING VERTICAL SHEATHING MAY ALLOW FOR GREATER FRAME SPACING. SEE NOTE 2 UNDER TABLE 4.
5. VERTICAL SHEATHING RECOMMENDED FOR BUILDINGS 30' OR LONGER

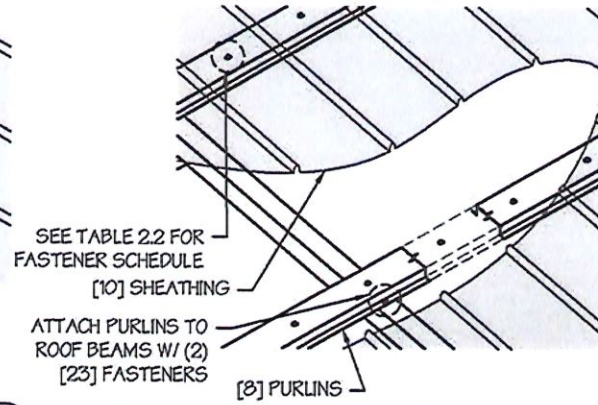
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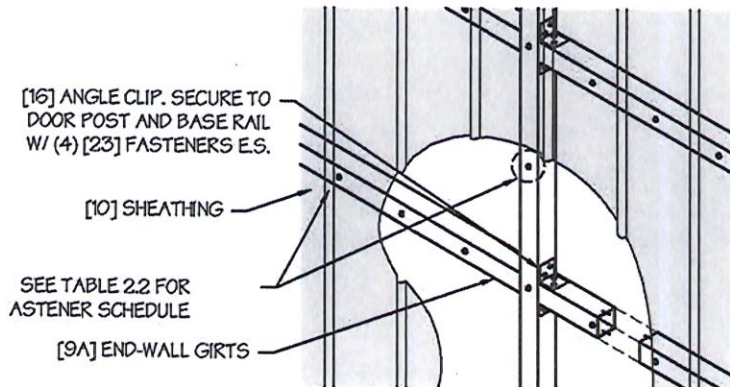
TYP. SHEATHING FASTENER SCHEDULE
SCALE: NTS



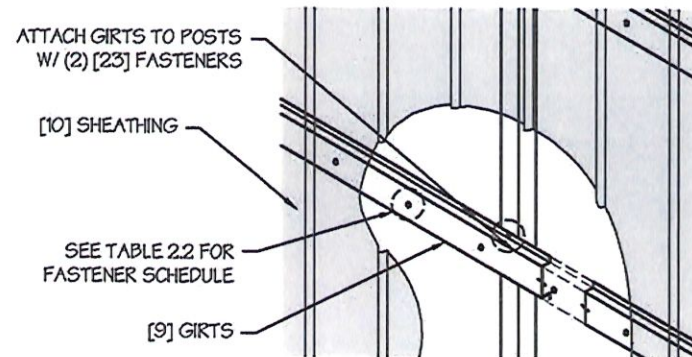
TYP. HORIZONTAL SHEATHING DETAIL 1
SCALE: NTS



ROOF VERTICAL SHEATHING DETAIL 2
SCALE: NTS



WALL VERTICAL SHEATHING - TUBE DETAIL 3
SCALE: NTS



WALL VERTICAL SHEATHING - HAT CHANNEL DETAIL 3
SCALE: NTS

DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

SHEATHING OPTIONS & DETAILS

SHEET NO.: 6 / 11

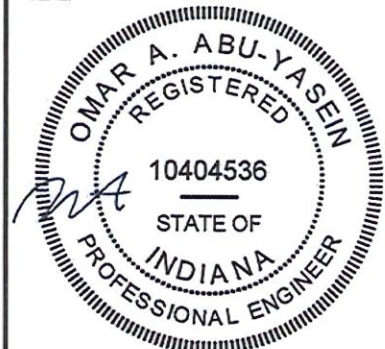
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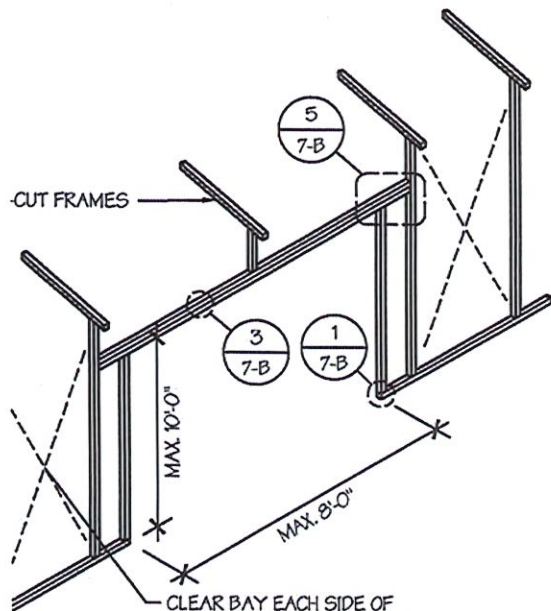
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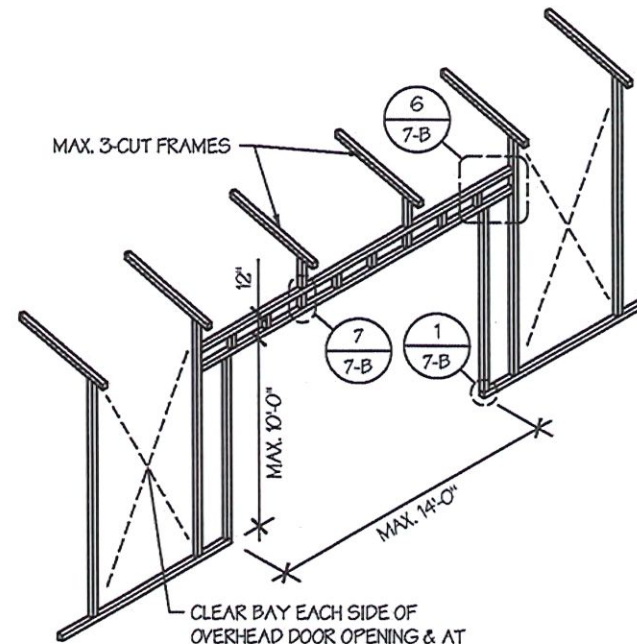
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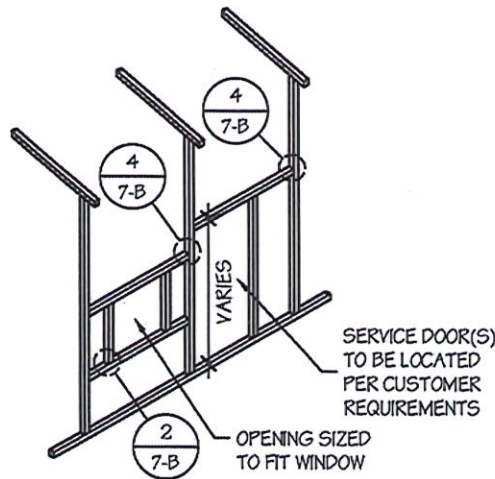
SIDE WALL OVERHEAD DOOR OPENINGS

SCALE: NTS



SIDE WALL OVERHEAD DOOR OPENINGS WITH TRUSS STYLE HEADER

SCALE: NTS



SIDE WALL SERVICE DOOR / WINDOW OPENINGS

SCALE: NTS

SIDE WALL FRAMING NOTES:

1. TRUSS-STYLE HEADERS ARE REQUIRED FOR WHERE THE GROUND SNOW LOAD IS 40 PSF OR GREATER.
2. DESIGNS AND DETAILS SHOWN HERE ARE APPLICABLE TO BOTH REGULAR AND A-FRAME STYLE BUILDINGS.
3. MAX. HEIGHT OF SIDE WALL OVERHEAD DOOR OPENINGS IS 2 FT LESS THAN THE EAVE HEIGHT.
4. OVERHEAD DOOR OPENINGS CANNOT CUT THROUGH MORE THAN 2 FULL FRAMES.
5. MIN. 1 CLEAR BAY MUST BE MAINTAINED BETWEEN ANY 2 OVERHEAD DOOR OPENINGS. A CLEAR BAY IS A SPACE BETWEEN TWO FRAMES THAT HAS NO OVERHEAD DOOR OPENINGS.
6. MIN. 1 CLEAR BAY MUST ALSO BE MAINTAINED FROM THE BUILDING CORNERS.
7. SERVICE DOORS AND WINDOWS CAN BE PLACED IN CLEAR BAYS OR ANY WHERE ELSE AS NEEDED.

DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

SIDE WALL FRAMING & OPENINGS

SHEET NO.: 7-A / 11

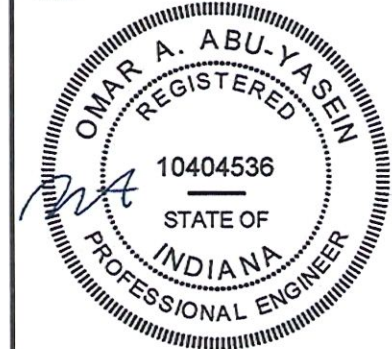
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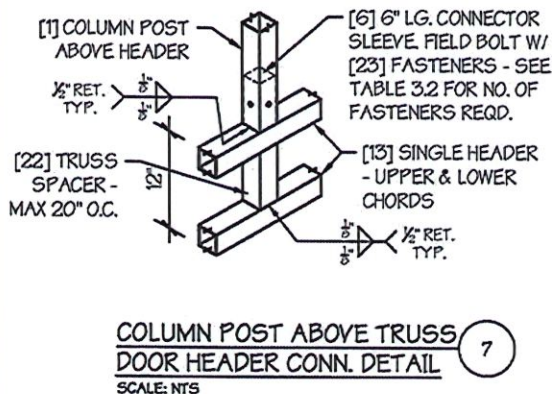
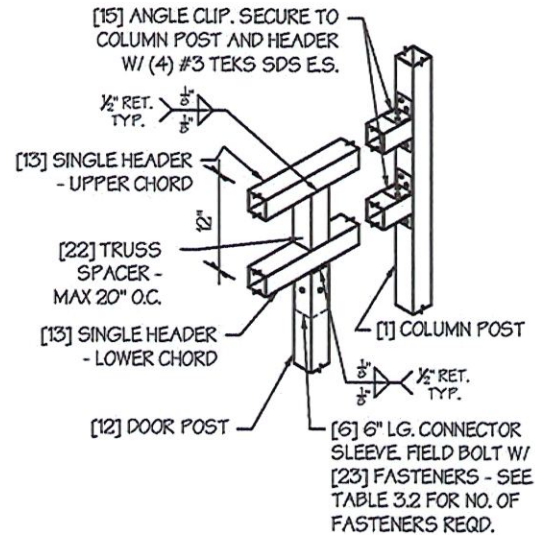
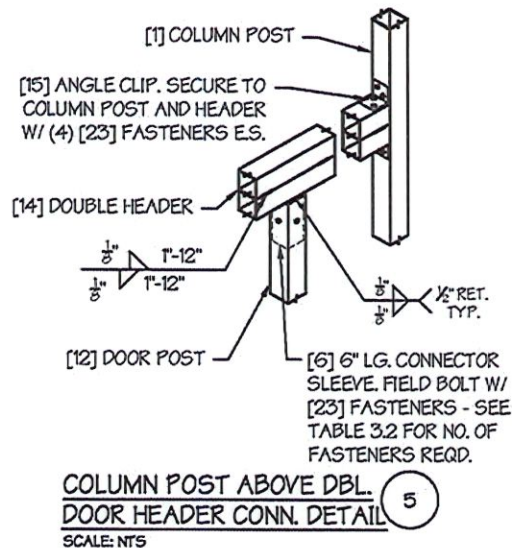
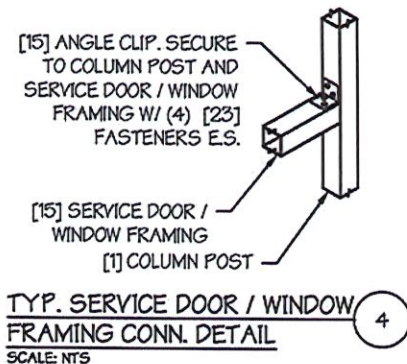
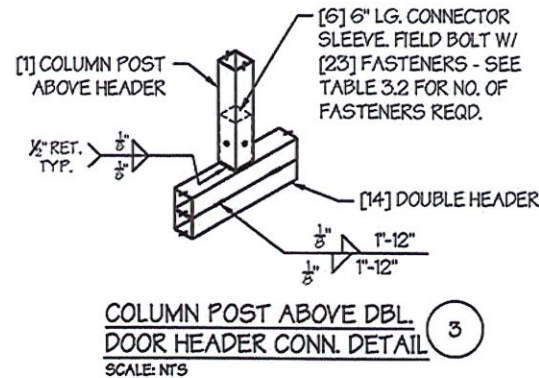
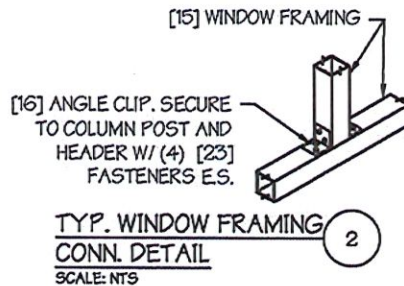
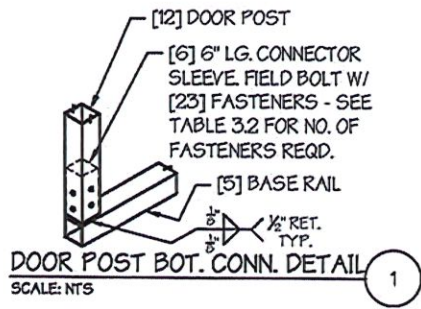
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DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

SIDE WALL FRAMING DETAILS

SHEET NO.: 7-B / 11

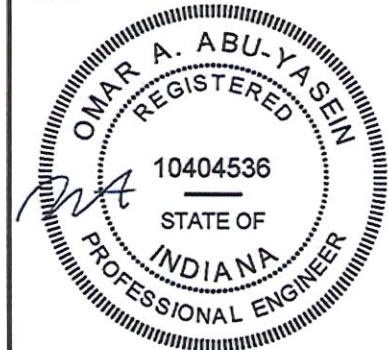
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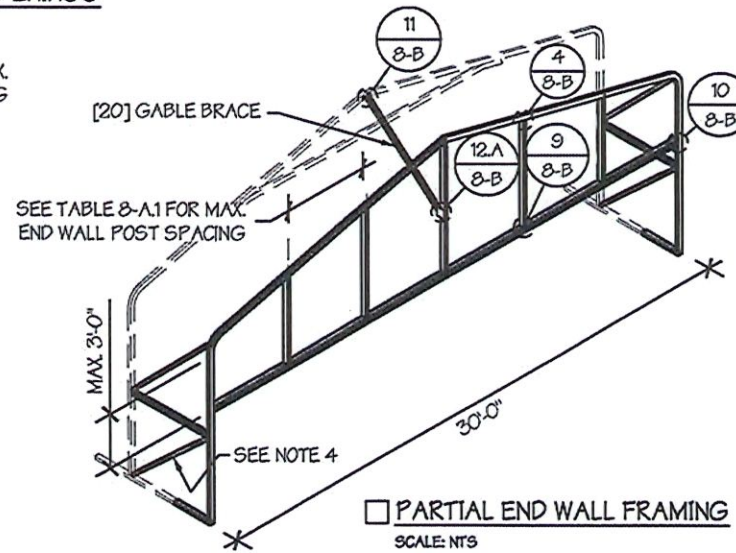
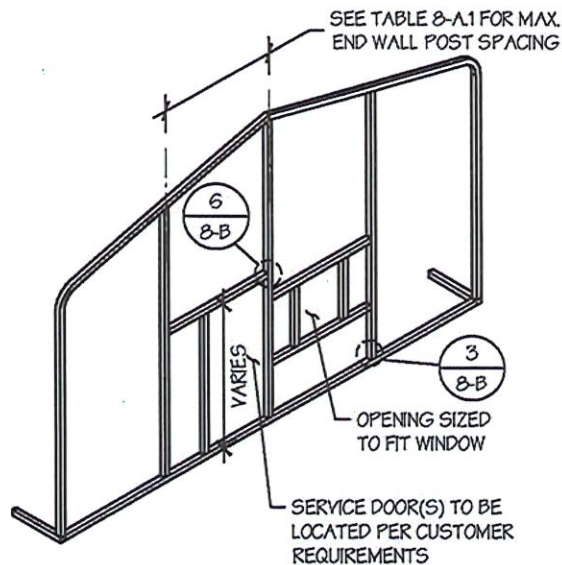
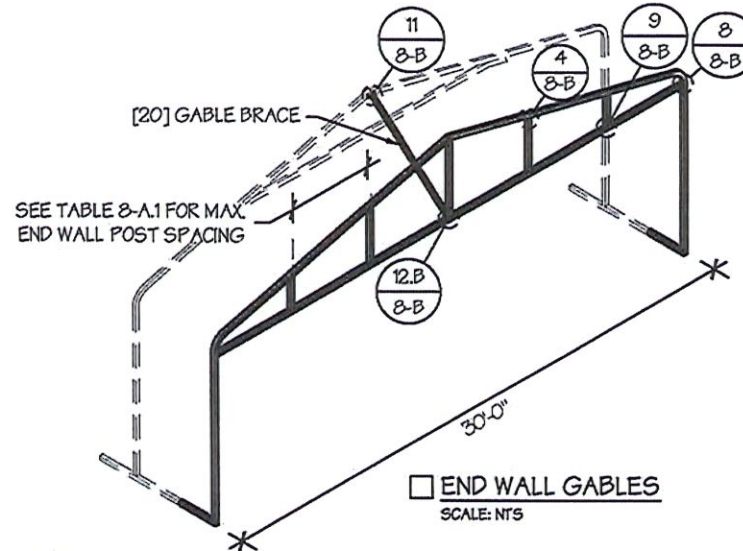
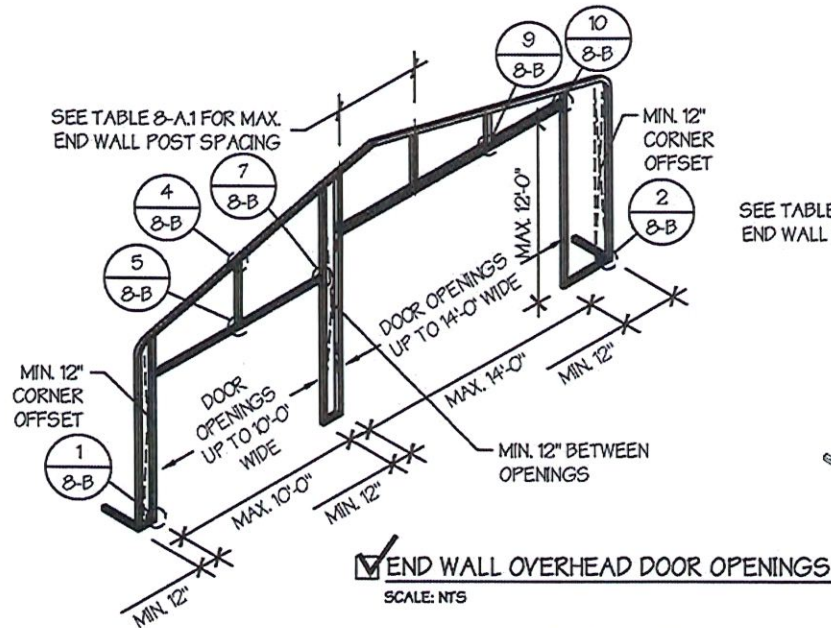


TABLE 8-A.1: END WALL POST SPACING SCHEDULE

WIND SPEED (MPH)	EAVF. HEIGHT		
	UP TO 7'	8' TO 9'	10' TO 12'
<input type="checkbox"/> 105	5'	5'	5'
<input checked="" type="checkbox"/> 115	5'	5'	4.5'
<input type="checkbox"/> 130	4.5'	4.5'	4'
<input type="checkbox"/> 140	4.5'	4.5'	3'
<input type="checkbox"/> 155	4'	4'	2.5'
<input type="checkbox"/> 165 - 180	3.5'	3'	2'

END WALL FRAMING NOTES:

- DESIGNS AND DETAILS SHOWN HERE ARE APPLICABLE TO BOTH REGULAR AND A-FRAME STYLE BUILDINGS.
- MIN. 12" CLEARANCE MUST BE MAINTAINED BETWEEN ANY TWO OPENINGS (OVERHEAD DOOR OR SERVICE DOOR) AND FROM CORNERS.
- SERVICE DOORS AND WINDOWS CAN BE PLACED AS NEEDED.
- DIAGONAL BRACES NEED TO BE ADDED FOR PARTIAL END WALL ENCLOSURES. SEE SHEET 9 FOR DIAGONAL BRACE CONNECTION DETAILS.

DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

END WALL FRAMING

SHEET NO.: 8-A / 11

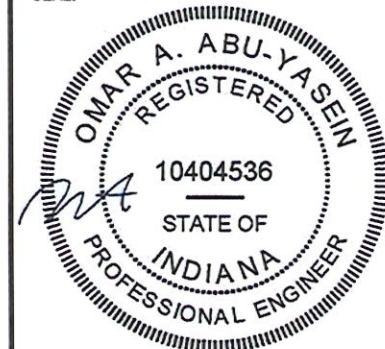
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LEGAL INFORMATION

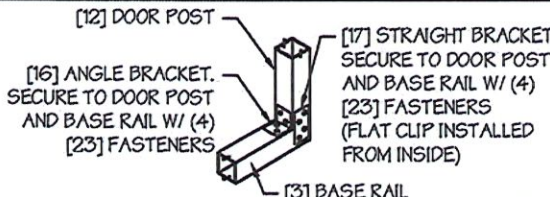
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- DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.

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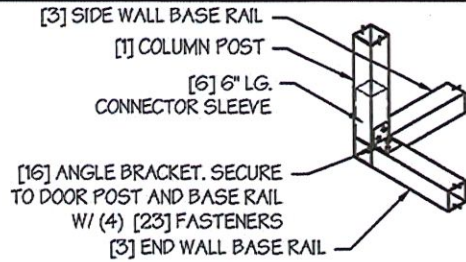


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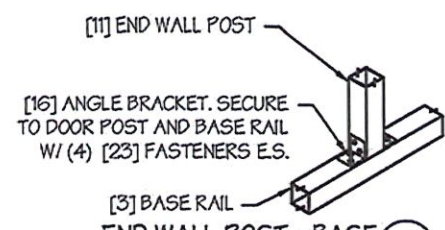
DATE SIGNED: 06-01-2023



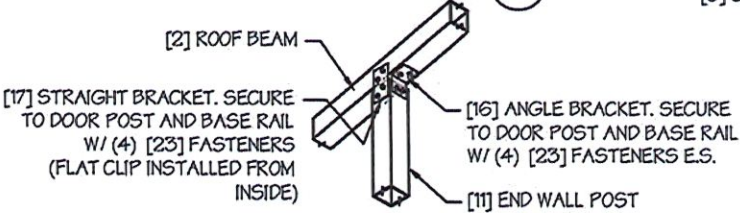
DOOR POST BASE RAIL CONN. DETAIL
SCALE: NTS



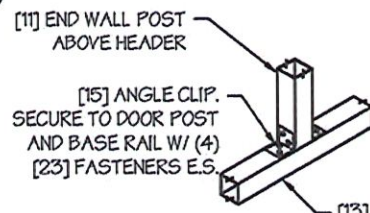
CORNER DETAIL
SCALE: NTS



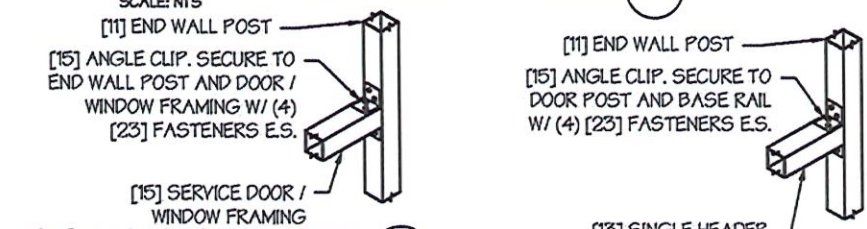
END WALL POST - BASE RAIL CONN. DETAIL
SCALE: NTS



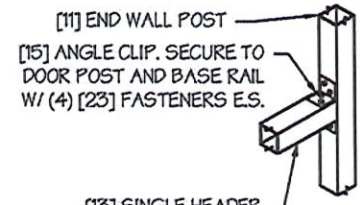
END WALL POST - ROOF BEAM CONN. DETAIL
SCALE: NTS



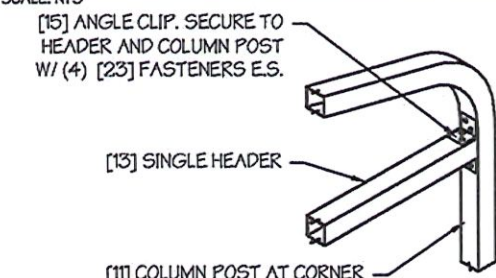
END WALL POST ABOVE HEADER CONN. DETAIL
SCALE: NTS



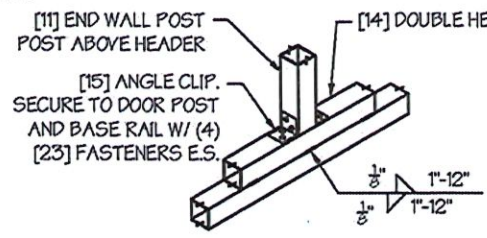
TYP. SERVICE DOOR / WINDOW FRAMING CONN. DETAIL
SCALE: NTS



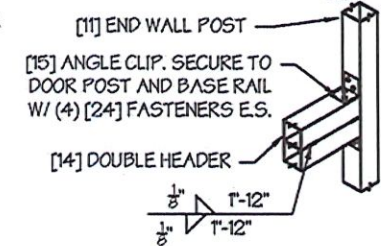
HEADER - END WALL POST CONN. DETAIL
SCALE: NTS



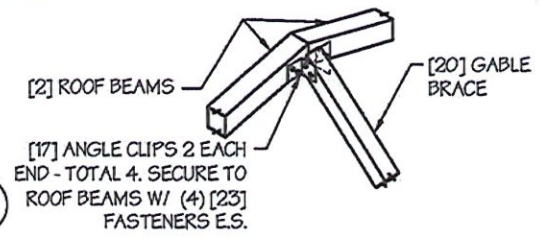
GABLE HEADER - CORNER POST CONN. DETAIL
SCALE: NTS



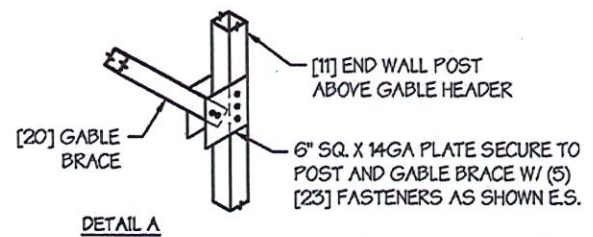
END WALL POST ABOVE DOUBLE HEADER CONN. DETAIL
SCALE: NTS



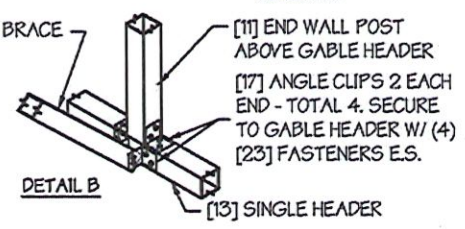
DOUBLE HEADER - END WALL POST CONN. DETAIL
SCALE: NTS



TYP. GABLE BRACE CONN. DETAIL
SCALE: NTS



GABLE BRACE - END WALL CONN. DETAIL
SCALE: NTS



MANUFACTURED BY:

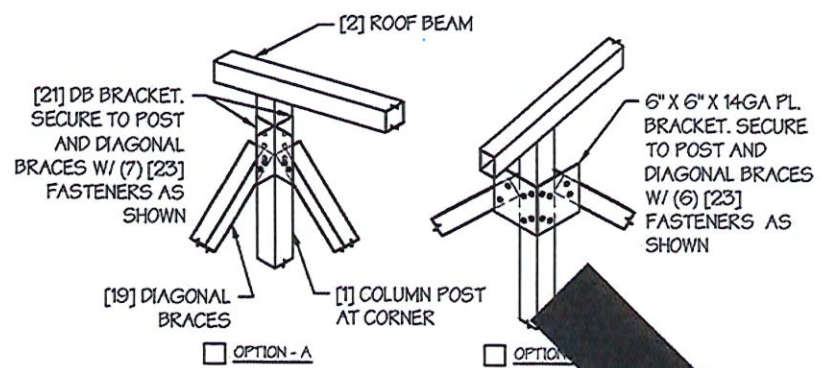
DRAWING INFORMATION
PROJECT: 30'-0" WIDE BUILDINGS
LOCATION: STATE OF INDIANA
PROJECT NO.: 451-23-1380
SHEET TITLE: END WALL FRAMING DETAILS
SHEET NO.: 8-B / 11
DRAWN BY: A.W. DATE: 5/16/22
CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION
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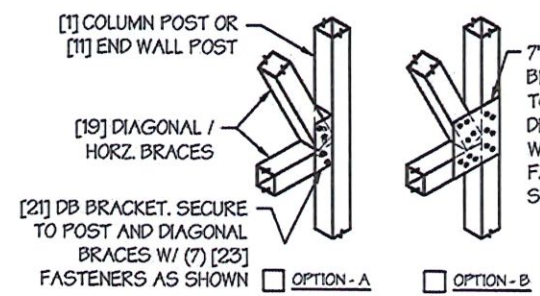
SEAL:

DATE EXPIRES: 07-31-2024
DATE SIGNED: 06-01-2023

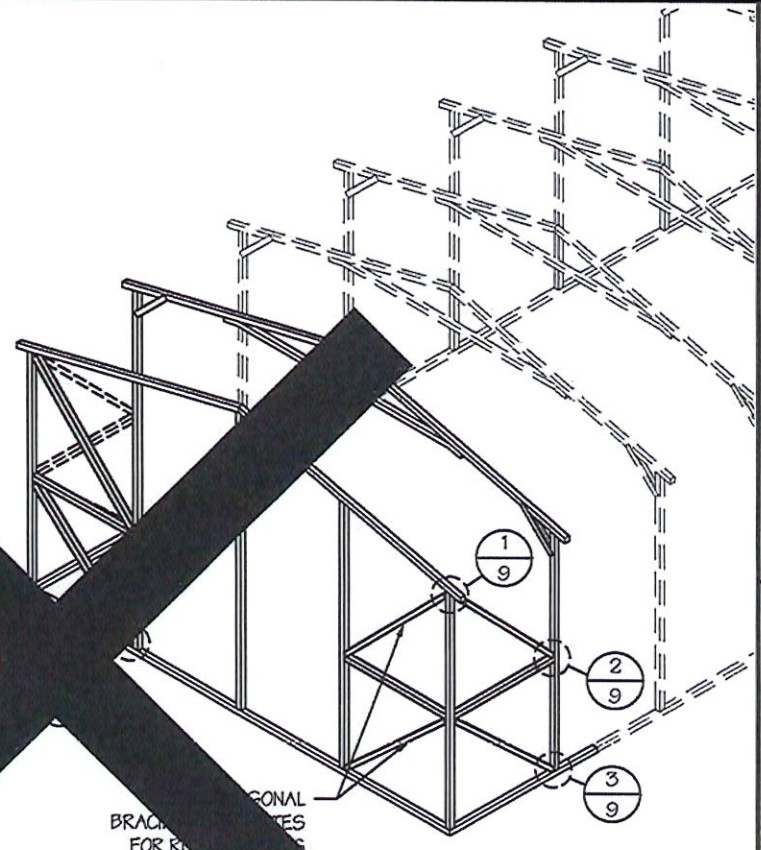
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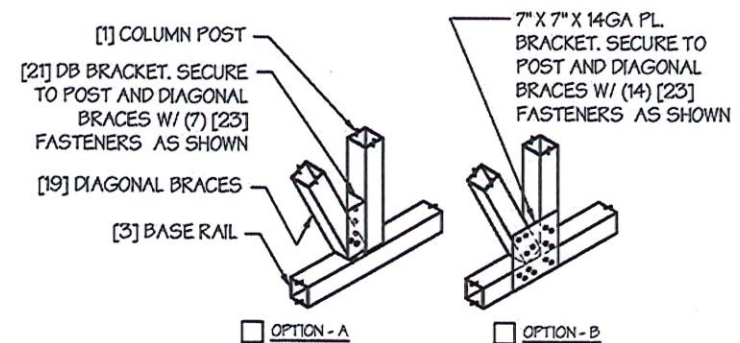
DIAGONAL BRACE TOP CORNER CONN. DETAIL*
SCALE: NTS



DIAGONAL BRACE - POST CONN. DETAIL*
SCALE: NTS



DIAGONAL BRACING AT CORNERS
SCALE: NTS



DIAGONAL BRACE BOT. CORNER CONN. DETAIL*
SCALE: NTS

CORNER BRACING NOTES:

1. DIAGONAL BRACING AT BUILDING CORNERS IS REQUIRED FOR ALL BUILDINGS IN LOCATIONS WHERE WIND SPEED IS 140 MPH OR GREATER.
- FOR 3 SIDED ENCLOSED BUILDINGS 140 MPH OR GREATER WIND SPEED - THE BUILDING MUST BE DESIGNED WITH OPEN BUILDING SPACING AND DIAGONAL BRACING IS REQUIRED ON ALL ENCLOSED WALLS.
2. SIDE-WALL DIAGONAL BRACING IS REQUIRED WHEN THE ADJACENT END-WALL IS PARTIALLY ENCLOSED.
3. ALL BUILDINGS WITH IRREGULAR ENCLOSURE (SEE SHEET 5) WILL REQUIRE SIDE-WALL BRACING CLOSE TO THE PARTIALLY ENCLOSED END-WALL.

DRAWING INFORMATION	
PROJECT:	30'-0" WIDE BUILDINGS
LOCATION:	STATE OF INDIANA
PROJECT NO.:	451-23-1380
SHEET TITLE:	CORNER BRACING DETAILS
SHEET NO.:	9 / 11
DRAWN BY:	A.W. DATE: 5/16/22
CHECKED BY:	OAA DATE: 5/16/22

LEGAL INFORMATION

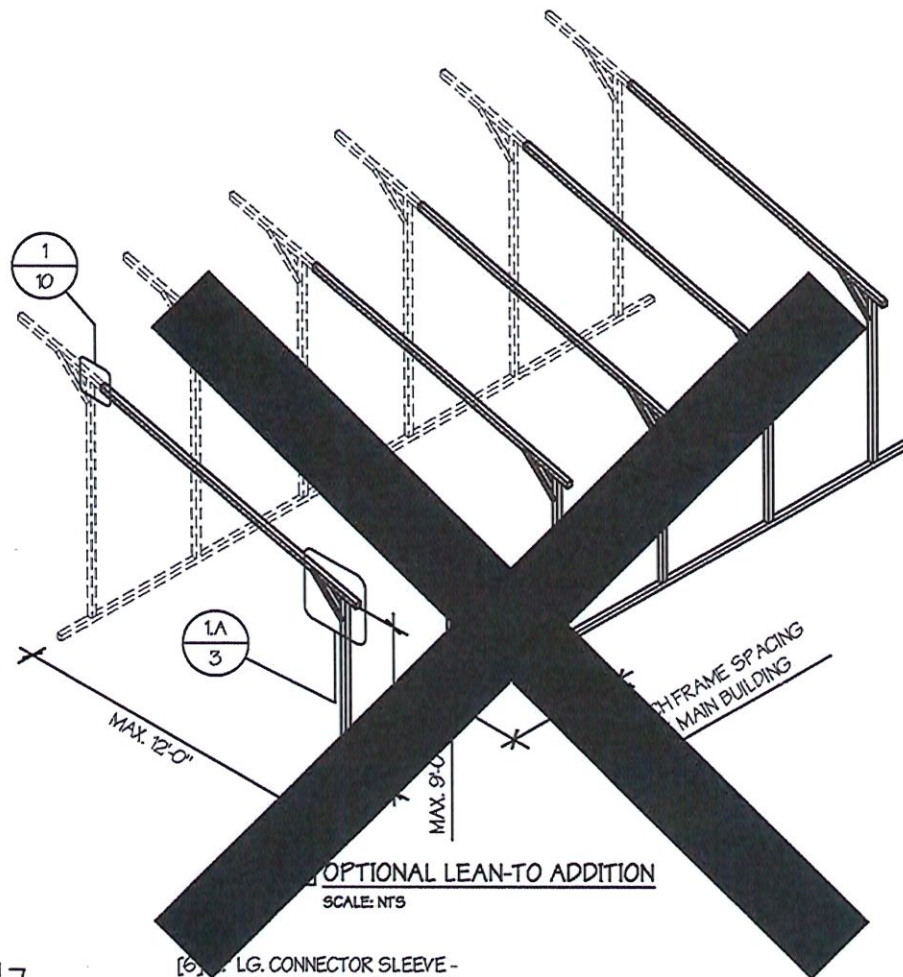
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- DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.



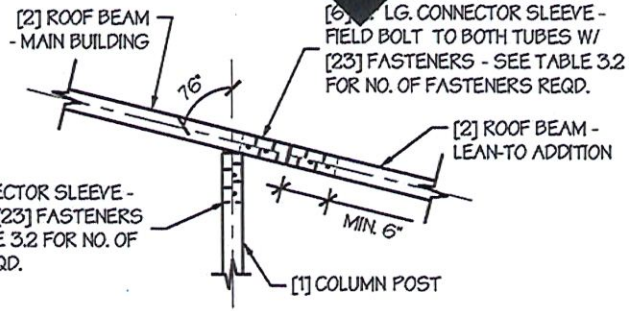
DATE EXPIRES: **07-31-2024**
DATE SIGNED: **06-01-2023**

* INSIDE VIEW SHOWN FOR CLARITY

MANUFACTURED BY:



OPTIONAL LEAN-TO ADDITION
SCALE: NTS



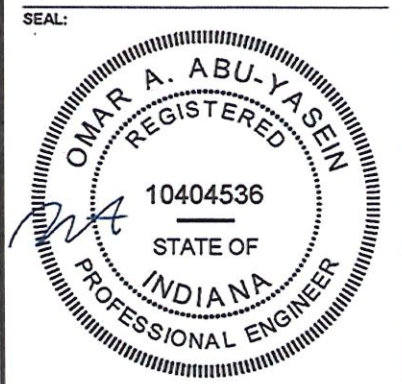
LEAN-TO ATTACHMENT DETAIL 1
SCALE: NTS

LEAN-TO ADDITION NOTES:

1. LEAN-TO ADDITIONS CAN BE ADDED ON EITHER OR BOTH SIDES OF THE BUILDING.
2. ROOF SLOPE, PURLIN, GIRT AND FRAME SPACING OF THE ADDITION HAVE TO MATCH THAT OF THE MAIN STRUCTURE.
3. IF THE LEAN-TO ADDITION IS "OPEN" (BOTH END WALLS OR SIDE WALL IS NOT ENCLOSED), THE DESIGN OF THE MAIN BUILDING HAS TO USE THE FRAME SPACING OF AN OPEN BUILDING FROM TABLE 4.

DRAWING INFORMATION	
PROJECT:	30'-0" WIDE BUILDINGS
LOCATION:	STATE OF INDIANA
PROJECT NO.:	451-23-1380
SHEET TITLE:	OPTIONAL LEAN-TO ADDITION
SHEET NO.:	10 / 11
DRAWN BY:	A.W. DATE: 5/16/22
CHECKED BY:	OAA DATE: 5/16/22

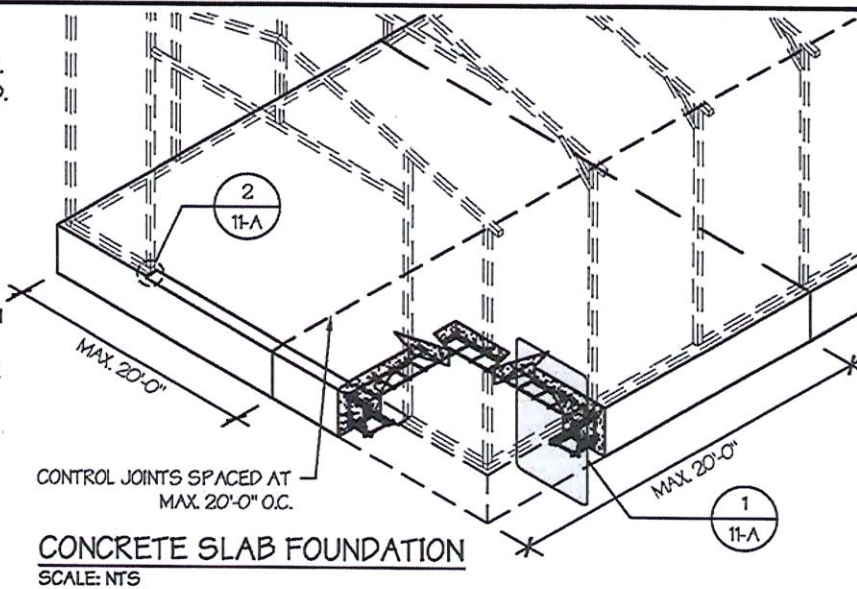
LEGAL INFORMATION
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 - DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.



DATE EXPIRES: **07-31-2024**
 DATE SIGNED: **06-01-2023**

CONCRETE SLAB FOUNDATION NOTES:

- DESIGNS SHOWN ON THIS SHEET ARE FOR CONCRETE SLAB FOUNDATION. ANY OF THE FOUNDATIONS SHOWN ON SHEETS 11-A THRU D CAN BE USED.
- CONCRETE ANCHORS SHALL BE LOCATED NEXT TO EVERY POST AND ON EITHER SIDE OF OPENINGS. TWO ANCHORS SHALL BE INSTALLED AT CORNERS OF ENCLOSED BUILDINGS WITH END WALLS - ONE ON EACH BASE RAIL. IN LOCATIONS REQUIRING TWO ANCHORS DUE TO WIND, ONE ANCHOR IS TO BE ON EACH SIDE OF THE COLUMN POST.
- ANCHORS IN CLOSE PROXIMITY TO EACH OTHER MUST HAVE A MIN. 4" SPACING.
- MIN. NUMBER OF CONCRETE ANCHORS PER POST SHALL BE AS SHOWN IN TABLE 11-A.2.
- THE SIZE OF THE SLAB SHALL BE THE SIZE (WIDTH AND LENGTH) OF THE BUILDING PLUS 5 1/2" FOR 14GA MATERIAL AND 5 3/4" FOR 12GA MATERIAL.
- DEPTH OF SLAB TURN DOWN FOOTING SHALL BE GREATER THAN FROST DEPTH SPECIFIED PER LOCAL CODE.
- CONTROL JOINTS SHALL BE PLACED SO AS TO LIMIT MAX. SLAB SPANS TO 20' IN EACH DIRECTION.
- ASSUMED SOIL BEARING CAPACITY IS TO BE A MIN. OF 1500 PSF.
- CONCRETE STRENGTH TO BE A MIN OF 2500 PSI @ 28 DAYS.



MANUFACTURED BY:

NE
STEEL

DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE: FOUNDATION OPTION 1: CONCRETE SLAB

SHEET NO.: 11-A / 11

DRAWN BY: A.W. DATE: 5/16/22

CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

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- DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.

SEAL:

OMAR A. ABU-YASEIN
REGISTERED
10404536
STATE OF INDIANA
PROFESSIONAL ENGINEER

DATE EXPIRES: 07-31-2024

DATE SIGNED: 06-01-2023

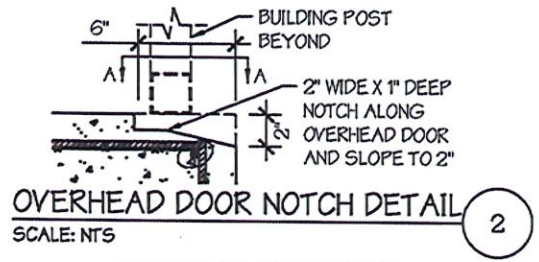


TABLE 11-A.2: CONCRETE SLAB ANCHOR SCHEDULE

ENCLOSURE	WIND SPEED (MPH)	ANCHOR SIZE/NUMBER
ENCLOSED	105 TO 135	(1) 1/2" Ø X 7"
	136 TO 180	(2) 1/2" Ø X 7"
OPEN	105 TO 135	(1) 1/2" Ø X 7"
	136 TO 180	(2) 1/2" Ø X 7"

- NOTES:
- ANCHORS ARE TO BE CONCRETE WEDGE OR EXPANSION ANCHORS.
 - MIN. EMBEDMENT DEPTH TO BE 2 3/4".
 - ANCHORS TO BE SPACED NO MORE THAN 6" FROM POSTS.

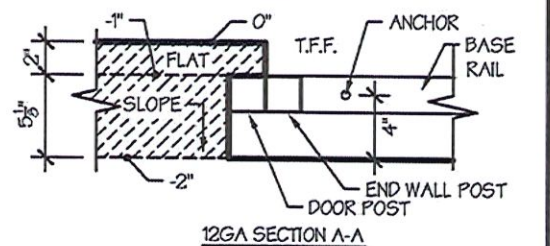
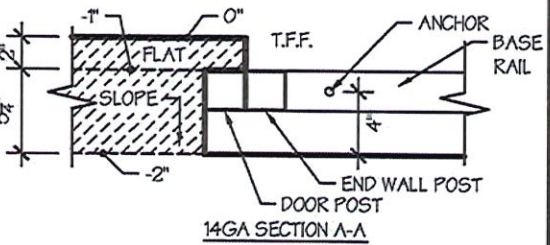
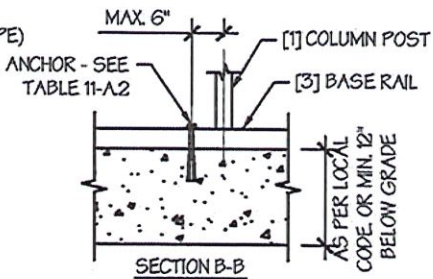
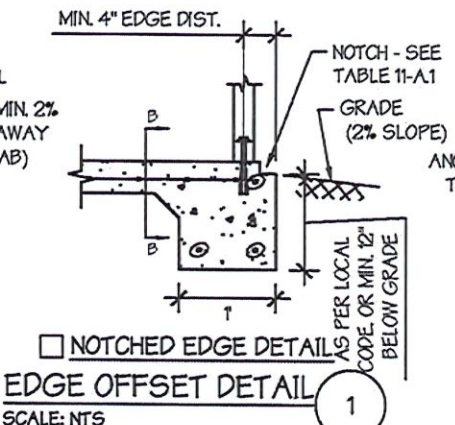
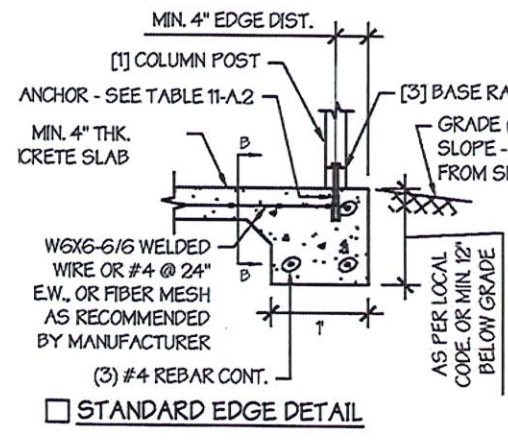


TABLE 11-A.1: NOTCH WIDTH

HORIZONTAL/OPEN		VERTICAL	
14GA	12GA	14GA	12GA
2 3/4"	2 7/8"	1 3/4"	1 7/8"

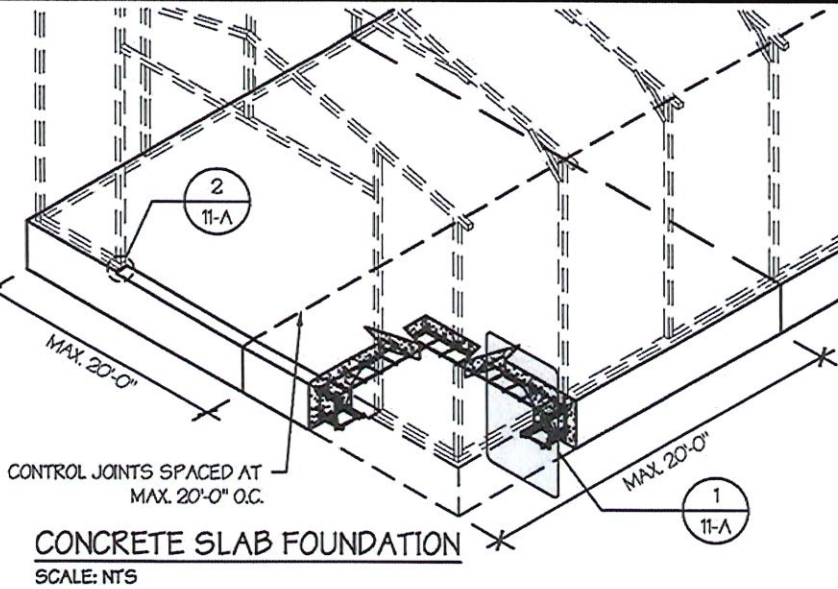
NOTE: DEPTH IS TO BE 1 1/2"



EDGE OFFSET DETAIL
SCALE: NTS

CONCRETE SLAB FOUNDATION NOTES:

- DESIGNS SHOWN ON THIS SHEET ARE FOR CONCRETE SLAB FOUNDATION. ANY OF THE FOUNDATIONS SHOWN ON SHEETS 11-A THRU C CAN BE USED.
- CONCRETE ANCHORS SHALL BE LOCATED NEXT TO EVERY POST AND ON EITHER SIDE OF OPENINGS. TWO ANCHORS SHALL BE INSTALLED AT CORNERS OF ENCLOSED BUILDINGS WITH END WALLS - ONE ON EACH BASE RAIL IN LOCATIONS REQUIRING TWO ANCHORS DUE TO WIND. ONE ANCHOR IS TO BE ON EACH SIDE OF THE COLUMN POST.
- ANCHORS IN CLOSE PROXIMITY TO EACH OTHER MUST HAVE A MIN. 4" SPACING.
- MIN. NUMBER OF CONCRETE ANCHORS PER POST SHALL BE AS SHOWN IN TABLE 11-A.1.
- THE SIZE OF THE SLAB SHALL BE THE SIZE (WIDTH AND LENGTH) OF THE BUILDING PLUS 1/2" FOR 14GA MATERIAL AND 1" FOR 12GA MATERIAL.
- DEPTH OF SLAB TURN DOWN FOOTING SHALL BE GREATER THAN FROST DEPTH SPECIFIED PER LOCAL CODE.
- CONTROL JOINTS SHALL BE PLACED SO AS TO LIMIT MAX. SLAB SPANS TO 20' IN EACH DIRECTION.
- ASSUMED SOIL BEARING CAPACITY IS TO BE A MIN. OF 1500 PSF.
- CONCRETE STRENGTH TO BE A MIN. OF 2500 PSI @ 28 DAYS.



MANUFACTURED BY:



DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

FOUNDATION OPTION 1:
CONCRETE SLAB

SHEET NO.: 11-A / 11

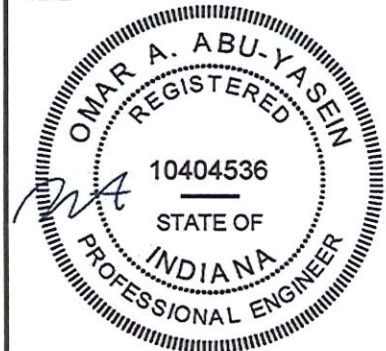
DRAWN BY: A.W. DATE: 5/16/22

CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

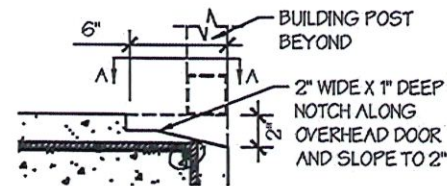
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SEAL:



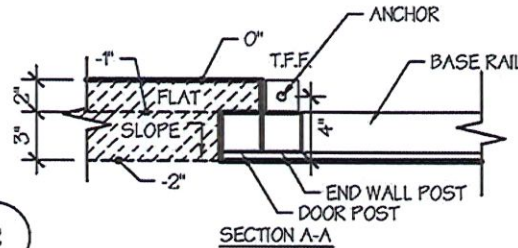
DATE EXPIRES: 07-31-2024

DATE SIGNED: 06-01-2023



OVERHEAD DOOR NOTCH DETAIL

SCALE: NTS



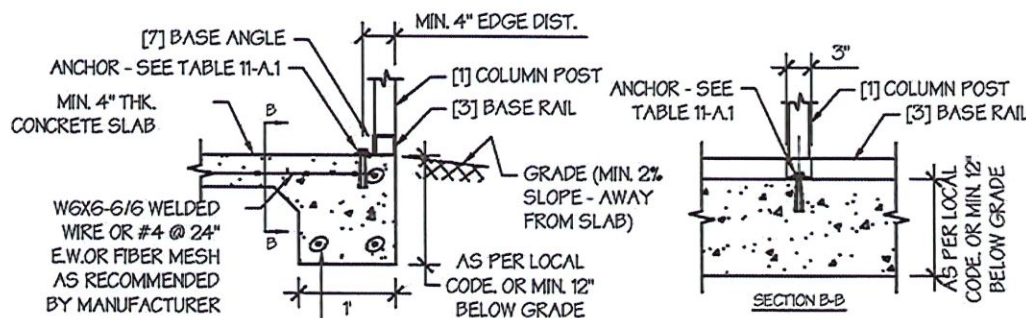
SECTION A-A

TABLE 11-A.1: CONCRETE SLAB ANCHOR SCHEDULE

ENCLOSURE	WIND SPEED (MPH)	ANCHOR SIZE/NUMBER
ENCLOSED	105 TO 135	(1) 1/2"Ø X 7"
	136 TO 180	(2) 1/2"Ø X 7"
OPEN	105 TO 135	(1) 1/2"Ø X 7"
	136 TO 180	(2) 1/2"Ø X 7"

NOTES:

- ANCHORS ARE TO BE CONCRETE WEDGE OR EXPANSION ANCHORS.
- MIN. EMBEDMENT DEPTH TO BE 2 1/2".
- ANCHORS TO BE SPACED NO MORE THAN 6" FROM POSTS.



EDGE FLUSH DETAIL

SCALE: NTS

TABLE 11-B.1: ANCHOR SCHEDULE

ENCLOSURE	WIND SPEED (MPH)	ANCHOR SIZE/NUMBER
ENCLOSED	105 TO 135	(1) 1/2"Ø X 7"
	136 TO 180	(2) 1/2"Ø X 7"
OPEN	105 TO 135	(1) 1/2"Ø X 7"
	136 TO 180	(2) 1/2"Ø X 7"

NOTES:

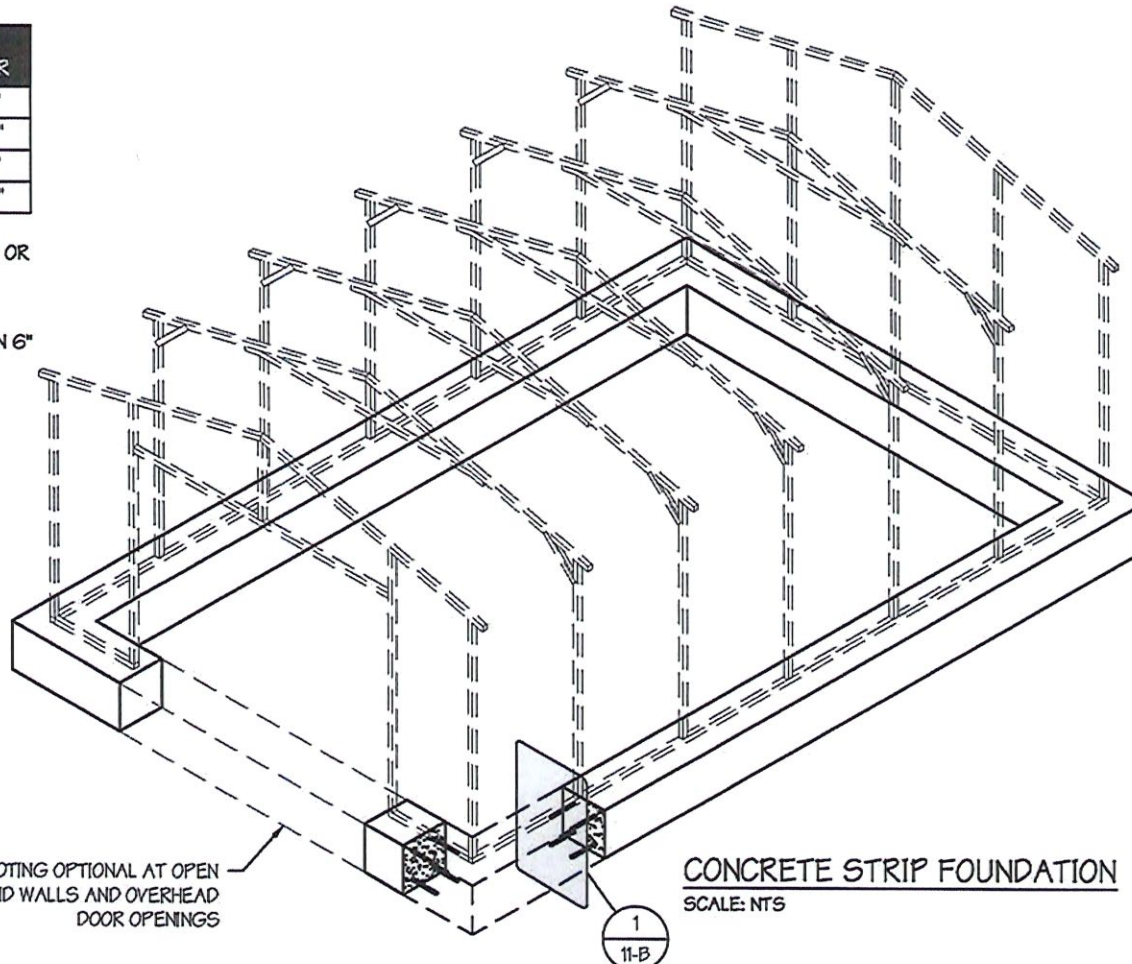
1. ANCHORS ARE TO BE CONCRETE WEDGE OR EXPANSION ANCHORS.
2. MIN. EMBEDMENT DEPTH TO BE 2 2/3".
3. ANCHORS TO BE SPACED NO MORE THAN 6" FROM POSTS.

TABLE 11-B.2: CONC. STRIP SCHEDULE

WIND SPEED (MPH)	MIN. SIZE REQD.
105 TO 130	15" X 12"
140 TO 155	24" X 12"
165 TO 180	30" X 12"
	24" X 15"
	20" X 18"

NOTES:

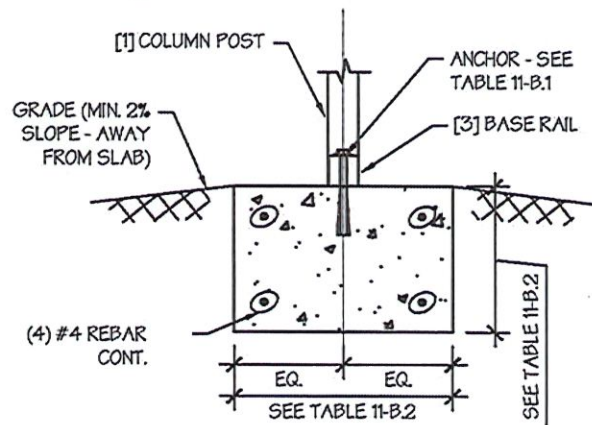
1. WIDTH AND DEPTH DIMENSIONS CAN BE INTERCHANGED.



CONCRETE STRIP FOUNDATION
SCALE: NTS

CONCRETE STRIP FOUNDATION NOTES:

1. DESIGNS SHOWN ON THIS SHEET ARE FOR CONCRETE STRIP FOUNDATION. ANY OF THE FOUNDATIONS SHOWN ON SHEETS 11-A THRU C CAN BE USED.
2. CONCRETE ANCHORS SHALL BE LOCATED NEXT TO EVERY POST AND ON EITHER SIDE OF OPENINGS. TWO ANCHORS SHALL BE INSTALLED AT CORNERS OF ENCLOSED BUILDINGS WITH END WALLS - ONE ON EACH BASE RAIL. IN LOCATIONS REQUIRING TWO ANCHORS DUE TO WIND, ONE ANCHOR IS TO BE ON EACH SIDE OF THE COLUMN POST.
3. MIN. NUMBER OF CONCRETE ANCHORS PER POST SHALL BE AS SHOWN IN TABLE 11-B.1.
4. DEPTH OF CONCRETE STRIP FOOTING SHALL BE GREATER THAN FROST DEPTH SPECIFIED PER LOCAL CODE.
5. ASSUMED SOIL BEARING CAPACITY IS TO BE A MIN. OF 1500 PSF.
6. CONCRETE STRENGTH TO BE A MIN OF 2500 PSI @ 28 DAYS.
7. BUILDING IS TO BE MOUNTED ON THE CENTER OF THE STRIP FOUNDATION.



CONCRETE STRIP FOUNDATION DETAIL
SCALE: NTS

MANUFACTURED BY:



DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

FOUNDATION OPTION 2:
CONCRETE STRIP

SHEET NO.: 11-B / 11

DRAWN BY: A.W. DATE: 5/16/22

CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

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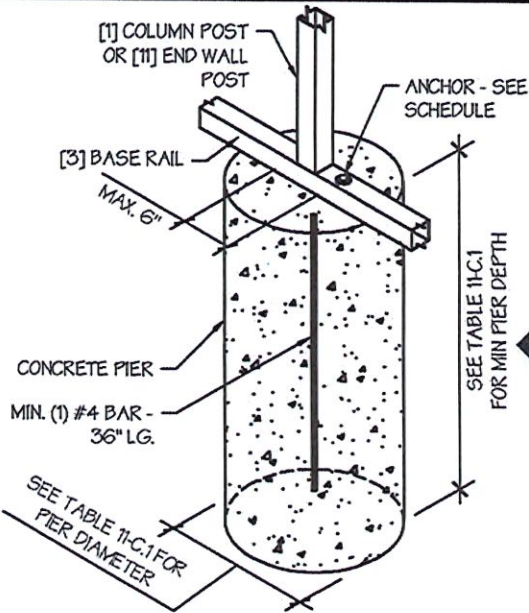
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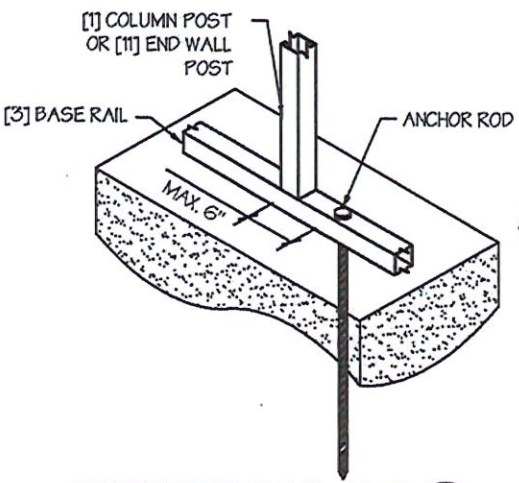
DATE EXPIRES: 07-31-2024

DATE SIGNED: 06-01-2023

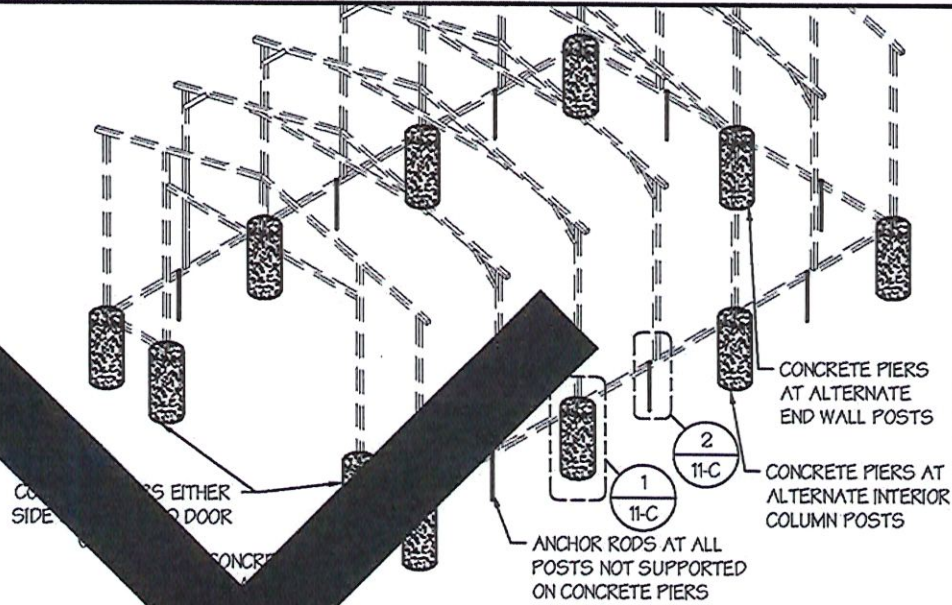
MANUFACTURED BY:



CONCRETE PIER DETAIL
SCALE: NTS



ANCHOR ROD INTO SOIL DETAIL
SCALE: NTS



CONCRETE PIER FOUNDATION
SCALE: NTS

CONCRETE PIER FOUNDATION

- DESIGNS SHOWN ON THESE SHEETS ARE TO BE USED ON CONCRETE PIER FOUNDATION. ANY OTHER FOUNDATION SHALL BE SHOWN ON SHEETS 11-A THROUGH 11-E.
- CONCRETE PIERS SHALL BE LOCATED AT CORNERS, ON EACH SIDE OF OVERHEAD DOOR OPENINGS, AT ALTERNATE INTERIOR COLUMN POSTS AND END WALL POSTS.
- PIERS SHALL BE INSTALLED AT CORNERS OF ALL UNFINISHED BUILDINGS WITH END WALLS - ONE ON EACH SIDE OF THE RAIL IN LOCATIONS REQUIRING TWO ANCHORS DUE TO WIND, ONE ANCHOR IS TO BE ON EACH SIDE OF THE COLUMN POST WITH A PIER.
- ANCHORS IN CLOSE PROXIMITY TO EACH OTHER MUST HAVE A MIN. 4" SPACING.
- MIN. NUMBER OF CONCRETE ANCHORS PER POST WITH A PIER SHALL BE AS SHOWN IN TABLE 11-A.2.
- TWO ANCHORS AND A PIER ARE REQUIRED AT DIAGONAL BRACING.
- ALL POSTS NOT SUPPORTED ON CONCRETE PIERS SHALL BE ANCHORED TO THE GROUND WITH A 1/2" X 30" LG. THREADED ROD. RODS WILL HAVE A PRE-FORMED HEAD AT THE TOP AND ONE COAT OF RUST PROOF MATERIAL.
- PIERS SHALL BE FORMED BY DIGGING A HOLE OF THE SAME SIZE AS THE PIER ON LEVEL GRADE AND FILLING IT WITH CONCRETE. THRD. ROD ANCHORS SHOULD BE DROPPED INTO THE PIERS PRIOR TO POURING THE CONCRETE.
- ASSUMED SOIL BEARING CAPACITY IS TO BE A MIN. OF 1500 PSF.
- CONCRETE STRENGTH TO BE A MIN OF 2500 PSI @ 28 DAYS.

TABLE 11-B.1: ANCHOR SCHEDULE

ENCLOSURE	WIND SPEED (MPH)	ANCHOR SIZE/NUMBER
ENCLOSED	□ 105 TO 135	(1) 1/2"Ø X 7"
	□ 136 TO 180	(2) 1/2"Ø X 7"
OPEN	□ 105 TO 135	(1) 1/2"Ø X 7"
	□ 136 TO 180	(2) 1/2"Ø X 7"

- ANCHORS ARE TO BE CONCRETE WEDGE OR TENSION ANCHORS.
- MIN. EMBEDMENT DEPTH TO BE 2 3/4".
- ANCHORS TO BE SPACED NO MORE THAN 6" FROM POSTS.

TABLE 11-C.1: CONC. PIER SCHEDULE

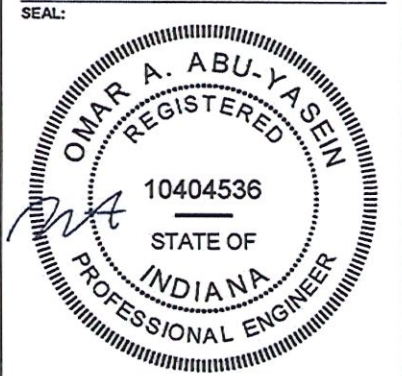
WIND SPEED (MPH)	MIN. SIZE REQD.
□ 105 TO 130	24"Ø X 36"
□ 140 TO 155	24"Ø X 42"
□ 165 TO 180	24"Ø X 48"

DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS
 LOCATION: STATE OF INDIANA
 PROJECT NO.: 451-23-1380
 SHEET TITLE: FOUNDATION OPTION 3: CONCRETE PIERS
 SHEET NO.: 11-C / 11
 DRAWN BY: A.W. DATE: 5/16/22
 CHECKED BY: OAA DATE: 5/16/22

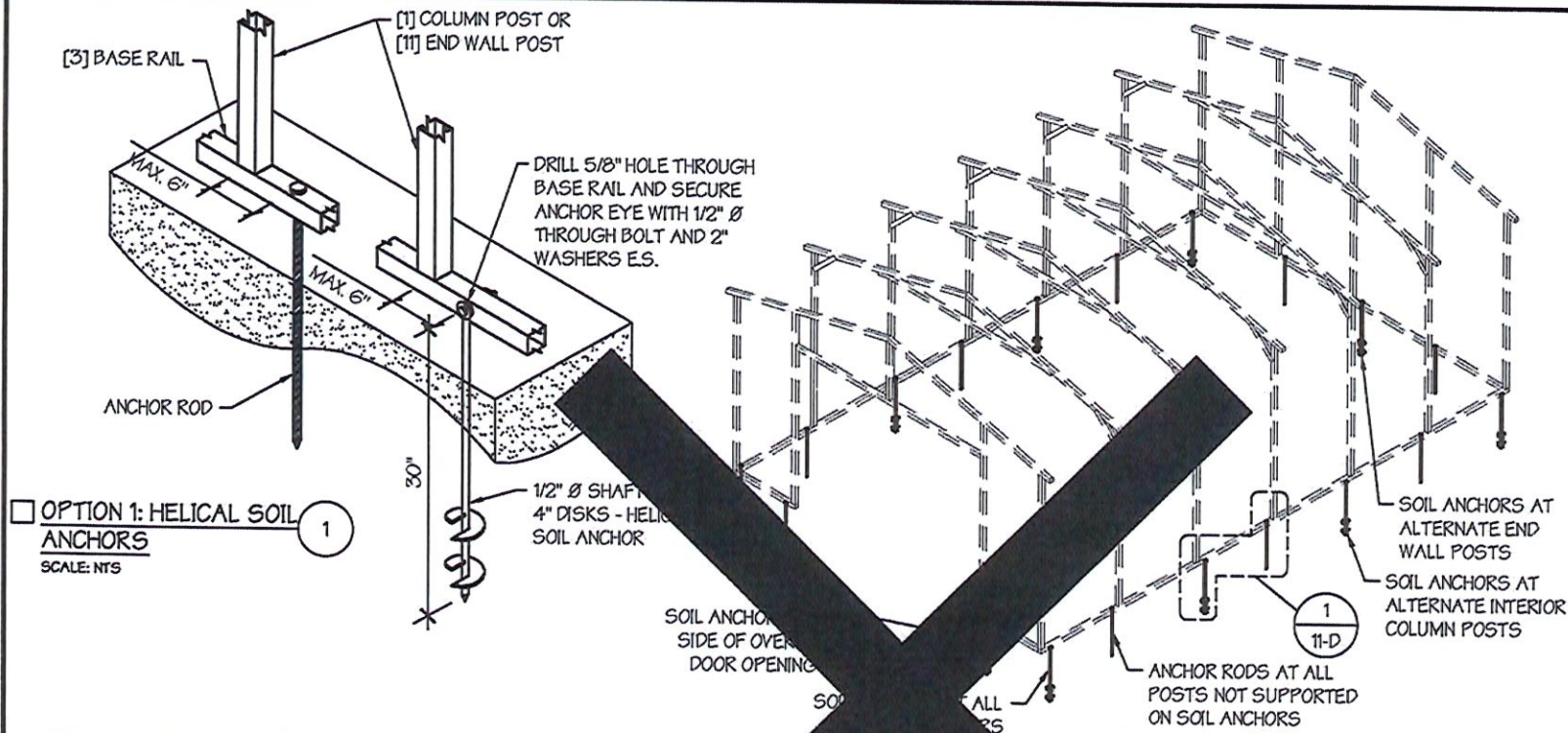
LEGAL INFORMATION

- ANY DUPLICATION OF THIS DRAWING IN WHOLE OR PART IS STRICTLY FORBIDDEN. ANYONE DOING SO WILL BE PROSECUTED UNDER THE FULL EXTENT OF THE LAW.
 - DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE.



DATE EXPIRES: 07-31-2024
 DATE SIGNED: 06-01-2023

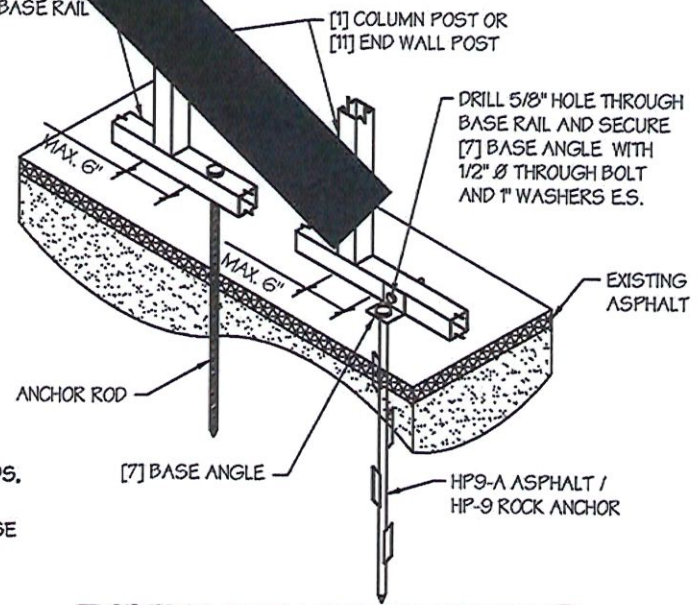
MANUFACTURED BY:



OPTION 1: HELICAL SOIL ANCHORS
SCALE: NTS



SOIL FOUNDATION
SCALE: NTS



OPTION 2: ROCK / ASPHALT ANCHORS
SCALE: NTS

SOIL FOUNDATION NOTES:

- DESIGNS SHOWN ON THIS SHEET ARE FOR SOIL ANCHOR FOUNDATION.
- SOIL ANCHORS (HELICAL OR ROCK/ASPHALT) SHALL BE LOCATED AT ALL CORNERS, ON EACH SIDE OF OVERHEAD DOOR OPENINGS, ON POSTS WITH DIAGONAL BRACING IF REQUIRED, AND ON ALTERNATE INTERIOR COLUMN POSTS AND END WALLS POSTS.
- HELICAL ANCHORS ARE TO BE USED ONLY IF THE DRIVING RESISTANCE TO THE GROUND IS 150 FT-LBS OR GREATER. MANUFACTURER IS RESPONSIBLE FOR SOIL QUALITY AT SITE.
- HELICAL ANCHORS CAN ONLY BE USED FOR CLASS 2, 3 AND 4 SOILS (SEE SOIL CLASSIFICATIONS THIS PAGE).
- ALL POSTS WITH NO ANCHORS ADJACENT SHALL BE ANCHORED TO THE GROUND WITH A 1/2" X 30" LG. ROD. RODS WILL HAVE A PRE-FORMED HEAD AT THE TOP AND ONE COAT OF RUST PROOF MATERIAL.
- ASSUMED SOIL BEARING CAPACITY IS TO BE A MIN. OF 1500 PSF.

SOIL CLASSIFICATIONS:

SOIL CLASS	DESCRIPTION
2	SANDY GRAVEL AND GRAVEL, VERY THIN DENSE AND/OR CEMENTED SANDS, COARSE GRAVEL/COBBLES, PRELOADED SILTS, CLAYS AND CORAL.
3	SAND, SILTY SAND, CLAYEY SAND, SILTY GRAVEL, MEDIUM DENSE COARSE SANDS, SANDY GRAVEL, VERY STIFF SILT AND SANDY CLAYS.
4	LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND SILTS AND ALLUVIAL FILLS.

*FROM HUD "MODEL MANUFACTURED HOME INSTALLATION STANDARDS"

DRAWING INFORMATION

PROJECT: 30'-0" WIDE BUILDINGS

LOCATION: STATE OF INDIANA

PROJECT NO.: 451-23-1380

SHEET TITLE:

FOUNDATION OPTION 4:
SOIL ANCHORS

SHEET NO.: 11-D / 11

DRAWN BY: A.W. DATE: 5/16/22

CHECKED BY: OAA DATE: 5/16/22

LEGAL INFORMATION

- ANY DUPLICATION OF THIS DRAWING IN WHOLE OR PART IS STRICTLY FORBIDDEN. ANYONE DOING SO WILL BE PROSECUTED UNDER THE FULL EXTENT OF THE LAW.
- DRAWINGS VALID UP TO 1 YEAR FROM DATE OF ISSUE

SEAL:



DATE EXPIRES: 07-31-2024

DATE SIGNED: 06-01-2023

Garage Worksheet

Location: 1804 Osobard, behind existing garage

- Attached to dwelling (within 6 feet of dwelling is considered attached) (1/2" gypsum wall board required on garage side of wall between dwelling and garage if attached)
- Detached

Foundation Type:

- Frost-line: show dimensions (required if attached or over 721 sq.ft.)
- Monolithic (721 sq.ft. maximum, 24'x30')

In no case shall garages, carports, or accessory structures be attached to the dwelling when the footings of the structure are above the frost-line and the adjacent footings of the dwelling are below the frost-line.

Perimeter Footing Size: (must have 6x6 (w2.9 x w2.9) welded wire required throughout and turned into footing)

- Frost-line: show dimensions (required if attached or over 721 sq.ft.)
- Monolithic (721 sq.ft. maximum, 24'x30')

Floor Material:

- Concrete
- Asphalt
- Other (please specify): _____

Wall Construction (2x4, 2x6, etc.): Steel

Stud Spacing (16", 24" on center, etc.): _____

Roof System:

- Truss: submit truss design sheet and layout
- Rafter: specify rafter size, span, species, grade, and spacing

Garage Door Opening (specify number and size of opening): 1 x 8' x 10'

Garage Door Header:

- Steel beam
- 2-by's (size, span, species, grade)
- Laminated wood: specify manufacturer and size

Note: Structures located within 3' of the property line shall have a 1 hr. fire-resistive rating with exposure from both sides.

NORTHEGE STEEL

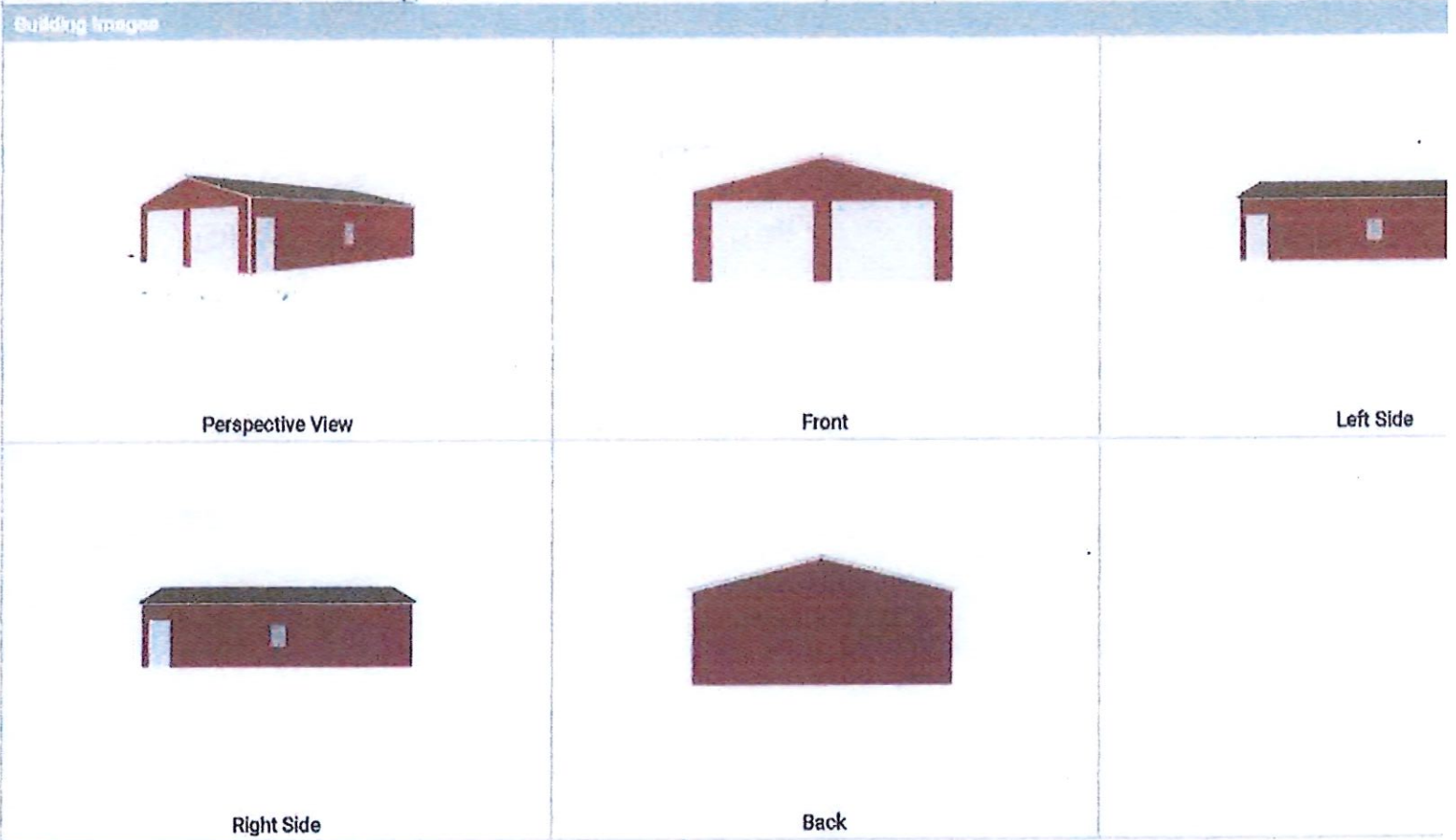
50

ir

Customer Order - Mar 27, 2024

Ship To			
Name			Order #
Billing Address			
City	State	Zip Code	
Install Address			
City	State IN	Zip Code 46514	
Email	Phone #	Mobile #	

Building Info	Size	Color	Anchoring & Site Prep
Style: A-Frame Vertical Carport	$\frac{26'}{\text{Width}} \times \frac{40'}{\text{Length}} \times \frac{9'}{\text{Leg Height}}$	Roof: Burnished Slate <input checked="" type="checkbox"/>	Installation Surface:
Roof Overhang: 6"		Trim: Bright White <input type="checkbox"/>	
Roof Style: A-frame Vertical Style		Siding: Barn Red <input checked="" type="checkbox"/>	
Gauge: 12-Gauge Framing			
Leg Style: Standard			
Brace: Standard Brace			



SKETCH

**32925 SQ.FT.
0.756 ACRES
PARCEL 1**



WEST LINE OF THE NW ¼ OF
SEC. 34 & COUNTY ROAD 11

NORTH 220.58'

150'

219.50'

S89°48'27"E 461.52'

242.02'

150.00'

N89°48'27"W

219.50'

SOUTH

150.00'

**REMAINDER
72308 SQ.FT.
1.660 ACRES**

*5.05' Between
Proposed bldg.
and property line*

45.05'

16.22'

N87°56'48"W 461.55'

70.58'

**NOTE:
BUILDING LOCATION INFORMATION
PROVIDED BY CLIENT.**



**GRAPHIC
1 INCH**

ORIGINAL DESCRIPTION FROM DR. #2008-28957

15

Case 3:08-cv-00119-2008-0010-2008-001

**LEGAL NOTICE OF PUBLIC HEARING WITH INTENTION
TO ORDER TO DEMOLISH GARAGE AND CIVIL PENALTY FOR HOUSE**

To: JAMES S OWENS: 918 MONROE ST, ELKHART, IN 46516-3827, ELKHART COUNTY TREASURER: 117 N SECOND ST #201, GOSHEN, IN 46526 and to any unknown heirs or devisees, all persons or corporations having or claiming any rights, titles, or interest in the following real estate commonly known as **918 MONROE ST** Elkhart, Indiana, described as key number: **20-06-09-106-008.000-012**.

PLEASE TAKE NOTICE that you are hereby ordered to be present at a hearing before the Order to Take Action Hearing Officer, Building and Code Enforcement Department on **July 31, 2024** at **9:00 a.m.** in the Elkhart City Common Council Chambers, 229 S. Second St., Elkhart, Indiana. You may appear with or without counsel, you may present evidence, cross-examine opposing witnesses, and present arguments. **If you fail to appear, the Hearing Officer may take action detrimental to your interests in your absence.** At this hearing, the Hearing Officer may affirm the compliance agreement, or demolition order, if the property owners have not made the proper repairs to the structure and any and all concrete slabs, garage, and accessory structures by the date of the hearing. If the compliance agreement or demolition order is affirmed, the City of Elkhart will demolish the building and bill the property owners for the cost of the demolition plus administrative fees. If an asbestos inspection is required prior to the demolition, then the City of Elkhart will bill the property owners for the cost of the asbestos inspection plus administrative fees. If asbestos is found during the inspection, then the City of Elkhart will remove the asbestos prior to the demolition of the building and bill the property owners for the cost of the asbestos removal plus administrative fees. The action required by the order and the exact terms may be obtained from the Building & Code Enforcement Department, Elkhart Municipal Building, 229 S. Second St., Elkhart, Indiana, 574-294-5471.



Staff Report

Planning & Zoning

Petition: 24-BZA-16

Petition Type: Developmental Variance

Date: August 8, 2024

Petitioner: Blanca Pina

Site Location: 304 West Wolf Avenue

Request: To vary from the requirement found in Section 26.3.B.9, Permitted Obstructions in Required Front Yards, to allow for an open front porch that is 8.58 (eight and fifty eight hundredths) feet away from the front wall of the structure, where 6 (six) feet is allowed, a variance of 2.58 (two and fifty eight hundredths) feet.

Existing Zoning: R-2, One Family Dwelling District

Size: +/- .16 acres

Thoroughfares: West Wolf Avenue and Benham Avenue

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

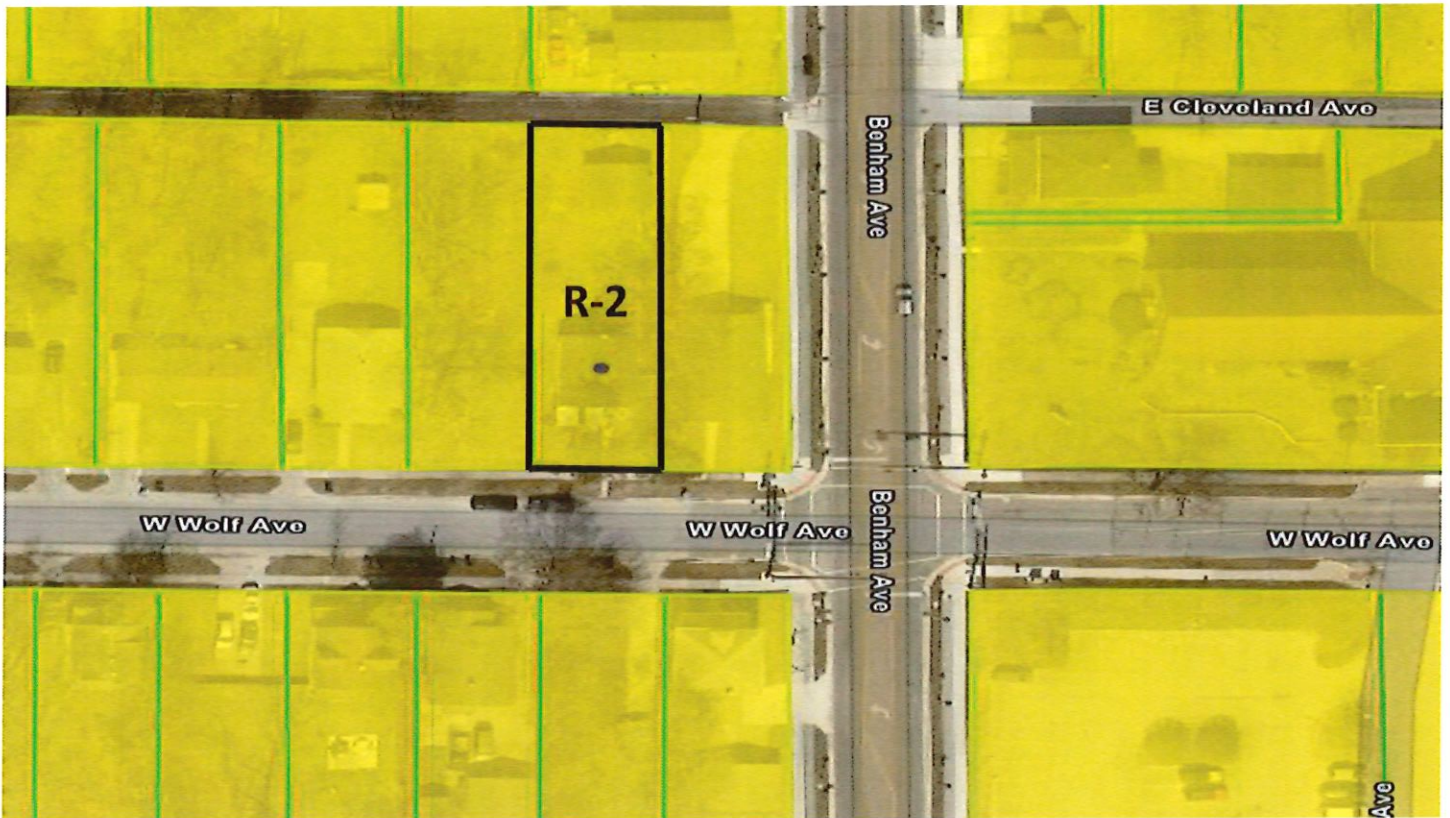
The property is located in the R-2, One Family Dwelling District. Surrounding properties are R-2, One Family Dwelling District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner wishes to vary from the requirement found in Section 26.3.B.9, Permitted Obstructions in Required Front Yards, to allow for an open front porch that is 8.58 (eight and fifty eight hundredths) feet away from the front wall of the structure, where 6 (six) feet is allowed, a variance of 2.58 (two and fifty eight hundredths) feet.

The petitioner previously had a porch that met the city's requirements. Based on the petitioner's assessment of the previous porch's condition, they felt it was necessary to rebuild and subsequently increased the size of the structure to create a better buffer between the open front porch and the primary entrance to the home. Increasing the open front porch allows a barrier from natural weather conditions between the home entrance and the porch entrance. The petitioner did not seek a building permit or zoning clearance prior to construction. Currently, the petitioner's porch does not meet the City's development standards. Since the discovery of the unpermitted work, the petitioner has submitted a building permit application and a zoning clearance application with sufficient documentation.

This portion of West Wolf Avenue is located in the Benham's First Addition Subdivision approved in 1910 and is a long established residential zone district encompassed by single family residential homes. There are several other properties neighboring the subject property that have similar characteristics, including open front porches that extend out from the front of the homes and are currently legal non-conforming. There are some properties where the open front porch extends closer to the public right of way than the subject property.

Recommendation

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

1. The approval **will not** be to injurious the public health, safety, morals or general welfare of the community as the open porch will not create a visibility obstruction for traveling pedestrians and motorists along West Wolf Avenue;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner as the property will continue its use as residential;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do** exist which are peculiar to the land involved because at the time the original structure was built, it met City development standards and became legal non-conforming over time;
5. The strict application of the terms of this Ordinance **would** result in practical difficulties in the use of the property as the property will not differ from the characteristics of neighboring properties and would limit the petitioner the same enjoyment of similar surrounding properties without board action;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant because the open porch was constructed without the benefit of a building permit and zoning clearance;
7. This property does **not** lie within a designated flood area.

Photo of Subject Property



Photos of Neighboring Properties Near Subject Property







PETITION #: 24-BZA-110

FILING FEE: \$ 200

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Blanca Pina
 Mailing Address: [REDACTED]
 Phone #: [REDACTED] Email: [REDACTED]

Contact Person: _____
 Mailing Address: _____
 Phone #: _____ Email: _____

Subject Property Address: 304 W WOLF AVE Elkhart IN 46516
 Zoning: R-2, 1 Family Residence
 Present Use: Single Family Residence Proposed Use: Unchanged

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): Blanca Pina

SIGNATURE(S): [Signature] DATE: 6-25-24

STAFF USE ONLY:

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

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

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

Date: 6-26-24

To: Board of zoning Appeals RE: Developmental
city of Elkhart Indiana variance

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

1. I Blanca Pina am the owner of the following described real state located within the city of Elkhart county state of Indiana
- 2 The above described real state Presently has a zoning classification of R-2
- 3 Petitioner Presently occupies the above described Property as a Single Family Residence
- 4 Petitioner desires to install a front porch which violates front yard setbacks
- 5 Enclosing the Porch would no Late section 6.4 of the zoning ordinance
- 6 install a Porch because water leaks taking into the house an for benef of Property and For the improvement of the house
- 7.1. The approval will not be injurious to the Public health safety morals and general welfare of the community because it will not harm my neighbors
- ~~7.1~~
- 7.2. The use and value of the area adjacent to the

7.2 Property will not be affected in a substantially adverse manner. Because its improving the neighborhood and the well being of my property.

7.3 Granting the variance would be consistent with the intent and purpose of the zoning ordinance. With the installment of this porch it will increase the property value. Along with keeping the property damage free from weather hazards (strong rain, sun, snow, etc.). The installment will also assist with keeping the property pest free.

7.4 When the property was purchased it did not have a porch. Unlike the surrounding properties that did. This in particular made the property stand out and inconvenience me for the reasons stated above in Section 7.3.

7.5 Other properties enjoy the benefits of an installed porch. This is a common right that I, the owner, believe I should have. The loss of this benefit will take a toll on my property's value.

7.6 The installation of this porch does not affect anyone in the vicinity. The porch is within my property's bounds and will not violate any standards.

7.7 The installation will not increase any flood heights because it is not in a designated flood area. This addition is in no way causing threats to public safety, causing additional public expense, creating nuisances, or will conflict with existing laws.



Blanca Pina

304 W WOLF AVE E/Khart 1N 46516



EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 20-06-08-406-030.000-012 and 20-06-08-406-029.000-012

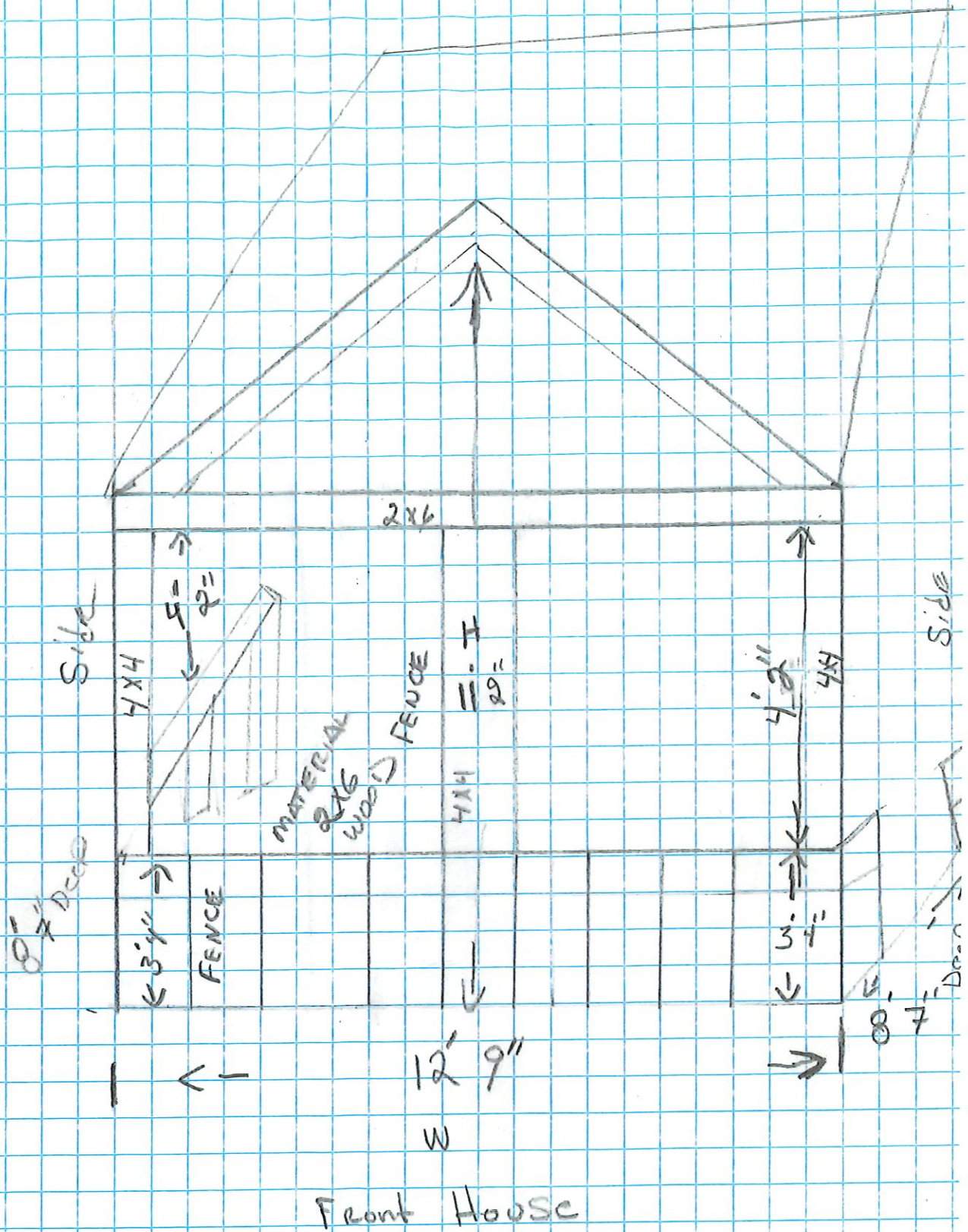
LOTS NUMBERED SIXTY-SIX (66) AND SIXTY-SEVEN (67) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF BENHAM'S FIRST ADDITION TO THE CITY OF ELKHART, SAID PLAT BEING RECORDED IN PLAT BOOK 1, PAGE 59 OF THE RECORDS OF THE RECORDER OF ELKHART COUNTY, INDIANA.

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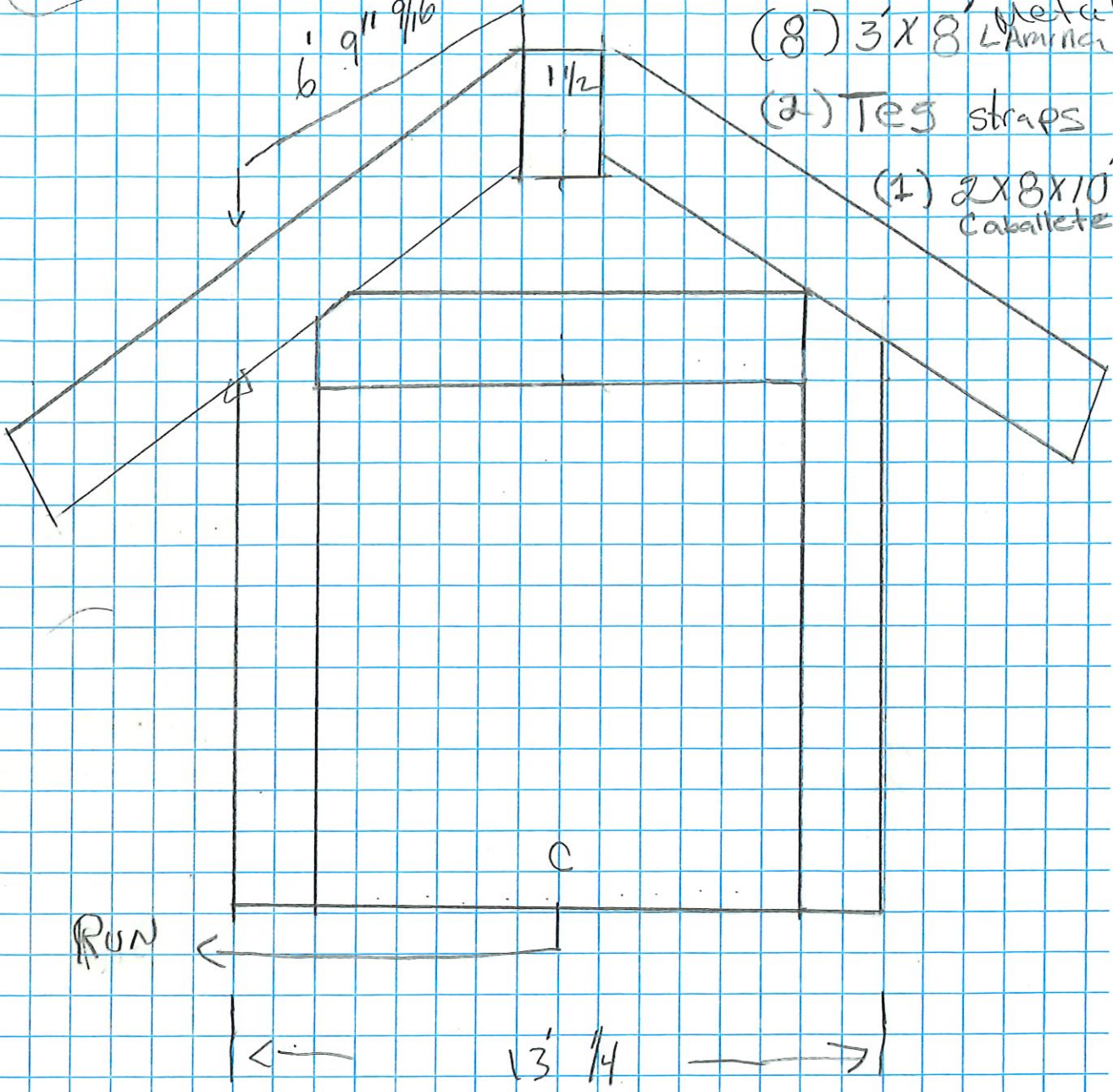




RISE
 $\frac{5}{13}$
 $\frac{13}{16}$

EN Pulgada 8 9/16
 1 9 9/16
 1 1/2

- (9) 2x4x16
- (6) 2x4x10
- (8) 3'x8' metal lamina
- (2) TEs straps
- (1) 2x8x10 Caballote



- (1) 2 x 6 x 16
 - (10) 2 x 4 x 16
 - (10) 2 x 4 x 10
 - (8) 2 x 6 x 8 - RAFTER
 - (1) 2 x 8 x 10 - Caballote
 - (8) 3' x 8' LAMINA/metal
 - (2) TEs straps
- Formillos



(66)

(67)

(68)

8 FT

WEST WOLF AVENUE



Staff Report

Planning & Zoning

<u>Petition:</u>	24-X-05
<u>Petition Type:</u>	Special Exception
<u>Date:</u>	Plan Commission: August 5, 2024, Board of Zoning Appeals: August 8, 2024
<u>Petitioner:</u>	Elkhart Community Schools
<u>Site Location:</u>	2608 California Road
<u>Request:</u>	Per Section 4.3, a Special Exception to allow an addition to Elkhart High School. The proposed use is a Health and Wellness Center.
<u>Existing Zoning:</u>	R-1, One-Family Dwelling District
<u>Size:</u>	+/- 1.73 Acres of a 32.66 Acre Site
<u>Thoroughfares:</u>	California Road
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site.

Surrounding Land Use & Zoning:

Properties to the north, south, and west are residential uses both in the City of Elkhart and Elkhart County. Industrial uses border the site to the east.

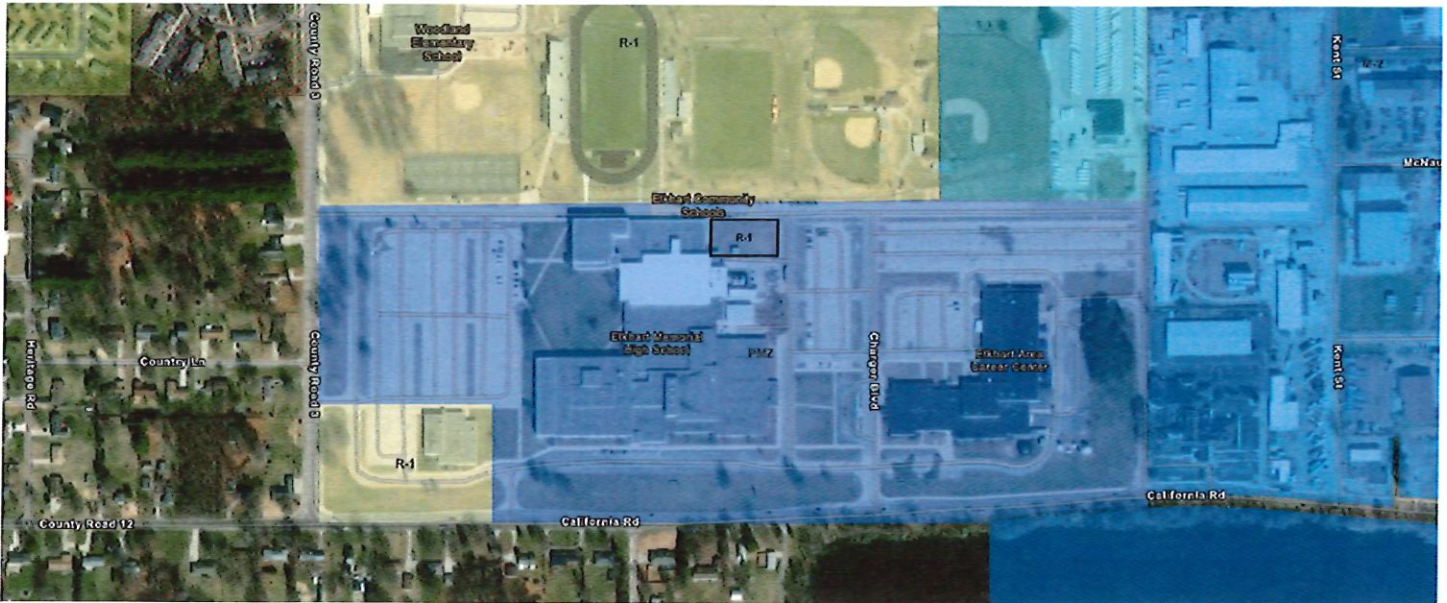
Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Plan Commission Action: Recommendation to Board of Zoning Appeals.

Comprehensive Plan:

The Comprehensive Plan identifies this site for public land uses.



Staff Analysis

The petitioner is requesting a special exception use for an addition to the existing Elkhart High School for a new health and wellness center. Since the consolidation of the school districts within the City of Elkhart, the school has emphasized a focus of bettering the quality of life for its students. The proposed health and wellness center will provide students with new opportunities for fitness and recreation.

Section 4.3(L) of the Elkhart Zoning ordinance requires a special exception use for high schools and is the reason for this request. The health and wellness center will be located on the northeast corner of the existing school, utilizing 1.73 acres of the existing 32.66 acre site. Given this is an addition to the existing facility and located far from the surrounding residential uses, the value and use of surrounding properties will not be affected by this addition.

Staff recommends approval of this special exception.

Recommendation

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

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected as this use provides an essential community service;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because it is a minor change to an already approved use;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Photos



PETITION #: 24-X-05

FILING FEE: \$ 300

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE:

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

Property Owner(s): Elkhart Community Schools

Mailing Address: 2720 California Road, Elkhart, IN 46514

Phone #: 574-262-5563 Email: tgianesi@elkhart.k12.in.us

Contact Person: Tony Giansesi

Mailing Address: 2720 California Road, Elkhart, IN 46514

Phone #: 574-262-5563 Email: tgianesi@elkhart.k12.in.us

Subject Property Address: 2608 California Road, Elkhart, IN 46514

Zoning: R-1

Present Use: _____ Proposed Use: Health and Wellness Center

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): Tony Giansesi

SIGNATURE(S):  _____ DATE: 06-21-2024

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 of the property (or representative).
- 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: _____



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

June 21, 2024

To: The Plan Commission & Board of Zoning Appeals, City of Elkhart, Indiana

From: Jones Petrie Rafinski on behalf of Elkhart Community School Corporation
325 S. Lafayette Blvd.
South Bend, IN 46601
574-232-4388

The undersigned appellant respectfully shows the Plan Commission & Board of Zoning Appeals:

1. Elkhart Community School Corporation is the developer of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit:

Address:

2608 California Road, Elkhart, IN 46514

Legal Description:

Please refer to the attached legal description.

2. The above-described real estate is presently zoned R-1 under the Zoning Ordinance of the City of Elkhart.
3. Appellant currently occupies and intends to continue occupying the above-described property in the following manner:
Elkhart High School.
4. Appellant desires to:
 - a. Continue occupying the property under the special exemption use and make improvements to the Elkhart High School area, specifically construction of a new building to act as a Health and Wellness Center. As part, sidewalk additions are being proposed around the new building and underground stormwater storage will also be proposed to accommodate the stormwater from the additional impervious area.
5. The Zoning Ordinance of the City of Elkhart requires:
 - a. Under the R-1 Zoning Classifications Special Exception Uses, school, elementary and secondary, public or private, including auxiliary and athletic fields are permitted under Section 4.3
6. Explain why this property is suited to the special exemption use being requested:
 - a. This is a continuation of the appellant occupying and improving this property for this special exemption use since it was established.
7. Variance Questions:
 - a. *Will the Special Exception, as so defined, located, and proposed, be operated that the public health, safety, and welfare will be protected?*

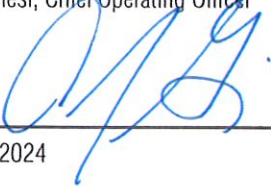
1. Yes, it will be.
 - a. The proposed improvements to the Elkhart High School will benefit the community by improving the stormwater management system on the site and improving overall health of the community with the addition of the Health and Wellness Center.

- b. *Will the Special Exception reduce the values of other properties in its immediate vicinity?*
 1. No, the use and value of the adjacent properties will not be adversely affected.

- c. *Will the Special Exception conform to the regulations of the zoning district in which it is located?*
 1. Yes, it will.
 - a. All zoning district and supplemental ordinances will be adequately met to the satisfaction of City of Elkhart Planning and Engineering Staff.

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

Applicant and Developer
Elkhart Community School Corporation
Tony Gianesi, Chief Operating Officer



June 21, 2024

Contact Person:
Brian Sutanto – Jones Petrie Rafinski (JPR)
325 South Lafayette Boulevard
(574) 232-4388
bsutanto@jpr1source.com



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

June 21, 2024

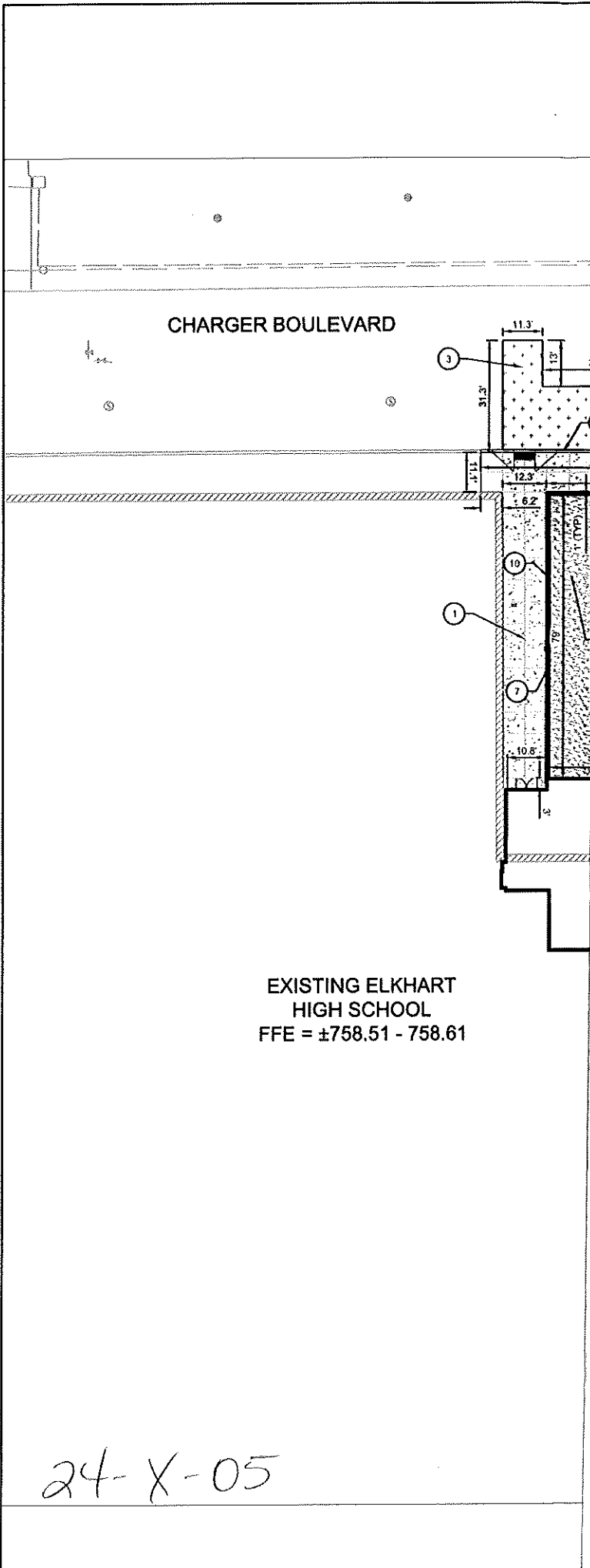
The Plan Commission & Board of Zoning Appeals, City of Elkhart, Indiana

Dear Plan Commission & Board of Zoning Appeals Members,

Please allow this letter to serve as authorization to allow representatives from Elkhart Community Schools and Jones Petrie Rafinski to apply for and seek your approval for zoning variances for the property located at 2608 California Road, Elkhart, IN 46514.

Owner
Elkhart Community School Corporation
Tony Gianesi, Chief Operating Officer

June 21, 2024



TABULATED SITE DATA

1. ACREAGE OF SITE (75,525 SF) 1.73 AC
2. PROPOSED LAND USE:
A. EDUCATION (WELLNESS CENTER)
3. PARKING RATIO REQUIRED BY ORDINANCE:
COLLEGE, UNIVERSITY, BUSINESS, TRADE, OR COMMERCIAL; AND HIGH SCHOOL
A. 10 SPACES PER CLASSROOM
B. 4 CLASSROOMS
 a. CLASSROOM
 b. STRENGTH TRAINING ROOM
 c. CARDO TRAINING ROOM
 d. TURF ACTIVITIES ROOM
E. NUMBER OF SPACES REQUIRED - 40 SPACES
MEDICAL OFFICE BUILDING
A. 1 SPACE PER 250 SQUARE FEET
B. 3,047 GROSS FLOOR AREA
C. NUMBER OF SPACES REQUIRED - 13 SPACES
EXISTING SCHOOL BUILDING
A. 10 SPACES PER CLASSROOM
B. NUMBER OF CLASSROOMS IN HIGH SCHOOL - 86 CLASSROOMS
C. NUMBER OF SPACES REQUIRED - 860 SPACES
EXISTING WEST PARKING LOT SPACES - 720 SPACES
EXISTING SOUTH PARKING LOT - 148 SPACES
EXISTING EAST STREET PARKING - 27 SPACES
NUMBER OF SPACES PROVIDED FOR WELLNESS CENTER ADDITION - 13 SPACES
NUMBER OF A.D.A. SPACES PROVIDED - 1 SPACE
NUMBER OF ADDITIONAL SPACES REQUIRED BY ORDINANCE - 4 SPACES
4. PROPOSED LAND COVERAGE:

	SQUARE FOOTAGE	% OF SITE
A. BUILDING(S)	18,943	25.08%
B. PARKING AND DRIVES	45,425	60.15%
C. OPEN SPACE	11,157	14.77%
TOTAL	75,525	100.00%
5. SURFACE RUN-OFF AND DRAINAGE TO BE COLLECTED ON-SITE AND DISCHARGED THROUGH STORM SEWER CONNECTED TO THE SCHOOL'S EXISTING SYSTEM WITH AN EVENTUAL RELEASE AT THE NORTHWEST CORNER OF THE PROPERTY TO THE ELKHART RIVER
6. PROPOSED BUILDING WILL BE 1 STORY.
7. PROPOSED BUILDING WILL BE CONNECTED TO THE CITY OF ELKHART WATER SYSTEM & SANITARY SEWER.
8. PARKING SPACES ARE TO MEET THE CITY OF ELKHART STANDARDS AT 9' WIDE AND 18' DEPTH.
9. PROPOSED ACCESS DRIVES WILL UTILIZE THE EXISTING PARKING LOT.

DETAILS LEGEND:

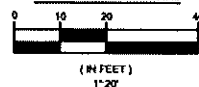
- | | | |
|--|--|-------------------|
| | 1 CONCRETE PAVEMENT, STANDARD 4" THICK, CONTROL JOINTS 10' O.C., MAXIMUM AND EXPANSION JOINTS 60' O.C., MAXIMUM. | DETAIL 1 / SD101 |
| | 2 RAISED CONCRETE WALK TO MATCH EXISTING AGGREGATE THICKNESSES AND CONTROL/EXPANSION JOINT SPACING | DETAIL 11 / SD101 |
| | 3 HMA STANDARD PAVEMENT, FULL DEPTH 2" HMA SURFACE TYPE B, OVER 5" HMA BASE TYPE B, OVER 6" SUBBASE NO.53 COMPACTED AGG. | DETAIL 5 / SD101 |
| | 4 TURF SEEDING | |
| | 5 PIPE BOLLARD | DETAIL X / SD102 |
| | 6 STANDARD CONCRETE CURB | DETAIL 4 / SD101 |
| | 7 CONCRETE BAND | DETAIL X / SD101 |
| | 8 AEP TRANSFORMER AND PAD | DETAIL X / SD101 |
| | 9 UTILITY POLE TO BE SET BY AEP | |
| | 10 FENCE | DETAIL 1 / SD102 |
| | 11 DOUBLE GATE | DETAIL 2 / SD102 |
| | 12 CURB RAMP | DETAIL X / SD102 |
| | 13 ADA PARKING SIGN | DETAIL X / SD102 |

PAVEMENT MARKINGS LEGEND:

- ① LINE, EPOXY, SOLID, WHITE, 4 IN.
- ② TRANSVERSE MARKING, EPOXY, BLUE, ADA CROSSHATCH LINE, 4 IN.
- ③ PAVEMENT MESSAGE MARKING, EPOXY, HANDICAP SYMBOL, BLUE



GRAPHIC SCALE



REV	DESCRIPTION	BY	DATE

**JONES
PETRIE
RAFINSKI**

Fort Wayne, IN
p: 200.422.2522

JPR

South Bend, IN
p: 574.232.4388

**PRELIMINARY
FOR REVIEW
PURPOSE
ONLY**

**ELKHART AREA CAREER CENTER HEALTH AND
WELLNESS CENTER**

ELKHART COMMUNITY SCHOOLS

2424 CALIFORNIA ROAD
ELKHART - IN

SITE DIMENSIONAL PLAN

DESIGNED BY: BS
REVIEWED BY: AC/CE
DRAWN BY: JTB
REVIEWED BY: AC/CE
DATE: 6/28/2024
JOB NUMBER: 2023-0311
HORIZ. SCALE: 1" = 20'
VERTICAL SCALE: —
C201

DRAWN BY: JTB DATE: 6/28/2024



Staff Report

Planning & Zoning

Petition: 24-BZA-17

Petition Type: Developmental Variance

Date: August 8, 2024

Petitioner: Habitat for Humanity of Elkhart County

Site Location: 3115 Homer Avenue

Request: To vary from Section 5.4, Yard Requirements, to allow for a Corner Side Setback of fourteen and eight tenths (14.8) feet where twenty (20) feet is required, a variance of five and four tenths (5.4) feet.

Existing Zoning: R-2, One Family Dwelling District

Size: +/- 3.45 acres

Thoroughfares: Homer Avenue

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

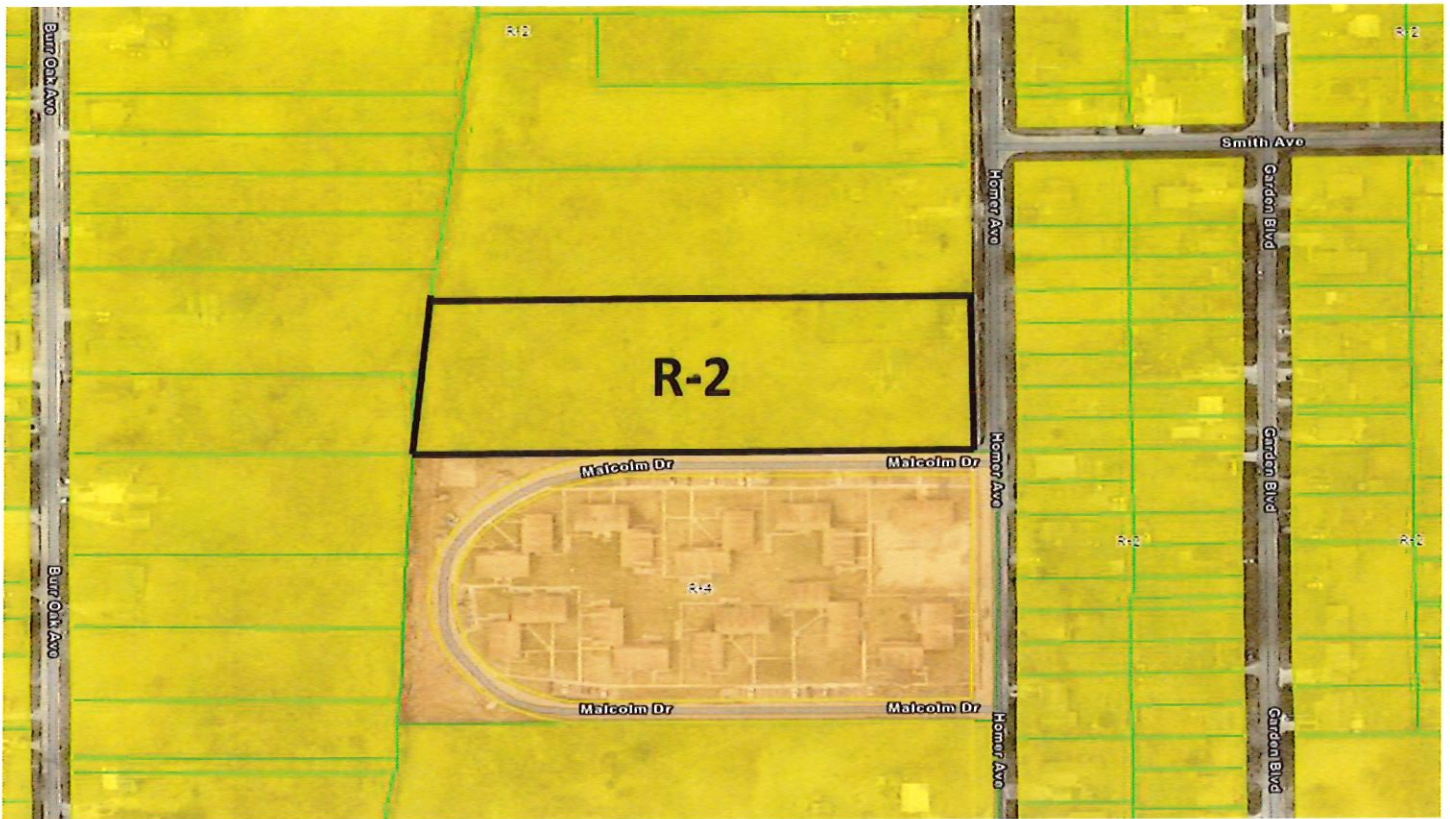
The subject property is surrounded by residential uses. Land to the north, east and west are residential zoned R-2 and land to the south is zoned R-4.

Applicable Sections of the Zoning Ordinance:

Article 4 of the Subdivision Ordinance

Comprehensive Plan:

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



Staff Analysis

The petitioner wishes to vary from Section 5.4, Yard Requirements, to allow for a Corner Side Setback of fourteen and eight tenths (14.8) feet where twenty (20) feet is required, a variance of five and four tenths (5.4) feet.

This home is part of a new ten (10) lot subdivision on Homer Avenue for Habitat for Humanity that was presented this month to the Plan Commission. This home, built in 1975 on a +/- 3.5 acre parcel, is being incorporated into the new subdivision. Earlier this year Habitat for Humanity purchased the property and is in the process of renovating the home for a new partner family. This request is required because this home does not meet the corner side yard setback requirements for the new project.

The minimum corner side yard setback is twenty (20) feet. Because the subdivision is being developed around the existing structure and in order to meet the other minimum developmental requirements for new right of way widths that include new underground utilities as well as sidewalks, there was only 14.8 feet of side yard remaining. The graphics included in the packet depict the home as proposed in the subdivision (proposed Lot 6) as well as a blow up of the home on the new lot.

Staff supports the variance. This request and the overall proposed subdivision continue to provide much needed housing for the City of Elkhart.

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 home is existing and the variance is required because the new subdivision being developed around the home causing the hardship;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the structure is existing and the hardship is caused again by the new subdivision being developed around the home;
3. Granting the variance **would** be consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do** exist which are peculiar to the land involved because the home existed prior to the subdivision being developed;
5. The strict application of the terms of this Ordinance **would** result in practical difficulties in the use of the property because without board action the property would not otherwise met the developmental requirements for the district;
6. The special conditions and circumstances **do** result from an action or inaction by the applicant. However, because of the nature of the overall project this variance could not be helped without jeopardizing the entire proposed subdivision. Modifying the other development requirements, to make this structure compliant, i.e. road right of way width, could potentially cause safety issues for other adjacent and future residents;
7. This property does **not** lie within a designated flood area.

Photos



PETITION #: 24-132A-17

FILING FEE: \$ 300

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): Habitat for Humanity of Elkhart County

Mailing Address: P.O. Box 950, Goshen, IN 46527-0950

Phone #: 574-537-9276 Email: greg@habitatec.com

Contact Person: Crystal M. Welsh, Abonmarche Consultants, inc.

Mailing Address: 303 River Race Drive, Unit 206, Goshen, IN 46526

Phone #: 574-314-1027 Email: cwelsh@abonmarche.com

Subject Property Address: 3115 Homer, Elkhart, In 46517

Zoning: R-2

Present Use: vacant home and land Proposed Use: new 10 lot residential subdivision

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): Greg Conrad

SIGNATURE(S): [Signature] DATE: 6/27/2024

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: _____

June 27, 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, Habitat For Humanity of Elkhart County Inc., the owner of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit: LEGAL DESCRIPTION PER INSTR. #2024-03080

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


2. The above-described real estate presently has a zoning classification of R -2 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 use the existing home for a homeowner unit as part of a new Major Subdivision.*
4. Petitioner desires to *(Explain what is proposed that violates the provisions of the Zoning Ordinance)*. Allow for a reduced corner lot setback for the existing home of 13 feet on the proposed new public street which is less than the 20-foot setback that is required on both front yards.
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 is an existing home that is being incorporated into a proposed new subdivision. The reduction in the corner setback is required to accommodate the home and a new public street to access the remaining land for establishment of a 10-lot residential subdivision. If this variance is not approved, the home would have to be demolished and moved to accordance the setback which is unnecessary since the home is in good condition. The road cannot be moved 7 feet to the south as that would make the proposed lots along the new public street of the subdivision out of compliance with development standards.*

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 the setback is only reduced by 7 feet.*
 - 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 utilizing the existing home this offers another family a quality, affordable home in our community.*
 - 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 reuse of an existing single-family home while allowing for the development of 9 additional homes.*
 - 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 is an existing home that will be included in a new residential subdivision. The construction of the new public street to service the other lots of the subdivision cannot be shifted to accommodate this lot setback without creating development issues with the other proposed lots.*
 - 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 will be 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 was built in 1975 and the owner is requesting this variance before building the rest of the subdivision.*
 - G. In designated flood hazard areas – *The property is not in a designated flood hazard area.*

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: Greg Conrad President/Executive Director:



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

June 27, 2024

Eric Trotter
Assistant Director of Planning & Zoning
City of Elkhart
229 S. Second Street
Elkhart, IN 46516

**RE: Habitat Homer Street Developmental Variance
3115 Homer Avenue & Vacant Land
20-06-16-476-013.000-012
Elkhart, Indiana**

Dear Mr. Trotter:

This letter is to verify that Habitat for Humanity of Elkhart County Inc., currently owns the above referenced property and authorizes Abonmarche Consultants 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.

I declare that I have the authority to sign on behalf of Habitat for Humanity of Elkhart County, Inc.

Thank you for your time and assistance with this matter.

Sincerely,



SIGNATURE

Greg Conrad, President/Executive Director
Habitat for Humanity of Elkhart County, Inc.

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Greg Conrad, 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 3115 Homer Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 27th day of June, 2024.

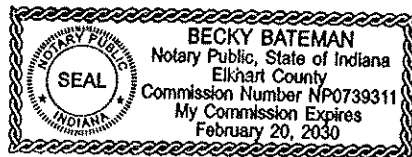
Greg Conrad
Printed: Greg Conrad

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:

Greg Conrad
Printed: Greg Conrad

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

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



Becky Bateman
Printed: Becky Bateman

My Commission Expires:
February 20, 2030

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

PRELIMINARY PLAT

HOMER AVENUE SUBDIVISION
 A PART OF THE SOUTHWEST QUARTER OF SECTION 16,
 TOWNSHIP 37 NORTH, RANGE 5 EAST,
 CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.
 OWNER: HABITAT FOR HUMANITY OF ELKHART COUNTY INC.
 TAX ID#: 20-06-16-476-013.000-012

ABONMARCHÉ
 Civil Engineering
 330 River Road, Suite 204
 Elkhart, IN 46525
 Phone: 765.291.4226
 Fax: 765.291.4228
 Email: abonmarche@abonmarche.com
 Website: www.abonmarche.com

HOMER AVENUE SUBDIVISION

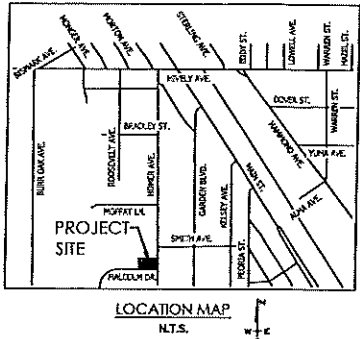
PRELIMINARY PLAT

SHEET TITLE:
 DRAWN BY: TRM
 DESIGNED BY: TRM/RDM
 FM REVIEW: CMWE
 QA/QC REVIEW: CSB
 DATE: 04/28/24
 SEAL:

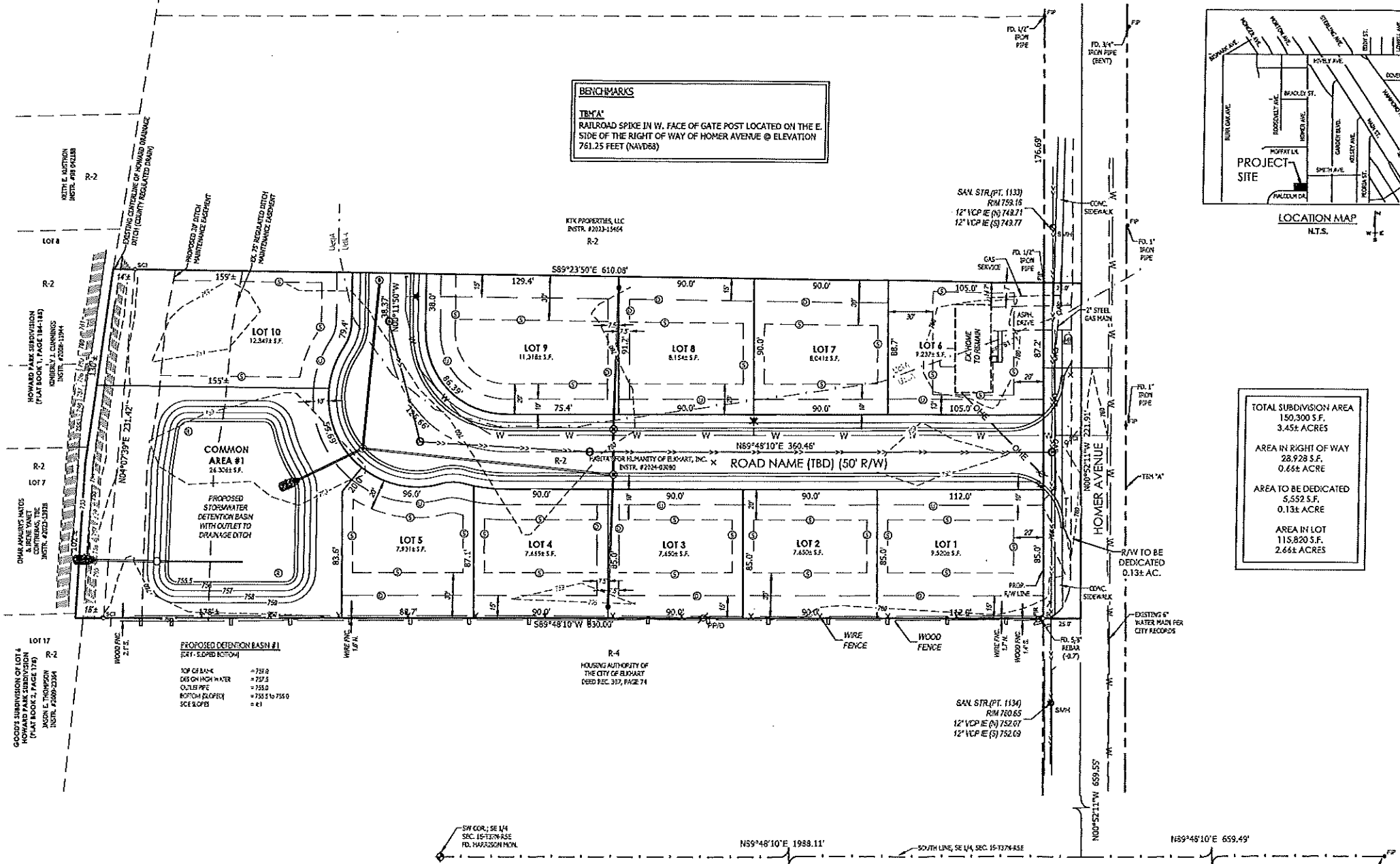


SIGNATURE: *Craig S. Bator*
 DATE: 05/28/2024

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZE.
 SCALE:
 HORIZ: 1"=40'
 VERT:
 ACT JOB #
24-0526
 SHEET NO.



TOTAL SUBDIVISION AREA
 150,300 S.F.
 3.45± ACRES
 AREA IN RIGHT OF WAY
 28,928 S.F.
 0.66± ACRE
 AREA TO BE DEDICATED
 5,552 S.F.
 0.13± ACRE
 AREA IN LOT
 115,820 S.F.
 2.66± ACRES



BENCHMARKS
 TBM #1
 RAILROAD SPIKE IN W. FACE OF GATE POST LOCATED ON THE E. SIDE OF THE RIGHT OF WAY OF HOMER AVENUE @ ELEVATION 761.25 FEET (NAVD83)

STORMWATER DETENTION CALCULATIONS
 STORMWATER RUNOFF FROM THE PROJECT SITE SHALL BE MANAGED BY AN ONSITE DRY BOTTOM DETENTION BASIN WITH A POSITIVE RELEASE INTO THE ADJACENT HOWARD DRAINAGE DITCH, A COUNTY REGULATED DITCH. THE PROPOSED DETENTION BASIN SHALL PROVIDE STORM WATER STORAGE FOR THE PEAK 100 YEAR STORM EVENT WITH A CONTROLLED RELEASE AT THE 10-YEAR ALLOWABLE PRE-DEVELOPED RUNOFF RATE. THE FOLLOWING DETENTION CALCULATIONS ARE BASED ON THE PUBLISHED STORM INTENSITIES CONTAINED IN THE CURRENT ELKHART COUNTY "GUIDELINES AND STANDARDS FOR DESIGN AND PUBLIC IMPROVEMENT, STREET STANDARDS" AND THE COUNTY'S SPREADSHEET USING THE RATIONAL METHOD.
 ESTIMATED DRAINAGE AREA = 3.34 ACRES
ESTIMATED COVERAGE
 DEVELOPED LOTS (1,000 SFT X 10 LOTS) (C=0.90) = 0.44± ACRES
 PROPOSED ROADWAY (C=0.90) = 0.81± ACRES
 EXISTING ROADWAY (C=0.90) = 0.04± ACRES
 DETENTION BASIN (C=1.00) = 0.28± ACRES
 LAWNS / OPEN AREA (C=0.30) = 1.83± ACRES
 TOTAL = 3.34 ACRES
MODIFIED RUNOFF COEFFICIENT CALCULATIONS
 $C = (0.44 + 0.81 + 0.04 + 0.90) + (0.28 + 1.00) + (1.93 + 0.30) = 5.56$
 3.34 ACRES
RELEASE RATE CALCULATIONS (BASED ON THE 10-YEAR PRE-DEVELOPED CONDITION)
 ESTIMATED TIME OF CONCENTRATION = 30 MIN
 ALLOWABLE RELEASE RATE = $Q = CA = 0.2 \times 2.64 \text{ M}^3/\text{R} \times 3.34 \text{ ACRES} = 1.7 \text{ CFS}$
 12" RELEASE PIPE SHALL BE USED WITH A 6" PERFORATED PIPE BEDDED IN PEA STONE ALONG THE BOTTOM WITH A RISER PIPE TO CONTROL THE RELEASE RATE AS REQUIRED BY THE COUNTY DRAINAGE BOARD. THE DETAILED DESIGN TO BE INCLUDED IN THE CONSTRUCTION PLANS

DETENTION STORAGE VOLUME CALCULATIONS
 PROPOSED DETENTION BASIN #1

ESTIMATED SITE CATCHMENT AREA = 3.3 Acres
 MODIFIED RUNOFF COEFF., C = 0.56
 DESIGN RELEASE RATE = 1.70 cfs

STORM DURATION (hours)	100 YEAR INTENSITY (in/hr)	INFLOW RATE (cfs)	RELEASE RATE (cfs)	STORAGE RATE (cfs)	REQUIRED STORAGE (cfs)
0.25	6.47	11.96	1.70	10.26	5378
0.50	3.96	7.32	1.70	5.62	10197
1	2.71	5.01	1.70	3.31	9026
2	1.98	3.66	1.70	1.96	7111
3	1.55	2.89	1.70	1.19	6157
4	1.14	2.11	1.70	0.41	4429
5	0.92	1.70	1.70	0.00	2
6	0.77	1.42	1.70		
7	0.67	1.24	1.70		
8	0.59	1.09	1.70		
9	0.53	0.98	1.70		
10	0.48	0.87	1.70		
15	0.34	0.61	1.70		
20	0.25	0.46	1.70		
24	0.22	0.41	1.70		

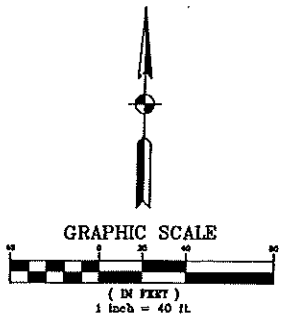
NOTE: Storm Intensities are referenced from Elkhart County Street Standards

STORAGE REQUIRED: 10,197 cfs
 612 cfs (5% station factor)
 0.25 Acre-Ft

STORAGE PROVIDED: 0.50 Acre-Ft
 ADDITIONAL FREEBOARD STORAGE AVAILABLE: 0.18 Acre-Ft 50%

NOTE
 A DEVELOPMENTAL VARIANCE IS REQUIRED FOR AN EXISTING HOME ON PROPOSED LOT 6 FOR A CORNER LOT SETBACK REDUCTION.

- LEGEND**
- SC1 = SET 3/8" REBAR MARKED ABONMARCHÉ FROM 2020
 - FP = FOUND IRON PIPE
 - FR = FOUND REBAR
 - TEH "A" = BENCHMARK LOCATION
 - SMH = SANITARY MANHOLE
 - GUYWIRE = GUYWIRE
 - PP = POWER POLE
 - MBL = MINIMUM BUILDING SETBACK LINE AT DISTANCES INDICATED
 - U = 12" UTILITY EASEMENT
 - CE = DRAINAGE EASEMENT AT DISTANCE INDICATED
 - XXX--- = CONTOURS
 - ☐ = MAILBOX
 - - - = SIGN
 - R-2 = ZONING
 - U.S.A. = SOIL DESIGNATION
 - OHU = OVERHEAD POWER LINE
 - W--- = WATER LINE
 - GAS--- = GAS LINE
 - W--- = WOOD FENCE
 - X--- = WIRE FENCE





Staff Report

Planning & Zoning

Petition: 24-BZA-18

Petition Type: Developmental Variance

Date: August 8, 2024

Petitioner: ADEC Inc.

Site Location: 1205 Middleton Rum Road

Request: To vary from the requirements found in Section 26.10, Sign Regulations, Table 1, to allow for an existing freestanding sign that is forty (40) square foot in area to be refaced where the maximum area is thirty two (32) square feet in area a variance of eight (8) square feet. To also vary from the requirements found in Section 26.10, Sign Regulations, Table 1, to allow for a new wall sign that is 79.05 square feet in area where the maximum area allowed is two (2) square feet (name and address only) a variance of 77.05 square feet.

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

Size: +/- 4.92 acres

Thoroughfares: Middleton Run Road

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

The surrounding properties are mostly industrial sites zoned M-1, with two residentially zoned properties to the southwest (R-1) and northwest (R-2).

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive calls for this property to be developed as low density residential.



Staff Analysis

ADEC Inc., the petitioners, are requesting a sign variance to replace the sign on the former Disabled American Veterans building. ADEC provides essential services to disabled members of the community and worked closely with City staff to locate in the former DAV building. This building allowed ADEC to locate here easily with little modifications to the existing layout.

Due to the site being zoned R-1, the sign regulations are very restrictive and don't align with the current use or the industrial character of this street. The strict application of this ordinance would prohibit ADEC from installing a sign that is consistent with the industrial zoning districts which neighbor the property.

Staff recommends approval of the variances to allow the repurposing of the former DAV site for this essential community service.

Recommendation

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

1. The approval **will not be** injurious to the public health, safety, morals, or general welfare of the community;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the request will allow for the installation of a sign that is consistent with industrial character of the area;
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 property is a nonresidential use located in a residential district;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property by depriving ADEC of a sign that is consistent with the character of the area;
6. The special conditions and circumstances **do not** result from any action or inaction by the applicant because this nonresidential use is located in an R-1 district with strict sign standards not consistent with the character of the area; and
7. This property **does not** lie within a designated flood area.

Photos





PETITION #: 24-B2418

FILING FEE: \$ 306

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): ADEC Inc.

Mailing Address: 1671 W Vistula St Bristol, IN. 46507

X Phone #: 574-848-7451 X Email: info@adecinc.com

X Contractor: Signtech Sign Services

X Contact Person: Signtech Sign Services

X Mailing Address: P.O. Box 835 Goshen IN: 46527

X Y Phone #: 574-537-8080 X Email: SIGANTECHSIGANTECHSVC.COM

Subject Property Address: 1205 Middleton Run Ad Elkhart

Zoning: B-1 / Variance Approved for ADEC's use

Present Use: Residential / ADEC Proposed Use: Residential / ADEC

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.

X PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Chris Kingsley, CEO, ADEC

X SIGNATURE(S): [Signature] DATE: 6-28-24

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: _____ DATE: _____

CITY OF ELKHART VARIANCE FORMS

DATE: 6-28-24

TO: BOARD OF ZONING APPEALS
CITY OF ELKHART, INDIANA

TYPE OF APPEAL: DEVELOPMENTAL OR USE VAIANCE

The undersigned appellant respectfully shows the Board of Zoning and Appeals:

X 1. I, Chris Kingsley, ADEL, am the owner of the following described real
(Property owners name)

estate located withIn the City of Elkhart, Concord Township, Elkhart County, State
of Indlana, to wit: (see the attached accurate legal description and address.)

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. Petitioner presently occupies the above, described property in the following manner:
ADEL Inc

4. Petitioner desires to explain how our proposal is varying from the provisions within the zoning ordinance:

Current zoning only allows for a very small sign, and we are asking for (1) illuminated Bldg sign 8.5'w x 9.33'H and for a reface of the existing 4'H x 10'w illuminated Double Sided Rd Sign

5. The Zoning Ordinance of the City of Elkhart requires:


See attached zoning ordinance: →

* see section _____

6. The strict adherence to the Zoning Ordinance requirements would create an unusual hardship in the following ways:

ADEL needs to identify their location to the public through a building and road sign.

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

X SIGNATURE OF PROPERTY OWNER: 

X PRINTED NAME: Chris Kingsley, LEO, ADEL

X Contact Person: Chris Kingsley, ADEL

X Name: Chris Kingsley

X Address: 1671 W Vistula St, Bristol, TN 37620

X Phone Number: 574-848-2420

X Email: Kingsleyc@adecinc.com

STANDARDS THAT MUST BE CONSIDERED FOR A DEVELOPMENTAL VARIANCE ARE AS FOLLOWS:

- 1.) The approval will not be injurious to the public health, safety, morals and general welfare of the community:

Both the Building Sign & the double sided Road Sign will meet the setbacks required by the City of Elkhart

- 2.) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner:

Both signs will be made of quality materials and designed to enhance the value of the property & properties around it.

- 3.) Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance:

To allow ADEC the opportunity to bring awareness to the public of their property and their services.

- 4.) Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to the other lands or structures in the same district:

A variance was granted to ADEC to use the property for this purpose and now they would request adequate signage for their property.

- 5.) 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:

Small "residential" signage is not adequate enough for ADEC to properly bring awareness of their property to the public & community.

- 6.) The special conditions and circumstances do not result from any action or inaction by the applicant: Correct

- 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 the existing laws or ordinances: N/A



Fidelity National Title Insurance Company

EXHIBIT "A"

A part of the Northwest Quarter of Section 11, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a ½" Square Iron pipe at the Southeast corner of the Northwest Quarter of said Section thence North 00 degrees 12 minutes East along the East line of the Northwest Quarter of said Section 935.38 feet to a set PK nail and the beginning point of this description; thence North 89 degrees 42 minutes 47 seconds West, a distance of 480.40 feet to a 1 ½" iron pipe; thence North 00 degrees 17 minutes 42 seconds East, a distance of 453.14 feet to a ½" pinch pipe; thence South 89 degrees 50 minutes 20 seconds East, a distance of 479.61 feet to a set PK nail on the East line of the Northwest Quarter of said Section; thence South 00 degrees 12 minutes West, a distance of 454.26 feet to the place of beginning.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

27C170B

ALTA Commitment for Title Insurance (7-1-21)

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Listing Broker (Co.) N/A () By N/A ()
office code individual code
Selling Broker (Co.) Myers Trust Real Estate () By David Myers ()
office code individual code



PURCHASE AGREEMENT
COMMERCIAL-INDUSTRIAL REAL ESTATE

For use only by members of the Indiana Association of REALTORS®

DATE: December 12, 2023

1 **A. PARTIES: MS Investment Corporation**
2 _____ ("Seller")
3 agrees to sell and convey to Adec Inc.
4 _____ ("Buyer")

5 and Buyer agrees to buy from Seller the following property for the consideration and subject to the following:
6 **B. PROPERTY:** The property is commonly known as _____
7 1205 Middleton Run Road, Elkhart, IN 46516
8 in Concord Township, Elkhart County, Elkhart Indiana, 46516
9 including all buildings and permanent improvements and fixtures attached owned by Seller; all privileges, easements and
10 appurtenances pertaining thereto including any right, title and interest of Seller in and to adjacent streets, alleys, rights-of-way,
11 leases, rents, security deposits, licenses and permits with respect to the property, trade name, and warranties or guaranties
12 relating to the property being sold, and any personal property specified herein; all of the above referred to as the "Property," the
13 legal description of which is (attached as Exhibit "A") (described as follows): Tax # 200611177005.000011
14 181.31X480.49-936.28FTN OF ; SE COR NW 1/4 SEC 11; 5.00A

15 _____; subject to exact determination by survey pursuant to Paragraph J.

16 **The following items of personal property are INCLUDED in the sale:** _____

17 _____
18 **All other personal property and the following additional items are EXCLUDED from the sale:** _____

19
20 **C. PRICE:** The purchase price shall be _____ Dollars
21 (\$ _____) U.S. Dollars, payable (in cash at closing) (in accordance with the terms and conditions in this
22 Agreement).

23 **D. EARNEST MONEY:** Buyer submits \$ _____ U.S. Dollars as Earnest Money to be held by _____
24 _____ as Escrow Agent within 2 days of execution and
25 receipt of this Agreement by both parties. If Buyer fails for any reason to timely submit Earnest Money, Seller may
26 terminate this Agreement upon notice to Buyer prior to Escrow Agent's receipt of the Earnest Money. The Earnest Money
27 shall be applied to the purchase price at closing unless returned to Buyer, released to Seller, or otherwise disbursed in
28 accordance with this Agreement. The Escrow Agent is not a party to this Agreement and does not assume or have any liability for
29 performance or non-performance of any party. Before the Escrow Agent has any obligation to disburse the Earnest Money in the
30 event of dispute, Escrow Agent has the right to require from all parties a written release of liability of the Escrow Agent,
31 termination of the Agreement and authorization or court order to disburse the Earnest Money. If the Escrow Agent is the Listing
32 Broker ("Broker") described above, Broker shall be absolved from any responsibility to make payment to the Seller or Buyer
33 unless the parties enter into a Mutual Release or a Court issues an Order for payment, except as permitted in 876 IAC 8-2-2
34 (release of earnest money). Upon notification that Buyer or Seller intends not to perform, Broker holding the earnest money may
35 release the Earnest Money as provided in this Agreement. If no provision is made in this Agreement, Broker may send to Buyer
36 and Seller notice of the disbursement by certified mail of the intended payee of the Earnest Money. If neither Buyer nor Seller
37 enters into a mutual release or initiates litigation within sixty (60) days of the mailing date of the certified letter, Broker may
38 release the Earnest Money to the party identified in the certified letter. Buyer and Seller agree to hold the Broker harmless from
39 any liability, including attorney's fees and costs, for good faith disbursement of Earnest Money in accordance with this Agreement
40 and licensing regulations.

41 **E. ADDITIONAL PROVISIONS:** Included in this Agreement are the following addenda: (Place an "X" on the appropriate line or
42 lines)

- 43 _____ Financing Addendum _____ Feasibility Study Addendum
- 44 _____ Leased Property Addendum _____ Exchange Addendum
- 45 _____ Zoning/Governmental Approval Addendum _____ Representations & Warranties of Seller Addendum
- 46 _____ Alternative Dispute Resolution Addendum _____ Lead-Based Paint Disclosure Addendum
- 47 _____ Addendum to Purchase Agreement

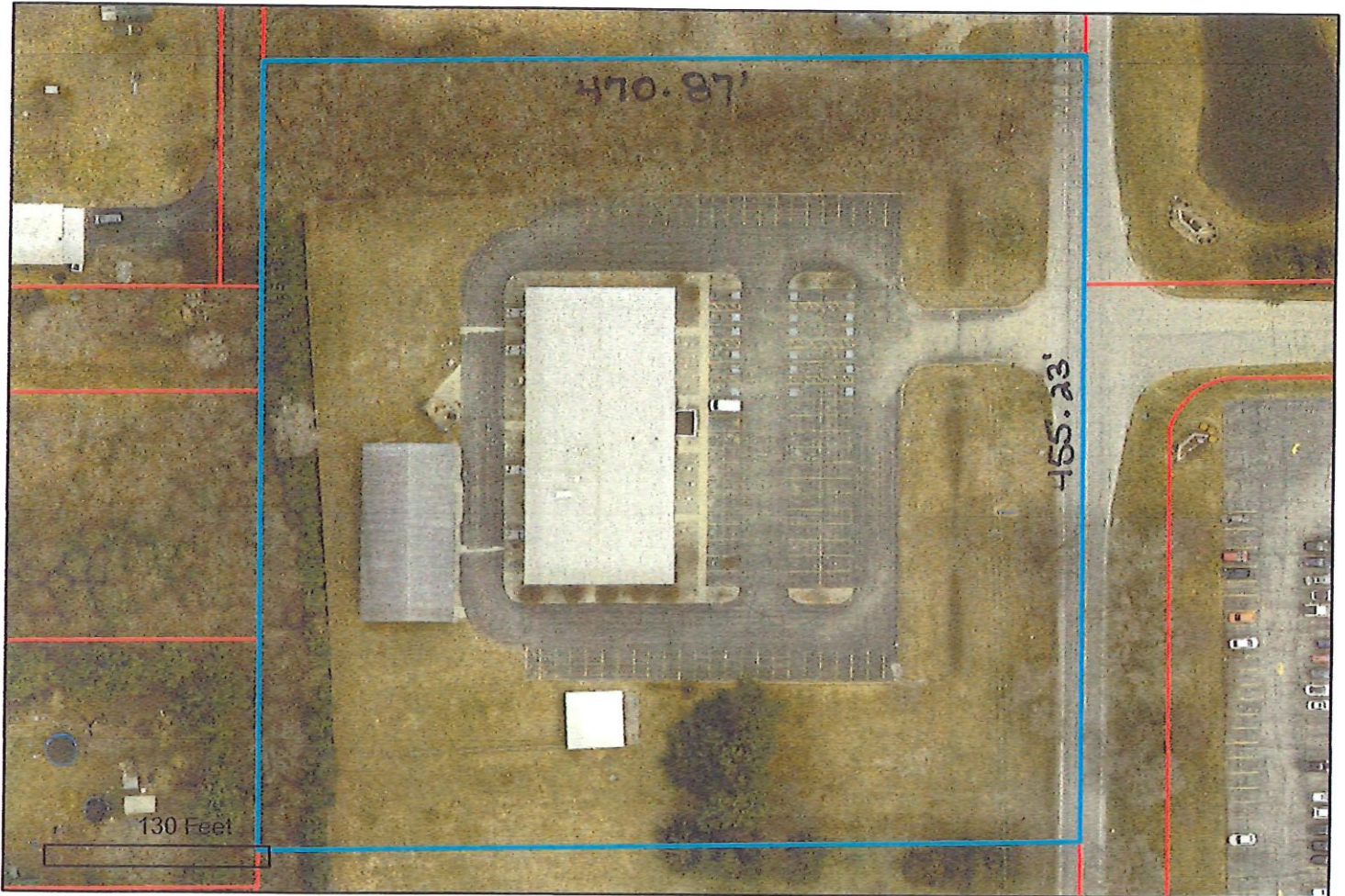
48 **F. CLOSING:** The closing of the sale shall take place at (the Title Company) (
49 _____) on or before April 15, 2024 or within _____ days after
50 the end of both the Inspection Period and any of the periods described in any of the above referenced Addenda which are part of
51 this Agreement, whichever is later, (the "Closing Date") or this Agreement shall terminate unless the Closing Date is changed in
52 writing by Seller and Buyer, or otherwise extended pursuant to this Agreement.

53 **G. POSSESSION:** The possession of the Property shall be delivered to Buyer, subject to the rights of tenants in possession, if any, in
54 its present condition, ordinary wear and tear excepted, on the Closing Date. Seller shall maintain the Property, including

Elkhart County, IN

1205 MIDDLETON RUN RD, ELKHART, IN 46516

20-06-11-177-005.000-011



Parcel Information

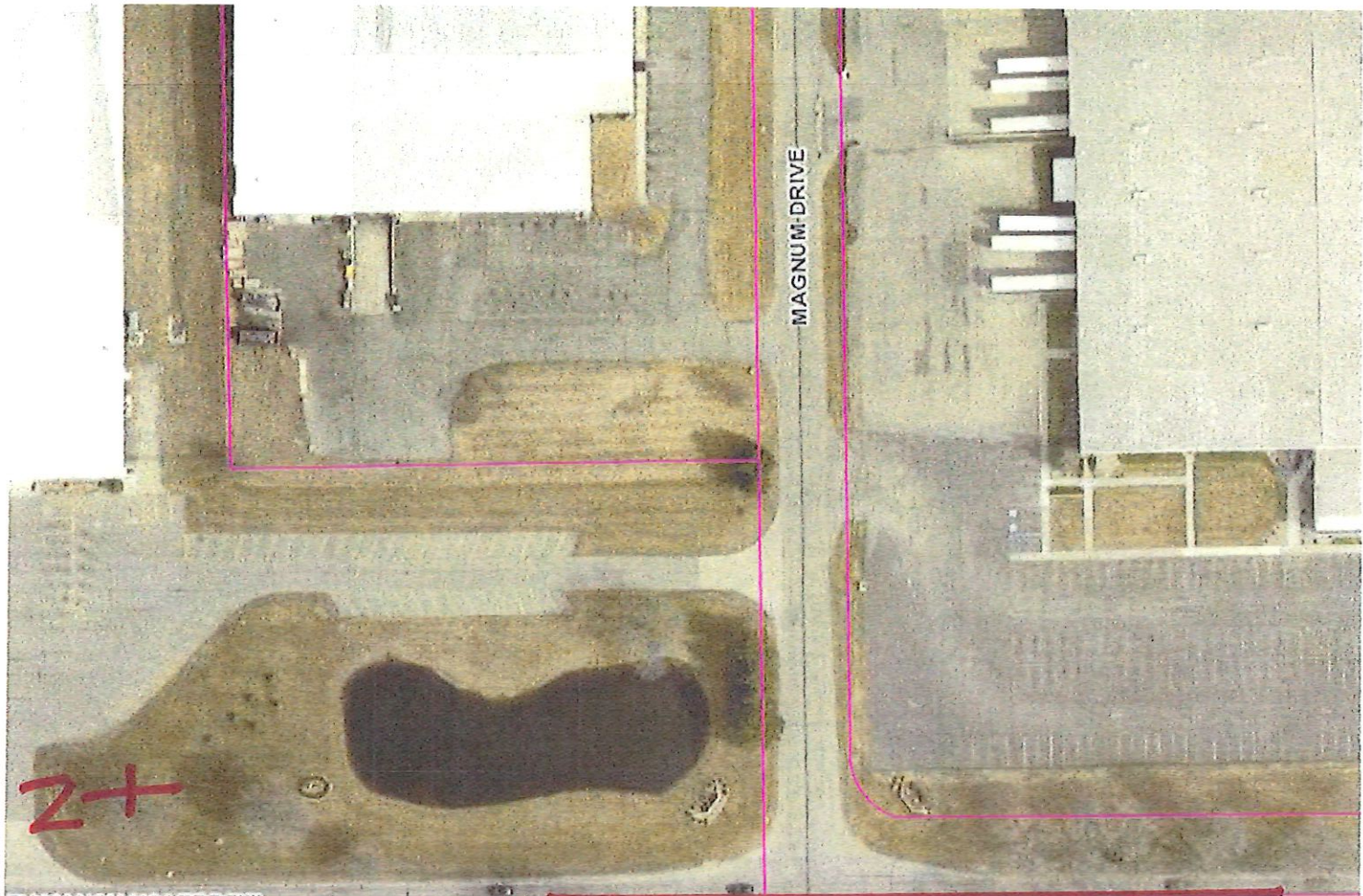
Parcel Number: 20-06-11-177-005.000-011
Alt Parcel Number: 06-11-177-005-011
Property Address: 1205 MIDDLETON RUN RD
ELKHART, IN 46516
Neighborhood: 1137008-Industrial-Acre-City/Pub
Utilities-Average
Property Class: Industrial: Other Industrial Structure - 399
Owner Name: ADEC INC
Owner Address: 1671 W VISTULA ST
BRISTOL, IN 46507
Legal Description: 181.31X480.49-936.328FT N OF; SE
COR NW1/4 SEC 11; 5.00A

Taxing District

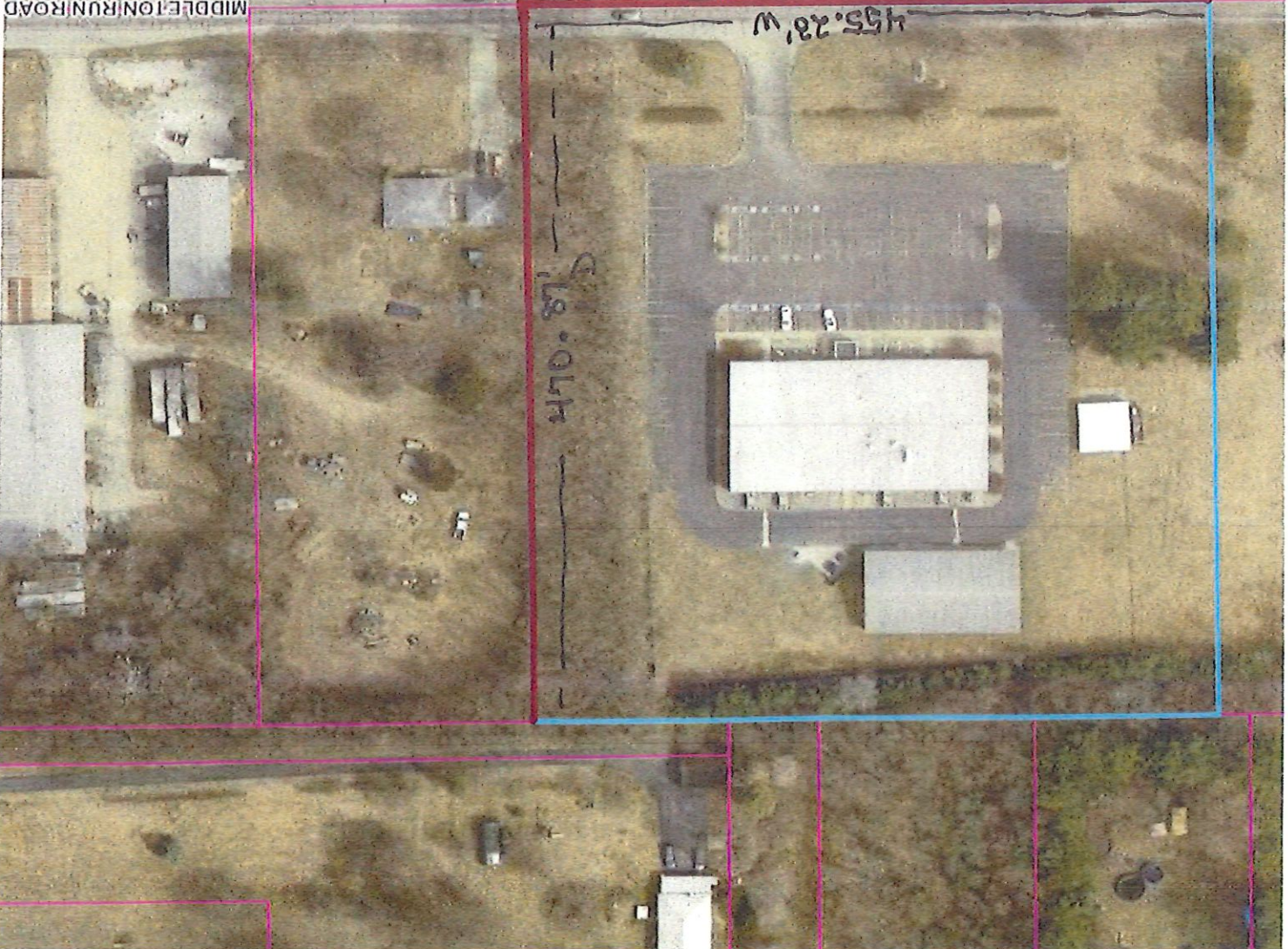
Township: CONCORD TOWNSHIP
Corporation: Concord Community Schools

Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
Public Road	0.312	
Primary Com & Ind	2.0	
Undeveloped Usable Com & Ind	1.688	



MAGNUM DRIVE

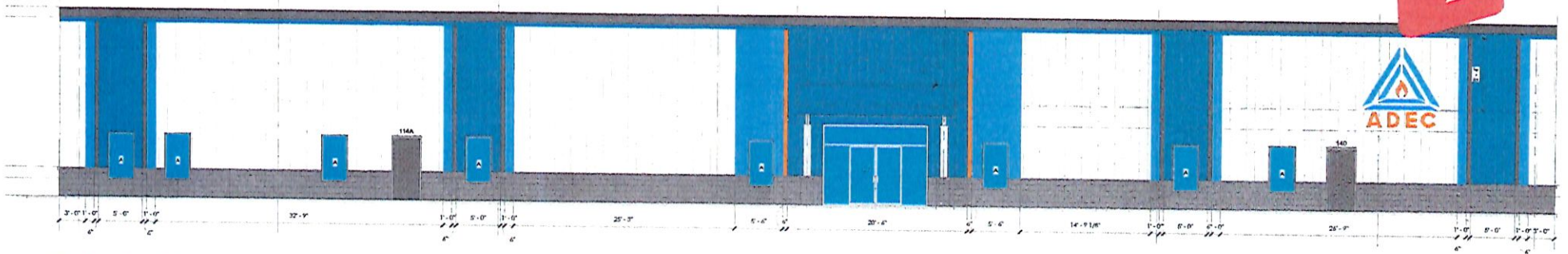
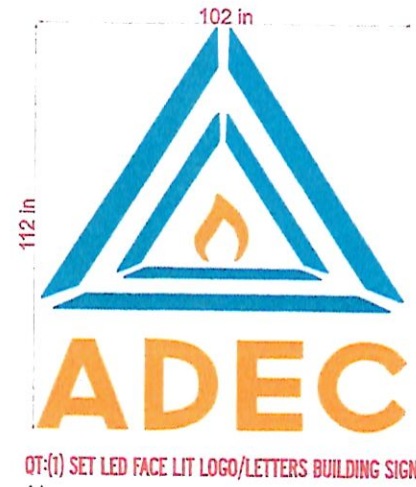


MIDDLETON RUN ROAD

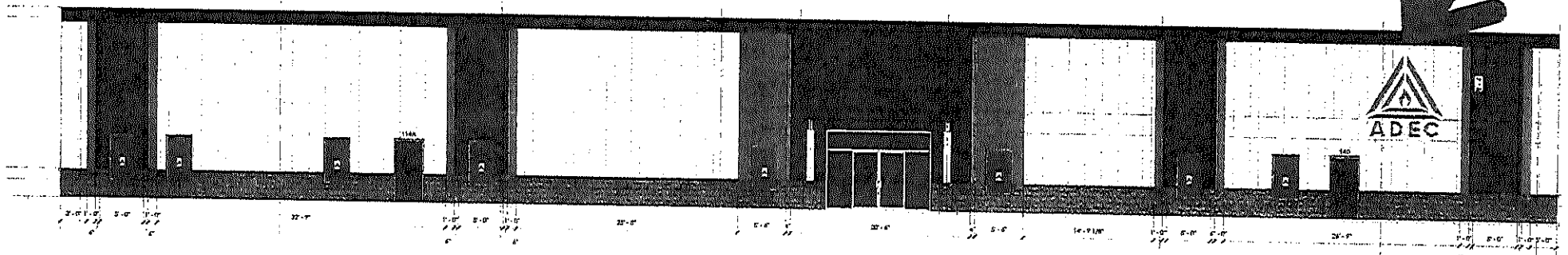
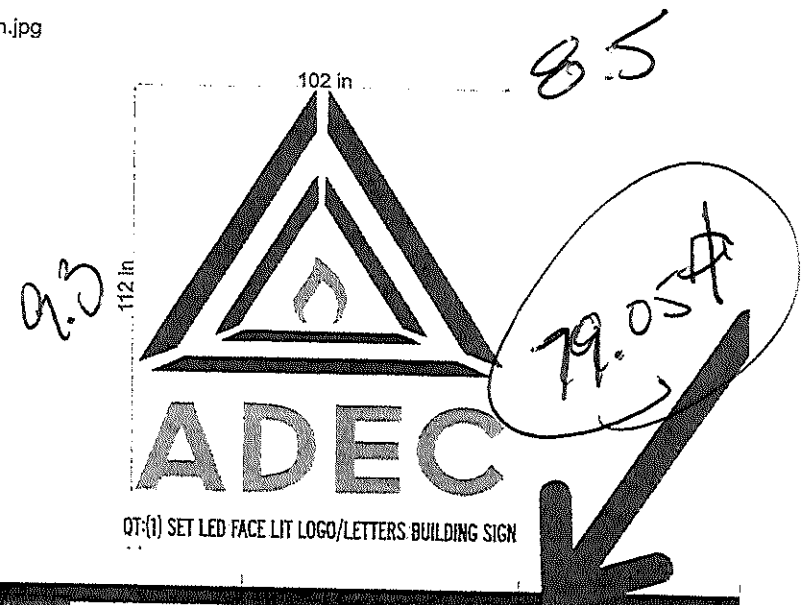
470.87'

455.28' W





2 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



2 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"



Staff Report

Planning & Zoning

Petition: 24-BZA-19

Petition Type: Developmental Variance

Date: August 8, 2024

Petitioner: David A. Nufer LLC

Site Location: 2101-2111 South Main Street

Request: To vary from Section 13.4, Yard Requirements to allow for a new structure that is 3.60 (three and six tenths) feet from the front property line (Main Street) where 30 feet is required and 2.16 (two and sixteen hundredths) feet from the corner side yard (Lusher Avenue) where 30 feet is required, a variance of 26.4 and 27.84 feet respectively. To also vary from Section 26.7.C.7.1.ii. (b). (2) where 10 (ten) feet is required for a parking lot adjacent to a right of way to allow for 8.66 (eight and sixty six hundredths) feet for the new parking lot. To also vary from Section 26.7.C.7.1.ii. (a). (1) where a 4 (four) foot landscape strip is required to allow for 3.5 (three and five tenths) feet, a variance of .5 (five hundredths) feet. To also vary from Section 26.7.C.7.1.ii. (b). (2) to allow for the landscape strip along the Main Street frontage to be 3.60 (three and six tenths) feet where 10 feet is required and 2.16 (two and sixteen hundredths) feet along the Lusher Avenue frontage where 10 (ten) feet is required a variance of 6.4 (six and four tenths) feet and 7.84 (seven and eighty four hundredths) feet respectively. To vary from Section 26.7.C.7.1.ii.(b).(2) to allow for the alley landscape strip to be 8.77 (eight and seventy seven hundredths) feet where 10 (ten) feet is required.

Existing Zoning: B-3, Service Business District

Size: +/- 0.73 acres

Thoroughfares: South Main Street and East Lusher Avenue

School District: Elkhart Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

The surrounding properties are R-2 One-Family Dwelling District, B-1 Neighborhood Business District, and B-3 Service Business District. Land uses include residential, commercial, and industrial.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

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



Staff Analysis

The petitioner has recently purchased the parcels at the southwest corner of South Main Street and Lusher Avenue from the City of Elkhart Redevelopment Commission. The sale was conditioned on the petitioner developing a commercial space that follows traditional urban design, including small front setbacks for the main building and parking in the rear. All parcels are currently vacant.

Petitioner is requesting variances for the front and corner side setbacks to allow new construction for a laundromat and additional retail space with frontage on South Main Street. Development is proposed with parking at the rear of the newly constructed building, which leaves little room for the building if required to stay within the 30-foot front and corner side setbacks.

Approval of the request would allow a front building setback of 3.60 feet where 30 feet is required and a corner side building setback of 2.16 feet where 30 feet is required. The variance would also allow a parking pavement setback of 8.66 feet where 10 feet is required.

Petitioner is also requesting variances for landscaping widths on the east (along South Main Street), north (along Lusher Avenue), and west (along the alley) borders of the parcel, and adjacent to the building on the west. Approval of the request would allow landscaping to be installed with the following widths:

- 3.60 feet between the building and right of way on South Main Street (10 feet required)
- 2.16 feet between the building and right of way on Lusher Avenue (10 feet required)
- 8.77 feet between the parking lot and the public alley (10 feet required)
- 3.50 feet between the building and the parking lot (4 feet required)

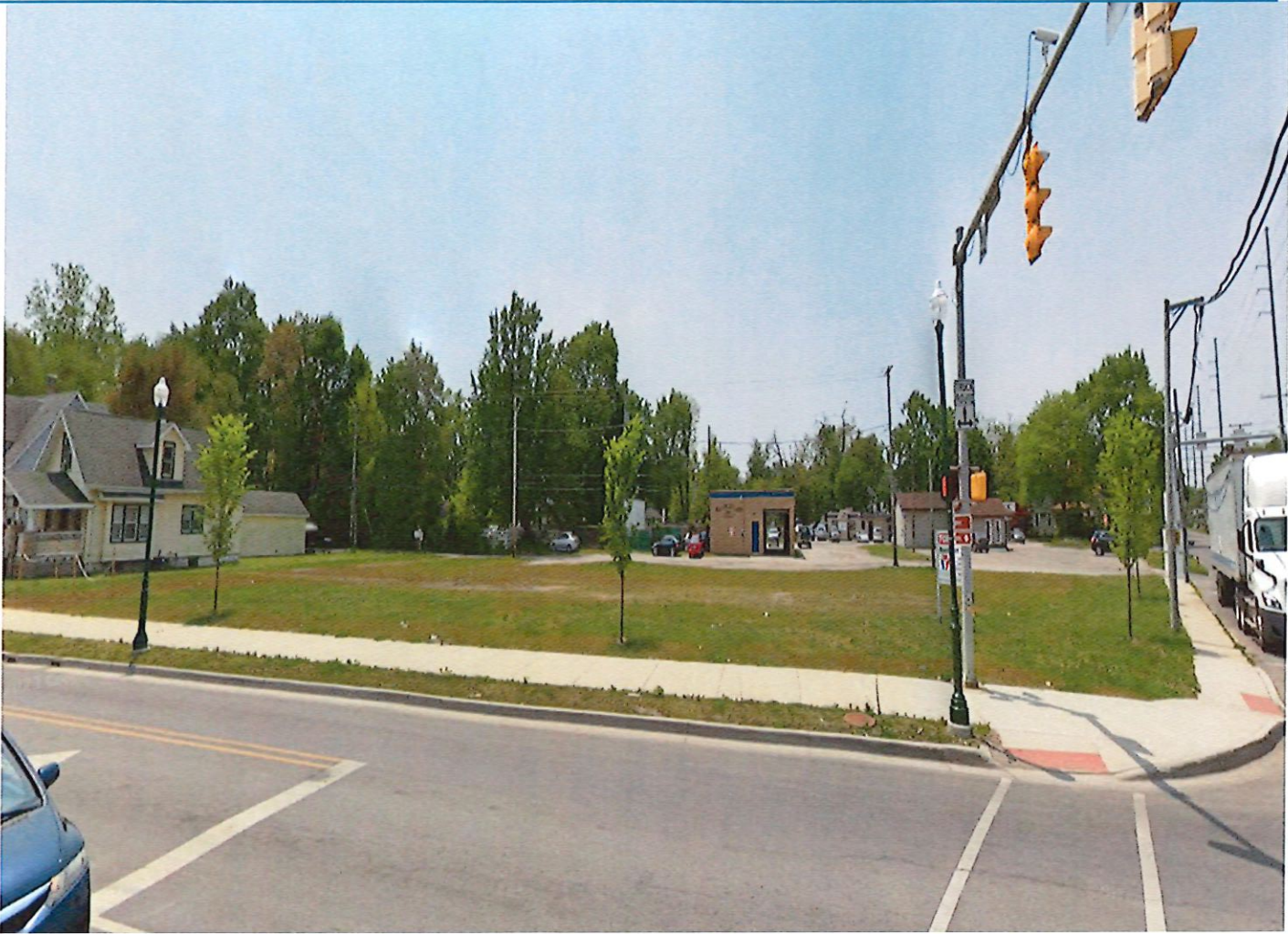
Staff recommends approval of this variance.

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 proposed uses provide beneficial services to residents and cater to the convenience of pedestrians accessing the site from South Main Street sidewalk;
2. The use and value of the area adjacent to the property **will not be** affected in a substantially adverse manner because the proposed development makes use of vacant land to provide new services to area residents;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance;
4. Special conditions and circumstances **do exist** that are peculiar to the land, since the size of the properties make it difficult to develop the desired uses with adequate interior floor space;
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, as the petitioner is proposing to develop the site as desired by the City RDC;
7. This property **does not** lie within a designated flood area.

Photos



PETITION #: 24-B2A-19

FILING FEE: \$ 300

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: DEVELOPMENTAL VARIANCE

Property Owner(s): City of Elkhart Indiana, Intended Purchaser David A. Nufer LLC

Mailing Address: 2409 Mishawaka Avenue, South Bend IN 46615

Phone #: 574-255-6101 Email: nufersusan@gmail.com

Contact Person: Susan M. Nufer, Member

Mailing Address: 2409 Mishawaka Avenue, South Bend IN 46615

Phone #: 574-340-9750 Email: nufersusan@gmail.com

Subject Property Address: 2101-2111 S. Main Street

Zoning: B-3

Present Use: Vacant Proposed Use: Laundromat and Retail Store

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): David A. Nufer, LLC, Susan M. Nufer, Member

SIGNATURE(S): Susan M. Nufer, member DATE: 6.29.24

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: _____

July 5, 2024

Board of Zoning Appeals, City of Elkhart, Indiana
Regarding: Developmental Zoning Variance Petition
Burton Laundry and Retail Space
2101-2111 S. Main St., Elkhart IN

The undersigned Appellant respectfully shows the Board:

1. I, Susan M. Nufer am authorized to act on behalf of David A. Nufer, LLC which is planning to purchase the four parcels at the southwest corner of S. Main St. and Lusher Ave. owned by the City of Elkhart. This property is the following described real estate located with the City of Elkhart, Concord Township, Elkhart County, State of Indiana:

Lots Numbered 26, 27, 28, 29 and 30 as said Lots are known and designated on the recorded Plat of Long's Addition to Dinehart Place, an addition to the City of Elkhart, Indiana; said Plat being recorded in Plat Book 1, page 39 in the Office of the Recorder of Elkhart County, Indiana.

2. The above-described real estate presently has a zoning classification of:
B-3, Service Business District
3. Appellant presently occupies the above-described property in the following manner:
The applicant is planning to purchase the property. The site is currently vacant. The former building at this location was demolished to prepare for redevelopment.
4. Appellant desires the following:
To construct a proposed commercial building for a laundromat with additional space for a rental tenant.
5. The Zoning Ordinance of the City of Elkhart requires the following:
 - a. Section 13.4 Yard Requirements
Front yard (Lusher Ave. and S. Main St. frontage):
30 ft. for structure, 10 ft. for pavement
Side Yard (South property line):
10 ft. for structure, 10 ft. for pavement
Rear Yard (alley frontage)
20 ft. for structure, 6 ft. for pavement
 - b. Section 26.7.k.ii.(a) (1) Parking Lot Landscape Strip abutting building
Four ft. wide for parking lot of 1-40 spaces
 - c. Section 26.7.k.ii.(a) (1) Parking Lot Landscape Strip abutting right of way
Ten ft. wide for parking lot of 1-75 spaces

6. Explain why strict adherence to the Zoning Ordinance requirements would create an unusual hardship.

a. Yard Requirements

- 1) *Front Yard: The proposed building is 3.60 ft. from the front property line (required 30 ft.) on S. Main St. and 2.16 ft. from the front property line (required 30 ft.) on Lusher Ave. The intent is to keep the building close to the front property lines to allow the parking lot to be behind the building. If the building was set on the front setbacks, there would not be adequate space for the rear parking lot with the proposed building size.*
- 2) *Front Yard: The north edge of the proposed pavement is 8.66 ft. from the north property line (required 10 ft.). If the edge of proposed pavement was placed at the front setback, there would be one less parking space in this area.*
- 3) *Rear Yard: The proposed dumpster enclosure is 11.02 ft. from the rear property line (required 20 ft.) on the alley frontage. If the edge of proposed pavement was placed at the rear setback, there would be one less additional parking space in that area.*

b. Parking Lot Landscape

- 1) *Landscape strip abutting building:*
 - i. *Landscape strip on west side of the building is 3.5 ft. (required 4 ft.). The space required for parking spaces, drive aisle, sidewalk, curb, building, and setbacks require more space than is available on the property. Parking spaces and drive aisle widths were determined to be more critical than landscape width. Additional landscape width is provided south of proposed building.*
- 2) *Landscape strip abutting right of way:*
 - i. *Landscape strip between the east side of the building and the right of way is 3.60 ft. (10 ft. required) for the same reasons as the previous item.*
 - ii. *Landscape strip between the north side of the building and the right of way is 2.16 ft. (10 ft. required) for the same reasons as the previous item.*
 - iii. *Landscape strip between the north side of the parking lot and the right of way is 8.66 ft. (10 ft. required) for the same reasons as the previous item.*
 - iv. *Landscape strip between the west side of the parking lot and the right of way is 8.77 ft. (10 ft. required) minimum for the same reasons as the previous item.*

7. Using the appropriate standards, address each standard.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
The proposed laundromat and retail space will be a major investment in this neighborhood and will be beneficial to the residents for services. Reductions in setback dimensions will place the building adjacent to the sidewalk for convenience of pedestrians. Reductions in landscape strips will allow the site to be developed while still providing landscape areas in required locations.
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
The proposed development will enhance property values by investing in the neighborhood with beneficial uses to residents.
3. Granting the variance would be consistent with the intent and purpose of the Zoning Ordinance.
The Zoning Ordinance intent is to set a minimum level for new property development in the City. The proposed building and site development will meet the intent and purpose of the Zoning Ordinance. The building and development will be an attractive addition to the neighborhood.
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.
The property is relatively narrow by current standards. The building size and shape has been customized to provide necessary building space while conforming to an unusual property shape.
5. 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.
Strict application of the ordinance would reduce the building width which would not meet the owner's needs for interior floor space. This would make the property too small for the owner's needs. The location is ideal for the owner, therefore zoning variances are needed for the proposed development.
6. The special conditions and circumstances do not result from any action or inaction by the applicant.
The applicant seeks these zoning variances to allow the property the City seeks to be redeveloped to be suitable for this use.
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 laws or ordinances.
The site is not in a flood hazard area, there is no threat to public safety by the proposed facility, there is no public expense for any part of this project, the proposed facility will not create a nuisance or conflict with existing laws or ordinances.

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

Signature of Property Owner:

Susan M. Nufer, Member

Printed Name: David A. Nufer, LLC, Susan M. Nufer, Member

Contact Person:

Debra S. Hughes, P.E., Senior Professional Engineer

Business Name: Surveying and Mapping LLC.

Address: 2810 Dexter Drive, Elkhart, IN 46514

Phone: (574) 266-1010

Fax: (574) 262-3040

Email: debra.hughes@sam.biz

AFFIDAVIT IN SUPPORT OF DEVELOPMENTAL VARIANCE PETITION

I, Susan M. Nufer, 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.
I am planning to purchase the property at 2101-2111 S. Main Street Elkhart IN
3. ~~I am now and at all times relevant herein have been, the owner of record of the property located at _____ Elkhart, Indiana.~~
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 29 day of June, 2024.

Susan M. Nufer, member

Printed: David A. Nufer, LLC,
Susan M. Nufer, Member

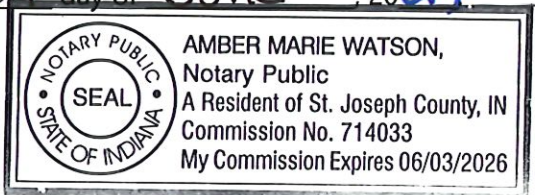
I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Susan M. Nufer, member

Printed: David A. Nufer, LLC,
Susan M. Nufer, Member

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a **Notary Public** in and for the State of Indiana, personally appeared Susan M. Nufer, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 29 day of June, 2024



Amber Watson

Printed: Amber Watson

My Commission Expires:
06/03/2026

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

Date: July 5, 2024

To: Honorable Members of the Board of Zoning Appeals, City of Elkhart, Indiana

Re: Zoning Variance Petition, 2101-2111 S. Main St., Elkhart IN

I am an authorized agent for David A Nufer LLC which is planning to purchase the four parcels at the southwest corner of S. Main St. and Lusher Ave. owned by the City of Elkhart.

Parcel ID Numbers are as follows:

06-16-202-017-012

06-16-202-018-012

06-16-202-019-012

06-16-202-020-012

I authorize Surveying and Mapping LLC to submit a Zone Change Petition on the company's behalf.

Please contact me if there are any questions.

Thank you.

A handwritten signature in blue ink that reads "Susan M. Nufer, member". The signature is written in a cursive style and is positioned to the right of the typed name below.

Susan M. Nufer, Member
David A. Nufer, LLC
2409 Mishawaka Avenue
South Bend IN 46615



Staff Report

Planning & Zoning

Petition: 24-X-06

Petition Type: Special Exception

Date: August 8, 2024

Petitioner: Republic Services (Browning Ferris Industries)

Site Location: 3300 Charlotte Avenue

Request: Per Section 18.3, Special Exception Uses in the M-1, Limited Manufacturing District, a special exception to allow for the replacement of a 10,000 gallon diesel fuel storage tank.

Existing Zoning: M-1, Limited Manufacturing District

Size: +/- 4.25 Acres

Thoroughfares: Charlotte Avenue

School District: Baugo Community Schools

Utilities: Available and provided to site.

Surrounding Land Use & Zoning:

Properties to the north, south, and west are industrial uses in M-1 Limited Manufacturing District and M-2 General Manufacturing District. Properties to the east are residential, zoned R-2 Two-Family Residential in Elkhart County.

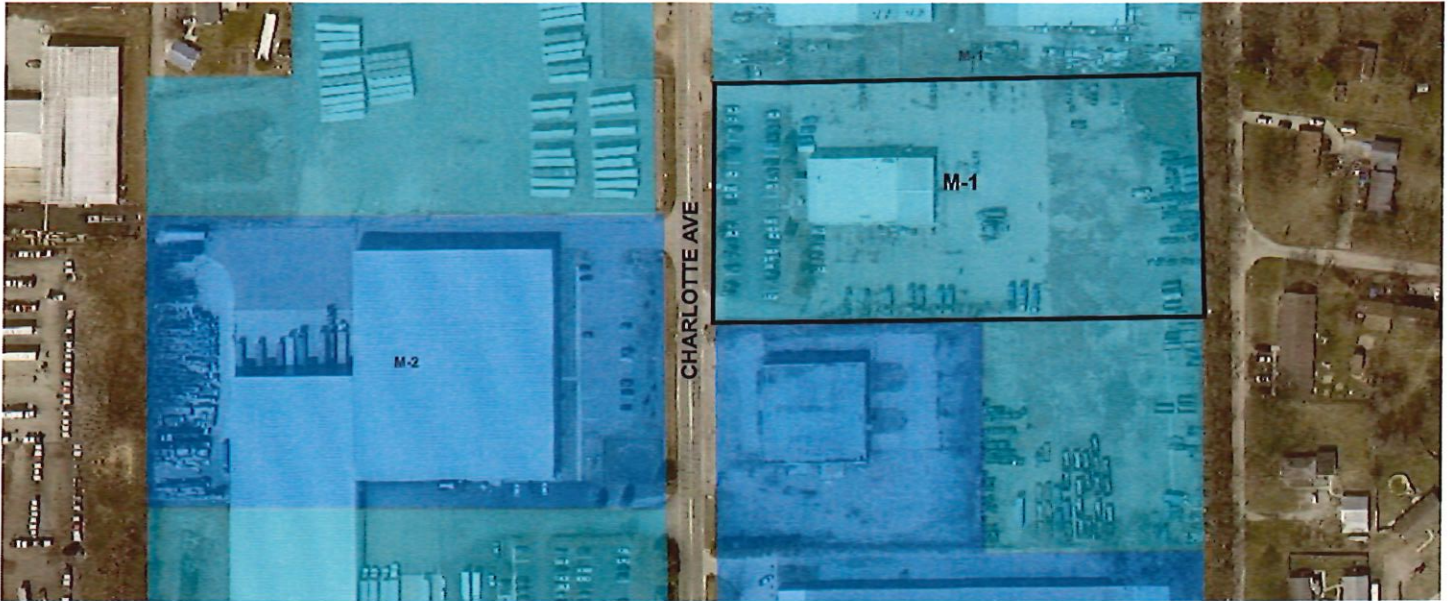
Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Plan Commission Action: Recommendation to Board of Zoning Appeals.

Comprehensive Plan:

The Comprehensive Plan does not include this area in the future land use map, but is predicted to be industrial land use.



Staff Analysis

The petitioner operates as a waste removal services provider throughout the City of Elkhart and occupies the subject parcel. Petitioner desires to replace the existing vertical 10,000 gallon above-ground diesel fuel storage tank that was previously approved by Elkhart County before the parcel was annexed into the City. The existing storage tank is approaching its life expectancy and should be replaced. Petitioner intends to replace the existing storage tank with a horizontal, double wall UL142 10,000 gallon above-ground fuel storage tank. The parcel is currently buffered from residential uses to the east (rear of the parcel) by deciduous trees and shrubs.

Permitted uses in the M-1 Limited Manufacturing District include “outside storage of liquids or gases in one or more tanks, where total volume of the tank(s) does not exceed 2000 gallons.” (See Section 18.2.II) Strict adherence to zoning ordinance Section 18.2 would reduce the existing fuel capacity of 10,000 gallons to 2,000 gallons, which would greatly hinder the ability of the service provider to continue its current level of service in the City of Elkhart.

Staff recommends approval of this special exception.

Recommendation

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

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because it is a minor change to an already approved use;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

Photos



PETITION #: 24-X-00

FILING FEE: \$ 300

PETITION for APPEAL to the BOARD of ZONING APPEALS

PETITION TYPE: SPECIAL EXCEPTION

Property Owner(s): REPUBLIC SERVICES (BROWNING FERRIS INDUSTRIES-DFI)
Mailing Address: PO Box 27246, PHOENIX, AZ 85038
Phone #: 574-218-6738 Email: mbronstetter@REPUBLICSERVICES.

Contact Person: MIKE BRONSTETTER (AGENT)
Mailing Address: 3308 CHARLOTTE AVE, PLIKHART, IN 46517
Phone #: 574-218-6738 Email: MBRONSTETTER@REPUBLICSERVICES.

Subject Property Address: 3308 CHARLOTTE AVE
Zoning: INDUSTRIAL WAREHOUSE M-1, LIMITED MFG DISTRICT
Present Use: WASTE REMOVAL Proposed Use: WASTE REMOVAL

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): MIKE BRONSTETTER (AGENT)

SIGNATURE(S):  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: _____ DATE: _____

Date: July 2, 2024

To: Plan Commission & Board of Zoning Appeals
City of Elkhart, Indiana

Re: Special Exception Request

The undersigned petitioner respectfully shows the Board of Zoning Appeals:

I, Mike Bronstetter, am acting as the property owner on behalf of Republic Services (Browning Ferris Industries – BFI) of the following described real estate located with the City of Elkhart, Baugo Township, State of Indiana, to-wit:

Please see property card attached. (3300 Charlotte Avenue)

The above-described real estate presently has a property classification of Industrial Warehouse and the zoning classification of Z001 Residential District under the Zoning Ordinance of the City of Elkhart.

The petitioner presently occupies the above-described property where they conduct their business operations as a waste removal provider that provides services to numerous sites throughout Elkhart, IN.

Petitioner desires to replace the existing vertical 10,000 gal. above ground diesel fuel storage tank that was previously approved by Elkhart County before we were annexed into the City of Elkhart. The existing above ground storage tank is approaching its life expectancy and should be replaced. The intent is to replace the existing vertical 10,000 gal. above ground diesel fuel storage tank with a horizontal, double wall UL142 10,000 gal. above ground fuel storage tank.

The Zoning Ordinance of the City of Elkhart per Section 18.2 Permitted use states "II. Outside storage of liquids or gases in one or more tanks, where total volume of the tank(s) does not exceed 2000 gallons. (as amended per Ordinance No. 4683 July 10, 2002)"

Strict adherence to zoning ordinance Section 18.2 would certainly hinder the property owner's ability to service numerous sites in the Elkhart, IN area and the ability to satisfy the waste disposal needs of many residents and organizations. If fuel capacity limits are reduced by the ordinance section 18.2, this change from their existing fuel capacity of 10,000 gallon is then cut by 8,000 gallons down to 2,000 gallons, the impact on the fleet operations and ability to fulfill the needs of the Elkhart area would be greatly impacted.

The approval of Special Exception will not be injurious to the public health, safety, morals and general welfare of the community. In fact, by not approving this Special Exception would actually be more so injurious to the public health and safety.


The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The owner is replacing the aging above ground storage tank of 10,000 gallons with another AST that holds 10,000 gallons.

The need for the Special Exception arises from some condition specific to the property involved. The property owner currently has an aging above ground storage tank (10,000 gallons) that needs to be removed and intends to replace with a comparable above ground storage tank (10,000 gallons).

The strict application of the terms of this ordinance will constitute an unnecessary hardship if applied to the property for which this Special Exception is sought. Existing fueling operations and current volume of 10,000 gallons allows this property owner the ability to service the area of Elkhart, IN.

The approval of this Special Exception does not interfere substantially with the Comprehensive plan.

WHEREFORE, Petitioner 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: *Mike Bronstetter (Agent)* _____

Second Property Owner: Republic Services (Browning Ferris Industries – BFI)

Contact Person: *Maintenance Manager (Agent)* _____

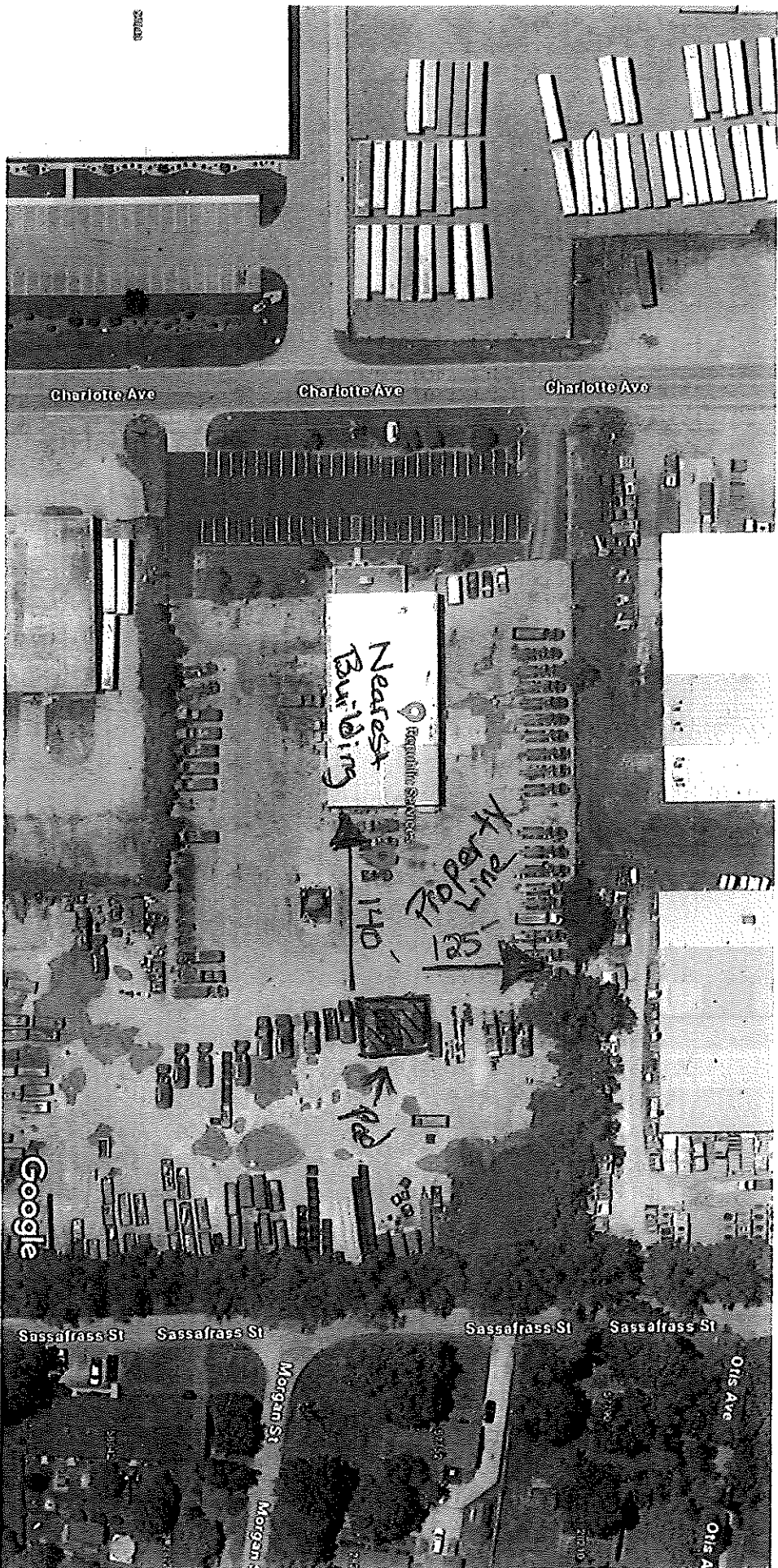
Name: *Mike Bronstetter* _____

Address: *3300 Charlotte Ave. Elkhart IN 46517* _____

Phone Number where you can be reached: _____

Email: *mbronstetter@republicservices.com* _____

Google Maps 3300 Charlotte Ave



* E-Stop location TBD

20' - 100' From Dispense (S)



STANWADE METAL PRODUCTS, INC.
 6868 State Route 305, P.O. Box 10
 Hartford, Ohio 44424
 Phone: 800-826-5243 Fax: 1-330-772-3307
 www.tankstore.com

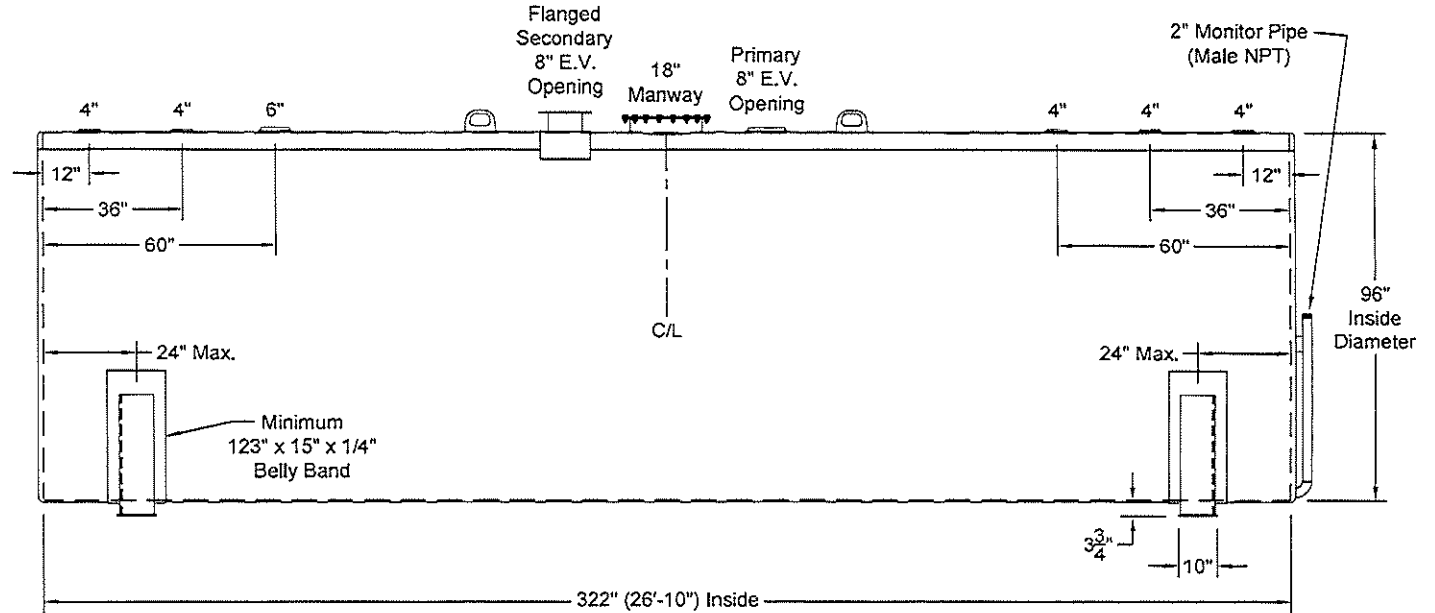
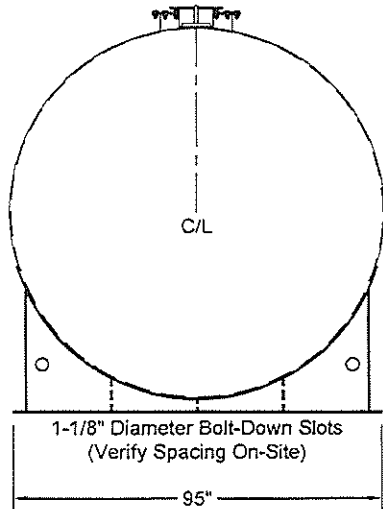


Capacity:	<u>10,000 Gallons</u>	Primary Heads:	<u>1/4"</u>	Paint Ext.:	<u>White Urethane</u>
Design:	<u>Double Wall Aboveground</u>	Primary Shell:	<u>1/4"</u>	Paint Int.:	<u>N/A</u>
Code:	<u>UL 142, Flameshield</u>	Secondary Heads:	<u>1/4"</u>	Weight:	<u>13,980 Lbs.</u>
Test Pres.:	<u>5 P.S.I.</u>	Secondary Shell:	<u>10 Ga.</u>		

Notes:

1. Dimensions Shown Are Interior Clearances.
2. All Openings Are Female Threaded Unless Noted Otherwise.
3. Tank Is Intended For Stationary Use Only.
4. Tank Must Be Open Atmospheric Vented.

Changes to This Quote
 Drawing May Affect Pricing



Customer: K & W Equipment Co LLC
 Drawing #: KWE001.4-29-24.1
 Quote #: 00439417

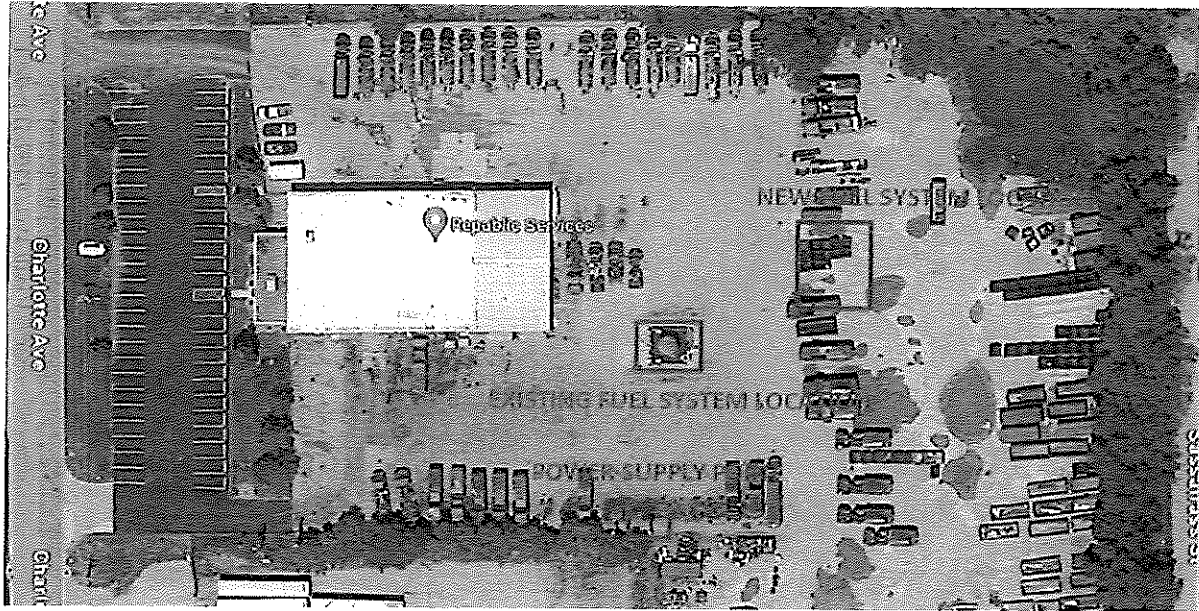
Drawing Date: 4-29-2024

Quoted Lead Times Begin Upon Receipt of Signed Approved Drawing, Which Must be Returned Before Production Can Begin.

Drawing Approved By:



ILLUSTRATION 1





Staff Report

Planning & Zoning

Petition: 24-UV-08

Petition Type: Use Variance

Date: August 8, 2024

Petitioner: Elkhart Community Schools

Request: To vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow for an addition to the Career Center Building, part of the Elkhart High School Campus.

Site Location: 2424 California Road

Existing Zoning: M-1, Limited Manufacturing District

Size: +/- 17.64 Acres

Thoroughfares: California Road

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

The property is surrounded by mixed uses, the properties to the west zoned as M-1, Limited Manufacturing District. Properties to the north are residential zoned R-1, One Family Dwelling District, M-1, Limited Manufacturing District. Land to the south and east are zoned M-2, General Manufacturing District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with office and industrial uses.



Staff Analysis

The petitioner is requesting to vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow an addition at the southeast corner of the Career Center for additional space serving the technology center. In addition, sidewalk improvements around the proposed building addition have been made along with storm water system management to accommodate parking lot improvements. A retention basin will be proposed to the south of the building addition, which will serve the new additions storm water runoff.

This property has an existing institutional building that serves Elkhart Community Schools as the Elkhart Area Technology Center. According to county records the current building on the property was constructed in 1973, and was built for its current use as a technology center and a local radio station broadcast center. In 2019, a use variance was granted to allow the Elkhart Community Schools Teenage Parent Program as a permitted use located in the technology center as a permitted use in the M-1, Limited Manufacturing District.

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 addition will be constructed to all current applicable building requirements;
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 additional classrooms for the technology centers activity will occur indoors and would be an asset as this facility serves the greater community school district;
3. The need for the variance **does** arise from some condition peculiar to the property involved because without board action the use would not be permitted;
4. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the site because the building was constructed for its current use whereon the addition will serve the same purpose;
5. The approval **does** comply with the Comprehensive Plan which calls for the area to be developed with institutional uses.

Photos



PETITION #: 24-UV-08 FILING FEE: \$ 300.00

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): Elkhart Community Schools

Mailing Address: 2720 California Road, Elkhart, IN 46514

Phone #: 574-262-5563 Email: tgianesi@elkhart.k12.in.us

Contact Person: Tony Gianesi

Mailing Address: 2720 California Road, Elkhart, IN 46514

Phone #: 574-262-5563 Email: tgianesi@elkhart.k12.in.us


Subject Property Address: 2424 California Road, Elkhart, IN 46514

Zoning: M-1

Present Use: Career Center Proposed Use: Career Center

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): Tony Gianesi

SIGNATURE(S):  DATE: 06-21-2024

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 of the property (or representative).
- 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: _____



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

June 10, 2024

To: The Board of Zoning Appeals, City of Elkhart, Indiana

From: Jones Petrie Rafinski on behalf of Elkhart Community School Corporation
325 S. Lafayette Blvd.
South Bend, IN 46601
574-232-4388

The undersigned appellant respectfully shows the board:

1. Elkhart Community School Corporation is the developer of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit:

Address:

2424 California Road, Elkhart, IN 46514

Legal Description:

Please refer to the attached legal description.

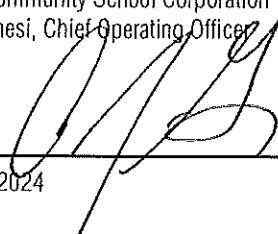
2. The above-described real estate is presently zoned M-1 under the Zoning Ordinance of the City of Elkhart.
3. Appellant currently occupies and intends to continue occupying the above-described property in the following manner:
Career Center.
4. Appellant desires to:
 - a. Continue occupying the property under the special exemption use and make improvements to the Elkhart Area Career Center Main Building, specifically building addition to the SE corner of the Main Building. As part, sidewalk improvements around the building addition, and stormwater system & management has been improved to retain more water to accommodate the improved impervious area. A retention basin will be proposed South of the building addition and the site will be graded to allow stormwater to surface flow into the proposed basin.
5. The Zoning Ordinance of the City of Elkhart requires:
 - a. Under the M-1 Zoning Classification, laboratories and machine, tool, and dies shops are permitted under Zoning Ordinance Section 18.2
6. Explain why this property is suited to the use variance being requested:
 - a. This is a continuation of the appellant occupying and improving this property for this use variance since it was established.

7. Variance Questions:

- a. *Will the Use Variance, as so defined, located, and proposed, be operated that the public health, safety, morals and general welfare of the community will be protected?*
 1. Yes, it will be.
 - a. The proposed improvements to the Elkhart Area Career Center Main Building will benefit the community by improving the stormwater management system on the site and improving accessibility throughout the site with sidewalk additions. The Elkhart Area Career Center itself will also benefit the community by offering environments to promote success of the younger community.
- b. *Will the Use Variance adversely affect the use and value of the area adjacent to the property?*
 1. No, the use and value of the adjacent properties will not be adversely affected.
- c. Does the need for the variance arise from some condition peculiar to the property involved?
 1. This is a continuation of the appellant occupying and improving this property for this use variance since it was established.
- d. Does the strict application of this Ordinance will constitute and unnecessary hardship if applied to the property for which the variance is sought?
 1. Yes, as this is a continuation of the appellant occupying and improving this property for this use variance since it was established. Strict application of the terms of the Ordinance would prevent any of the building additions for the Elkhart Area Career Center Main Building additions.
- e. Will the approval interfere substantially with the Comprehensive Plan?
 1. No, the project will not interfere with the Comprehensive Plan.
- f. *Will the Use Variance conform to the regulations of the zoning district in which it is located?*
 1. Yes, it will.
 - a. All zoning district and supplemental ordinances will be adequately met to the satisfaction of City of Elkhart Planning and Engineering Staff.

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

Applicant and Developer
Elkhart Community School Corporation
Tony Gianesi, Chief Operating Officer



June 21, 2024

Contact Person:
Brian Sutanto – Jones Petrie Rafinski (JPR)
325 South Lafayette Boulevard
(574) 232-4388
bsutanto@jpr1source.com

Elkhart County, IN

2424 CALIFORNIA RD, ELKHART, IN 46514
20-01-36-451-003.000-006

8
2001-19009



Parcel Information

Parcel Number: 20-01-36-451-003.000-006

Alt Parcel Number: 01-36-451-003-006

Property Address: 2424 CALIFORNIA RD
ELKHART, IN 46514

Neighborhood: 0646023-Commercial-Acre-Fringe-
Average Rates (006)

Property Class: Exempt: Board of Education - 650

Owner Name: ELKHART COMMUNITY SCHOOL BUILDING CORP

Owner Address: Elkhart Comm School 2720 California Rd
Elkhart, IN 465141297

Legal Description: PT E 1/2 W 1/2 SE 1/4 SE COR SEC 36
14.49A; (CAREER CENTER)

Taxing District

Township: CLEVELAND TOWNSHIP

Corporation: Elkhart Community Schools

Land Description

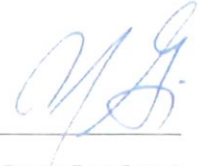
<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
Primary Com & Ind	14.49	

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Tony Gianesi, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my special exception petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of the record of the property located at 2424 California Road, Elkhart, Indiana
4. FURTHER AFFIANT SAYETH NOT

EXECUTED on the 26th day of June, 2024.



Printed: Tony Gianesi

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: Kim Bowman

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Tony Gianesi, and acknowledged his/her execution of the foregoing. Subscribed and sworn before me this 26th day of June, 2024.



Printed: Kim Bowman

My Commission Expires:

March 31, 2025

Notary Public in and for the State of Indiana

Resident of St. Joseph County, Indiana



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

June 21, 2024

The Board of Zoning Appeals, City of Elkhart, Indiana

Dear Board Members,

Please allow this letter to serve as authorization to allow representatives from Elkhart Community Schools and Jones Petrie Rafinski to apply for and seek your approval for zoning variances for the property located at 2424 California Road, Elkhart, IN 46514.

Owner

Elkhart Community School Corporation
Tony Gianesi, Chief Operating Officer

June 21, 2024

CITY OF ELKHART
COMMERCIAL / INDUSTRIAL WASTEWATER QUESTIONNAIRE

THE PRETREATMENT STAFF IS REQUESTING THAT EACH SECTION IN THIS QUESTIONNAIRE BE ADDRESSED. ANSWER EACH INQUIRY IN FULL DETAIL, DO NOT LEAVE BLANK. INSERT N/A FOR NOT APPLICABLE, IF NEEDED.

SECTION A: GENERAL INFORMATION (PLEASE TYPE OR PRINT)

COMPANY NAME: Elkhart Community Schools

MAILING ADDRESS: 2720 California Road, Elkhart, IN 46514

FACILITY ADDRESS: 2424 California Road, Elkhart, IN 46514

WASTEWATER DISCHARGES TO:

CITY SEWER SYSTEM

PRIVATE SEPTIC SYSTEM

NATURAL OUTLET (POND, ETC)

OTHER: _____

CONTACT OFFICIAL:

NAME: Tony Gianesi

TITLE: Chief Operating Officer

PHONE: 574-262-5563

EMAIL: tgianesi@elkhart.k12.in.us

DO YOU HAVE A CURRENT RULE 6 PERMIT? Yes* No

*IF YES, PLEASE LIST YOUR PERMIT NUMBER: _____

SECTION B: FOOD SERVICE:

WILL THIS ESTABLISHMENT HAVE ANY FOOD FOR PUBLIC CONSUMPTION ON SITE? Yes* No

IS A FOOD SERVICE LICENSE BEING OBTAINED FROM THE ELKHART COUNTY HEALTH DEPARTMENT? Yes* No

*IF YES, A FOG DISCHARGE CERTIFICATE APPLICATION IS REQUIRED TO BE SUBMITTED WITH THIS COMPLETED FORM. AN APPLICATION CAN IS AVAILABLE ONLINE AT: <https://elkhartindiana.org/government/public-works/>

SECTION C: SERVICE OR PRODUCT INFORMATION

THIS QUESTIONNAIRE WILL NOT BE ACCEPTED IF THIS SECTION IS NOT COMPLETED.

GIVE A BRIEF DESCRIPTION OF THE TYPES OF ACTIVITIES ON THE PREMISES. A DESCRIPTION OF THE BUILDING'S USE MUST BE INCLUDED. IF WAREHOUSING, WHAT IS BEING WAREHOUSED? (USE ADDITIONAL SHEETS IF NECESSARY):

Career Center. The Elkhart Area Career Center offers high school juniors and seniors from the Michiana area a hands-on learning tailored to their career goals to prepare them for success.

PROVIDE THE FOLLOWING INFORMATION ON CHEMICALS AND COMPOUNDS USED:

CHEMICAL NAME	SIZE OF LARGEST CONTAINER (GALLONS)	RATE OF HANDLING /USAGE (PER MONTH OR YEAR)	MAXIMUM QUANTITY ON SITE AT ANY ONE TIME
N/A			

LIST ALL PRODUCTS MANUFACTURED OR SERVICES PROVIDED BY YOUR FACILITY ALONG WITH THE CORRESPONDING SIC NUMBER ACCORDING TO THE STANDARD INDUSTRIAL CLASSIFICATION MANUAL, BUREAU OF BUDGET, 1972 AS AMENDED:

PRODUCT OR SERVICE	SIC CODE
N/A	
_____	_____
_____	_____
_____	_____

SECTION D: PLANT OPERATIONAL CHARACTERISTICS

1. INDICATE WATER CONSUMPTION IN FACILITY

PROCESS	<u>N/A</u>	GALLONS PER DAY
CONTACT COOLING WATER	<u>N/A</u>	GALLONS PER DAY
NON-CONTACT COOLING WATER	<u>N/A</u>	GALLONS PER DAY
BOILER FEED	<u>N/A</u>	GALLONS PER DAY
CONTAINED IN PRODUCT	<u>N/A</u>	GALLONS PER DAY
SANITARY*	<u>TBD</u>	GALLONS PER DAY
OTHER: _____	_____	GALLONS PER DAY

* SANITARY FLOW MAY BE ESTIMATED AT 20 GPD PER EMPLOYEE

2. INDICATE AVERAGE VOLUME OF DISCHARGE OR LOSS TO:

CITY SEWER SYSTEM	<u>TBD</u>	GALLONS PER DAY
SEPTIC SYSTEM	<u>TBD</u>	GALLONS PER DAY
SURFACE DISCHARGE	<u>TBD</u>	GALLONS PER DAY
WASTE HAULER	<u>TBD</u>	GALLONS PER DAY
EVAPORATION	<u>TBD</u>	GALLONS PER DAY
OTHER: _____	_____	GALLONS PER DAY

3. HOURS OF DISCHARGE INTO SEWER SYSTEM:

TBD

4. TYPE OF DISCHARGE: BATCH CONTINUOUS BOTH

IF BATCH DISCHARGE, INDICATE SOURCES, AVERAGE NUMBER OF BATCHES PER DAY AND VOLUME (GPD) PER BATCH: TBD

5. CHECK TYPE OF WASTEWATER

DISCHARGED:

SANITARY CONTACT COOLING BOILER BLOWDOWN
 PROCESS NON-CONTACT COOLING AIR SCRUBBER
 OTHER: _____

A. DESCRIBE ANY PROCESS WASTEWATER; LIST CHEMICALS DISCHARGED TO THE SEWER:

N/A

B. DESCRIBE THE PROCESSES WHICH RESULT IN THE PROCESS WASTEWATER:

N/A

SECTION E: WATER / WASTEWATER TREATMENT

1. INDICATE ANY RAW WATER TREATMENT PROCESSES IN USE OR ANTICIPATED FOR USE (E.G. SOFTENING, DISINFECTION, CHEMICAL COAGULATION, REVERSE OSMOSIS, ETC.):

N/A

2. DESCRIBE ANY WASTEWATER TREATMENT EQUIPMENT OR PROCESSES* IN USE OR ANTICIPATED FOR USE:

N/A

*(PLEASE INCLUDE A DESIGN OR PLAN OF THE PROCESS)

SECTION F: CHEMICAL WASTE DISPOSAL PRACTICES / PROCESS

INDICATE AND DESCRIBE DISPOSAL OF PROCESS/CHEMICAL LIQUID WASTE:

N/A

SECTION G: FLOOR DRAINS

ARE THERE ANY FLOOR DRAINS OTHER THAN IN RESTROOMS OR BREAK ROOMS? THESE MUST BE IDENTIFIED ON THE DRAWINGS PROVIDED: Yes* No

*IF YES, DESCRIBE LOCATION AND POTENTIAL FOR DISCHARGES, E.G. SPILLS:

NOTE: THE SERVICE OR PRODUCT DESCRIPTION, SITE PLAN, FLOOR PLAN AND PLUMBING PLAN MUST BE INCLUDED WITH THIS COMPLETED FORM OR THE QUESTIONNAIRE WILL BE REJECTED.

SECTION H: ATTACHMENTS

INITIAL EACH LINE TO INDICATE THE ATTACHMENTS HAVE BEEN INCLUDED WITH THE QUESTIONNAIRE:

REQUIRED DOCUMENTS: (NOTE: FAILURE TO SUBMIT THE FOLLOWING DOCUMENTS MAY RESULT IN A REJECTED QUESTIONNAIRE)

DESCRIPTION THE TYPES IF ACTIVITIES ON THE PREMISES (SECTION C)

_____ INCLUDED IN QUESTIONNAIRE ON PAGE 3

_____ ATTACHED TO THIS DOCUMENT

_____ SITE PLAN (SECTION G)

_____ FLOOR PLAN (SECTION G)

_____ PLUMBING PLAN (SECTION G)

ADDITIONAL DOCUMENTS (AS NEEDED):

_____ ADDITIONAL CHEMICALS AND COMPOUNDS (SECTION C)

_____ DESCRIPTION OF WASTEWATER TREATMENT PROCESS (SECTION E)

_____ WASTEWATER TREATMENT DESIGN/PLAN (SECTION E)

_____ OTHER (SPECIFY): _____

SECTION I: SIGNATURE & CERTIFICATION STATEMENT

CERTIFICATION STATEMENT: (TO BE SIGNED BY THE PROPERTY OWNER OR AN AUTHORIZED REPRESENTATIVE OF THE COMPANY/FACILITY IDENTIFIED)

I CERTIFY THAT I AM FAMILIAR WITH THE FACILITY IN QUESTION AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED IN THIS QUESTIONNAIRE IS TRUE AND ACCURATE.

SIGNATURE: _____ 

DATE: 06-21-2024

PRINTED NAME: Tony Gianesi

PHONE: 574-262-5500

TITLE: Chief Operating Officer

COMPANY NAME: Elkhart Community Schools

FACILITY ADDRESS: 2424 California Road, Elkhart, IN 46514

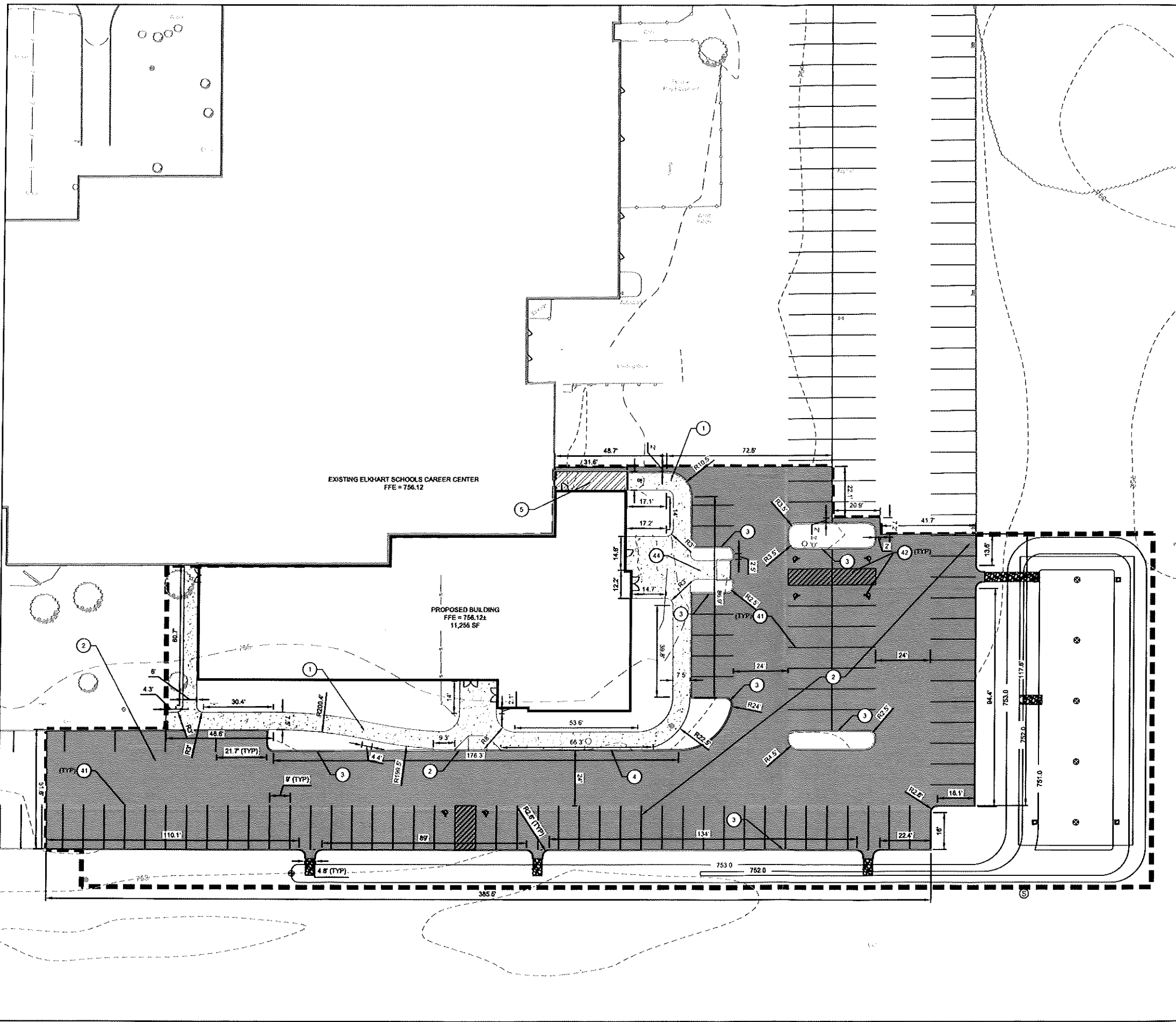
SECTION J: MAILING ADDRESS

Please send the completed questionnaire and any supporting documentation to:

Pretreatment Division
Public Works & Utilities
1201 S. Nappanee Street
Elkhart, Indiana 46516

Email: pretreatment@coei.org

File: J:\Projects\2023\Projects\2023-0291_EACC_Main\07_Design\ENG\Plans\C201_DIMENSIONAL_PLAN.dwg
 Saved By: Rburton Date: 2024-07-03 3:43 PM



DETAILS LEGEND:

■	CONSTRUCTION LIMITS	
●	PROPOSED LIGHT LOCATION	
①	4" CONCRETE	DETAIL 4 / SD101
②	ASPHALT PAVEMENT	DETAIL 1 / SD101
③	STANDARD CURB	DETAIL 6 / SD101
④	INTEGRAL CURB AT WALKWAY INTERFACE	DETAIL 9 / SD101
⑤	3" CONCRETE	DETAIL 7 / SD101

- PAVEMENT MARKINGS LEGEND:**
- ① LINE, TWO-PART THERMOPLASTIC, SOLID, YELLOW, 4 IN.
 - ② TRANSVERSE MARKING, TWO-PART THERMOPLASTIC, BLUE, ADA CROSSHATCH LINE, 4 IN.
 - ③ PAVEMENT MESSAGE MARKING, TWO-PART THERMOPLASTIC HANDICAP SYMBOL, BLUE
 - ④ TRANSVERSE MARKING, TWO-PART THERMOPLASTIC, YELLOW, CROSSHATCH LINE, 4 IN.
 - ⑤ TRANSVERSE MARKING, THERMOPLASTIC, STOP BAR, 24" WHITE
 - ⑥ LINE, TWO-PART THERMOPLASTIC, SOLID, BLUE, 4 IN.
- NOTE:**
 SEALCOAT OR PAINT BLACK EXISTING STRIPING AS NEEDED

TABULATED SITE DATA

1. ACREAGE OF SITE (71,214 SF) 1.63 AC

2. SUMMARY OF PARKING ADDITION:

A. PARKING REQUIREMENTS - 10 SPACES PER CLASSROOM	
B. NUMBER OF PARKING REQUIRED - 50 SPACES	
C. NUMBER OF PARKING ADDED - 83 SPACES	
D. NUMBER OF ADA SPACES - 8 SPACES	

3. PROPOSED LAND COVERAGE:

	SQUARE FOOTAGE	% OF SITE
A. PARKING AND DRIVES	35,742	50.19%
B. OPEN SPACE	23,944	33.63%
C. BUILDINGS	11,528	16.18%
TOTAL	71,214	100.00%

4. SURFACE RUN-OFF AND DRAINAGE TO BE COLLECTED ON-SITE

5. PARKING SPACES ARE TO MEET THE CITY OF ELKHART STANDARDS

6. PROPOSED ACCESS DRIVE WILL UTILIZE EXISTING ACCESS DRIVE

REV	DESCRIPTION	BY	DATE

**JONES
 PETRIE
 RAFINSKI**

South Bend, IN
 Fort Wayne, IN
 p: 280.422.2522
 p: 574.232.4388

**PRELIMINARY
 FOR REVIEW
 PURPOSE
 ONLY**

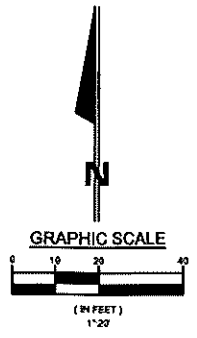
**ELKHART AREA CAREER CENTER
 MAIN BUILDING**

ELKHART COMMUNITY SCHOOLS

2428 CALIFORNIA ROAD
 ELKHART - IN

DIMENSIONAL PLAN

DESIGNED BY: BS
REVIEWED BY: ACCE
DRAWN BY: BS
REVIEWED BY: ACCE
DATE: MAY 2024
JOB NUMBER: 2023-0291
HORIZ SCALE: 1" = 30'
VERTICAL SCALE: 1" = 2'
C201





Staff Report

Planning & Zoning

Petition: 24-UV-09

Petition Type: Use Variance

Date: August 8, 2024

Petitioner: Elkhart Community Schools

Request: To vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow for an addition to the Diesel Tech and Building Trades Buildings, part of the Elkhart High School Campus

Site Location: 2411 and 2439 County Road 10

Existing Zoning: M-1, Limited Manufacturing District

Size: +/- 10.66 Acres

Thoroughfares: California Road

School District: Elkhart Community Schools

Utilities: Available and provided to the site.

Surrounding Land Use & Zoning:

The properties are surrounded to the west zoned M-1, Limited Manufacturing District. Properties to the north are outside the city limit boundaries. Land to the south vacant land zoned M-1, Limited Manufacturing District and M-2 General Manufacturing District.

Applicable Sections of the Zoning Ordinance:

Enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for this area to be developed with institutional uses.



Staff Analysis

The petitioner is requesting to vary from Section 18.2, Permitted Uses in the M-1 District, a use variance to allow for an addition and improvements to be made to the Career Center Annex specifically the Diesel Tech and Building Trades. The proposed expansion of the current storm water retention basin and an increase to current storm water piping to the south of the site will accommodate the proposed development.

These properties contain multiple institutional buildings that serve the Elkhart Community School District as training facilities. According to county records these buildings were constructed over time from the 1970's through 2019. In 2020, both properties were annexed into the City of Elkhart – Ordinance 5812.

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 addition will be constructed to all current applicable building requirements;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because the proposed development would be an asset for the community and the surrounding school district by increasing the quality of the use of the subject properties;
3. The need for the variance **does** arise from some condition peculiar to the property involved because without board action the use would not be permitted;
4. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the site because the buildings were constructed for their current use whereon the proposed development will serve the same purpose;
5. The approval **does** comply with the Comprehensive Plan which calls for the area to be developed with institutional uses.

Photos



PETITION #: 24-UV-09 FILING FEE: \$ 300.00

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): Elkhart Community Schools

Mailing Address: 2720 California Road, Elkhart, IN 46514

Phone #: 574-262-5563 Email: tgianesi@elkhart.k12.in.us

Contact Person: Tony Gianesi

Mailing Address: 2349 & 2411 County Road 10, Elkhart, IN 46514

Phone #: 574-262-5563 Email: tgianesi@elkhart.k12.in.us

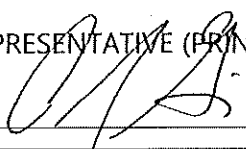
Subject Property Address: 2439 & 2411 County Road 10, Elkhart, IN 46514

Zoning: M-1

Present Use: Diesel Tech and Building Trades Proposed Use: Diesel Tech and Building Trades

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): Tony Gianesi

SIGNATURE(S):  DATE: 06-10-2024

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 of the property (or representative).
- 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: _____



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

June 10, 2024

The Board of Zoning Appeals, City of Elkhart, Indiana

Dear Board Members,

Please allow this letter to serve as authorization to allow representatives from Elkhart Community Schools and Jones Petrie Rafinski to apply for and seek your approval for zoning variances for the property located at 2439 & 2411 County Road 10, Elkhart, IN 46514

Owner
Elkhart Community School Corporation
Tony Gianesi, Chief Operating Officer

June 10, 2024



JONES
PETRIE
RAFINSKI

Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

June 10, 2024

To: The Board of Zoning Appeals, City of Elkhart, Indiana

From: Jones Petrie Rafinski on behalf of Elkhart Community School Corporation
325 S. Lafayette Blvd.
South Bend, IN 46601
574-232-4388

The undersigned appellant respectfully shows the board:

1. Elkhart Community School Corporation is the developer of the following described real estate located within the City of Elkhart, Cleveland Township, Elkhart County, State of Indiana, to-wit:

Address:

2439 & 2411 County Road 10, Elkhart, IN 46514

Legal Description:

Please refer to the attached legal description.

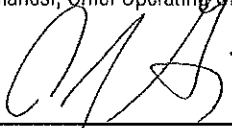
2. The above-described real estate is presently zoned M-1 under the Zoning Ordinance of the City of Elkhart.
3. Appellant currently occupies and intends to continue occupying the above-described property in the following manner: Diesel Tech and Building Trades.
4. Appellant desires to:
 - a. Continue occupying the property under the use variance and make improvements to the Elkhart Area Career Center Annex, specifically building additions to the Diesel Tech and Building Trades. As part, concrete apron for the diesel tech is being expanded, and stormwater system & management has been improved to retain more water to accommodate the improved impervious area. The existing retention basin located south of the existing Diesel Tech building is proposed to be expanded. Existing storm sewer pipe east and west of the existing Diesel Tech is also proposed to be upsized to adjust to the increased building size.
5. The Zoning Ordinance of the City of Elkhart requires:
 - a. Under the M-1 Zoning Classification, automobile repair or conversion shops and manufacturing facilities are permitted under Zoning Ordinance Section 18.2
6. Explain why this property is suited to the use variance being requested:
 - a. This is a continuation of the appellant occupying and improving this property for this use variance since it was established.

7. Variance Questions:

- a. *Will the Use Variance, as so defined, located, and proposed, be operated that the public health, safety, morals and general welfare of the community will be protected?*
 1. Yes, it will be.
 - a. The proposed improvements to the Elkhart Area Career Center Annex will benefit the community by improving the stormwater management system on the site and will not adversely affect the public health, safety, morals and general welfare of the community.
- b. *Will the Use Variance adversely affect the use and value of the area adjacent to the property?*
 1. No, the use and value of the adjacent properties will not be adversely affected.
- c. Does the need for the variance arise from some condition peculiar to the property involved?
 1. This is a continuation of the appellant occupying and improving this property for this use variance since it was established.
- d. Does the strict application of this Ordinance will constitute and unnecessary hardship if applied to the property for which the variance is sought?
 1. Yes, as this is a continuation of the appellant occupying and improving this property for this use variance since it was established. Strict application of the terms of the Ordinance would prevent any of the building additions for the Elkhart Area Career Center Annex additions.
- e. Will the approval interfere substantially with the Comprehensive Plan?
 1. No, the project will not interfere with the Comprehensive Plan.
- f. *Will the Use Variance conform to the regulations of the zoning district in which it is located?*
 1. Yes, it will.
 - a. All zoning district and supplemental ordinances will be adequately met to the satisfaction of City of Elkhart Planning and Engineering Staff.

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

Applicant and Developer
Elkhart Community School Corporation
Tony Giansi, Chief Operating Officer



June 10, 2024

Contact Person:
Brian Sutanto – Jones Petrie Rafinski (JPR)
325 South Lafayette Boulevard
(574) 232-4388
bsutanto@jpr1source.com

2019-00082

ELKHART COUNTY RECORDER
JENNIFER L. DORIOT
FILED FOR RECORD ON
01/02/2019 01:31 PM
AS PRESENTED

SPECIAL WARRANTY DEED

Meridian Title

18-34667(JH)

THIS INDENTURE WITNESSETH, that the **ELKHART COMMUNITY SCHOOLS, ELKHART COUNTY, INDIANA**, a school corporation duly organized and validly existing under the laws of the State of Indiana (also known as Elkhart Community Schools, an Indiana corporation) ("**Grantor**"), CONVEYS to the **ELKHART COMMUNITY SCHOOL BUILDING CORPORATION**, a corporation duly organized and validly existing under the laws of the State of Indiana ("**Grantee**"), for an amount equal to Four Million Nine Hundred Eighty-Eight Thousand Eight Hundred Twenty-Seven and 40/100 Dollars (\$4,988,827.40) and other good and valuable consideration, the receipt of which is hereby acknowledged, the real estate in Elkhart County, in the State of Indiana, more particularly described on **Schedule A** (the "**Real Property**").

Subject, however, to (i) current taxes not delinquent and all installments of real estate taxes due and payable hereafter; (ii) all easements, rights-of-way, rights, duties, obligations, covenants, conditions, restrictions, limitations and agreements of record; (iii) all legal highways and public rights-of-way; (iv) all matters that would be disclosed by an accurate survey or inspection of the Real Property; and (v) the provisions of all applicable zoning laws.

Grantor shall warrant and defend the Real Property unto Grantee against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other, subject to the matters aforesaid.

The undersigned person executing this Special Warranty Deed on behalf of Grantor represents and certifies that such person is a duly elected officer of Grantor and has been fully empowered, by proper resolution of the governing board of Grantor, to execute and deliver this Deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

EL

JS

No Indiana gross income tax is due as a result of this conveyance.

~~20-01-36-252-003-000-005~~

20-01-36-277-004.000-005

DISCLOSURE FEE NOT REQUIRED
DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

Jan 02 2019


PATRICIA A. PICKENS, AUDITOR

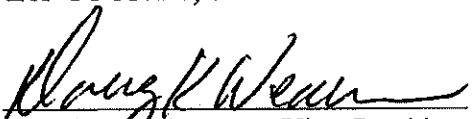
00010

10.00

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed as of the 27th day of December, 2018.

ELKHART COMMUNITY SCHOOLS,
ELKHART COUNTY, INDIANA

Attest: 
Jeff E. Stahr, Secretary of the
of Board of School Trustees

By: 
Douglas G. Weaver, Vice President
the Board of School Trustees

Send tax statements to
Grantee's address:

Elkhart Community Schools,
Elkhart County, Indiana
J.C. Rice Educational Services Center
2720 California Road
Elkhart, IN 46514

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, a Notary Public in and for said County and State, personally appeared Douglas K. Weaver and Jeri E. Stahr, the Vice President and Secretary, respectively, of Board of School Trustees of the Elkhart Community Schools, Elkhart County, Indiana, a school corporation duly organized and validly existing under the laws of the State of Indiana, who acknowledged execution of the foregoing Special Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 17th day of December, 2018.



Stephanie Eaton
Notary Public residing in Marion
County, Indiana

My Commission Expires:

1-23-25

Stephanie Eaton
(Printed Name)

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Jeffery J. Qualkinbush
Jeffery J. Qualkinbush

This instrument prepared by Jeffery J. Qualkinbush, Esquire,
Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.

SCHEDULE A

Legal Description for Property for the Existing Trades and Cold Storage Buildings

A part of the East half of the Southwest Quarter of the Northeast Quarter of Section 36, Township 38 North, Range 4 East, situate in Cleveland Township, Elkhart County, State of Indiana, and being more particularly described as follows:

Beginning at a point on the South line of the Northeast Quarter of said Section 36, said point being 30 feet East (measured at right angles) of the West line of the East half of the Southwest Quarter of the Northeast Quarter of said Section 36; thence North 2 degrees 6 minutes West parallel with the West line of the East half of the Southwest Quarter of the Northeast Quarter of said Section 36, a distance of 824.05 feet to a point on the centerline of County Road 10 (commonly known as Fort Wayne Road); thence South 77 degrees 37 minutes East along the centerline of said County Road 10 a distance of 285 feet to a point; thence South 2 degrees 6 minutes East parallel with the West line of the East half of the Southwest Quarter of the Northeast Quarter of said Section 36 a distance of 757.83 feet to a point on the South line of the Northeast Quarter of said Section 36; thence South 88 degrees 57 minutes West along the South line of the Northeast Quarter of said Section 36 a distance of 275.99 feet to a place of beginning of this description.

Legal Description for Property for the Elkhart Area Career Center Annex

A part of the Northeast Quarter of Section 36, Township 38 North, Range 4 East, Cleveland Township, Elkhart County, Indiana, and being more particularly described as follows:

Commencing at a Harrison marker marking the Southeast corner of the Northeast Quarter of said Section 36; thence North 89 degrees 54 minutes 56 seconds West along the South line of the said Northeast Quarter, said bearing being the basis of bearing of this description, with all other bearings herein relative thereto, 1331.47 feet to the Northwest corner of a tract of land conveyed to Premark Packaging LLC as Described in Deed Record 2014-00754, Elkhart County Recorder, the location of said corner being in a tree root and referenced by an iron pipe 0.5 feet South of the corner, said corner also being the point of beginning; thence North 0 degrees 59 minutes 53 seconds West 675.53 feet to the centerline of County Road 10; thence North 76 degrees 29 minutes 48 seconds West along said centerline 354.83 feet to the Northeast corner of a tract of land conveyed to Elkhart Community Schools as described in Deed Record 96-01116, Elkhart County Recorder; thence South 0 degrees 59 minutes 53 seconds East along the East line of said Elkhart Community Schools land 757.89 feet to a rebar and cap marking the Southeast corner of said land; thence South 89 degrees 54 minutes 56 seconds East along the South line of said Northeast Quarter 343.58 feet to the point of beginning. Containing 5.65 Acres more or less.

AFFIDAVIT IN SUPPORT OF USE VARIANCE PETITION

I, Tony Gianesi, being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

- 1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
- 2. I make this affidavit in support of my special exception petition filed contemporaneously herewith.
- 3. I am now and at all times relevant herein have been, the owner of the record of the property located at 28330 County Road 10, Elkhart, Indiana
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 26th day of June, 2024



Printed: Tony Gianesi

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



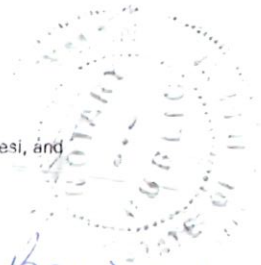
Printed: Kim Bowman

STATE OF INDIANA)

) SS:

COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Tony Gianesi, and acknowledged his/her execution of the foregoing. Subscribed and sworn before me this 26th day of June, 2024.



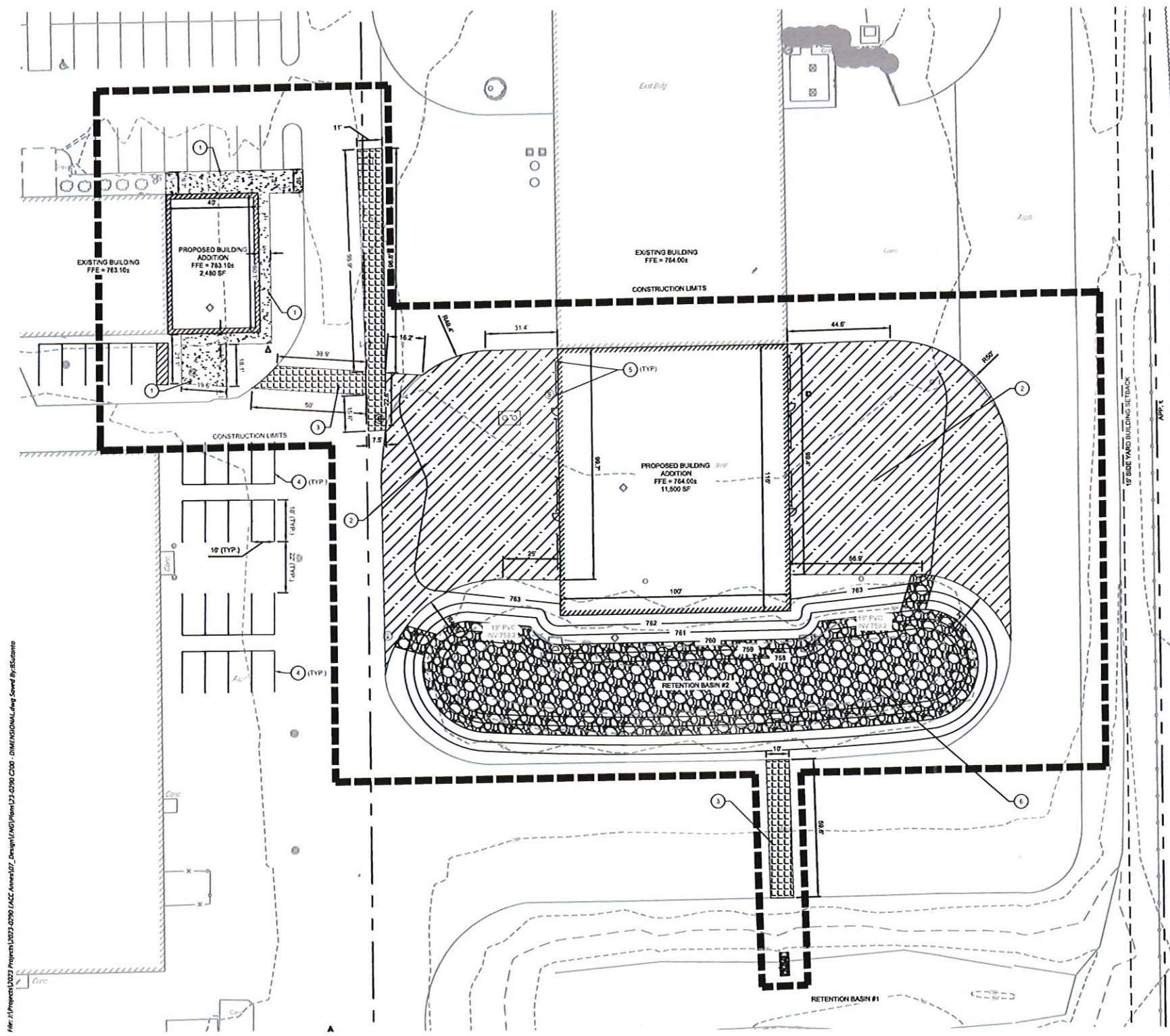
Printed: Kim Bowman

My Commission Expires:

March 31, 2025

Notary Public in and for the State of Indiana

Resident of St. Joseph County, Indiana



Mr. J. J. Jones, P.E., Project 2023-0290 (ACC Annex) - Design/Construct - DIMENSIONAL/Long Served By: J. J. Jones

DETAILS LEGEND:

■	CONSTRUCTION LIMITS	DETAIL 6 / SD101
□	4" CONCRETE	DETAIL 7 / SD101
▨	6" HEAVY DUTY CONCRETE	DETAIL 5 / SD101
▩	ASPHALT PAVEMENT	DETAIL 9 / SD101
○	LINE, THERMOPLASTIC SOLID, WHITE, 4 IN.	
○	PIPE BOLLARDS	
▩	18" COMPACTED #53 AGGREGATE	

TABULATED SITE DATA

1. ACREAGE OF SITE (250,483 SF) 5.75 AC

2. PROPOSED LAND USE:
A. DIESEL TECH & BUILDING TRADES

3. PROPOSED LAND COVERAGE:

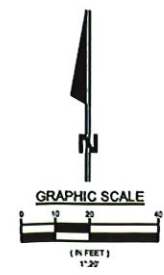
	SQUARE FOOTAGE	% OF SITE
A. PAVEMENTS	147,870	58.95%
B. OPEN SPACE	98,578	39.28%
C. BUILDINGS	43,247	17.22%
TOTAL	250,483	100.00%

4. SURFACE RUN-OFF AND DRAINAGE TO BE COLLECTED ON-SITE AND DISCHARGED IN PROVIDED RETENTION AREAS.

ZONING & SETBACKS

ZONING: EXISTING ZONING - M1

BUILDING SETBACKS:
FRONT YARD: 25'
SIDE YARD: 15'
REAR YARD: 10'



j.lake
ARCHITECTURE & DESIGN
200 N. WASHINGTON ST. #200
ELKHART, IN 46514
TEL: 765.241.1212
WWW.JLAKEARCHITECTURE.COM

JR Jones Petre Runnors
200 N. WASHINGTON ST. #200
ELKHART, IN 46514
TEL: 765.241.1212
WWW.JONESPETERUNNORS.COM

PE PRIMARY ENGINEERING INC.
1001 S. W. 10TH ST.
FORT LAUDERDALE, FL 33304
TEL: 765.241.1212
WWW.PRIMARYENGINEERINGINC.COM

PROJECT NO: 2023-0290

DATE: 06/07/2024

DRAWN: BS

REVIEWED: AC/CE

REVISION:



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PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION
SYSTEMS WITHOUT PERMISSION
IN WRITING FROM THE
AUTHOR.

2024 ADDITIONS AND RENOVATIONS
DIESEL TECH
Elkhart Area
Career Center Annex
ELKHART COMMUNITY SCHOOLS
28350 COUNTY ROAD 10 - ELKHART, IN 46514



C201