

BOARD OF ZONING APPEALS

-MINUTES-

**Thursday, September 8, 2022 - Commenced at 6:00 P.M. & adjourned at 6:56 P.M.
City Council Chambers – Municipal Building**

MEMBERS PRESENT

Doug Mulvaney
Ron Davis
Andy Jones
Janet Evanega (Proxy)

MEMBERS ABSENT

None

REPRESENTING THE PLANNING DEPARTMENT

Ryan Smith, Planner

LEGAL DEPARTMENT

Maggie Marnocha

TECHNOLOGY STAFF

David Hopkins

RECORDING SECRETARY

Jennifer Drlich

APPROVAL OF AGENDA

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

APPROVAL OF PROOFS OF PUBLICATION

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

OPENING STATEMENT

Welcome to the September 8, 2022 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

None

NEW BUSINESS

Mulvaney notes that both 22-X-11 and 22-X-12 will be hard together, but voted upon separately.

**22-X-11 PETITIONER IS FRANCISCO SESMAS AND MARIA J TORRES
PROPERTY IS LOCATED AT 2038 BENHAM AVE**

A Special Exception as per Section 5.3, Special Exception Uses in the R-2 District, to allow for the establishment of a Day Care Home in an existing building.

Mulvaney calls petitioner forward.

Francisco Sesmas and Maria Torres appear via Webex. Sesmas states the buildings have the state required square footage. Both buildings are similar and they will be using them as daycare.

Evanega asks if the petitioners have read the conditions that are being requested by staff.

Sesmas says they have not.

Smith states that they are the standard conditions that they have seen before.

Sesmas states that is acceptable.

Evanega asks how clients will be dropped off and picked up. She asks if they will use the alley at 2034 Benham.

Sesmas states that is correct and that they also have some space on both properties, the back alley, and next to those two properties is another drop off. He states that 2038 and 2034 will share a drop off space and they have not had any issues with that.

Evanega asks if people are never on Benham, but come down the alley and pick up the kids.

Sesmas states that is true. Also, the other area allows them to go in on the alley and come out on Benham.

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

STAFF ANALYSIS

The petitioners are submitting an application for two daycares next door to each other, 2038 and 2044 Benham Avenue, this month. There are an existing four other daycares on the same block of Benham also owned and operated by the petitioners. They have been able to expand and fill their childcare openings in part because of the demonstrated need for daycare in Elkhart.

The house at 2038 Benham is 850 square feet and built in 1950, according to Elkhart County Assessor records. The lot is .15 acres. When staff visited the site on 8/22, the owners had a tenant, who will move out prior to commencement of daycare activities. The petitioners plan to tear down the garage because it is in poor condition and to make room for an outdoor play area. The backyard will also be fenced in.

They plan to apply for a Class II license with the state's Family and Social Services Administration (FSSA), which allows for up to 16 children. Pick up and drop off for the facility will be handled at the through driveway at 2034 Benham (another daycare), which has a through driveway. Access to this driveway is essential for the drop off and pickup of children and should be a prerequisite for the daycare to operate. There is ample parking in the rear for employees.

Staff consulted with the engineering department on potential traffic concerns. The alley in back is paved, and wider than typical alleys due to the presence of the school to the east. As long as drop off and pickup is maintained through the alley and not coming in from or queuing onto Benham, the block of daycares should not pose a traffic issue. Additionally, staff has not received any complaints about the daycares.

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

STAFF RECOMMENDATION

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

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

CONDITIONS

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

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum sixteen (16) children, including those of the petitioner.
9. Pickup and dropoff should be at the driveway at 2034 Benham, with one-way traffic. Access to the driveway shall be a prerequisite of the daycare's operation.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by September 12, 2024.

Smith states there were 23 letters mailed. None returned. He notes a Do-Pass recommendation from Plan Commission.

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

Davis makes motion to approve with conditions; Second by Evanega.

- Davis – Yes
- Jones – Yes
- Mulvaney – Yes
- Evanega – Yes

Motion carries.

**22-X-12 PETITIONER IS FRANCISCO SESMAS AND MARIA J TORRES
PROPERTY IS LOCATED AT 2044 BENHAM AVE**

A Special Exception as per Section 5.3, Special Exception Uses in the R-2 District, to allow for the establishment of a Day Care Home in an existing building.

STAFF ANALYSIS

The petitioners are submitting an application for two daycares next door to each other, 2038 and 2044 Benham Avenue, this month. There are an existing four other daycares on the same block of Benham also owned and operated by the petitioners. They have been able to expand and fill their childcare openings in part because of the demonstrated need for daycare in Elkhart.

The house at 2044 Benham is 850 square feet and built in 1950, according to Elkhart County Assessor records. The lot is .15 acres. The backyard will be fenced in prior to the commencement of daycare activities.

They plan to apply for a Class II license with the state's Family and Social Services Administration (FSSA), which allows for up to 16 children. Pick up and drop off for the facility will be handled at the through driveway at 2034 Benham (another daycare), which has a through driveway. Access to this driveway is essential for the drop off and pickup of children and should be a prerequisite for the daycare to operate. There is ample parking in the rear for employees.

Staff consulted with the engineering department on potential traffic concerns. The alley in back is paved, and wider than typical alleys due to the presence of the school to the east. As long as drop off and pickup is maintained through the alley and not coming in from or queueing onto Benham, the block of daycares should not pose a traffic issue. Additionally, staff has not received any complaints about the daycares.

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

STAFF RECOMMENDATION

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

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

CONDITIONS

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

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum sixteen (16) children, including those of the petitioner.

9. Pickup and dropoff should be at the driveway at 2034 Benham, with one-way traffic. Access to the driveway shall be a prerequisite of the daycare's operation.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by September 12, 2024.

Smith states there were 24 letters mailed. None returned. He notes a Do-Pass recommendation from Plan Commission.

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

Davis makes motion to approve with conditions; Second by Evanega.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Evanega – Yes

Motion carries.

**22-BZA-27 PETITIONER IS RANAE RILEY AKA RANAE MYERS
PROPERTY IS LOCATED AT 1900 GRANT ST**

To vary from Section 26.4.B Fences Permitted in Residential and Business District, which allows fences up to six (6) feet high in side and rear yards, to allow for a fence eight (8) feet high in a rear yard, a variance of two (2) feet.

Mulvaney calls petitioner forward.

Ranae Riley appears in person. She states they only want the back of the yard to have the variance. The yard behind them has been raised 2-3 feet which then lowers the height and privacy level of their fence.

Mulvaney asks if she agrees to the condition that the fabric fence will be removed.

She agrees to remove the fabric fencing once the new fencing is installed.

Mulvaney opens for public comments to speak in favor. David Brian from Facebook states that he lives very near that location and the difference in the height of the two lots is fairly extreme. He is in favor of the variance.

Michael Memmer appears in person. He states that he lives on Osolo Road behind the petitioner and his house is higher. He did not like the fence as they installed it. He is not opposed to a higher fence if the fabric is removed. He feels it is tacky and runs the neighborhood down, like they normally do. He wants to know how long they have to do that since they have a history with the city of not obeying requests.

Mulvaney states that is the condition for the approval.

STAFF ANALYSIS

The petitioner owns a single family residence at the corner of Grant and Osolo on a .2-acre lot. The property behind it, to the north on Osolo Road, is on a raised grade, approximately four feet above the grade at 1900 Grant.

There is currently a six-foot privacy fence in the rear of the property that was installed years ago. Recently, the petitioners added two additional feet with a fabric-style fence that does not meet code.

The petitioners are requesting to replace the existing fence with an eight-foot privacy fence. Due to the grade change, the petitioner does not enjoy the same privilege of privacy that would normally come with a six-foot fence. An eight foot fence along the rear (northern) property line is a reasonable request given the unusual topography of the site. However, the fabric fence should be removed.

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;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because of the grade change to the rear of the property;
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

CONDITIONS

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

1. The fabric fence shall be removed.

Smith states there were 17 letters mailed. One returned in favor with no comments, and one not in favor with comments. Smith states the comments are from Memmer. The current fence is backwards and will need to be oriented properly when the new fence is installed.

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

Evanega asks about adding a date.

Smith states that the staff condition may be modified to add a deadline.

Evanega asks if they can make it clear that the fabric fence will be removed when the new fence is installed.

Smith suggests discussing a time frame with the petitioner. He states that they have talked about next year, but plans can change, so ensuring that it does not extend year after year would be good.

Riley states that they are looking at early spring next year to have the fence.

Mulvaney asks if May 1st would be enough.

Riley agrees.

Evanega makes motion to approve with conditions and the added condition for a completion date of May 1, 2023; Second by Davis.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Evanega – Yes

Motion carries.

22-UV-18 PETITIONER IS MEMBER E AND BETTY J MARKS

PROPERTY IS LOCATED AT 2025 W LUSHER AVE

To vary from Section 18.2, Permitted Uses in the M-1 District, to allow for an existing structure to be used as a single family dwelling. Single family dwellings are not a permitted use in the M-1 District.

Mulvaney calls petitioner forward.

Michele Mathewson appears in person for the petitioner. She states that she is with Berkshire Hathaway Real Estate on behalf of John Marks, the Executor Administrator, for the Betty Marks estate. She states the house has been used as a family residence for over 70 years. They would like to sell the home, but the buyers are unable to mortgage or insure the home due to the M-1 use.

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

STAFF ANALYSIS

The petitioner owns a single family residential property in an M-1 District. According to Elkhart County Assessor records, the house was built in 1900 and comprises 1,862 square feet on a .23-acre parcel. The property is the sole residential property in its vicinity, surrounded by industrially zoned and used land.

The petitioner is seeking a variance because the property is for sale, and lenders are currently requiring that properties be zoned such that they can be reconstructed in the case of a casualty. Since the house is legal nonconforming in its zoning district, a variance is required to ensure that this is the case.

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 property is to remain unchanged;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner because it's already been established as a single family residence;
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 it would not provide for the ability to rebuild;
5. The special conditions and circumstances **do not** result from an action or inaction by the applicant.

Smith states there were 10 letters mailed. None returned.

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

Davis makes motion to approve; Second by Jones.

Davis – Yes
Jones – Yes
Mulvaney – Yes
Evanega – Yes

Motion carries.

22-BZA-28 PETITIONER IS MOYER INVESTMENTS LLC PROPERTY IS LOCATED AT 1905 FIELDHOUSE AVE

To vary from Section 18.6, Yard Requirements in the M-1 District, which requires a twenty-five (25) foot setback in Front Yards, to allow for a twenty-two foot setback on Fieldhouse Avenue, a variance of three (3) feet.

To also vary from Section 18.6, Yard Requirements in the M-1 District, which requires a Corner Side Yard setback to be equal or greater to the Established setback, to allow for a fifteen (15) foot setback where twenty-nine (29) feet is required, a variance of fourteen (14) feet.

Mulvaney calls petitioner forward.

Edgar Moreno with JPR appears for petitioner. Their plan is to construct a new 50x100 foot manufacturing building which will take up the two parcels. Given the site dimensions and the size of the building, which is not relatively large for the industrial area, they need the variance for the north and east side of the parcels. The area will mainly be used for storage and will not have a lot of traffic.

Evanega asks if the drawing puts the two parcels together as that is one of the conditions.

Moreno states that they are currently going through the minor subdivision process.

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

STAFF ANALYSIS

The petitioner owns two parcels located at the corner of 19th Street and Fieldhouse Avenue comprising approximately .24 acres. The neighborhood is industrially zoned and used. The scale of industrial development is smaller in the area than in some of the industrial parks on the outskirts of the city, frequently with smaller establishments on smaller lots. Much of the area was developed prior to current building standards, with lesser required setbacks.

They are proposing to build a 5,000 square foot building with four parking spaces. Even with the relatively diminutive scale of the development, they are not able to meet the required setbacks. Since it's a corner lot, the required setbacks on both 19th Street and Fieldhouse Avenue are the average on the block.

On Fieldhouse the variance request is three feet; on 19th Street the variance request is fourteen feet due to the single property to the south being set back at a distance from the road. In neither case is the requested setback unprecedented towards the area. Given the size of the site it's unlikely another project would be able to fit without asking for some form of variance.

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;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district due to the limited space on the site;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property **does not** lie within a designated flood hazard area.

CONDITIONS

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

1. The two parcels should be combined into one through the subdivision process.

Smith states there were 11 letters mailed. Two returned in favor with no comment.

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

Jones makes motion to approve with conditions; Second by Davis.

Davis – Yes

Jones – Yes
Mulvaney – Yes
Evanega – Yes

Motion carries.

22-BZA-29 PETITIONER IS ARACELI MARIN
PROPERTY IS LOCATED AT 1920 W INDIANA AVE

To vary from Section 26.4.A.6 Fence Requirements, General Provisions -- All Districts, which states "no fences, other than split rail, wrought iron or open picket fences... not to exceed four (4) feet in height, shall be permitted in any front yard or corner side yard, to allow for a six (6) foot privacy fence in a front yard, a variance of two (2) feet and the type of fence (privacy).

Mulvaney calls petitioner forward.

Araceli Marin appears in person. (Inaudible.) She states that she wants to install a taller fence due to the topography of the home which takes about 3 feet of the height of their current fence and defeats the purpose of their privacy fence.

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 owns a .6-acre property on West Indiana Avenue between Navajo and El Reno Streets. She wishes to install a six-foot privacy fence in the side yard. While a 6' fence is allowed beside the house by right, it cannot extend any closer to the road than the front wall of the house. However, adjacent to the sidewalk, there is a grade change, where the land drops a couple of feet as you go onto her property. Installing a six foot privacy fence in this location would effectively mean it would be about four feet high in relation to the grade at the sidewalk and street.

STAFF RECOMMENDATION

The Staff recommends **approval** of the developmental variance request to vary from Section 4.4, Yard Requirements in the R-1 District, which states the required front setback is the Established Setback, to allow for a new garage setback at 36 feet where 68 feet is required, a variance of 32 feet.

1. The approval **will not** be injurious to the public health, safety, morals or general welfare of the community;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district;
5. The strict application of the terms of this Ordinance **will** result in practical difficulties in the use of the property;
6. The special conditions and circumstances **do not** result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

Smith states there were 49 letters mailed. Three returned in favor with one comment: As long as the fence does not block the view of traffic travelling south on El Reno at the intersection of El Reno and Indiana Ave. I'm concerned that it may interfere and prevent them from seeing traffic going west on Indiana which is generally speeding anyway.

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

Mulvaney calls for a motion.

Evanega makes motion to approve; Second by Davis.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Evanega – Yes

Motion carries.

**22-BZA-30 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT 721 S MAIN ST**

To vary from Section 15.5.G Development Conditions in the CBD, which prohibits Permanent, free-standing signs in front yards along Main Street, Jackson Boulevard, and Elkhart Avenue in the CBD, to allow for a nine (9) square foot addition onto an existing freestanding sign at 721 South Main Street.

Mulvaney calls petitioner forward.

Timothy Reecer appears in person to represent the National New York Central Railroad Museum which is owned and operated by the City of Elkhart. He states there is currently a freestanding sign. He says the sign was struck 5-6 years ago in a motor vehicle accident that damaged the sign and fence. He states they are looking to rehab the existing sign. They have hired Signtech to paint and fabricate metal for the sign. They are looking for the addition of an attached 'open' sign to replace the wooden sign that they must physically take out and retrieve every day. He states the staff is mostly retired individuals and they would like to have a remote activated sign to turn off and on from the lobby of the museum.

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 City of Elkhart owns a 2.4 acre property with a railroad museum. There is an existing, nonconforming freestanding sign on the property. They wish to add a nine-square-foot area to it which would contain an 'Open' sign – the sign would be lit when open and not lit when closed.

In 2017, the zoning ordinance was amended to prohibit freestanding signs on Main, Jackson, and Elkhart in the CBD. This was done to encourage buildings to be constructed closer to the right of way and utilize wall signage, and to fit with the design guidelines of the River District.

In this case, the proposal is a small addition to an existing freestanding sign. The site is unusual for the CBD; a railroad car is closest to the street that connects to a building set further back, approximately 100 feet from the road. Given the property's configuration, wall signage is impractical for wayfinding and there is a need for signage closer to the road.

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;
2. The use and value of the area adjacent to the property **will not** be affected in a substantially adverse manner;
3. Granting the variance **would be** consistent with the intent and purpose of this Ordinance because a measure of relief is allowed when warranted;
4. Special conditions and circumstances **do exist** which are particular to the land involved and which are not applicable to other lands or structures in the same district because the way the site has been developed makes wall signage impractical;
5. The strict application of the terms of this Ordinance **will result** in practical difficulties in the use of the property because wayfinding would be restricted;

6. The special conditions and circumstances do not result from an action or inaction by the applicant;
7. This property does not lie within a designated flood hazard area.

Smith states there were 30 letters mailed. None returned.

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

Jones makes motion to approve; Second by Davis.

Davis – Yes

Jones – Yes

Mulvaney – Yes

Evanega – Yes

Motion carries.

STAFF ITEMS

**22-X-04U PETITIONER IS CITY OF ELKHART PLANNING AND ZONING DEPT
PROPERTY IS LOCATED AT 112 E LEXINGTON AVE**

Staff and BZA review of Special Exception 22-X-04, which allowed for a charitable organization to operate a soup kitchen.

STAFF ANALYSIS

The Knights of Columbus is not extending Susanna's Kitchen's lease past what has been permitted by the BZA. The organization is focused on transitioning into its new location at Grace Lutheran. No additional time extension is being requested at this time. The Board needs not take further action.

Smith states that the petitioner is in the process of moving. He does not believe they are even serving anymore, so there is no need to extend.

**22-REV-01 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT VACANT LOT FOLSOM**

A request by the City of Elkhart to revoke 21-BZA-29, which was approved July 8, 2021 to grant a developmental variance to allow construction of a gravel lot where a paved parking area would be required

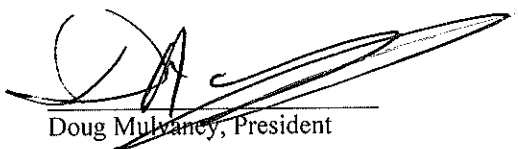
**22-REV-02 PETITIONER IS CITY OF ELKHART
PROPERTY IS LOCATED AT VACANT LOT FOLSOM**

A request by the City of Elkhart to revoke 21-UV-14 which was approved July 8, 2021 to grant a use variance to allow the operation of a tree cutting business where residential uses are allowed.

Smith states that the Folsom lots are up for revision next month. He has provided the members with the site plan in Tech Review in progress. He does not have a construction schedule. Engineering has asked for a boring schedule so that may push back the schedule a bit, but Planning and Zoning are working with them on getting a definite time frame.

ADJOURNMENT

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



Doug Mulvaney, President



Ron Davis, Vice-President