

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, February 22, 2022, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 1/25/22
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV. Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- V. **Developmental & Use Variances** – public hearing items
 - 22-03DV** – Philip E Waite & Elizabeth R Bontrager and Freedom Builders request a developmental variance to allow a 3’ rear (east) building setback where 25’ is required for the construction of a 296 sf attached garage. The subject property is generally located at 117 Canal Street and is zoned Residential R-1 District.
 - 22-02UV** – Berkey Avenue Mennonite Fellowship requests a use variance to allow a sitting wall for a memorial garden with a 14’ setback from an adjacent residential property to the west where churches are a conditional use permitting structures with a minimum 50’ setback from all residential uses and residential zoning district boundaries. The subject property is generally located at 2509 & 2601 Berkey Avenue and is zoned Residential R-1 District.
 - 22-04DV** – Lippert Components Manufacturing, Inc. and Surveying And Mapping, LLC request developmental variances to allow 373 onsite parking spaces where 439 spaces are required and to allow vehicle maneuvering in the right of way where loading facilities shall be arranged so that all maneuvers shall be accomplished without entering the public right of way, for the addition of a new loading dock and changes to a parking and driving aisle. The subject property is generally located at 1206 Eisenhower Drive South and is zoned Industrial M-1 District.
 - 22-03UV** - Keystone RV Company and Jones Petrie Rafinski request a use variance to allow an office (marketing and personnel training) where business offices are a conditional use in the Commercial B-1 and PUD Districts and a permitted use in the Commercial B-2, B-3, and B-4 Districts. The subject property is generally located at 2313 & 2321 Eisenhower Drive North and is zoned Industrial M-1 District.
- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 25, 2022, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Lee Rohn, Tom Holtzinger, Bethany Campbell, Hesston Lauver (*new Plan Commission appointee*), and Ardean Friesen (*alternate member, appointed by the mayor to fill in for Michael Potuck*). Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. 2022 Board of Zoning Appeals Appointments

- Tom Holtzinger – Reappointed by the Mayor, 1/1/22-12/31/25
- Hesston Lauver - Plan Commission appointment to the BZA, 1/1/22-12/31/25
- Caleb Morris – BZA Alternate, Appointed by the Plan Commission 1/1/22-12/31/25
- Ardean Friesen & Angela McKenna, BZA Alternates Appointed by the Mayor, 1/11/22-12/31/23

III. Election of 2022 Officers

- A motion was made and seconded, Rohn/Lauver to appoint Tom Holtzinger as Chair.
- A motion was made and seconded, Holtzinger/Lauver to appoint Bethany Campbell as Vice-Chair.
- A motion was made and seconded, Holtzinger/Lauver to appoint Lee Rohn as Secretary.

The motions passed unanimously by a vote of 5-0.

IV. Approval of Minutes from 11/23/21: Rohn/Campbell 3-0 (*Lauver and Friesen ineligible to vote.*)

V. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Friesen/Lauver 5-0

VI. Postponements/Withdrawals - None

VII. Use & Developmental Variance – public hearing items

22-01DV – Ask3 Commercial, LLC and Gabriel Lopez request a developmental variance to allow a front building setback along N Harrison Street of 6’ where 25’ is required for a 96 sf cooler addition. The subject property is generally located at 1202-1204 W Pike Street and is zoned Commercial B-3 and Residential R-2 District.

Staff Report

Mr. Deegan explained this property is located along the Pike Street commercial corridor with some R-2 zoning on the south side of the property, noting that it’s also bordered by residential properties along the south. He explained the request is to open a grocery store at this location and the petitioner is working with the City in order to get approval for this change of use. Part of the remodel includes adding a cooler to the southeast corner, which will be flush with the wall along the east side of the building. The cooler will have a 6’ setback along Harrison Street where 25’ is required. He noted the cooler is relatively small at 96 sf and matches the existing east setback. Because it is not out of character, Planning recommends approval of the request. He noted for the record that one inquiry was received by the Planning Office from a neighboring property owner who voiced his support for this request.

Petitioner Presentation:

Michael Maust, 112 N Main Street, spoke on behalf of the petitioner. He stated the grocery store needs a walk-in cooler and this will be located near the deli. He explained the cooler will line up with the existing building and be consistent with what’s there.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Holtzinger/Rohn to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-01DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-02DV – 510 Apple, LLC, Beadle Huffman, LLC, and Abonmarche Consultants request a developmental variance to allow a front parking/driving aisle setback along Eisenhower Drive South of 20’ where 30’ is required for the construction of a new manufacturing facility. The subject property is generally located at 1778 Eisenhower Drive South and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this 10-plus acre property is located in the industrial park, with frontage on both the north and south ends, which classifies it as a through lot. A 73,000 sf industrial facility is proposed for the property and would face Eisenhower Drive South. Parking will be located along the north side of the building and will connect to the property to the east. Parking and stormwater retention will be located to the south. The parking/driving aisle to the south has a proposed setback of 20’ where 30’ is required, which causes the need for a developmental variance.

Mr. Deegan noted that the BZA approved this same setback request for the property to the east in 2004 and there is nothing to indicate this reduced setback has caused any concerns, which makes today’s request reasonable. No inquiries were received regarding this request and the Planning office supports the request.

Petitioner Presentation:

Crystal Welsh, 303 River Race Drive, Unit 206 spoke on behalf of the petitioner. She stated parking will be required and it seemed reasonable to line the new parking up with the front of the building along Eisenhower Drive. She pointed out that they are still able to meet the stormwater and landscaping requirements and asked that the request be approved.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Friesen/Campbell to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-02DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-01UV – Goshen Interfaith Hospitality Network, Goshen Community Schools, and Nuway Construction request a use variance to allow group housing quarters for temporary emergency housing where the use is conditional in the Residential R-1S, R-3, and PUD Districts and permitted in the Commercial B-3 District. The subject property is generally located at 801 W Wilkinson Street and is zoned Residential R-2 District.

Mr. Rohn recused himself from the following case at 4:13 pm.

Staff Report

Mr. Deegan explained this approximately 3-acre property is owned by Goshen Community Schools (GCS). Historically the property has been used as a school, with related uses such as a Headstart program, before and after

school child care, and college-level business classes. He referred to the aerial map in the Staff Report packet which shows area zoning, noting that its surrounded by residential use and zoning. He pointed out that the Pike Street commercial corridor is to the south and the Old Bag Factory is located to the northwest. He explained the previous school is now operating elsewhere and Goshen Interfaith has proposed using three of the classrooms on the north side of the building for temporary emergency housing for women and families. The program they propose here is currently operating at 502 N Main Street (St. Mark’s Church), where a use variance was granted by the BZA in 2017.

Mr. Deegan referred to the floor plan included with the Staff Report packet and discussed how the rooms would be used, pointing out the temporary emergency housing would be located in the north half of the building. He noted there will be no significant changes to the exterior of the property and interior renovations include repurposing rooms for bedrooms, a dining area, and office space in the northwest portion of the building.

Staff feels this request is reasonable, pointing out that the property has a history of family-centered institutional use and programming, and ample parking is available. While the Planning Office is not aware of any problems this use has caused for nearby residents at their current location at St. Mark’s Church, it’s unclear if this new location will have a negative effect on adjacent properties use and value, so Staff recommends an initial approval of three years. At the end of the 3-year period, a new application will be required and the petition must be reheard by the BZA. Staff also recommends a commitment, limiting the number of occupants to 24 as noted in the plans submitted by the petitioner. He stated the petitioner has pointed out there may need to be a distinction between occupants and staff, and the petitioner will need to discuss this matter when they present their comments.

Mr. Deegan noted for the record that the Planning Office received four general inquiries regarding this request. He explained that three of the four inquiries were from neighboring property owners and one was from a council representative. All of the inquiries were general in nature with no support or opposition stated. He also noted that late today, an email of support was received from the owner of 315 N Indiana Avenue, as well as separate emails from the owners of 401 N Indiana Avenue. He noted that letters from Goshen Interfaith and Goshen Community Schools were included as part of the staff report packets.

Petitioner Presentation:

Tim Wall, 20570 County Road 38, spoke on behalf of the petitioner. He stated the maximum number of occupants would be 24, but there would also be up to five staff members present to manage the facility.

Mr. Holtzinger asked what type of construction will take place.

Mr. Wall stated classrooms will be converted into sleeping rooms, and bathrooms will be renovated to include handicap accessible showers.

Mr. Lauver asked about the location of the main entrance.

Mr. Wall stated it will be at the north end of the building. He went on to say that the school will use the other half of the building and the two uses will be separated by a fire door in the corridor.

Mr. Friesen asked if the residents will be gone during the day.

Mindy Morehead, Executive Director of Goshen Interfaith Hospitality Network (GIHN), spoke on behalf of the petitioner. She stated their residents will not be gone during the day, explaining they are a 24/7 shelter.

Mr. Holtzinger asked how that works at their current location.

Mr. Morehead stated it’s worked well, except they are located on the second floor which is one of the reasons they want to relocate.

Mr. Holtzinger asked if there have been any neighbor complaints at their current location.

Mr. Morehead stated she’s not aware of any complaints.

Mr. Holtzinger stated he would like the Board’s permission to accept public comments supporting this request to be heard first, followed by public comments opposed to this request.

Action:

A motion was made and seconded Lauver/Campbell to allow public comments supporting this request first, followed by public comments in opposition to the request. The motion passed unanimously by a vote of 4-0.

Audience Comments:

Jan Oostland, 503 N Greene Road, spoke in support of the petition. He stated he's a co-owner of Nuway Construction, a 20-year volunteer, and a past board member of Goshen Interfaith. He stated he feels Goshen Interfaith does good work and the neighborhood will not be negatively impacted by their presence.

Jim Ballard, Behavioral Health Coordinator, Goshen Police Department, also spoke in support of the petition. He stated in the past year, he has only responded to GIHN one time and it was for a medical call. He stated he's had no other incidents and will have an office at the new facility, allowing him to quickly take care of any issues that might arise.

Mayor Jeremy Stutsman also spoke in support of the request. He stated he feels this is a great project and although there were concerns when they moved into St. Mark's, there have not been any problems. He complimented everyone involved with this project, assuring the public that everyone involved is very committed to this project and will work together to address any issues. He noted that the City of Goshen is committed to working with GIHN to have an on-site office for Officer Ballard, and a consistent police presence. He also stated the City is committed to building a park and explained that details have not been released because they want to meet with neighbors and find out what they want before any decisions are made.

Steve Hrynewycz, 401 N Indiana Avenue, also spoke in support of the request. He stated he feels this is good for the neighborhood and his church has housed residents many times. He went on to say there has never been a problem and feels this will help the neighborhood grow.

Steve Hope, Goshen Community Schools (GCS), also spoke in support of the request. He stated he feels this will not only be a great use of the building, but it will also be a great partnership between GCS and GIHN. He stated GCS will maintain a night school in the south side of the building and feels the greenspace will enhance the neighborhood. He confirmed that GCS and GIHN have committed to meet regularly with the neighborhood to address any concerns.

Laura Rhoades, Board Vice-Chair for IHN, also spoke in support of the request. She stated this program helps people get back on their feet, noting there is constant supervision with programs, etc. They also help transport children to school when necessary and feels this is an all-around good program.

Mr. Holtzinger asked what the average occupancy is this time of the year.
Ms. Morehead responded, saying the average is currently 21.

Holly Farrell, 414 Westfield Avenue, spoke in opposition to the request. She stated she has concerns about crime, traffic, property values, and safety of her children. She questioned what happens to women and children that are turned away from the facility and if families will be staying there that are involved in domestic abuse situations.

Brandon Miller, 712 Wilkinson also spoke in opposition to the request. He stated this proposed shelter seems to have materialized quickly and the neighborhood has found it overwhelming. He feels there needs to be a safeguard in place and agrees with limiting the initial approval to a specific timeframe, suggesting that he would favor a 2-year agreement. He appreciates the cap on the number of residents and wants assurances that GIHN will use the facility as presented. He is encouraged about the park that's been discussed, but because they've seen nothing in writing, they are concerned it won't happen.

Mr. Holtzinger asked if he had met with the school.
Mr. Miller stated there have been a couple of meetings and felt that the meeting he attended was productive.

Matt Puro, 817 W Wilkinson Street also spoke to the request. He stated he's not necessarily opposed to the request, but he has some questions and comments. He thanked those that hosted neighborhood meetings, stating they were very insightful. He agreed with Mr. Miller, stating that he would favor an initial 2-year agreement, and happy to know there would be a maximum capacity. He also appreciates that the City will invest in a park for the neighborhood, but is concerned because he hasn't seen any progress towards that promise. He also asked that the space remain public as it is currently. He asked if there is any guarantee that the shelter's program won't change with GIHN or a future occupant.

Mr. Holtzinger asked if he has attended any of the neighborhood meetings.

Mr. Puro stated he was in attendance at both meetings and felt that most of his questions had been answered, but he was concerned about the lack of anything in writing. He stated his biggest question is what recourse they have if the program isn't run as approved.

Mr. Deegan stated the variance applies to the property, noting that the organization could change.

Attorney Kolbus responded that if GIHN were to leave, another organization could operate a temporary emergency shelter, but it could not be anything other than what has been described here today.

Mayor Stutsman addressed comments regarding the proposed park. He explained that Goshen Schools still owns the property so it must first be transferred. There have been no plans because the development of this park will be by the City and the neighborhood. The City is committed to building this park and will ask the neighborhood for help in its design. He noted that because of budgets, it will likely start with benches and picnic tables, but it's unknown if the neighborhood will want a playground, basketball court, etc. Fencing might also be required. Once it's determined what the neighborhood wants, it can be budgeted. He explained there are a lot of aspects to building the park and that's why there are no definite plans at this time. He reiterated that the City is committed to building a park, but until it's determined what will be built, it's impossible to know how long it will take.

Regarding the fears and concerns from neighbors, Mayor Stutsman stated he has been able to see how GIHN operates and he has complete confidence that if issues come up, they will be addressed promptly. He noted that regardless of the project, the City of Goshen's goal is to always do their best to make sure things remain safe.

Mayor Stutsman also cautioned the Board that a substantial amount of money will be invested in this project and asked that the Board not limit this use for too short of a time.

Petitioner Comments:

Mindy Morehead, GIHN, commented that they would also like to see the proposed greenspace. She stated they met with Goshen Community Schools yesterday and discussed including quarterly neighborhood meetings as part of their contract. She stated they will have nightly security at the facility from 10 pm to 7 am. At their current location, they do inside and outside building checks, and watch cameras. She noted the new location will add additional cameras, both internally and outside the building. She went on to say they have no plans to change their program, and pointed out they are not a domestic violence shelter, which means anyone in a domestic violence situation has to go to a safe haven. She pointed out they work closely with other shelters so if they have someone they cannot help, they aren't just turned away, they find a place for them and help with transportation if necessary.

Attorney Kolbus asked how long construction is projected to take and when it will be available for use.

Ms. Morehead stated she doesn't know at this point, but she anticipates it will be a few months.

Mr. Lauver asked how many vehicles they anticipate families will have and if any parking will occur in the alleyway.

Ms. Morehead stated the officer will likely park in the alley outside his office door, but no other parking is anticipated in the alley. Staff and residents will all park in front of the building. She stated there is adequate parking.

Ms. Campbell asked if the reason for this move from St. Mark's is because they need more space.

Ms. Morehead replied that they need more space, but this location is also on the ground floor. She went on to say they moved into St. Mark's on a trial basis, but because they're located on the second floor, they're not handicap accessible.

Steve Hope, GCS, added that they are looking at a 15-year lease for this property and the use of the property by GIHN will be spelled out in that lease. He went on to say once the lease has been approved by the school board, the details will become public. Adding to the mayor's comments, he agreed that GIHN is looking at a major investment in this property and feels the property will become better and more secure with police officers and security present.

The public hearing was closed.

Staff Discussion:

Mr. Holtzinger commented that he feels this building is well designed for this type of use. He likes that they have plenty of room and are discussing a neighborhood park. He feels parking is adequate.

Mr. Friesen asked if the Board can add a condition that quarterly meetings must be held.

Attorney Kolbus stated he would change the wording to "recommend" quarterly meetings. He also suggested if the Board grants the petition, a change to commitment #3 should limit the number of residents to 24 and up to 5 staff and add commitment #4 that the temporary emergency shelter shall operate as represented by the petitioner in the public hearing and in their letter of January 3, 2022.

Mr. Lauver asked when the 3-year period would begin.

Attorney Kolbus stated that would begin today.

Mr. Holtzinger commented because of the construction, the 3-year approval seems reasonable.

Action:

A motion was made and seconded, Friesen/Holtzinger, to adopt the Staff recommendations and the findings of the Board and based on these findings, approve 22-01UV with the following conditions and commitments:

Conditions:

1. If a Building permit is required, the variance shall become null and void unless a Building permit has been issued and substantial progress has been made within six (6) months of the date of BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and when all conditions of approval have been met.
4. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and until all conditions of approval have been met.
5. An approved zoning clearance form is required.
6. Approval by the Engineering and Fire Departments through Technical Review is required.
7. Building Department approval is required

Commitments:

1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. The variance allowing group housing quarters for a temporary emergency shelter is approved for a period of three (3) years from the date of approval; at the time the variance expires, it must be reheard by the City of Goshen Board of Zoning Appeals following a new application and a new public hearing.
3. The number of occupants of the temporary emergency shelter shall be limited to no more than 24 residents and 5 staff, for a total of 29.
4. The temporary emergency housing shall be as represented in the testimony of Goshen Interfaith Hospitality Network representatives at the January 25, 2022 Board of Zoning Appeals meeting and as outlined in the Board of Zoning Appeals application letter by Goshen Interfaith Hospitality Network dated January 3, 2022.
5. It is recommended that Goshen Interfaith Hospitality Network hold quarterly meetings with the residents in the Riverdale neighborhood.

The motion passed unanimously by a vote of 4-0.

Mr. Rohn rejoined the meeting at 4:59 pm.

VIII. Audience Items
None

IX. Staff Board Items

- 6-month extension for 21-28DV – 2611 Peddlers Village Road, from 2/24/22 to 8/24/22

Mr. Deegan explained the Board approved a developmental variance in August, 2021, to allow a larger than permitted freestanding sign at 2611 Peddlers Village Road, the site of a future gas station. Construction has begun at the site, but final plans have not been submitted for the signs and the petitioner is requesting a 6-month extension.

Action:

A motion was made and seconded, Rohn/Holtzinger to grant a 6-month extension from February 24, 2022, to August 24, 2022, for 21-28DV. The motion passed unanimously by a vote of 5-0.

- Residency form for Tom Holtzinger
- Residency form for Plan Commission appointments, Hesston Lauver and Caleb Morris
- Residency forms for Ardean Friesen and Angela McKenna

Mr. Deegan noted for the record that residency forms have been received for Tom Holtzinger, Hesston Lauver, Caleb Morris, Ardean Friesen, and Angela McKenna. He explained that Hesston Lauver is the new Plan Commission appointment to the BZA and Caleb Morris, Ardean Friesen, and Angela McKenna are all alternates.

X. Adjournment: 5:05 pm

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Lee Rohn, Secretary

LOCATION: 117 Canal Street
CASE NUMBER: 22-03DV

DATE: February 22, 2022
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Philip E. Waite & Elizabeth R. Bontrager (owners); Freedom Builders (agent)

REQUEST: The applicants request a developmental variance to allow a 3' rear (east) building setback where 25' is required for the construction of a 296 sf attached garage

LOT SIZE: ± 5,750 SF; ± 87' of frontage; depth varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 33

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: No recognized neighborhood

THOROUGHFARES: Canal Street

TOPOGRAPHY: Level; Millrace Canal less than 30' to the west across Canal Street

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District D. Rear Yard. There shall be a rear yard on each lot, the depth of which shall be not less than 25 feet.

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning office received one inquiry about the request from the owner of 119 Canal Street who stated she did not have any objections to the request.

ANALYSIS

The subject property is an approximately 1,350 SF single-family home located on Canal Street not far south of Plymouth Avenue and east of the Millrace Canal. The property is bounded by Canal Street to the west and alleys to the south and east from which an existing concrete parking area can be accessed. There is also a separate access drive to the front of the home from Canal Street.

The petitioners are proposing to add a one-stall garage to the rear of the home. The garage will be approximately 12' x 24.6' (296 SF) and will be accessed from the alley to the south. The proposed rear (east) setback to the garage is 3' where 25' is required to the primary structure, so a developmental variance is needed.

Staff finds the request reasonable and recommends approval. At approximately 5,750 SF, the property is small in size, and prevents design of a garage addition without encroaching in one or more of the setbacks. Adjacent properties have also been developed similarly: the property directly to the north (115 Canal Street) has a detached garage with what appears to be an approximately 1' rear setback. The Zoning Ordinance requires new homes to have two on site parking spaces, and the proposed garage is a reasonable one-stall addition; to strictly apply the setback standards for such a minor addition would result in practical difficulties in the use of the property. Lastly, the garage does not appear to create any safety issues, and the Building and Fire departments have indicated that the plans are acceptable.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a 3' rear (east) building setback where 25' is required for the construction of a 296 sf attached garage, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The rear of the property is already used for parking, and the proposed addition does not appear to pose any new safety issues. The Building and Fire departments have indicated that that the plans are acceptable. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The proposed setback is a result of the relatively small size of the property. Adjacent properties, including the property to the north, have been developed on similarly sized lots with setback encroachments. The proposed setback is keeping with the developmental pattern on those adjacent properties. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** The proposed addition is a reasonably sized one-stall garage. To deny the request despite the Zoning Ordinance requiring two onsite parking spaces for new homes would create practical difficulties for the use of the property, as the proposed setback is in keeping with adjacent properties. *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. Approval by the Building and Fire department is required.



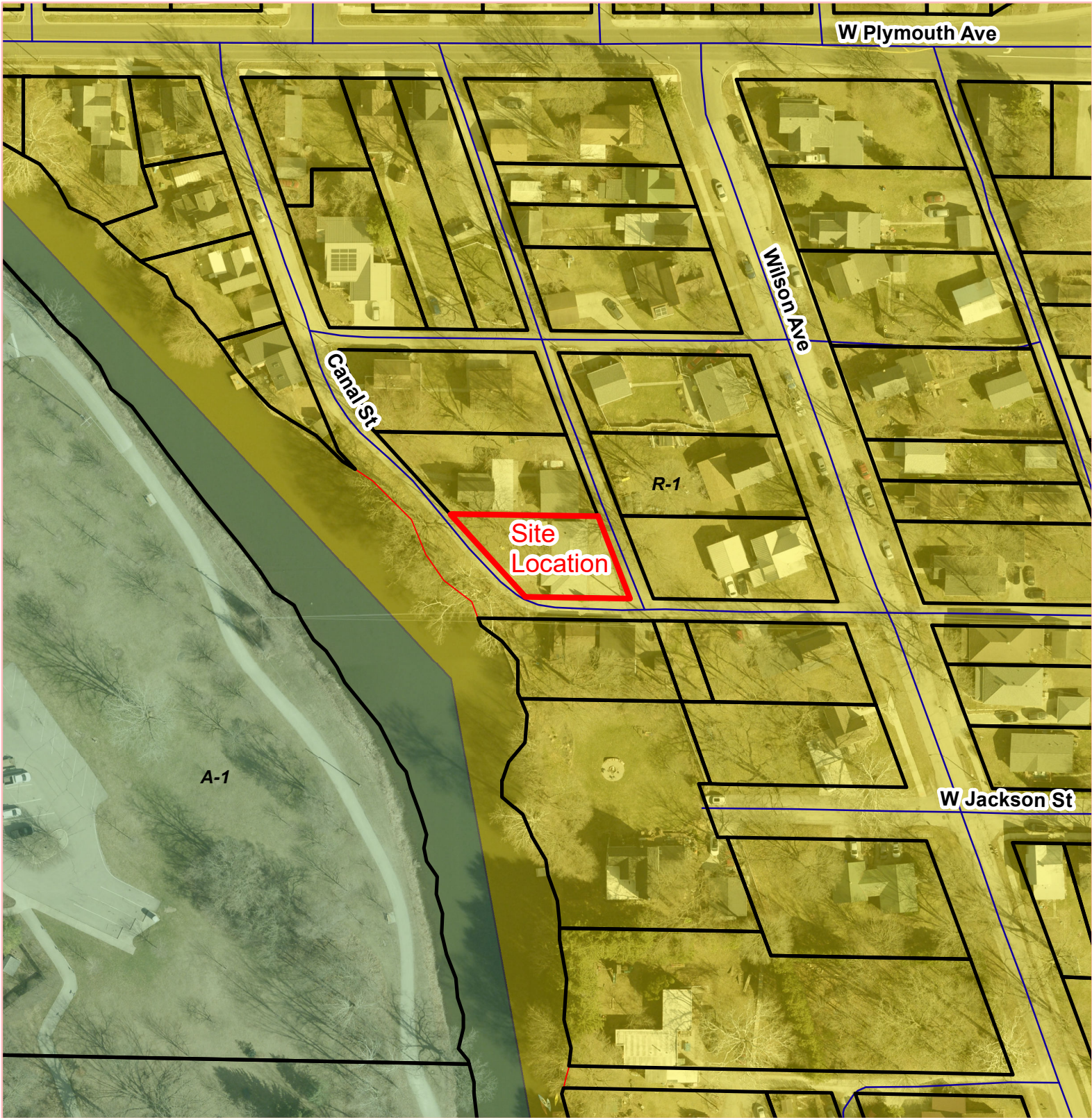
Looking east at front of home



Looking west along east-west alley



Looking northwest at rear of home and location of proposed addition



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

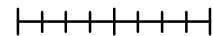
117 Canal Street

2021 Aerial
 Printed February 1, 2022



Feet

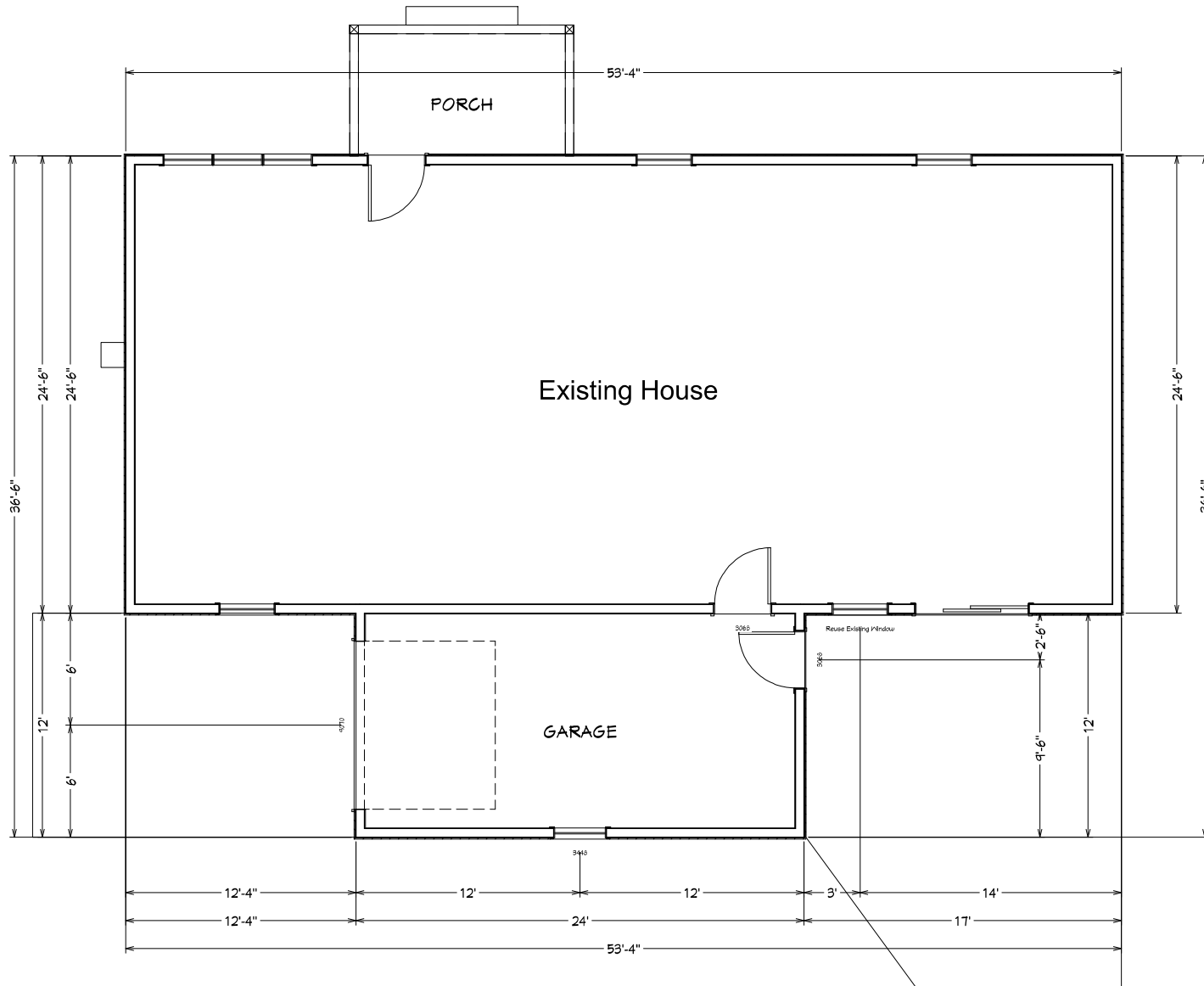
0 25 50 100



1 inch = 100 feet

The City of Goshen
 Department of
 Planning & Zoning

204 East Jefferson Street, Goshen, Indiana 46528
 Phone: 574-534-3600 Fax: 574-533-8626



These plans were designed with standard construction practices in mind. Due to variations in state, local, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review the information, and assure that it is revised to become code compliant, appropriate, and complete.

These Drawings are the proprietary work product of Freedom Builders developed for the exclusive use of Freedom Builders. Use of these Drawings and concepts contained therein without the written Permission of Freedom Builders is prohibited and may subject you to a claim for damages from Freedom Builders.

SHEET TITLE:
First Floor Plan

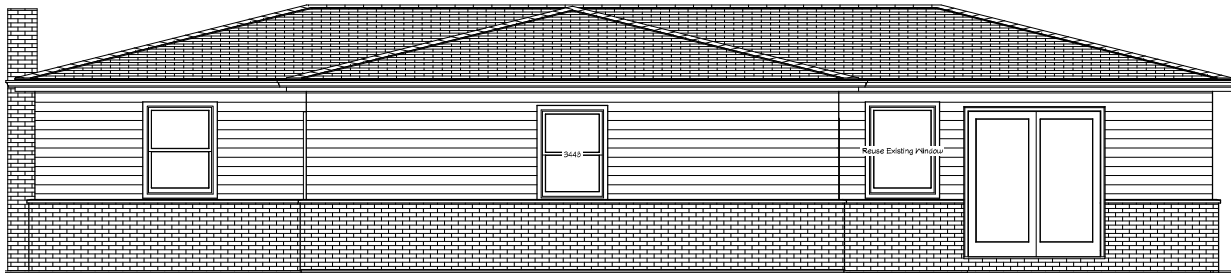
PROJECT DESCRIPTION:
Phil Waite
117 Canal St
Goshen IN 46526
(574) 312-8365

DRAWINGS PROVIDED BY:
Freedom Builders
54824 CR 33 Middlebury IN 46540
574-202-6505

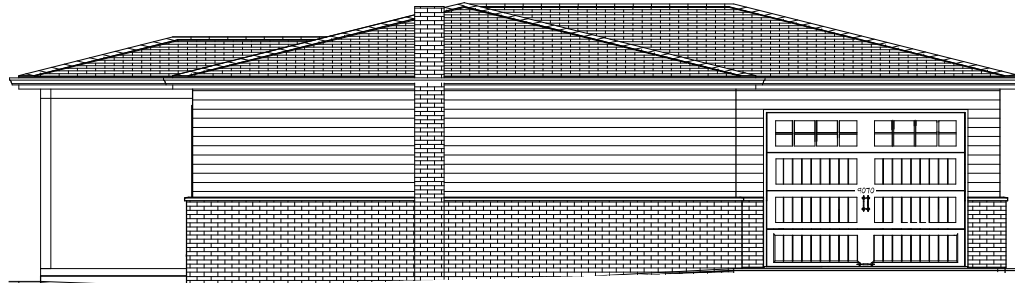
DATE:
12/9/2021

SCALE:
1/4" = 1'

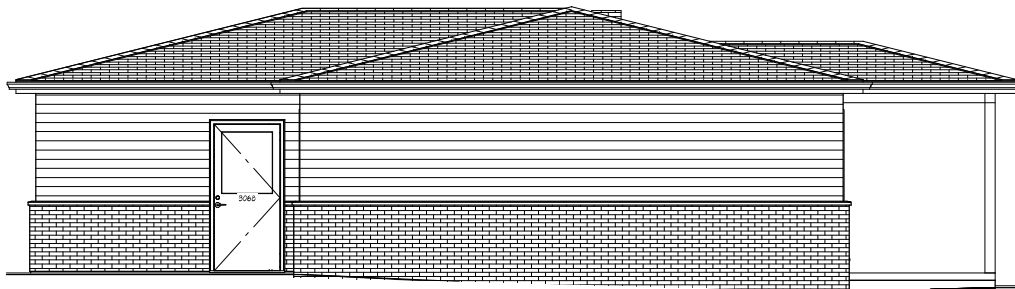
SHEET:
A-4



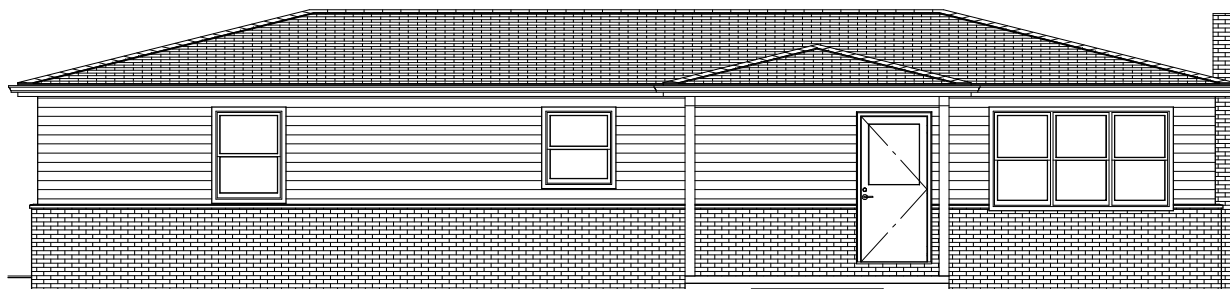
East Elevation



South Elevation



North Elevation



West Elevation

These plans were designed with standard construction practices in mind. Due to variations in state, local, and federal codes, revisions may be required to these plans. It remains the responsibility of the builder to review the information, and assure that it is revised to become code compliant, appropriate, and complete.

These Drawings are the proprietary work product of Freedom Builders developed for the exclusive use of Freedom Builders. Use of these Drawings and concepts contained therein without the written Permission of Freedom Builders is prohibited and may subject you to a claim for damages from Freedom Builders.

SHEET TITLE:
Exterior elevations

PROJECT DESCRIPTION:
Phil Waite
1117 Canal St
Goshen IN 46526
(574) 312-3365

DRAWINGS PROVIDED BY:
Freedom Builders
54824 CR 33 Middlebury IN 46540
574-202-6505

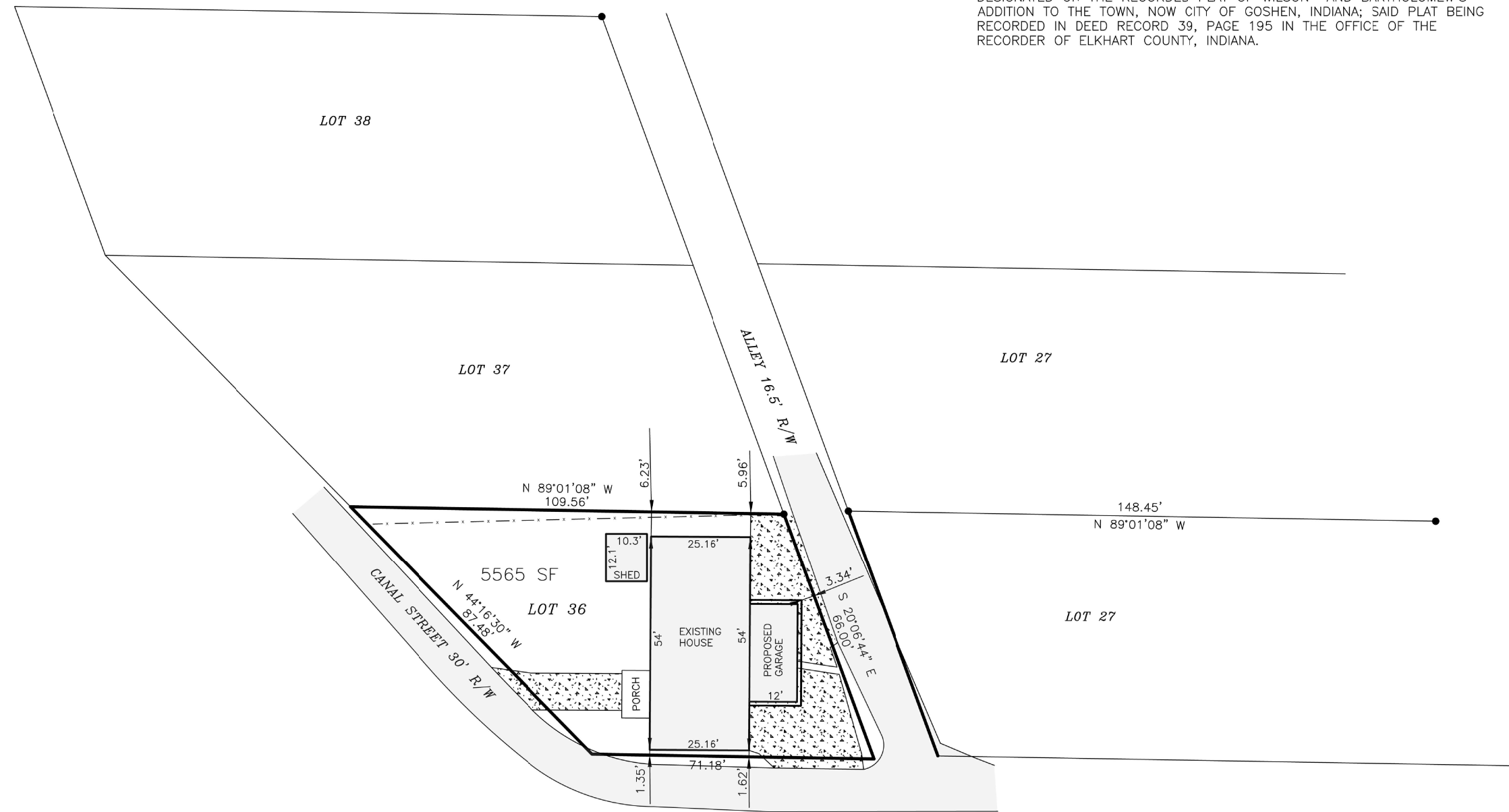
DATE:
12/9/2021

SCALE:
1/4"=1'

SHEET:
A-2

LEGAL DESCRIPTION

LOT NUMBER THIRTY-SIX (36) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WILSON AND BARTHOLOMEW'S ADDITION TO THE TOWN, NOW CITY OF GOSHEN, INDIANA; SAID PLAT BEING RECORDED IN DEED RECORD 39, PAGE 195 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.



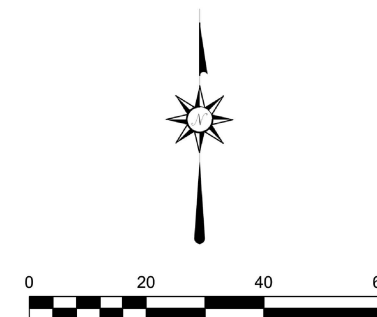
PROPERTY ADDRESS: 117 CANAL STREET
GOSHEN, INDIANA 46526


SURVEY REQUESTED BY: FREEDOM BUILDERS
OWNER: PHILIP E. WAITE & ELIZABETH R. BONTRAGER

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

LEGEND

-  CONCRETE
-  IRON PIN FOUND
-  FENCE



	ADVANCED LAND SURVEYING OF NORTHERN INDIANA INC. 17120 COUNTY ROAD 46, NEW PARIS, INDIANA 46553 (574) 849-4728 RONNIE L. JUSTICE PS	
	DATE: JANUARY 3, 2022	PROJECT NUMBER: 211211
	SCALE: 1" = 20'	AUTHORIZED BY: R. L. J.
SHEET 1 OF 1		DRAFTING BY: R. L. J.

LOCATION: 2509 & 2601 Berkey Avenue
CASE NUMBER: 22-02UV

DATE: February 22, 2022
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Berkey Avenue Mennonite Fellowship (owner)

REQUEST: The applicant requests a use variance to allow a sitting wall for a memorial garden with a 14' setback from an adjacent residential property to the west where churches are a conditional use permitting structures with a minimum 50' setback from all residential uses and residential zoning district boundaries

LOT SIZE: ± 6.4 acres; ± 309' of frontage; depth varies

APPLICABLE ZONING: Residential R-2

NOTICES SENT: 60

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City sewer; City water not available

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: No recognized neighborhood

THOROUGHFARES: Berkey Avenue

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5200*, Conditional Uses
Churches, Chapels, Temples, Synagogues, etc.

B. Buildings or structures shall be set back a minimum of 50 feet from all residential uses or residential zoning district boundary

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning Office received one letter of opposition from the owners of 52 Greenway Drive; the letter is included in this report.

ANALYSIS

The subject property is an approximately 6.4-acre tract of land on Berkey Avenue west of Greene Road. The property is made up of 3 tax parcels and includes an approximately 12,300 SF church, a separate single-family residence, and a parking area with over 100 parking spaces. The property also includes several acres of greenspace in its norther-most parcel.

The petitioners are proposing to use a portion of the greenspace for a memorial garden and outdoor sanctuary. The garden area will begin with a labyrinthine pathway off the northwest corner of the existing parking lot and include sitting walls, a pergola, a columbarium, landscaped plantings, and an outdoor worship area. Churches are a conditional use in all zoning districts, and one of the conditions is that buildings or structures be set back a minimum of 50' from adjacent residential properties or residential zoning. Various proposed structures are closer than 50' to the adjacent residential property to the west so a use variance is required from the conditional use requirements. The closest of those structures is a sitting wall with a 14' side (west) setback.

Staff recommends approval of the request based on the following:

- The structures included in the plans are relatively small and minor accessories, and do not include buildings. The pergola and sitting walls are elements of an outdoor use.
- The configuration of the property prevents placement of the structures at a 50' or greater setback. The proposed memorial garden area is located in a narrow portion of the property that is less than 160' in width. The proposed layout of the path and structures is close to the west property in order to allow an open outdoor worship area.
- While the properties to the west include residential use and zoning, the areas immediately adjacent to the memorial garden include heavy vegetation and agricultural use.
- The BZA has approved similar requests for relief from the same conditional use requirement in the past. In February 2021, the Board approved a use variance to allow a 160 SF utility shed with setbacks of 25' and 33' from two separate residential properties and zoning district boundaries for a church located at 909 N 6th Street. The rationale for approval included that the shed was not a primary structure.

FINDINGS OF FACT

Staff recommends **approval** of a use variance to allow a sitting wall for a memorial garden with a 14' setback from an adjacent residential property to the west where churches are a conditional use permitting structures with a minimum 50' setback from all residential uses and residential zoning district boundaries, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The memorial garden and the structures it includes are accessory to the larger church use, and they will be screened with landscaping and include a 14' setback. *The standard is confirmed.*
- 2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** While there are adjacent residential uses and zoning, the area immediately adjacent to the proposed memorial garden includes heavy vegetation and agricultural use. The landscaping and design of the proposed memorial garden will likely be favorable for adjacent residential uses. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The proposed memorial garden area will be located in the narrowest portion of the property, where a worship lawn will make it impossible to locate the proposed structures outside the minimum 50' setback. *The standard is confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the subject property.** The memorial garden, outdoor sanctuaries, and their various elements are a reasonable use of church property. Requiring the property to satisfy the minimum 50' setback from residential use and zoning in a relatively narrow portion of the property will create an unnecessary hardship for such reasonable use of the property. *The standard is confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** As a church embedded in a residential area for many years, upgrades to the property such as the proposed memorial garden support the Comprehensive Plan's goal of enhancing the neighborhood sense of place by supporting their individual characteristics. (Neighborhood's & Housing N-3). *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. Approval by the Building and Fire Departments is required.
5. Dead and damaged landscaping previously installed as a screening requirement along the west property line for the parking lot shall be replaced with this project.



Looking northwest from Berkey Avenue at main church building



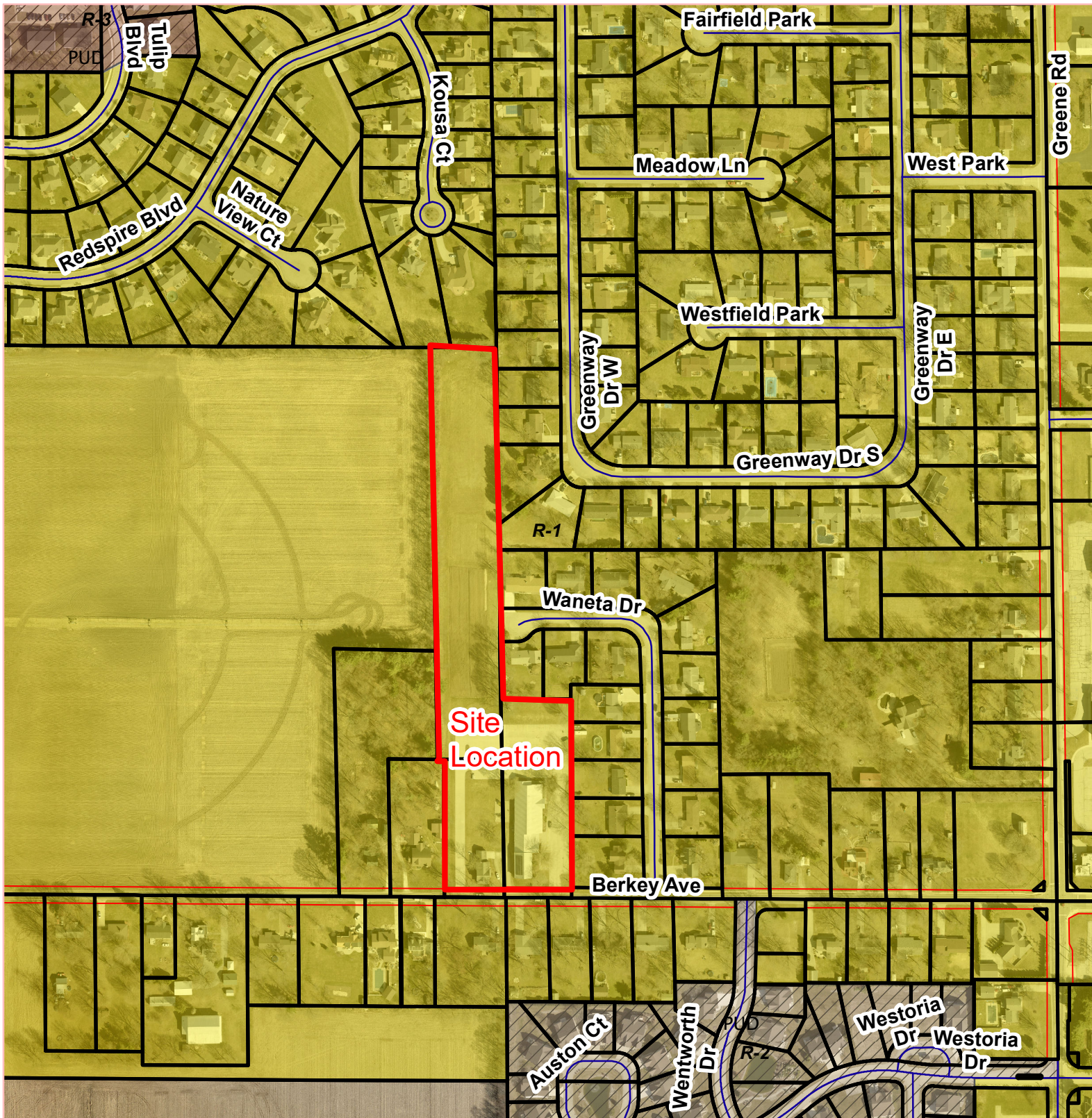
Looking north-northeast along west property line. Proposed memorial garden to be located at end of driving aisle.



Looking northwest from parking lot at proposed location of memorial garden



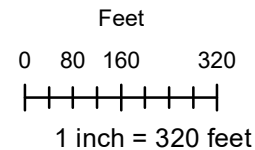
Looking southwest at proposed location of memorial garden



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

2509 & 2601 Berkey Ave

2021 Aerial
 Printed February 1, 2022



The City of Goshen
 Department of
 Planning & Zoning
 204 East Jefferson Street, Goshen, Indiana 46528
 Phone: 574-534-3600 Fax: 574-533-8626

Berkey Outdoor Sanctuary Vision

Berkey Ave. Mennonite is planning to develop our back 3 acre parcel into a memorial garden area and an outdoor sanctuary. The area is designed to be available for community enjoyment as well. See following site plan.

The entrance to the area will be at the northwest edge of our parking lot. We are envisioning an entrance with a pergola opening to a path leading to a memorial circle. There will place for memorial plaques along the path on a sitting curb. A columbarium is envisioned on the west side of the memorial circle. There will be screening plantings along the west edge of these areas.

Storm runoff is to remain as it currently functions. A dry creek bed is planned to enhance the visual appeal of the current storm water drainage system. There are several other planting beds and trees planned in several places around this area.

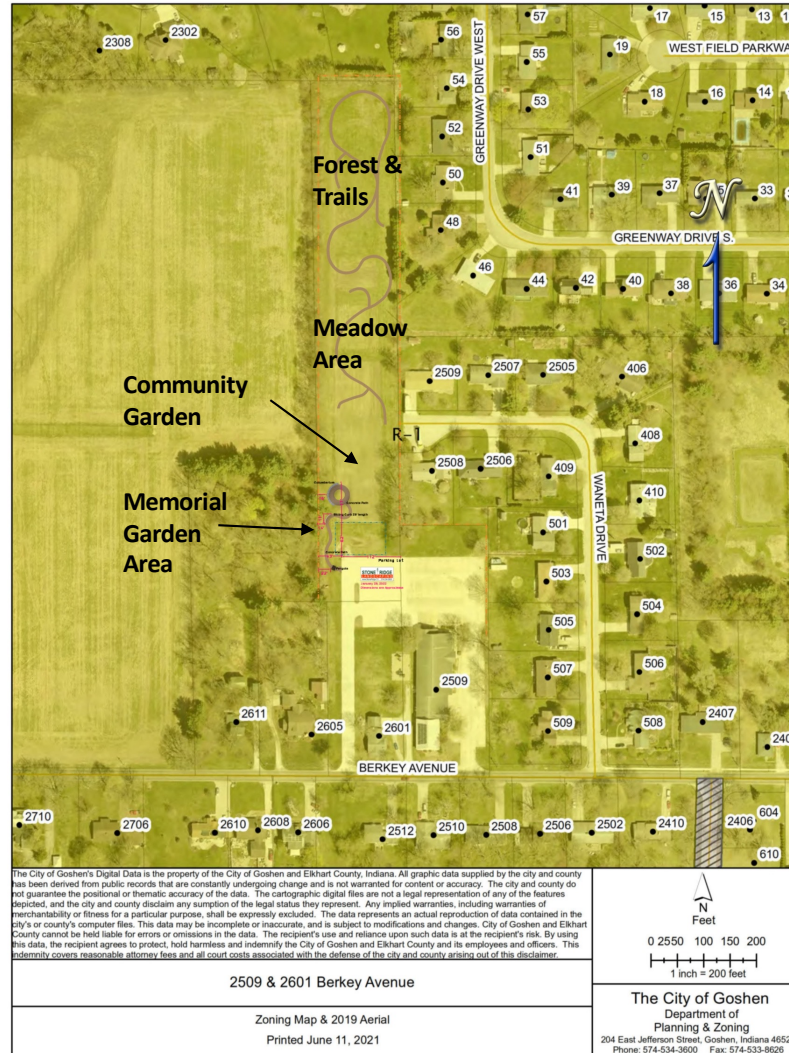
East of the memorial circle an open lawn space is planned where gatherings such as worship services, weddings, baptisms, and other special events.

We are planning on keeping the community gardens as they are now. We are planning to add a path to the garden to enhance access.

The back portion of the property will have space for a prayer labyrinth and wildflowers. And good portion of the north end will be planted in trees to be a forest with trails open for the community to enjoy.

Since this property is very narrow, we are applying for a use variance for set backs that are less than 50 feet.

BERKEY OUTDOOR SANCTUARY
3 acre parcel



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

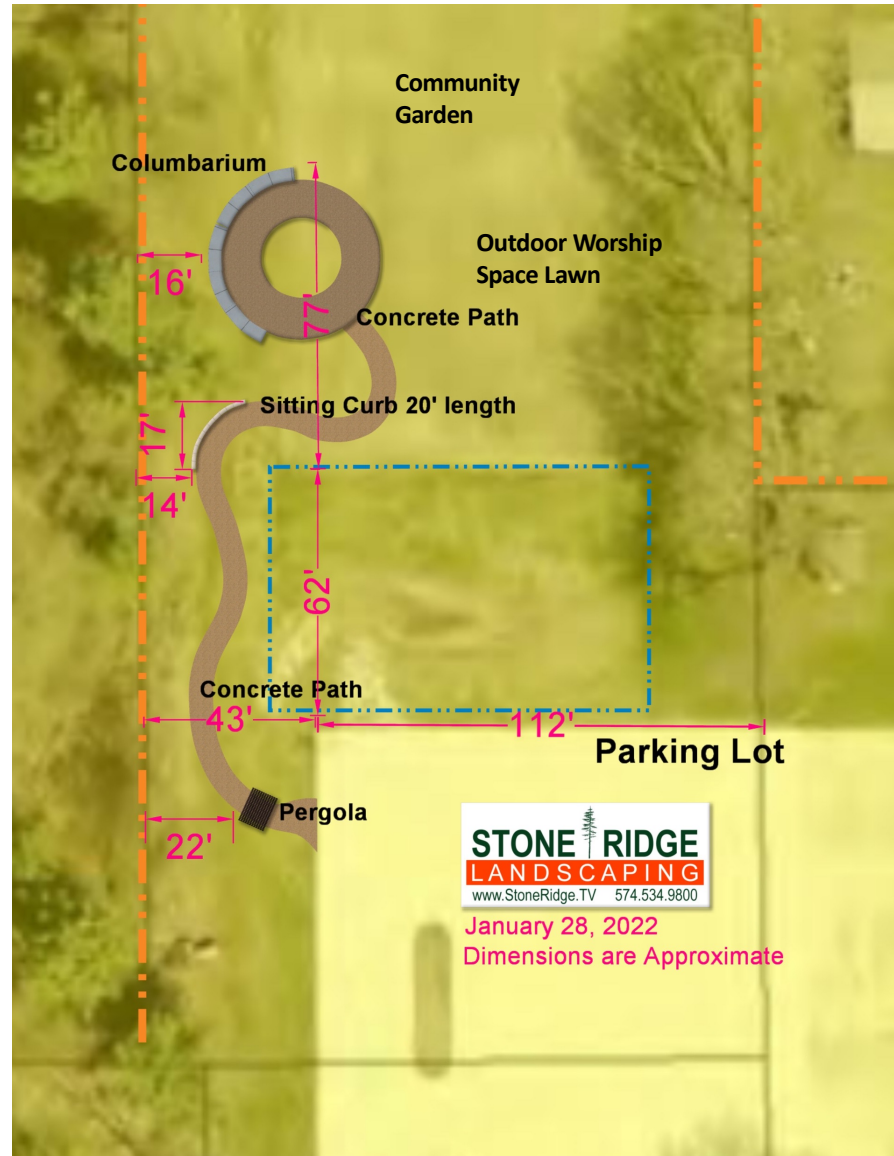
2509 & 2601 Berkey Avenue

Zoning Map & 2019 Aerial
 Printed June 11, 2021

N
 Feet
 0 250 100 150 200
 1 inch = 200 feet

The City of Goshen
 Department of
 Planning & Zoning
 204 East Jefferson Street, Goshen, Indiana 46528
 Phone: 574-534-3600 Fax: 574-533-9628

BERKEY MEMORIAL GARDEN AREA
Close up view



BERKEY MEMORIAL GARDEN AREA
Close up view



BERKEY AVENUE MENNONITE

2509 Berkey Ave. Goshen, IN 46526 | (574)534-2398 | office@berkeyavenue.org

January 27, 2022

Roger and Earlene Nofziger

2605 Berkey Ave.

Goshen, IN 46526

Dear Resident,

Berkey Ave. Mennonite is planning to develop our back 3 acre parcel into a memorial garden area and an outdoor sanctuary. The area is designed to be available for community enjoyment as well. See attached site plan.

The entrance to the area will be at the northwest edge of our parking lot. We are envisioning an entrance with a pergola opening to a path to the memorial circle. There will be a place for memorial plaques along the path. The columbarium will be on the west side of the memorial circle. There will be screening plantings along the west edge of these areas and a dry creek bed to enhance the visual appeal of the current storm water drainage system. There are several other planting beds and trees planned in several places around this area.

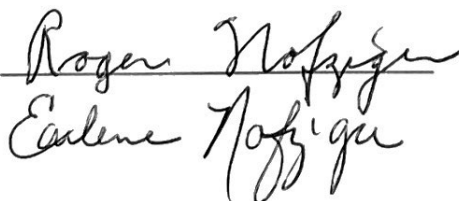
To the east we would like to have open space for worship, baptisms, weddings, etc.

We are planning on keeping the community gardens as they are now.

The back portion of the property will have space for a prayer labyrinth and wildflowers. A good portion of the north end will be planted in trees to be a forest with trails open for the community to enjoy.

Since this property is very narrow, we will need a use variance for setbacks that are less than 50 feet. You should be receiving a letter from the city about this soon. If you would like to support us in the zoning appeal process, please sign your approval below.

Signature:


Roger Nofziger
Earlene Nofziger

Michael & Lucinda Philley
50 Greenway Dr
Goshen, IN 46526
574-202-0641

Goshen Board of Zoning Appeals
City of Goshen
204 E Jefferson St, Suite 4
Goshen, IN 46528

February 14, 2022

RE: Berkey Avenue Mennonite Fellowship Variance

Dear Board members,

We are in receipt of the proposed variance proposal and attached drawings and have concerns in how it relates to our property at 50 Greenway Drive.

We'll start with the Sitting Wall/Columbarium- While we have no issue with the location we do have concerns about size and construction material. The proposal is very vague on those aspects. Due to the location and proposed vision screening we don't suppose this itself is a huge issue but we cannot be expected to form an opinion of positive or opposition without information. **Therefore we're left with choice but to currently oppose.**

- A columbarium is defined by Merriam-Webster as "*a structure of vaults lined with recesses for cinerary urns*". The question is when will this become a full fledged cemetery? The cliché 'give an inch, take a mile' comes to mind. Since we are on a well for water and funerary chemicals tend to leech into ground water, without some assurance that no cemetery will ever be allowed, **we strongly oppose.**

The proposed North "Forest Trail" - We strongly oppose this for several reasons. (Once addressed, we would likely change our position.)

- It is our understanding that NIPSCO has an easement there to access the utility lines running along the east property line. Planting a "forest" along or in that easement will cause accessibility issues that benefit no one. We cannot speak for the utility company but until they weigh in on this issue, **we strongly oppose.**

- How will the trail be secured and monitored? Are there hours of use? We don't care for the idea of people being back there at night. We have had issues with teenage trespassers on our side of that east line that accessed our property from the church's side. Should this proceed, we would ask for security fencing to prevent recurrences of trespass issues. We don't see this as unreasonable. **Without this, we strongly oppose.**

- The easement issue is easily remedied by keeping trails to the west side but this does not alleviate security issues. This would also alleviate a minor issue we've had in the past with weed killing overspray by the church on west fence killing desirable vegetation on our property. It was accidental, we understand that, but moving any planting out of the easement area would eliminate the need for such maintenance.

our property. It was accidental, we understand that, but moving any planting out of the easement area would eliminate the need for such maintenance.

– Lastly, drainage. West Goshen is well known for problems in this area. Has a professional engineer beyond and independent from the landscaping firm been consulted and drafted a report? Until one is and the report made public, **we must strongly oppose.**

That all being said, this letter sounds more negative than it is. We've been here 5 years and the church has been a good neighbor. Neighbors here say the same thing. We want them to have their vision but strongly believe that concerns must first be addressed. Once these concerns are addressed, there is a very high probability that our opposition would change to support. We're counting on the board to exercise due diligence on not only on our behalf, but on all the neighboring property owners behalf.

While we cannot attend the hearing on the 22nd, we will happily make ourselves available for further discussion should you so desire.



Cindy Philley
Mike & Cindy Philley
50 Greenway Dr
Goshen, IN 46526
574-202-0641

LOCATION: 1206 Eisenhower Drive South
CASE NUMBER: 22-04DV

DATE: February 22, 2022
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Lippert Components Manufacturing Inc. (owner); Surveying and Mapping LLC (agent)

REQUEST: The applicants request developmental variances to allow 373 onsite parking spaces where 439 spaces are required and to allow vehicle maneuvering in the right of way where loading facilities shall be arranged so that all maneuvers shall be accomplished without entering the public right of way, for the addition of a new loading dock and changes to a parking and driving aisle

LOT SIZE: ± 16.58 acres; ± 1,966 of frontage (± 1,478' on Eisenhower Dr. S & ± 488' on Messick Dr.); ±1,477' of depth

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 16

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Industrial

NEIGHBORHOOD: N/A

THOROUGHFARES: Eisenhower Drive South & Messick Drive

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix E*
Manufacturing use requires one and a half (1.5) onsite parking spaces per two employees

- ◇ Goshen Zoning Ordinance, *Section 5120.1*, Design Standards for Loading Requirements
B. All loading facilities shall be arranged so that all maneuvers shall be accomplished without entering a public right of way or walkway

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning Office has not been contacted by any adjacent property owners regarding this variance. However, the Planning office may still be contacted with questions and statements of support or opposition to the variance between the time of this report's delivery and the public hearing.

ANALYSIS

The subject property is an approximately 16.5-acre manufacturing facility located in the Goshen Industrial Park on the south side of the Eisenhower Drive loop, between Industrial Park Drive and Messick Drive. Improvements on the property include three large buildings, two of which are connected and undergoing construction for a new 12,000 SF building addition, for a total footprint close to 300,000 SF.

The property has over 1,900' of frontage along Eisenhower Drive South and Messick Drive, and 7 access driveways. The largest access point to the right of way is an approximately 500' stretch along the north property line. The paving in this location is contiguous with the paving in the right of way; it does not include directional markings for ingress and egress, and is described as an area of "uncontrolled access."

In September 2013, the petitioners requested a variance from the BZA to allow semi-trucks to use a 100' stretch of this access area to maneuver in the right of way. Also included in the petition was a request to allow parking and driving aisles in the front yard setback. The BZA denied several elements of the request, including parking in the front yard, but provided an amended approval to allow a 75' stretch of right of way to be accessed for maneuvering where 100' had been requested. In September 2021, the petitioners received BZA approval to allow maneuvering in the right of way for the addition of 4 new loading docks on the northside of the building along Eisenhower Drive South.

The petitioners are now proposing to make changes to the property that includes the addition of a driving aisle and loading dock in the northwest corner of the property along Eisenhower Drive South. The petitioners state that the additional dock and changes to maneuvering are intended to increase worker safety during material unloading. Plans for the new maneuvering path of large trucks indicate that the trucks will enter the right of way during maneuvering, so a variance is required as maneuvering to loading docks should be completely accomplished on site.

The changes will also require slight reconfiguration of parking, so an evaluation of available parking on the property was confirmed and it was determined that the existing 373 parking spaces on the property do not meet Zoning Ordinance requirements. The Zoning Ordinance requires that manufacturing uses provided 1.5 onsite parking spaces for every two employees, and with the current peak shift employment for the two plants on the property is 585 employees, a total 439 spaces are required. The shortfall requires a developmental variance.

Staff recommends approval of both requests. The proposed maneuvering in the right of way is warranted given:

- The truck encroachment into the right of way is minimal as demonstrated in the proposed maneuvering plans
- As a means of mitigating the negative elements of the additional 24' curb cut for the new drive approach, the petitioners are proposing to decrease areas of uncontrolled access along Eisenhower Drive South by approximately 180'. This plan was approved by the Board of Public Works.
- The BZA approved similar requests in 2013 and 2021
- The proposed changes will improve worker safety on the property.

Relief from the parking requirements is warranted given the following:

- The proposed changes to the property will have minimal impact on existing parking and will not result in an increase in the number of employees on the property
- The petitioner states that there are up to 40 employees absent on a daily basis

While Staff recommends approval, the Board should carefully consider this request and others, as continual requests for variances, including ones to allow worker safety, may be an indication that the site is becoming or has become overdeveloped.

FINDINGS OF FACT

Staff recommends **approval** of developmental variances to allow 373 onsite parking spaces where 439 spaces are required and to allow vehicle maneuvering in the right of way where loading facilities shall be arranged so that all maneuvers shall be accomplished without entering the public right of way, for the addition of a new loading dock and changes to a parking and driving aisle, based on the following:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The plans provided by the petitioner demonstrate the majority of the maneuvering for trucks to the new loading dock will take place on-site. The basis for the proposed changes is to increase worker safety. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The Eisenhower Drive South right of way is narrow, and truck maneuvering in the right of way in this area is common and has even been approved by the BZA at the subject property twice in the past.

As part of the drive approach changes, the petitioners will reduce approximately 180' of uncontrolled access along Eisenhower Drive South. *The standard is confirmed.*

3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** The proposed changes will eliminate a relatively small number of existing parking spaces and provide additional safety to workers at the property. *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. Review and approval by the Engineering and Fire Departments through Technical Review is required.
5. Building Department approval is required.
6. All materials stored outside shall be in locations designated as outside storage areas per the final approved plans for this project being reviewed in Tech Review.



Looking south at proposed location of new access drive to loading dock



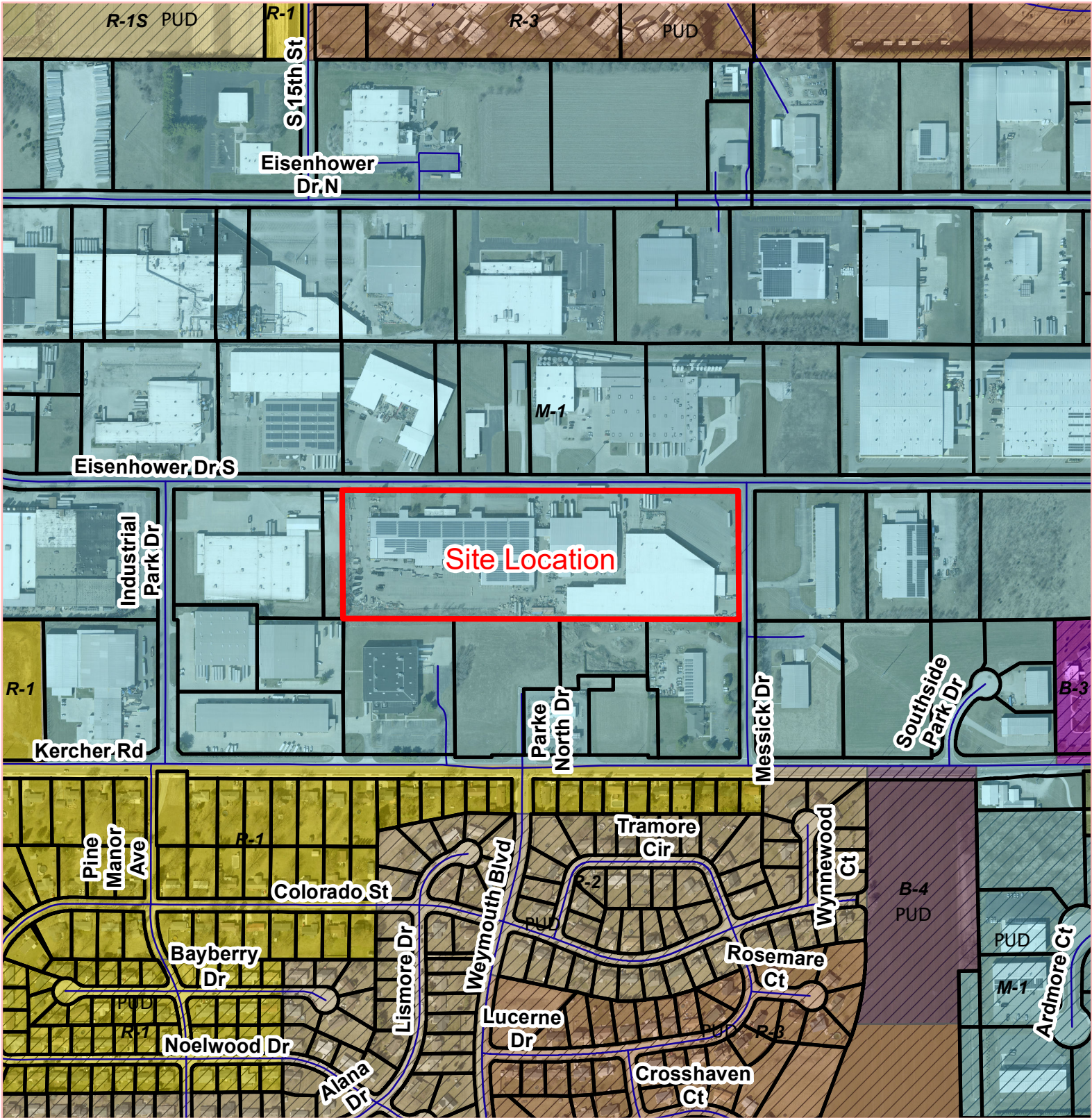
Looking southwest at portion of building where loading dock will be installed.



Looking east along Eisenhower Drive South



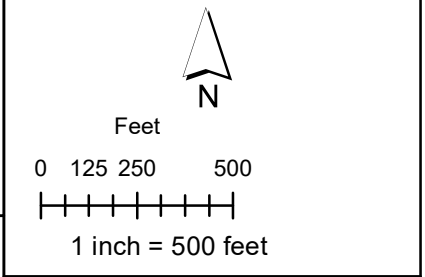
Looking west along Eisenhower Drive South



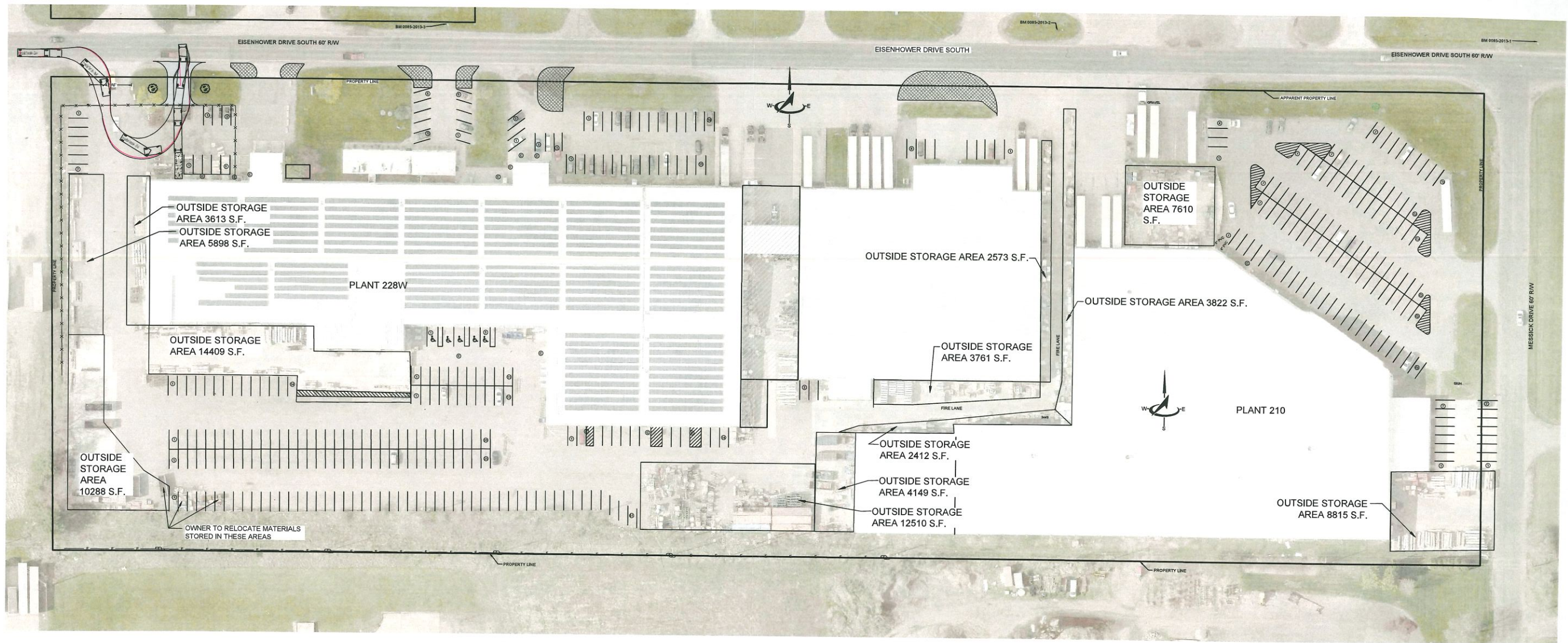
The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

1206 Eisenhower Drive South

2021 Aerial
 Printed February 1, 2022



The City of Goshen
 Department of
 Planning & Zoning
 204 East Jefferson Street, Goshen, Indiana 46528
 Phone: 574-534-3600 Fax: 574-533-8626



PARKING SPACE TABULATION:
 PLANT 228
 NORTH: 68 PARKING SPACES
 SOUTH: 178 PARKING SPACES
 TOTAL: 246 PARKING SPACES

PROPOSED OUTSIDE STORAGE PLAN AND PARKING SPACE LOCATION
 PHOTO SOURCE: ELKHART COUNTY GIS DEPT.
 PHOTO DATE: SPRING 2021
 SCALE: 1"=50'

PARKING SPACE TABULATION:
 PLANT 210
 127 PARKING SPACES

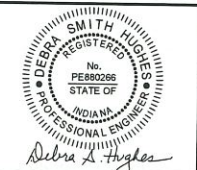
OUTSIDE STORAGE AREA CALCULATIONS		BUILDING AREAS (S.F.)	
Area (S.F.)	3,613	Plant 228	182,500
	5,898	Pump Bldg	350
	14,409	Plant 210	113,491
	10,288	Total	296,341
	2,412	Site Area	722,263
	4,149	Percentage	41.03%
	12,510		
	2,573		
	3,761		
	7,610		
	3,822		
	8,815		
Total	79,860		
Site Area	722,263		
Percentage	11.06%		

REVISION:	01/04/2022	OUTSIDE STORAGE AREA REVISIONS BASED ON CURRENT USES, ADD PARKING COUNT TOTALS
REVISION:		
REVISION:		
REVISION:		
REVISION:		

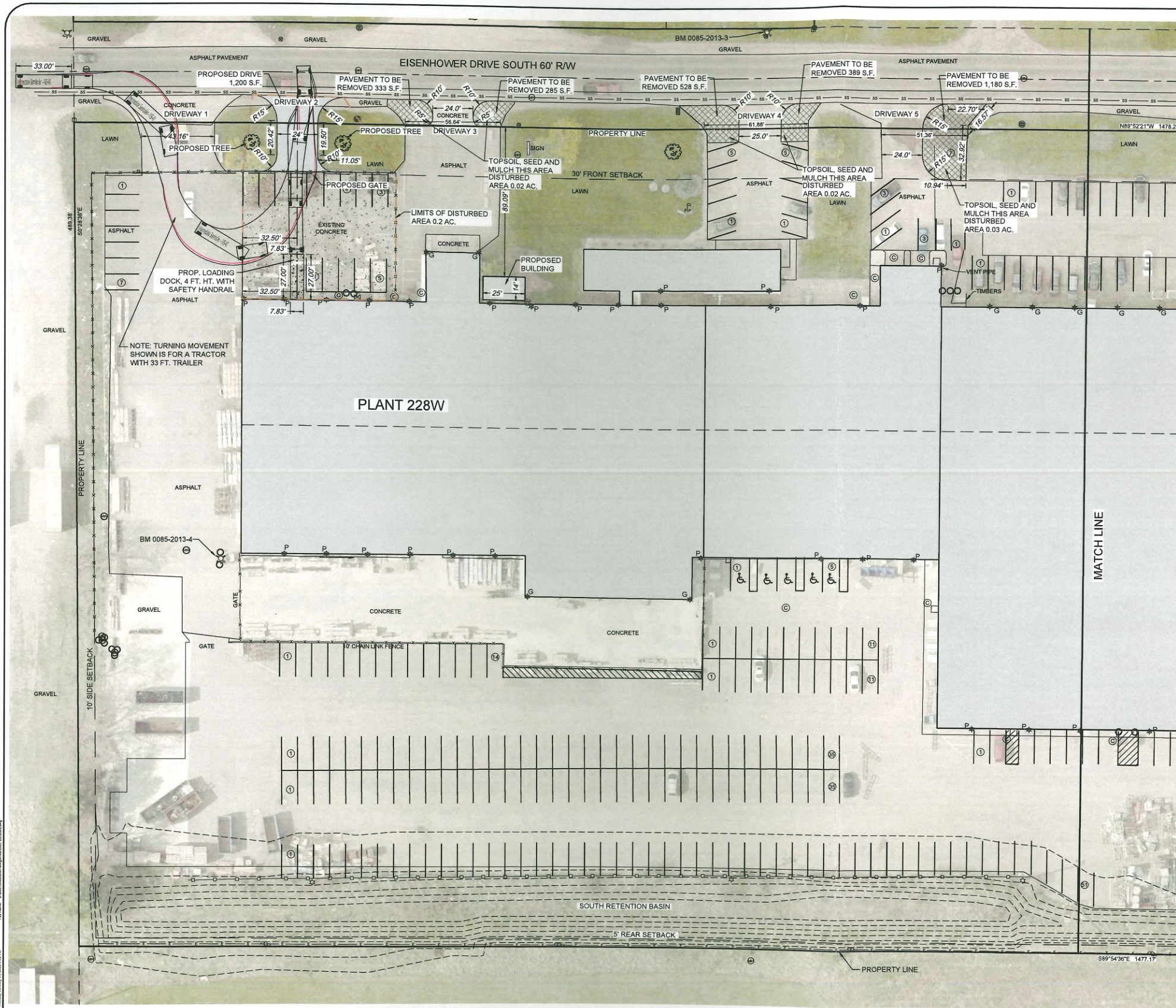


3220 Southview Drive
 Elkhart, Indiana 46514
 (574) 266-1010
 Fax: (574) 262-3040
 info@marbach.us
 www.marbach.us

© 2022 Surveying & Mapping, LLC
 CAD FILE: 0382-2021 DESIGN.dwg
 SCALE: 1"=50' HORIZONTAL NONE VERTICAL
 DATE OF CERTIFICATION: 01/31/2022
 ENGINEER: Debra S. Hughes, PE
 DRAWN BY: AKM

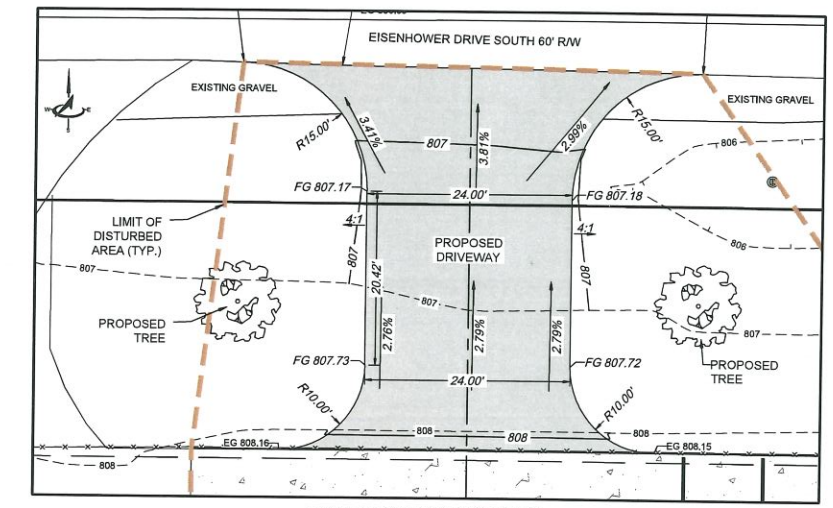


OUTSIDE STORAGE AREAS AND PARKING SPACE LOCATIONS
 LIPPETT COMPONENTS MANUFACTURING, INC. PLANT 228
 1206 EISENHOWER DRIVE SOUTH, SE 1/4, SECT. 22, T36N, R6E,
 ELKHART TWP., CITY OF GOSHEN, ELKHART COUNTY, IN
 JOB NO: 0382-2021 SHEET 6 OF 6 DRAWING NO. A-46212



BM 0086-2013-3 (NAVD 88)
CHISELED CROSS FOUND ON TOP OF THE NORTHEAST BOLT ON THE TOP FLANGE OF A FIRE HYDRANT LOCATED ON THE NORTH SIDE OF EISENHOWER DRIVE SOUTH 1100± WEST OF THE CENTERLINE OF MESSICK DRIVE. ELEVATION 807.88

BM 0086-2013-4 (NAVD 88)
CHISELED CROSS CUT ON TOP OF THE EAST - SOUTH EAST BOLT ON THE TOP FLANGE OF A FIRE HYDRANT LOCATED 12± WEST OF THE SOUTHWEST BUILDING CORNER. ELEVATION 811.04



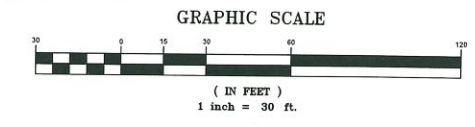
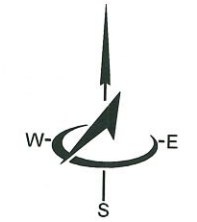
Eisenhower Drive - Driveway Widths (listed West to East)

Driveway	Existing Width (ft.)	Prop. Width (ft.)	Change (ft.)
1	43	43	0
2	0	24	24
3	56	24	-32
4	61	25	-36
5	51	24	-27
6+7	424	334	-90
Total			-161

- PARKING INFORMATION:**
- EMPLOYEE COUNT ON LARGEST SHIFT
 - PLANT 228: 451 ON FIRST SHIFT
 - PLANT 210: 134 ON FIRST SHIFT
 - TOTAL: 585 EMPLOYEES
 - PARKING SPACES REQUIRED: 1.5 SPACES PER 2 EMPLOYEES
 - PARKING SPACES REQUIRED: 1.5*(585/2) = 439 PARKING SPACES
 - EMPLOYEE CARPOOLS: APPROXIMATELY 102 EMPLOYEES, WITH A REDUCTION OF APPROXIMATELY 51 PARKING SPACES.
 - EMPLOYEES ABSENT: APPROXIMATELY 40 EMPLOYEES ARE ABSENT ON ANY GIVEN WORKDAY, WITH A REDUCTION OF APPROXIMATELY 40 PARKING SPACES.
 - PARKING SPACES REQUIRED: 439 - 51 - 40 = 348 PARKING SPACES
 - EXISTING PARKING SPACES : 246 (PLANT 228)+ 127 (PLANT 210) = 373 (SEE SHEET 6 FOR LOCATIONS)

- FLOOD ZONE INFORMATION:**
- PROPERTY IS LOCATED IN ZONE X ACCORDING TO FIRM 18039C0262D DATED AUGUST 2, 2011.

- LANDSCAPE PLAN INFORMATION:**
- PROPOSED TREES TO BE WHITE OAK (QUERCUS ALBA).
 - PROPOSED TREES TO BE 2 IN CALIPER AT 1 FT. ABOVE GROUND AT PLANTING.
 - PROPOSED TREE MATURE HEIGHT IS 50-80 FT.

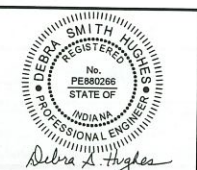


REVISION:	01/04/2022	EMPLOYEE COUNT AND PARKING REQUIREMENT REVISIONS, ADD DRIVEWAY PAVEMENT REMOVAL AREAS AND SUMMARY TABLE
REVISION:	01/31/2022	ADD PARKING SPACES, REVISE SITE PARKING NOTES
REVISION:		
REVISION:		
REVISION:		



3220 Southview Drive
Elkhart, Indiana 46514
(574) 266-1010
Fax: (574) 262-3040
info@marbach.us
www.marbach.us

©2022 Surveying & Mapping, LLC
CAD FILE: 0382-2021 DESIGN.dwg
SCALE: 1"=30' HORIZONTAL NONE VERTICAL
DATE OF CERTIFICATION: 01/31/2022
ENGINEER: Debra S. Hughes, PE
DRAWN BY: AKM



PROPOSED SITE PLAN - WEST
PROPOSED DRIVEWAY GRADING DETAIL

LIPPERT COMPONENTS MANUFACTURING, INC. PLANT 228
1206 EISENHOWER DRIVE SOUTH, SE ¼, SECT. 22, T36N, R6E,
ELKHART TWP., CITY OF GOSHEN, ELKHART COUNTY, IN

JOB NO: 0382-2021 SHEET 1 OF 6 DRAWING NO. A-46212

LOCATION: 2313 & 2321 Eisenhower Drive North **DATE:** February 22, 2022
CASE NUMBER: 22-03UV **PREPARED BY:** Rossa Deegan

GENERAL INFORMATION

APPLICANT: Keystone RV Company (owner); Jones Petrie Rafinski (agents)

REQUEST: The applicant requests a use variance to allow an office (marketing and personnel training) where business offices are a conditional use in the Commercial B-1 and PUD Districts and a permitted use in the Commercial B-2, B-3, and B-4 Districts

LOT SIZE: ± 2.22 acres; ± 360' of frontage; depth varies

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 11

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Industrial, commercial

NEIGHBORHOOD: None

THOROUGHFARES: Eisenhower Drive North

TOPOGRAPHY: Level; wetland located to northeast of property

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix E*
Business offices are listed as a conditional use in the B-1 and PUD Districts and a permitted use in the B-2, B-3, and B-4 Districts

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning Office has not been contacted by any adjacent property owners regarding this variance. However, the Planning office may still be contacted with questions and statements of support or opposition to the variance between the time of this report's delivery and the public hearing.

ANALYSIS

The subject property is an approximately 2.2-acre tract with two 6,000 SF buildings and a central drive and parking area shared by both builders. The buildings are on separate parcels and until recently have been owned and used separately. Planning records on the property are limited. Annexation occurred in 2002 and uses of the separate parcels have included specialty vehicle manufacturing and servicing and contractor equipment rental.

In September 2020, the Planning office became aware that parking improvements had been made behind the building at 2321 Eisenhower Drive South. The owners have since provided plans and begun the Technical Review process for the parking area changes. They have stated that the buildings are now being used for marketing and personnel training and the parking area serves those uses. Because the buildings are being used for business offices, which are not permitted in the Industrial M-1 district, use variance approval is necessary.

Staff recommends approval of the request. The proposed use is less intense than an industrial use and will match the character of the area, which includes nearby business offices; the adjacent properties to the south are zoned Commercial B-3, where offices are a permitted use. There will be adequate parking on the property to accommodate the office use, and all developmental requirements will be met.

While this property will not be used for industrial purposes, it will be similar in use to many other offices that are separated from their industrial facilities. In fact, it is Staff's contention that the Zoning Ordinance's prohibition of stand-alone business offices in the M-1 District is too restrictive and out of touch with how industrial businesses within the City spread their offices and factories across multiple, sometimes disjoined properties. Such a shortcoming warrants an amendment to the Zoning Ordinance, and in this case, approval of the request. The BZA has previously approved similar requests, including July 2021 approval to allow business offices at 1753 Eisenhower Drive North, which was formerly an industrial use but converted to the offices of a local manufacturer.

FINDINGS OF FACT

Staff recommends **approval** of a use variance to allow an office (marketing and personnel training) where business offices are a conditional use in the Commercial B-1 and PUD Districts and a permitted use in the Commercial B-2, B-3, and B-4 Districts, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The proposed business offices will be less intense in use than an industrial production facility. The plans for the property include ample parking and clear driving aisles for ingress and egress. *The standard is confirmed.*
- 2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The proposed business office use will match other industrial businesses within the industrial park that have large human resource offices serving their production facilities. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The Zoning Ordinance allows offices that serve industrial facilities when both the office and industrial uses are on the same property. Prohibiting businesses offices to operate without an industrial use is peculiar and out of touch with how many large industrial businesses in the City spread offices and production across multiple, sometimes disjoined properties. *The standard is confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the subject property.** The existing improvements on the subject property, including the existing buildings, make it ideal for business offices that function for the purposes of marketing and personnel training. Given that industrial properties can have office uses when accessory to industrial uses, approval of the less intense office use by itself is reasonable. *The standard is confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** Approving use of the building for personnel training supports the Comprehensive Plan's goal to help "align local training programs with skills that are in demand in existing and emerging industries" (Economic Development 2.1). *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. Approval by the Engineering and Fire Departments through Technical Review is required.
5. Approval by the Building Department is required.



Looking north across Eisenhower Drive North.



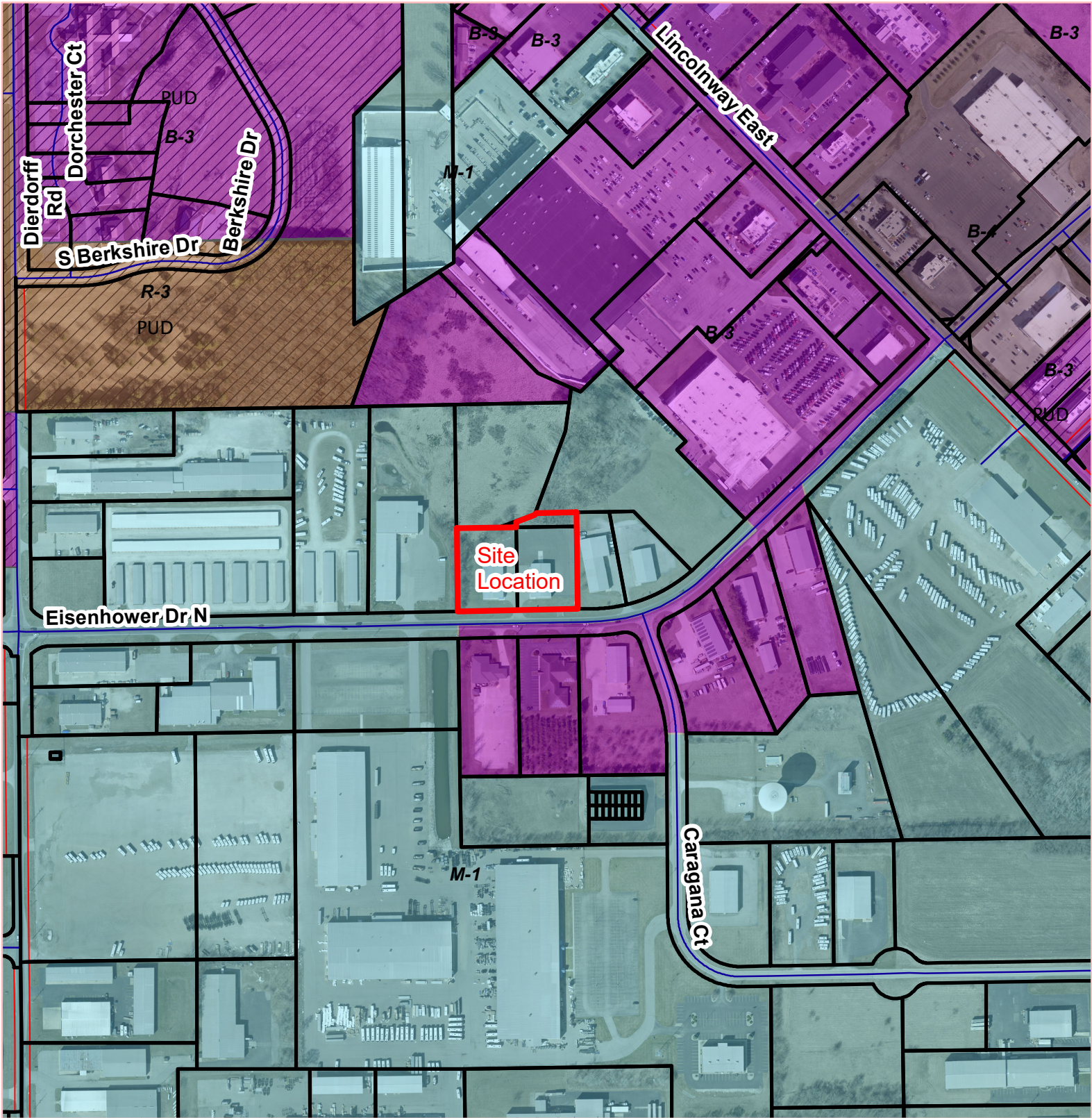
Looking northwest from Eisenhower Drive North



Looking northeast at parking area installed without approval



Looking south at driving aisle between buildings.



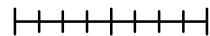
Site Location

The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.



Feet

0 100 200 400



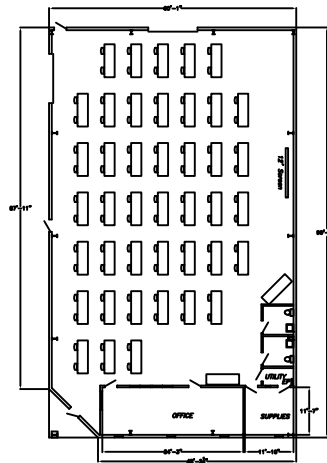
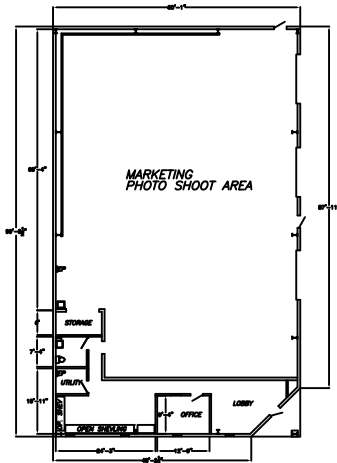
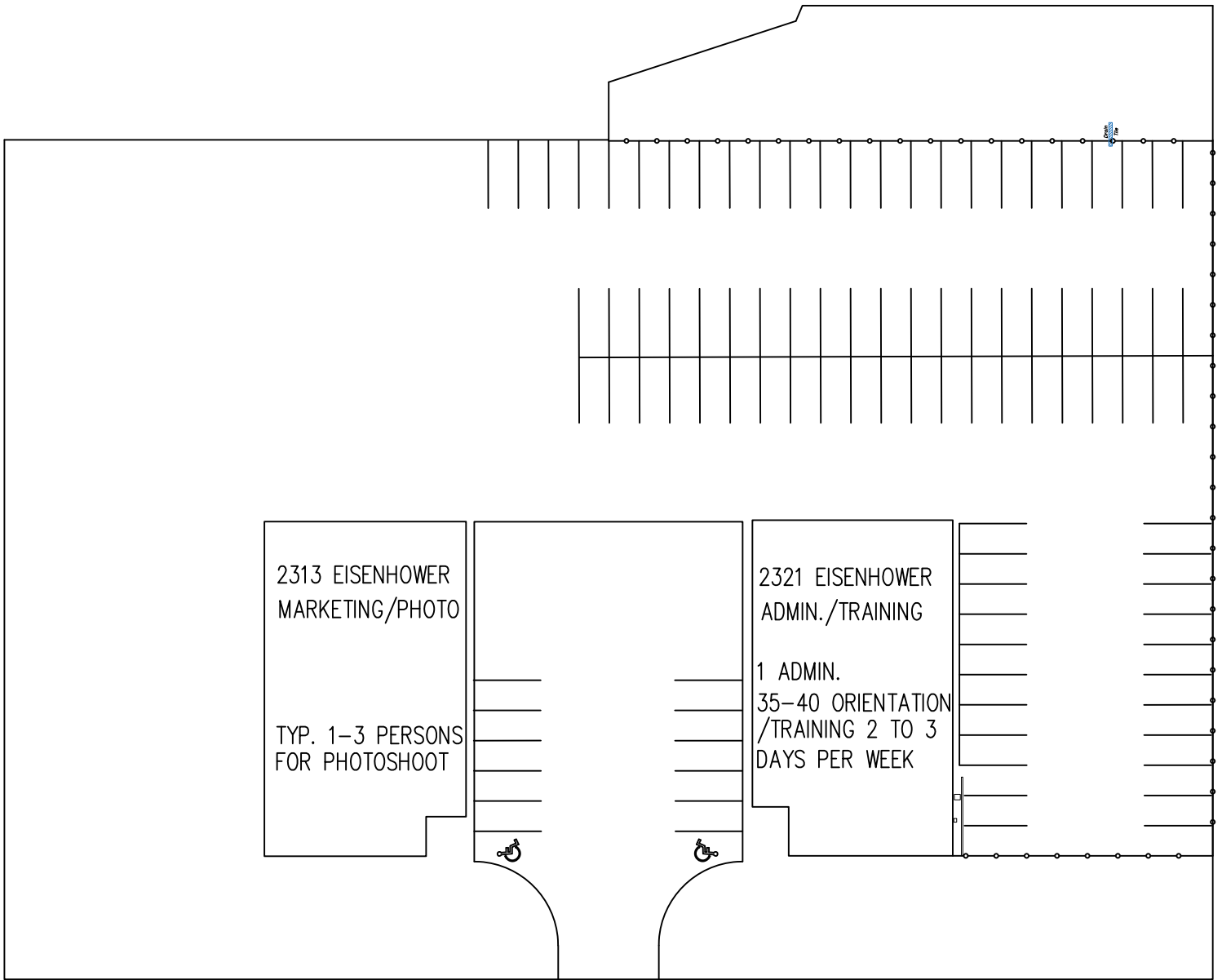
1 inch = 400 feet

2313 & 2321 Eisenhower Drive North

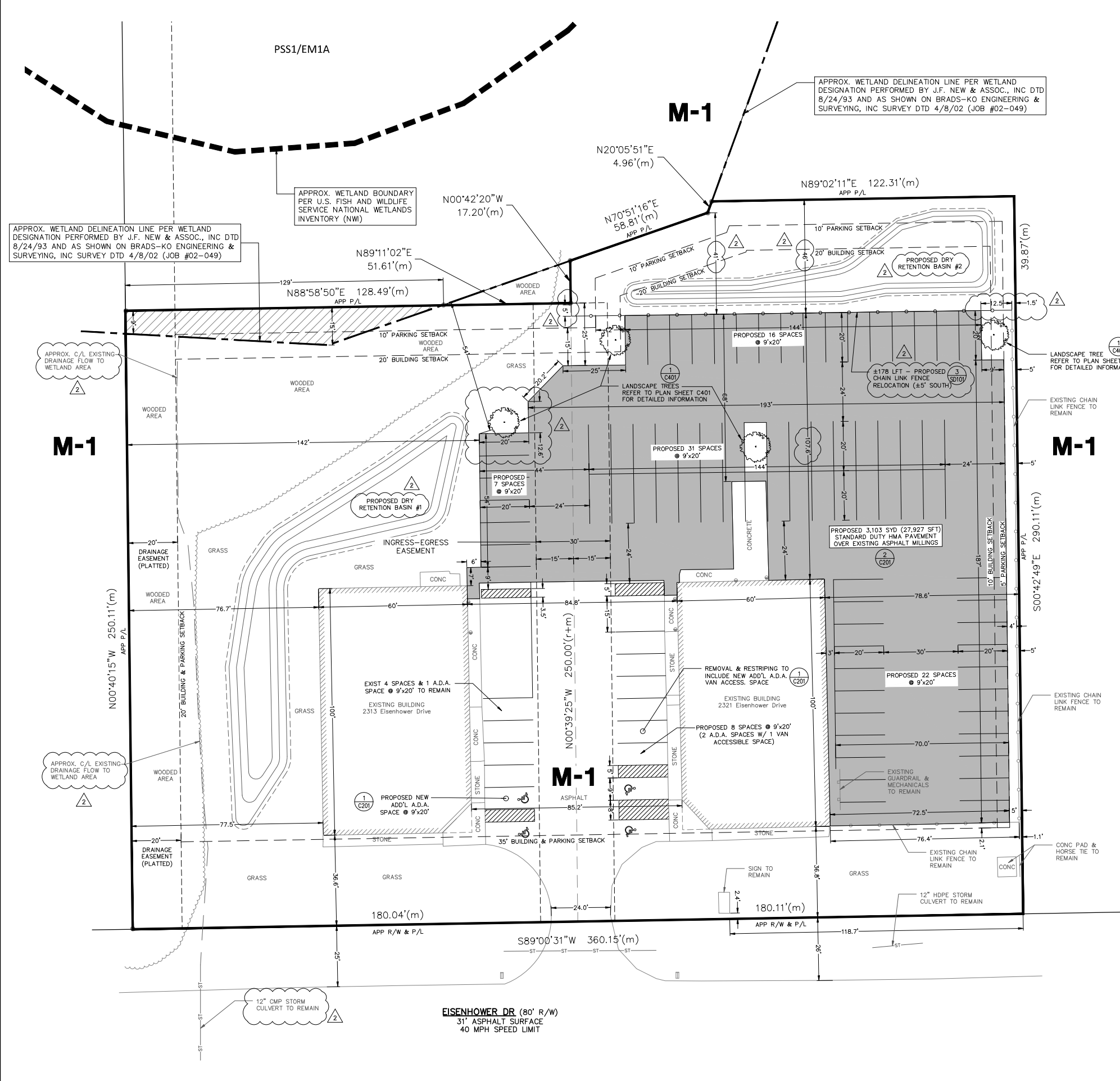
2021 Aerial
Printed January 24, 2022

The City of Goshen
Department of

Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626



C:\2020\Projects\2313\2313\2313 & 2321 Eisenhower Dr Site Improvements\KCD\DIMENSIONAL\REV1.DWG, 1/17/2022 4:03:10 PM, DWG TO PDF-463



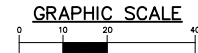
- LEGEND**
- PROPOSED STANDARD DUTY HMA PAVEMENT OVER EXISTING 3" COMPACTED ASPHALT MILLINGS SURFACE SEE DETAIL THIS SHEET FOR DETAILED INFORMATION
 - EXISTING DELINEATED WETLAND AREA WITHIN KEYSTONE RV PROPERTY

ZONING & SETBACKS

ZONING:
EXISTING ZONING - M-1, LIGHT INDUSTRIAL

BUILDING & PARKING SETBACKS:
FRONT YARD 35'
SIDE YARD 10'
REAR YARD 20'

PROPOSED BUILDING & PARKING SETBACK:
FRONT YARD 35'
EAST SIDE YARD 5'
REAR YARD 10'

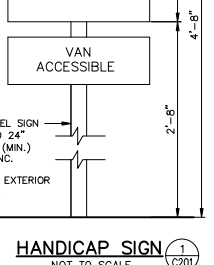
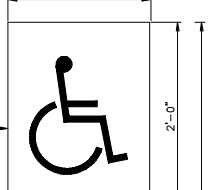


TABULATED SITE DATA

- ACREAGE OF SITE: 96,471 SFT (2.22 AC)
- PROPOSED LAND USE: LIGHT INDUSTRIAL
- EXISTING PARKING:
 - A. WITHIN EXISTING PAVED AREA - 15 SPACES (INCLUDING 2 A.D.A.)
 - B. WITHIN EXISTING MILLINGS PARKING AREA - 85 SPACES
 - TOTAL SPACES - 100 SPACES (INCLUDING 2 A.D.A. SPACES)
- PROPOSED PARKING:
 - A. WITHIN EXISTING PAVED AREA - 14 SPACES (INCLUDING 4 A.D.A. W/ 1 VAN ACCESS)
 - B. WITHIN PROPOSED PAVED AREA - 76 SPACES
 - TOTAL SPACES - 90 SPACES (INCLUDING 4 A.D.A. SPACES)
- EXISTING LAND COVERAGE:

DESCRIPTION	SQUARE FOOTAGE	% OF SITE
A. BUILDING(S)	11,970	12.41%
B. PAVEMENT/CONCRETE	11,212	11.62%
C. ASPHALT MILLINGS	31,507	32.66%
D. OPEN SPACE	41,782	43.31%
TOTAL	96,471	100.00%
- PROPOSED LAND COVERAGE:

DESCRIPTION	SQUARE FOOTAGE	% OF SITE
A. BUILDING(S)	11,970	12.41%
B. PAVEMENT/CONCRETE	38,676	40.09%
C. OPEN SPACE	45,825	47.50%
TOTAL	96,471	100.00%
- EXISTING SURFACE RUN-OFF AND DRAINAGE IS COLLECTED ON-SITE AND DISCHARGED TO EXISTING WETLAND AREA. PROPOSED ON-SITE DRY RETENTION BASINS WILL COLLECT SURFACE RUN-OFF AND DRAINAGE FROM THE EXISTING BUILDINGS & PAVED AREAS, AND PROPOSED PAVED AREA & GRASSED AREAS, WITHIN PROPOSED DRAINAGE AREA DA #P-1 AS SHOWN ON PLAN SHEET C301.
- EXISTING BUILDINGS ARE SINGLE STORY.
- EXISTING BUILDINGS ARE CONNECTED TO THE CITY OF GOSHEN WATER SYSTEM & SANITARY SEWER.
- EXISTING & PROPOSED PARKING SPACES ARE TO MEET THE CITY OF GOSHEN STANDARDS.
- EXISTING ACCESS DRIVE OFF OF EISENHOWER DRIVE WILL BE UTILIZED.



STANDARD DUTY HMA:
165#/SYD (1-1/2") HMA SURFACE, TYPE B, OVER EXISTING 3" COMPACTED ASPHALT MILLINGS, OVER EXISTING COMPACTED SUBGRADE



PAVING AND GRADING NOTES

- ALL ELEVATIONS SHOWN ARE TO FINISHED PAVEMENT UNLESS OTHERWISE NOTED ON PLANS.
- SLOPE GRADES UNIFORMLY BETWEEN ELEVATIONS SHOWN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL AVOID PONDING AT INVERTED CROWNED PAVEMENT.
- HEAVY DUTY HMA PAVEMENT SHALL BE:
165#/SYD (1-1/2") HMA SURFACE, TYPE B, OVER EXISTING 3" COMPACTED ASPHALT MILLINGS SURFACE OVER EXISTING COMPACTED SUBGRADE.
- RECYCLED ASPHALT PAVEMENT (RAP) SHALL BE ALLOWED IN BITUMINOUS PAVEMENT ACCORDING TO CURRENT INDOT SPECIFICATIONS.
- REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN SOFTENED BY RAINS, FREEZING, CONSTRUCTION EQUIPMENT, ETC.
- MATERIALS WHICH INHIBIT DRAINAGE, SUCH AS CLAY OR ORGANIC SOILS, SHALL NOT BE PLACED UNDER PROPOSED RETENTION POND BOTTOMS. CONTRACTOR SHALL NOT ALLOW HEAVY EQUIPMENT TO COMPACT SOILS IN THE BOTTOM OF THE RETENTION POND. 3" OF TOPSOIL SHALL BE PLACED AT RETENTION POND AREAS OVER EXISTING UNCOMPACTED SOILS AND SEEDED AS DETAILED ON THE LANDSCAPE PLAN.
- ALL GRANULAR FILL SHALL BE COMPACTED TO 95% MODIFIED PROCTOR (ASTM D1557) DENSITY. ALL SUBGRADE AND SUBBASE MATERIALS SHALL BE COMPACTED TO 98% MODIFIED PROCTOR (ASTM D1557) DENSITY BEFORE PARKING LOT AND DRIVEWAY ASPHALT PLACEMENT.
- SUBGRADE FOR ALL PAVEMENT SHALL BE PROOF-ROLLED IN ACCORDANCE WITH INDOT STANDARDS PRIOR TO PAVING. ANY ENCOUNTERED "PUMPING" AREAS SHALL BE UNDERCUT AND BACKFILLED WITH STRUCTURAL BACKFILL AT THE HEAT LINE LIMITS AS APPROVED BY THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AVOIDING PONDING OF STORM WATER ON SUBGRADE AND SUBBASE.

SITE PLAN NOTES

- ALL SITE IMPROVEMENTS ARE DIMENSIONED TO THE EDGE OF PAVEMENT UNLESS OTHERWISE NOTED. RADII ARE MEASURED TO THE EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
- PAVEMENT MARKINGS FOR PARKING AND RESTRICTING AREAS SHALL BE A 30 MIL APPLICATION OF CHLORINATED RUBBER TRAFFIC MARKING PAINT, AND OF SUFFICIENT APPEARANCE AS APPROVED BY THE OWNER OR OWNER'S REPRESENTATIVE. INSUFFICIENT PAVEMENT MARKINGS SHALL BE REDONE AS DEEMED NECESSARY BY THE OWNER OR OWNER'S REPRESENTATIVE AT THE CONTRACTOR'S EXPENSE. ALL LINES SHALL BE 4" WIDE, STRAIGHT, EVENLY SPACED, AND UNIFORM IN LENGTH.
- ALL HANDICAPPED SIGNAGE SHALL COMPLY WITH THE STATE OF INDIANA'S BARRIER FREE DESIGN REQUIREMENTS AND THE AMERICANS WITH DISABILITIES ACT.

DESIGNED BY:	E.B. HENION
DRAWN BY:	E.B. HENION
DATE:	JANUARY 2022
JOB NUMBER:	2020-0182
SCALE:	1"=20'
C201	

REV.	DESCRIPTION	DATE
1	REVISED PER CLIENT RECOMMENDATIONS	01/14/22
2	REVISED PER CITY OF GOSHEN TECH REVIEW COMMENTS	02/02/22

DESIGNED BY:	BRIAN B. KONARSKI	REG. No. 110113333	01/17/22
REGISTERED PROFESSIONAL ENGINEER	STATE OF INDIANA		
RESIDENTIAL EXEMPT			
FOR WAYNE, IN	P. 374.231-4388		
SOUTH BEND, IN	P. 374.231-4388		
ELIHART, IN	P. 374.231-4388		

2313 & 2321 EISENHOWER DRIVE	KEYSTONE RV
SITE IMPROVEMENTS	
SITE DIMENSIONAL PLAN, NOTES AND DETAILS	
GOSHEN, IN 46526	
2647 HACKBERRY DR	