

*Agenda*  
GOSHEN BOARD OF ZONING APPEALS  
Tuesday, July 26, 2022, 4:00 p.m.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 6/28/22
- 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 Variances**– public hearing items
  - 22-19DV** – Trent J. Haldeman & Sailor D. Davis-York request developmental variances to allow a 2’ side (west) setback where 5’ is required and two parking spaces in the front yard setback where open parking is not permitted for the installation of a new concrete parking and driving aisle. The subject property is generally located at 416 E Douglas Street and is zoned Residential R-1 District.
  - 22-20DV** - Richard & Vicky Miller request developmental variances to allow a 25’ front yard setback along Plymouth Avenue where 30’ is required and a 15’ front yard setback along 13<sup>th</sup> Street where 25’ is required and to allow a parking space in the front yards of both streets where open parking is not permitted for a new parking and driving aisle. The subject property is generally located at 924 E Plymouth Avenue and is zoned Residential R-1 District.
  - 22-21DV** - Matt P. Schrock and Abonmarche Consultants, Inc. request a developmental variance to allow a 13’ front building setback along Lincoln Avenue where 35’ is required for the construction of an approximately 2,352 Sf building addition. The subject property is generally located at 1210 E Lincoln Avenue and is zoned Industrial M-1 District.
  - 22-22DV** - Leopoldo Mendoza requests a developmental variance to allow a front building setback along Westfield Avenue of 5’ where a minimum of 25’ is required to rebuild an existing garage. The subject property is generally located at 711 Chicago Avenue and is zoned Residential R-2 District.
  - 22-23DV** - Juan & Victoria Navarro, Jose & Maria Hernandez, and Abonmarche Consultants, Inc., request developmental variances to allow a 0’ side (south) setback at 908 E Reynolds Street (Lots 90 and 91), a 0’ side (north) setback at 707 S 13th Street (Lot 92) where 5’ is required in both side yards for two driveways that cross the property line separating both properties, and 36% building coverage for Lot 92 (707 S 13th Street), to allow for new single family development of Lot 92 (707 S 13th Street). The subject properties are generally located at 908 E Reynolds Street (Lots 90 and 91) and 707 S 13th Street (Lot 92) and are zoned Residential R-1 District.
- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

Minutes - Goshen Board of Zoning Appeals  
Tuesday, June 28, 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: Tom Holtzinger, Hesston Lauver, and Angela McKenna (alternate). Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: Michael Potuck, Bethany Campbell, and Lee Rohn

**II.** Approval of Minutes from 5/24/22: Lauver, McKenna 3-0

**III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record:  
McKenna/Lauver 3-0

**IV.** Postponements/Withdrawals - None

**V. Use & Developmental Variances** – public hearing items

**22-06UV** – Lavern & Josephine Miller Family Limited Partnership and Linda Hershberger request a use variance to allow a variety store where the use is permitted in the Commercial B-2, B-3, and B-4 Districts. The subject property is generally located at 2418, 2420, & 2422 Dierdorff Road and is zoned Industrial M-1 District.

*Staff Report*

Mr. Deegan explained this property is located near the Industrial Park and contains three buildings; two are storage units and the third contains a small manufacturing use with a vacant space in the front of the building. The petitioners would like to use the vacant space for a small retail variety store, but a use variance is required because retail stores are not a permitted use in the Industrial M-1 District. Staff recommends approval of the request, pointing out there is adequate onsite parking and noting that the previous business here was an industrial wholesale supply with a small retail business. He stated the Planning Office was not contacted by members of the public regarding this request.

*Petitioner Presentation:*

Steve Carpenter, 2129 Carina Circle spoke on behalf of the petitioner. He was familiar with the Staff Report and had nothing to add.

*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/McKenna, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-06UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

**22-17DV** – Peter Shenk Koontz & Kelly Shenk Koontz and Dana Miller Building Solutions, Inc. request a developmental variance to allow a 3' front (east) building setback where 25' is required for

a new front porch. The subject property is generally located at 507 S 7<sup>th</sup> Street and is zoned Residential R-1 District.

*Staff Report*

Mr. Deegan explained the petitioners would like to update the front porch of this single family home, retaining the overhang and replacing failing brick with a concrete landing and new steps. The setback to the existing steps is approximately 10' and once reoriented, they will have a 3' setback where 25' is required. Variances for setbacks and lot coverage have been common in this neighborhood in the past few years and this case warrants approval. He noted the porch is reasonably designed, is not excessive in size, and the new steps will be built to code. He stated the Planning Office was not contacted by members of the public regarding this request.

*Petitioner Presentation:*

Nate Mateer Rempel, 1013 S 12<sup>th</sup> Street spoke on behalf of the petitioner. He stated they plan to replace the dilapidated porch structure with a smaller porch, but the steps will come down the front. He stated he spoke with the customer this morning and they have no problem with removing the brick walkway along the south side of the porch which was one of Staff's recommendations.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Staff members.

*Action:*

A motion was made and seconded, Lauver/McKenna, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-17DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

**22-18DV** – Troyer Carpets, Inc. and Signtech Sign Services request a developmental variance to allow the reduction of the area of an existing illuminated freestanding sign from 96 SF to 81 Sf where structural modifications to nonconforming signs is not permitted and to allow a 20 SF electronic message center to be added where electronic message centers are not permitted to be added to nonconforming signs. The subject property is generally located at 926 & 928 E Lincoln Avenue and is zoned Industrial M-1 District.

*Staff Report*

Mr. Deegan explained this 2.5 acre property is located along East Lincoln Avenue and is surrounded by a mix of uses, including commercial and industrial buildings to the east and west, and residential homes to the north. He explained the petitioner would like to make changes to an existing illuminated free-standing sign on the property. He noted the existing sign is non-conforming because it is 16' in height where 15' is permitted, 96 sf in area where 50 sf is permitted, and illuminated adjacent to residential properties, where signs must be non-illuminated. Proposed changes include:

- Reducing the height of the sign to 14' to bring it into compliance with the zoning ordinance
- Sign area will be reduced from 96 sf to 81 sf
- Replace an existing changeable copy sign with an electronic message center (EMC)

The sign requires a variance because the sign will remain non-conforming due to illumination and area. A variance is also required to add an EMC because EMC's cannot be added to a non-conforming sign.

He explained that staff doesn't generally recommend approval for EMC's to be added adjacent to residential properties, but because the height of the sign will be brought into compliance with the zoning ordinance, the sign area will be reduced, the overall area of illuminated will be reduced, and there are other commercial and industrial properties in the area that lend the area a mixed use character, he feels approval is warranted. He noted the BZA approved a variance in 2016 to allow an EMC at 1513 E Lincoln Avenue and that sign was also close to residential properties.

He stated no public input was received by the Planning Office regarding this petition.

*Petitioner Presentation:*

Todd Lehman, Signtech Sign Services, spoke on behalf of the petitioner. He stated the customer is rebranding because of a new name. They looked at the overall structure and wanted to make aesthetic changes and also make the sign less non-conforming. The plan was to reduce the height, illuminate the top sign, and use the secondary sign as the main ID sign. The existing "Shaw sign" will be moved down to take the place of the existing changeable copy sign. The "Congoleum sign" will be removed to make room for the EMC. He went on to say Troyer Carpets has been there so long, they also decided to add a temporary aluminum panel along the bottom which will be removed after people get used to the new name. Removing that panel will reduce the overall sign another 6 sf.

Mr. Holtzinger asked for clarification regarding the height and overall size of the new sign.

Mr. Lehman stated the sign they have presented will be reduced to 14' in height and is a little over 80 sf in area. Once the Troyer Carpet sign is removed, the sign area will be reduced by another 6 sf.

Mr. Lauver asked about the dimming of the lights.

Mr. Lehman stated it's government mandated to dim automatically.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

Ms. McKenna asked Mr. Deegan if a condition needs to be added to the approval regarding dimming of the lights or if it's sufficient for it to be approved as mandated by the government.

Mr. Deegan responded that condition #4 states "The electronic message center shall conform to the programming standards of the Zoning Ordinance." He then read the language from the Goshen Zoning Ordinance regarding dimming.

*Action:*

A motion was made and seconded, McKenna/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-18DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

**VI.** Audience Items  
None

**VII.** Staff Board Items

- 502 River Race Drive – request to modify conditions of 21-11DV

Mr. Deegan stated in April, 2021, the Board approved several developmental variances to allow the construction of a new home on a relatively small property at 502 River Race Drive. Construction of the

home is now complete and the last steps, which include planting of trees, will be completed this fall. The original conditions of approval required 2 large street trees, but with the assistance of the City Forester, it was determined that the site would be better suited to one large tree and one small tree. He referred to the updated site plan in the member's packets which show the location of the trees. The lack of space and utility locations require modification of the conditions and he recommended approval, using the suggested motion included with the staff report.

*Action:*

A motion was made and seconded, Lauver/Holtzinger to approve the request to modify Condition 4 of 21-11DV so that the condition requires a minimum of one (1) large street tree and one (1) small tree in the front yard setback. The motion passed unanimously by a vote of 4-0.

**VIII.** Adjournment: 4:20 pm McKenna/Lauver

Respectfully Submitted:

---

Lori Lipscomb, Recording Secretary

Approved By:

---

Tom Holtzinger, Chair

---

Lee Rohn, Secretary

**LOCATION:** 416 E Douglas Street  
**CASE NUMBER:** 22-19DV

**DATE:** July 26, 2022  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** Trent J. Halderman & Sailor D. Davis-York (owners)

**REQUEST:** The applicants request developmental variances to allow a 2' side (west) setback where 5' is required and two parking spaces in the front yard setback where open parking is not permitted for the installation of a new concrete parking and driving aisle

**LOT SIZE:** ± 3,432 SF; ± 52' of frontage; ± 66' of depth

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 40

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential

**NEIGHBORHOOD:** Historic Southside

**THOROUGHFARES:** Douglas Street

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District C.3. Accessory buildings on an interior lot shall not be located closer than 5 feet from the lot line.
- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Design Standards for Parking A.1 Open parking spaces may be located in any yard, except a front yard or the street side of a corner lot

### **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 located on Douglas Street in the Historic Southside neighborhood. The property is relatively small: it is approximately 3,432 SF and is one of three homes on an underlying one-quarter acre lot. It is improved with a one-story home with an approximate footprint of 1,311 SF, and an approximately 80 SF shed.

The petitioners are proposing to install a new concrete driveway on the west side of the property that will include two open parking spaces. The proposed side setback from the west property line to the new concrete is 2' where 5' is required, and the parking spaces are partially located in the front yard setback where open parking is not permitted, so developmental variances are required.

Approval is warranted based on the following:

- The property currently has no onsite parking, and the petitioners wish to have parking spaces that are removed from possible street hazards. The Zoning Ordinance requires that new homes have a minimum of two on site parking spaces.

- The property is only 52' in width, which is narrower than the minimum frontage requirement of 66' of the current Zoning Ordinance. The narrow width creates the need for a relief from the setback requirements, as there is nowhere else the parking/driving aisle can be located.
- The proposed open parking will occur because there is not room to locate the parking spaces further back from the property line. The property is only 66' deep, and a shed and proposed fence will form a back yard area. The proposed parking area allows for full parking behind the front wall of the home so that the two proposed parking spaces do not project into the visual field of the front yards along the same side of the street.
- The proposed driveway is in keeping with the character of the neighborhood, where development often requires relief from the developmental standards of the Zoning Ordinance. In February 2019, the property directly to the west (414 E Douglas) received numerous developmental variances for the replacement of a garage and driveway. In that instance, the BZA approved a 2' side (east) setback for the relocated driveway.

If approved, a right of way permit approved by the Engineering Department will be required.

### **FINDINGS OF FACT**

Staff recommends **approval** of developmental variances to allow a 2' side (west) setback where 5' is required and two parking spaces in the front yard setback where open parking is not permitted for the installation of a new concrete 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.** Installation of the parking/driving area will replace vehicle parking that would otherwise occur in the public right of way. *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 property is in a residential area and neighborhood where reduced setbacks to buildings and parking areas is characteristic. The adjacent property to the east has a driveway with a 2' side setback that was approved by the BZA in 2019. *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 current Zoning Ordinance requires that new homes have two on-site parking spaces, so the proposed parking/driving aisle is a reasonable use of a residential property in the R-1 District. Without variances, there is nowhere else on the property where such a parking/driving aisle could be installed. *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 of the right of way permit from the Engineering Department is required.



Looking south across Douglas Street



Looking south along west property line

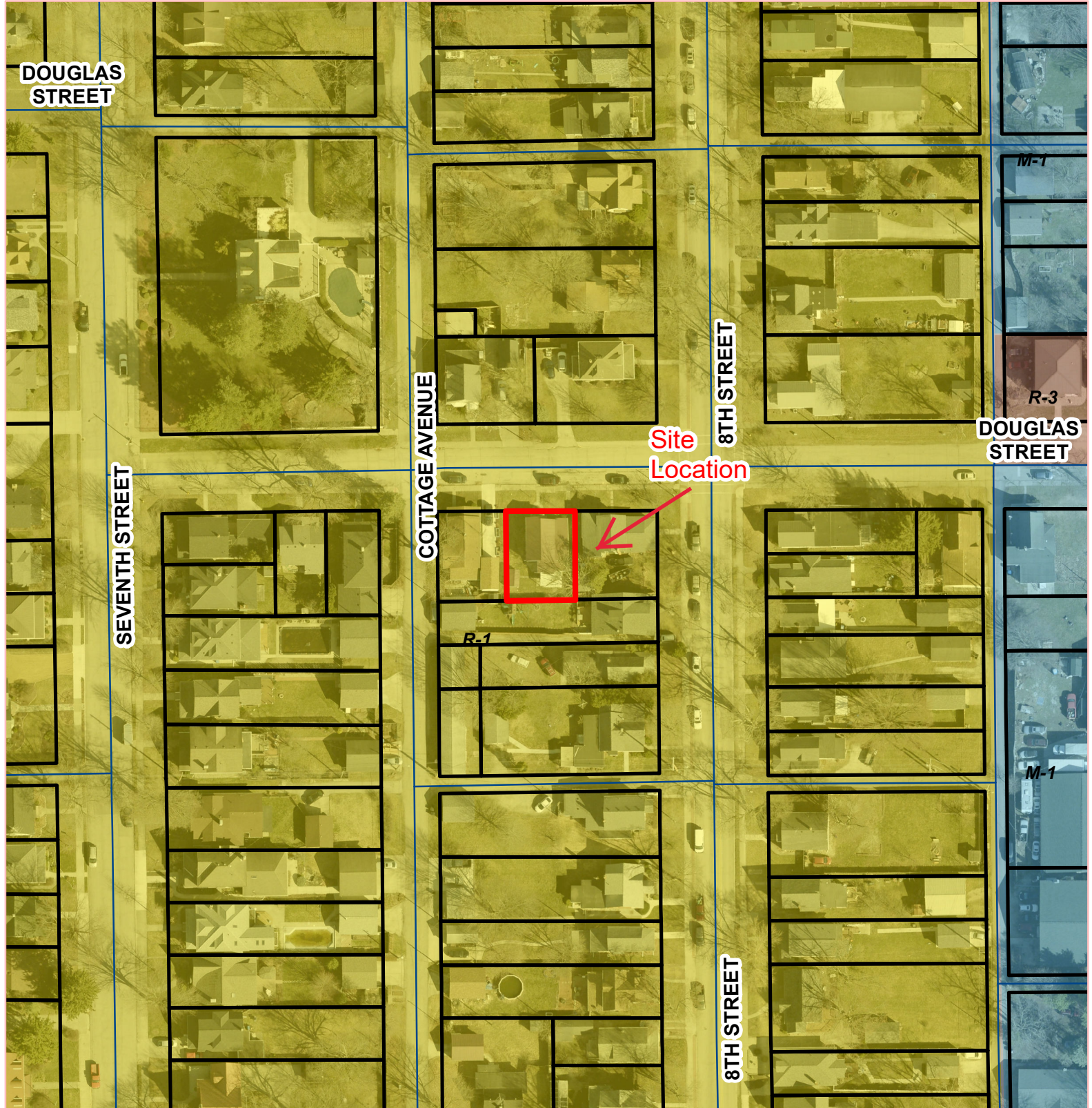




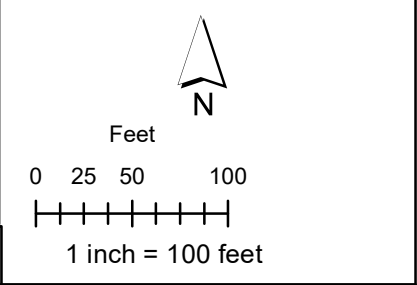
Looking southeast



Looking southwest



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.

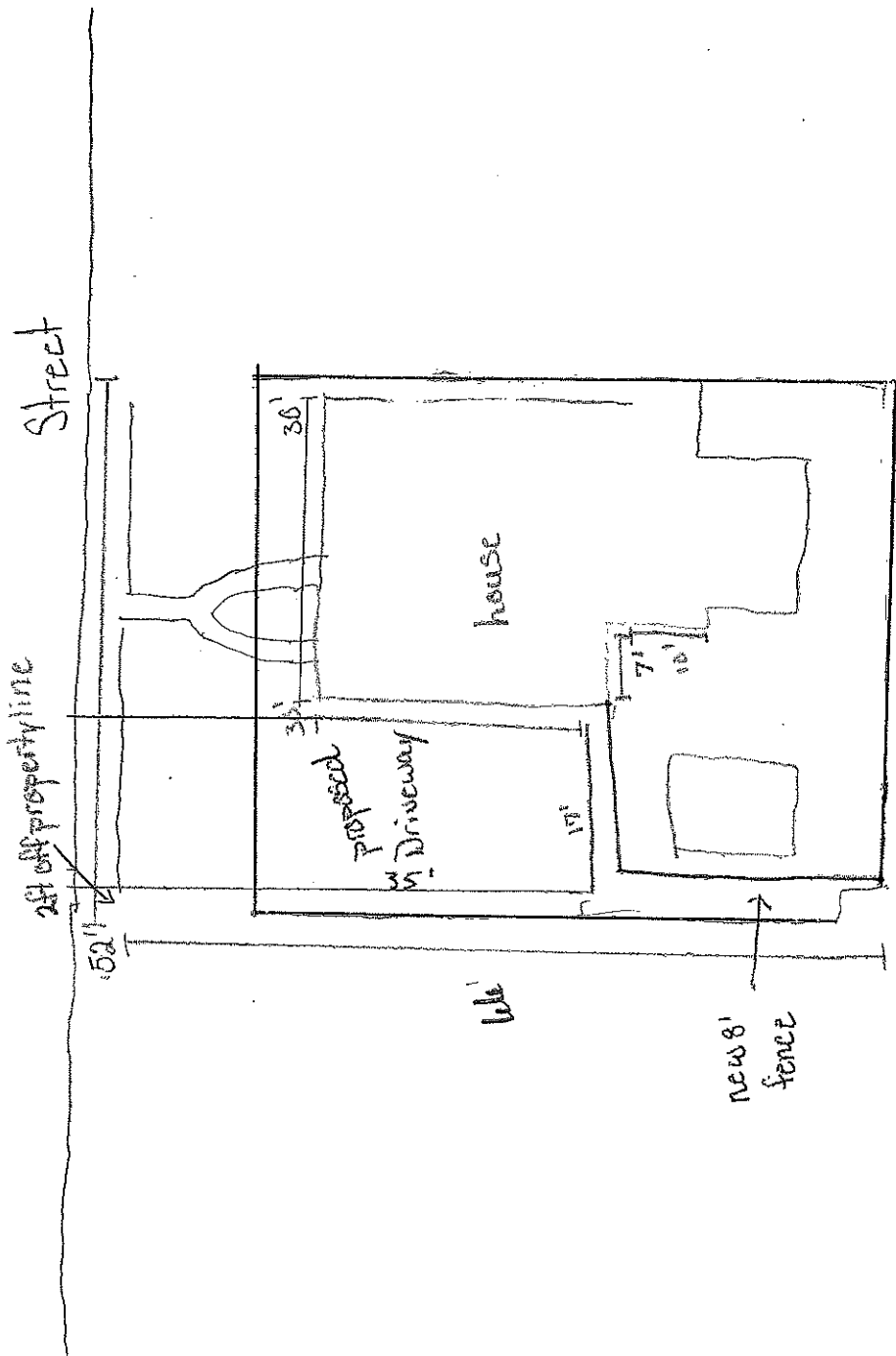


**416 E Douglas**

2021 Aerial  
Printed July 12, 2022

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

N ↑



lin = 20ft

416 E Douglas St  
Goshen, IN 46526

**LOCATION:** 924 E Plymouth Avenue  
**CASE NUMBER:** 22-20DV

**DATE:** July 26, 2022  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** Richard & Vicky Miller (owners)

**REQUEST:** The applicant request developmental variances to allow a 25' front yard setback along Plymouth Avenue where 30' is required and a 15' front yard setback along 13<sup>th</sup> Street where 25' is required and to allow a parking space in the front yards of both streets where open parking is not permitted for a new parking and driving aisle

**LOT SIZE:** ±6,586 SF; ±163' of frontage (±74' on Plymouth Ave & ±89' on 13<sup>th</sup> Street); ±89' of depth

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 44

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential

**NEIGHBORHOOD:** Eastern Core

**THOROUGHFARES:** Plymouth Avenue & 13<sup>th</sup> Street

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District
  - B.1. On residential or cul-de-sac streets, the front yard shall be a minimum distance of 25 feet
  - B.2. On collector streets, the front yard shall be a minimum distance of 30 feet
- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Design Standards for Parking
  - A.1 Open parking spaces may be located in any yard, except a front yard or the street side of a corner lot

### **ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES**

The Planning office received one phone call from an adjacent property owner requesting clarifications on the request but not offering any comments.

---

### **ANALYSIS**

---

The subject property is a single family home located on the southwest corner of the intersection of the Plymouth Avenue and 13<sup>th</sup> Street. Zoning is Residential R-1 and surrounding properties are predominantly single family homes. Improvements on the property include a home with an approximate footprint of 1,008 SF and an approximately 336 SF shed. The home includes an attached one-stall garage with driveway access from Plymouth Avenue and an open parking space in the front yard of the existing driveway.

The petitioner is proposing to add an additional driveway with a parking space/turnaround from 13<sup>th</sup> Street for a third vehicle. The proposed driveway will have a front setback of 25' from the property line on Plymouth Avenue where 35' is required and a front setback of 15' from 13<sup>th</sup> Street where 25' is required, so variances are needed. An additional variance is needed to allow open parking in the front yards of both streets. The Board of Works approved the proposed second driveway at the May 2, 2022 meeting with the condition that it is approved by the BZA.

Staff recommends approval. The driveway and parking space will be behind the front wall of the home as it faces Plymouth Avenue, so will not create new open parking that projects into the Plymouth Avenue front yard. Along 13<sup>th</sup> Street, the open parking space will not disturb the character of the street. The two homes to the south of the subject property (905 & 907 S 13<sup>th</sup> Street) both have single stall garages with at least one open parking space in their front yards.

Although the property is a corner lot with two frontages, there is space in the southwest quadrant of the property to locate a parking space. The petitioner states that locating it there would conflict with the existing fenced in yard area. Given that there is an existing garage and open parking space on Plymouth Avenue, and room for a space meeting setback requirements, the request does not satisfy the practical difficulties criterion.

If approved, the Engineering Department will need to approve the surface type and a right of way permit.

### **FINDINGS OF FACT**

Staff recommends **approval** of developmental variances to allow a 25' front yard setback along Plymouth Avenue where 30' is required and a 15' front yard setback along 13<sup>th</sup> Street where 25' is required and to allow a parking space in the front yards of both streets where open parking is not permitted for a new 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 proposed parking and driving aisle will maintain a 25' setback from the Plymouth Avenue property line and a 15' setback from the 13<sup>th</sup> Street property line. There is no reason to believe these distances will be detrimental to the public health, safety, morals, and general welfare of the community. *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 parking and driving aisle will be behind the front wall of the home facing Plymouth Avenue and similar to other open parking space on adjacent properties. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will not result in practical difficulties in the use of the subject property.** The request is for a new parking and driving aisle for a third vehicle. There is space for such a parking area in the southwest corner of the property meeting setback requirements. *The standard is not 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 of the surface type and a right of way permit by the Engineering Department is required.



Looking south from Plymouth Avenue at existing one-stall garage and open parking space



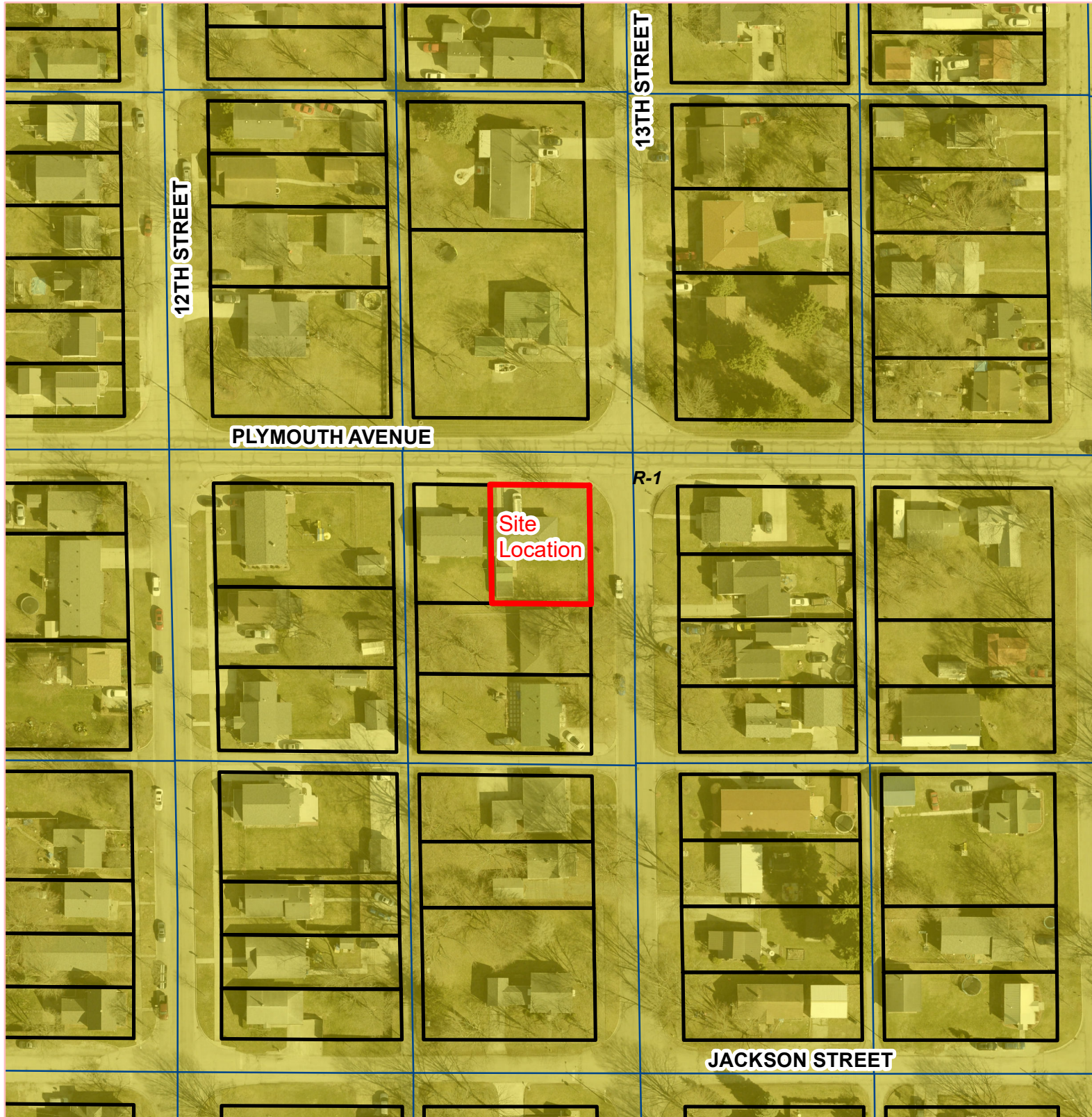
Looking south from Plymouth Avenue at proposed location of parking/driving aisle



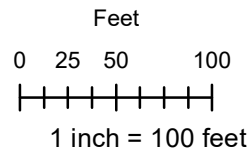
Looking west from 13<sup>th</sup> Street



Looking west from 13<sup>th</sup> Street



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.

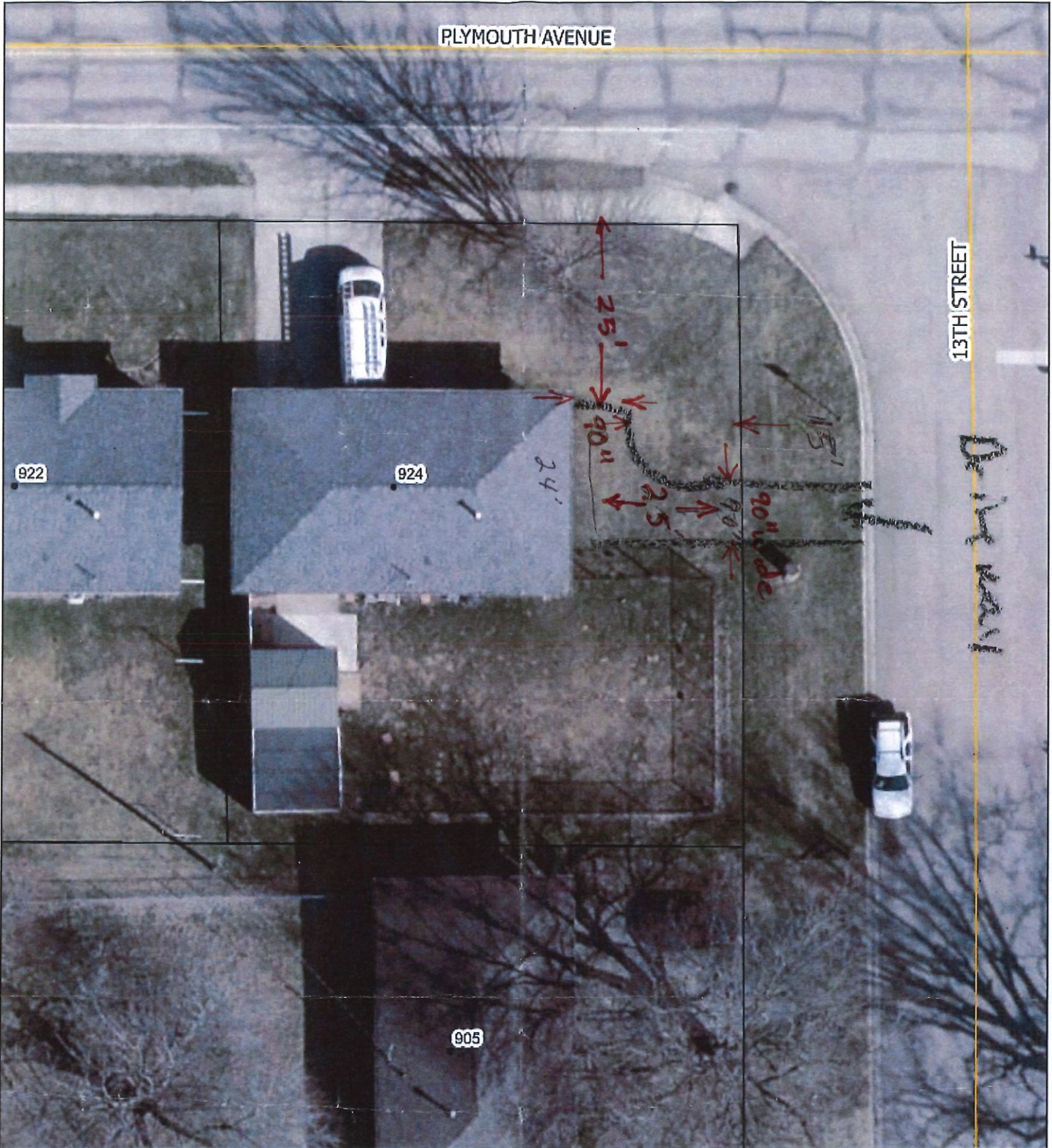


924 E Plymouth

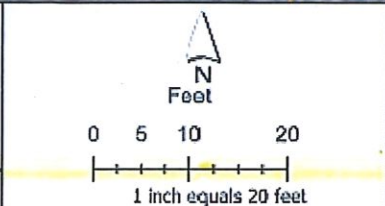
2021 Aerial  
Printed July 12, 2022

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





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.



*Drive way in Brick*

924 E Plymouth Ave

2021 Aerial  
Printed on 3/29/2022

The City of Goshen  
Department of  
Planning & Zoning  
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-3600 Fax: 574-533-9626

**LOCATION:** 1210 E Lincoln Avenue  
**CASE NUMBER:** 22-21DV

**DATE:** July 26, 2022  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** Matt P. Schrock (owner); Abonmarche Consultants, Inc. (agent)

**REQUEST:** The applicants request a developmental variance to allow a 13' front building setback along Lincoln Avenue where 35' is required for the construction of an approximately 2,352 Sf building addition

**LOT SIZE:** ± 8.6 acres; ±578' of frontage; depth varies

**APPLICABLE ZONING:** Industrial M-1

**NOTICES SENT:** 9

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Commercial, residential, institutional, industrial

**NEIGHBORHOOD:** East Goshen

**THOROUGHFARES:** Lincoln Avenue

**TOPOGRAPHY:** Property contains a large mapped wetland; majority of property is in floodplain, Zone AE Fringe and the 0.2 percent annual chance flood hazard area

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4230.3*, Area, Width, and Yard Regulations of the M-1 District B.2. On arterial streets, the front yard shall be a minimum distance of 35 feet

### **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 motorcycle repair business located on Lincoln Avenue in East Goshen. The property is over 8 acres in size and includes two tax parcels, the western-most of which is undeveloped. The property is located in Zone AE Fringe of the regulatory floodplain, and wetland covers a large portion of both parcels. The subject and surrounding properties are a mix of uses, including a car sales adjacent to the north, a church space to the northeast, residential use to the east, and park and trail land to the east and south.

Improvements on the property include three buildings with an approximate total footprint of 5,240 SF. Drive access from Lincoln Avenue and asphalt and concrete parking and driving aisles serve the buildings. The petitioner is now proposing to build an approximately 56' x 42' addition the northern-most building. The addition will replace two car ports on an existing gravel surface. The proposed building addition has a front setback of 13' where 35' is required along Lincoln Avenue, so approval of a developmental variance is needed to proceed.

There is ample space on the property for additional building space that doesn't encroach in the front building setback or the mapped wetland, and for that reason, strict application of the terms of the Zoning Ordinance will

not result in practical difficulties in the use of the property. Nevertheless, there are other reasons why approval is warranted:

- The front of the proposed addition is in line with an existing building on the property; that building encroaches well into the front setback. Alignment with this building will allow a more functional transition between the existing and proposed building.
- Uses on adjacent properties also encroach in the minimum front 35' building/driving aisle setback along Lincoln Avenue, and the proposed addition is unlikely to upset the character of the area. GIS measurements show an approximately 4' front building setback to the residence at 1214 E Lincoln, 7' and 12' to the two church buildings at 1213 E Lincoln, and 8' to the parking area for the car sales business at 1207 E Lincoln Avenue.
- The proposed addition maintains an adequate setback for the continued infrastructure improvements along the E Lincoln Avenue Corridor. There is no indication that the proposed setback is in conflict with public health and safety.
- Because of the extensive wetlands and floodplain the majority of the site cannot be developed, and new construction in a different location would require fill and additional building elevation, so an addition to the existing building may have less impact than new construction elsewhere on the site.

### **FINDINGS OF FACT**

Staff recommends **approval** of developmental variances to allow a developmental variance to allow a 13' front building setback along Lincoln Avenue where 35' is required for the construction of an approximately 2,352 Sf building addition, 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 addition maintains an adequate setback for the continued infrastructure improvements along the E Lincoln Avenue Corridor. There is no indication that the proposed setback is in conflict with public health and 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 front wall of the proposed addition is in line with the front wall of an existing building, and the proposed setback is characteristic of uses on adjacent properties, many of which encroach in front yards along E Lincoln Avenue. *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.** Because of the extensive wetlands and floodplain the majority of the site cannot be developed, and new construction in a different location would require fill and additional building elevation, so an addition to the existing building may have less impact than new construction elsewhere on the site. *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 Tech Review is required
5. Approval by the Building Department is required.
6. The approved setback shall be to the overhang of the structure.



Looking south across Lincoln Avenue



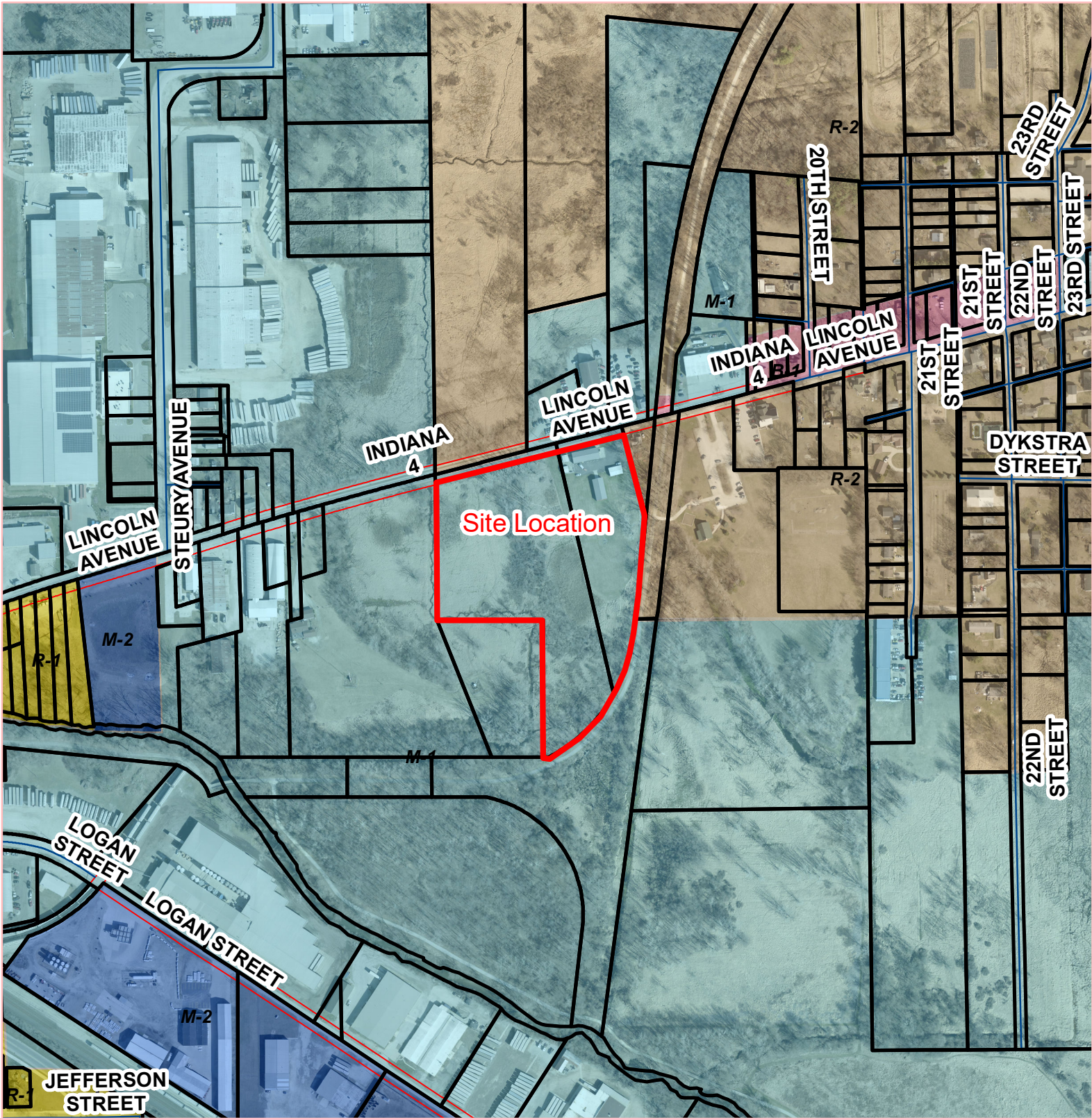
Looking south across Lincoln Avenue at proposed location of addition



Looking west



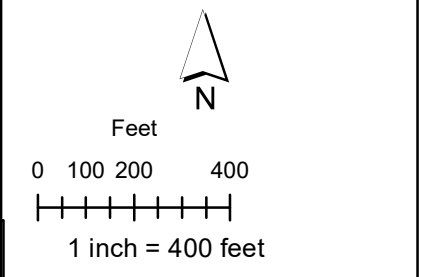
Looking east



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.

1210 E Lincoln Ave

2021 Aerial  
 Printed July 12, 2022



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

# BOARD OF ZONING APPEALS (BZA) PRELIMINARY SITE PLAN

A PART OF THE EAST HALF OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 6 EAST,  
ELKHART TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA

## LEGAL DESCRIPTION—INSTRUMENT #2003-04197

A PART OF THE EAST HALF (E 1/2) OF SECTION TEN (10), TOWNSHIP THIRTY-SIX (36) NORTH,  
RANGE SIX (6) EAST, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE MARKING THE SOUTHEAST CORNER OF THE WEST HALF (W 1/2) OF THE  
NORTHEAST QUARTER (NE 1/4) OF SECTION TEN (10), TOWNSHIP THIRTY-SIX (36) NORTH, RANGE  
SIX (6) EAST, ELKHART COUNTY, INDIANA; THENCE NORTH ALONG THE EAST LINE OF THE WEST  
HALF OF THE NORTHEAST QUARTER OF SECTION 10, 714.1 FEET TO A SPIKE NAIL IN THE CENTER  
LINE OF STATE HIGHWAY NO. 4 (LINCOLN AVENUE), THENCE SOUTH 75 DEGREES 24 MINUTES WEST  
ALONG THE CENTER LINE OF STATE HIGHWAY NO. 4 (LINCOLN AVENUE), 759.78 FEET TO THE PLACE  
OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID DESCRIBED BEARING, 208.71  
FEET; THENCE SOUTH 14 DEGREES 57 MINUTES EAST, 734.87 FEET TO AN IRON STAKE ON THE  
WEST RIGHT-OF-WAY LINE OF THE LAKE SHORE AND MICHIGAN SOUTHERN RAILROAD LAND; THENCE  
NORTHEASTERLY ALONG THE WEST RIGHT-OF-WAY OF SAID RAILROAD; 528.5 FEET; THENCE NORTH  
14 DEGREES 57 MINUTES WEST, 252.47 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.  
SAID ABOVE TRACT CONTAINS 2.401 ACRES OF LAND.

## GENERAL NOTES

1. Current Zoning: "M-1" Industrial District
2. Land Use: Existing Motorcycle Repair and parts/accessories showroom.
3. The project site is currently serviced by City of Goshen municipal sanitary sewer and an existing private water well.
4. Setbacks shall conform to City of Goshen Zoning Ordinance unless the proper variances have been approved.
5. Site/Building drainage is currently managed onsite.
6. Existing parking areas are privately owned and shall be paved.
7. All radii dimensions are to edge of pavement unless otherwise noted.
8. All landscaping, lighting, and signage shall be in accordance with the City of Goshen Zoning Ordinance unless the proper variances have been obtained.

## PROPOSED BUILDING EXPANSION

Proposed Building Addition -  $\pm$ 2,352 SF

## TABULATED SITE DATA

Site Area = 2.46± Acres	Area (Acres)	Percentage
Proposed Land Coverage	0.14	6%
Existing Buildings	0.05	2%
Proposed Building Expansion	0.29	12%
Existing Hard Surface	1.98	80%
Open Space	2.46	100%

## PARKING CALCULATIONS

Number of Employees = 3

Parking Required: 1 Space per 2 Employees; plus one per 1,000 square feet of display/sales and inside/outside storage area

$$1 \text{ Space} \times (2 \text{ Employees} / 3) = 2 \text{ Space}$$

$$6,557 \text{ S.F.} / 1,000 \text{ s.f.} = 7 \text{ spaces}$$

Parking Provided:  
Existing Parking = 10 Spaces  
Proposed Parking = 0 Spaces  
Total Parking at Full Build-Out = 10 Spaces

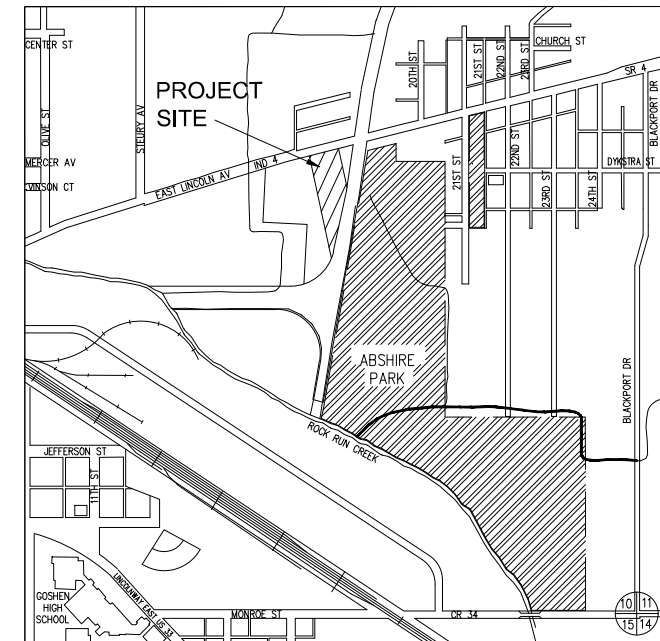
$$\text{Parking} = 9' \times 20'$$

## KEYNOTE LEGEND

- # Number of Parking Spaces
- K Asphalt Pavement
- ASPH Existing Asphalt
- CONC Existing Concrete

OWNER / DEVELOPER  
CYCLE WORKS, LLC  
1210 E. LINCOLN AVENUE  
GOSHEN, IN 46528  
(574) 533-3450

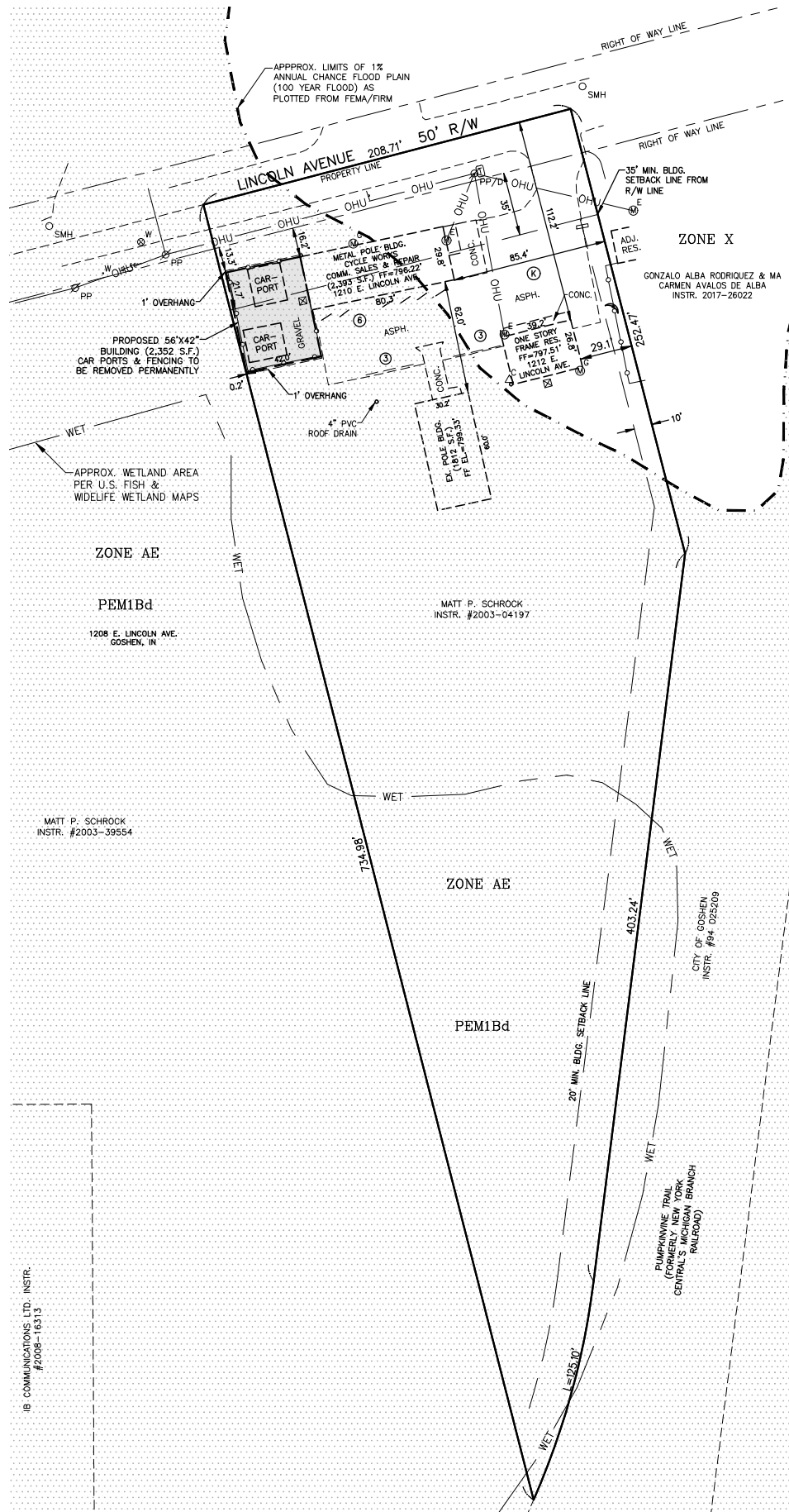
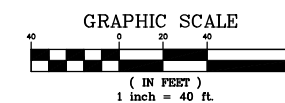
ARCHITECT / CIVIL ENGINEER / SURVEYOR  
ABONMARCHÉ CONSULTANTS, INC.  
303 RIVER RACE DRIVE, UNIT 206  
GOSHEN, IN 46526  
(574) 533-9913



LOCATION MAP  
(NOT TO SCALE)

## LEGEND

- [Symbol] = SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) AS DIGITIZED FROM FLOOD MAP AND SUBJECT TO MAP SCALE FACTORS.
- ZONE AE = THE 1% ANNUAL CHANCE FLOOD WITH BASE FLOOD ELEVATION DETERMINED
- ZONE X = AREA DETERMINED TO BE OUTSIDE THE 0.2% (500 YEAR) ANNUAL CHANCE FLOOD
- [Symbol] = SATELLITE DISH
- [Symbol] = EXISTING GROUND CONTOUR (BASED ON NAVD 1988)
- FF EL = BASE FLOOD ELEVATION
- [Symbol] = FOUND CAPPED IRON
- [Symbol] = FOUND IRON PIPE
- [Symbol] = GAS METER
- [Symbol] = ELECTRIC METER
- PP/D = POWER POLE WITH DROP
- PP = POWER POLE
- [Symbol] = UTILITY TUB ACCESS
- [Symbol] = MAILBOX
- [Symbol] = AIR CONDITIONING UNIT
- [Symbol] = WATER VALVE
- [Symbol] = SANITARY MANHOLE
- [Symbol] = DOWNSPOUT
- [Symbol] = RADIO TOWER
- [Symbol] = OVERHEAD UTILITY LINE
- [Symbol] = CHAIN LINK FENCE



**ABONMARCHÉ**  
Benton Harbor  
Portage  
Goshen, IN 46526  
1-574-533-9913  
abonmarche.com

CYCLE WORKS  
NEW BUILDING  
1210 EAST LINCOLN AVE.  
GOSHEN, IN 46528

PROJECT:

BZA SITE PLAN

SHEET TITLE:

DRAWN BY:

TRM

DESIGNED BY:

PM REVIEW:

BEM

QA/QC REVIEW:

DATE:

SEAL:

SIGNATURE:

DATE:

07-1-2022

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.

SCALE:

HORIZ: 1"=40'

VERT:

ACI JOB #

22-0765

SHEET NO.

C0.1

**LOCATION:** 711 Chicago Avenue  
**CASE NUMBER:** 22-22DV

**DATE:** July 26, 2022  
**PREPARED BY:** Rossa Deegan

---

**GENERAL INFORMATION**

---

**APPLICANT:** Leopoldo Mendoza

**REQUEST:** The applicant requests a developmental variance to allow a front building setback along Westfield Avenue of 5' where a minimum of 25' is required to rebuild an existing garage

**LOT SIZE:** ± 8,617 SF; ± 241' of frontage (±75' on Chicago Ave & ±166' on Westfield Ave); depth varies

**APPLICABLE ZONING:** Residential R-2

**NOTICES SENT:** 20

---

**SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Commercial, residential, institutional

**NEIGHBORHOOD:** Riverdale

**THOROUGHFARES:** Chicago Avenue and Westfield Avenue

**TOPOGRAPHY:** Elevation decreases slightly from bank of Elkhart River, which is located to the north across Chicago Avenue

**VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4160.3*, Area, Width, and Yard Regulations of the R-2 District B.1. On residential or cul-de-sac streets, the front yard shall be a minimum of 25 feet

**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 a two-family home located on the corner of Chicago Avenue and Westfield Avenue in the Riverdale neighborhood. Surrounding development includes a mix of single and multi-family residential uses and commercial and industrial uses to the west; an auto repair business is located directly west of the property across Westfield Avenue.

The history of the property includes its use as a three-unit rental until 2009, when rental registration ceased. In 2016, the property received use variance approval from the BZA to allow duplex use of the property despite having inadequate lot size. With the 2016 approval, a three-bedroom unit and a two-bedroom unit were created and a concrete parking pad was added to the south of the property to accommodate up to four vehicles.

The petitioner has submitted plans showing that the existing building has a one-stall garage without a driveway. He has explained that its dimensions are not ideal for a garage, so he is proposing to rebuild it within the same footprint but he will increase the ceiling height and door width. The new garage will be 14.5' to the peak with an overhead door width of 10' and will be served by a new concrete driveway. The garage has a front (west) building setback from the Westfield Avenue property line of 5' where 25' is required, so a developmental variance is needed. (Note: when the property was inspected by Staff for this report, changes appeared to have been made



where to the garage area so that new walls and windows were possibly installed where the old garage door was located; the structure did not appear to match how it was described in the variance application.)

Staff recommends approval of the request. The garage will be rebuilt in the same footprint as the part of the structure it is replacing. While the proposed setback is only 5' from the front property line, it matches the existing footprint, and will not be out of character with the historical configuration of the property. The property has a variance allowing the two-family use, and it is located in the Residential R-2 District, where two-family homes are permitted, so the need for adequate parking for the use is reasonable, and denying the variance would create practical difficulties for that use.

A number of conditions should be included with approval; among them:

- A limit should be placed on the width of the driveway so that the new driveway does not create open parking. The Engineering Department has signaled that it would approve the right of way permit for the new driveway so long as vehicles don't park in the driveway. The petitioner has submitted a plan showing the garage door will be 10' wide and the driveway will be 21' wide, creating the possibility that vehicles will park in the open. Staff recommends the driveway is no more than 4' wider than the garage door.
- Any possible zoning violations occurring on the property should be quickly resolved. During an inspection of the property for this report, at least three vehicles were parked or stored on an unimproved surface; at least two vehicles appeared to be without current license plates; and one vehicle appeared to be inoperable. The possible violations give the property an unsightly appearance and one that is harmful to the use and value of adjacent residential properties.

## **FINDINGS OF FACT**

---

Staff recommends **approval** of a developmental variance to allow a front building setback along Westfield Avenue of 5' where a minimum of 25' is required to rebuild an existing 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 proposed garage will be built within the existing building footprint, and the proposed setback of 5' will match the existing. In practical terms, this means the conditions on the property will remain the same, while one new parking space will be created. *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 garage will be built within the existing building footprint, and the proposed setback of 5' will match the existing. The rebuilt garage will improve parking conditions on the property, alleviating haphazard parking. *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.** A variance was previously approved by the BZA allowing duplex use of the property, and the property is in the Residential R-2 District, where two-family uses are permitted. The proposed garage will help alleviate parking issues related to the duplex use. *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. A right of way permit approved by the Engineering Department is required.
6. The width of the driveway shall not exceed the width of the vehicle bay door of the garage by more than 4'.
7. Within thirty (30) days of approval, all vehicles on the property shall have current license plates, be in fully operating condition, and be parked or stored on improved surface.



Looking south across Chicago Avenue and down Westfield Avenue



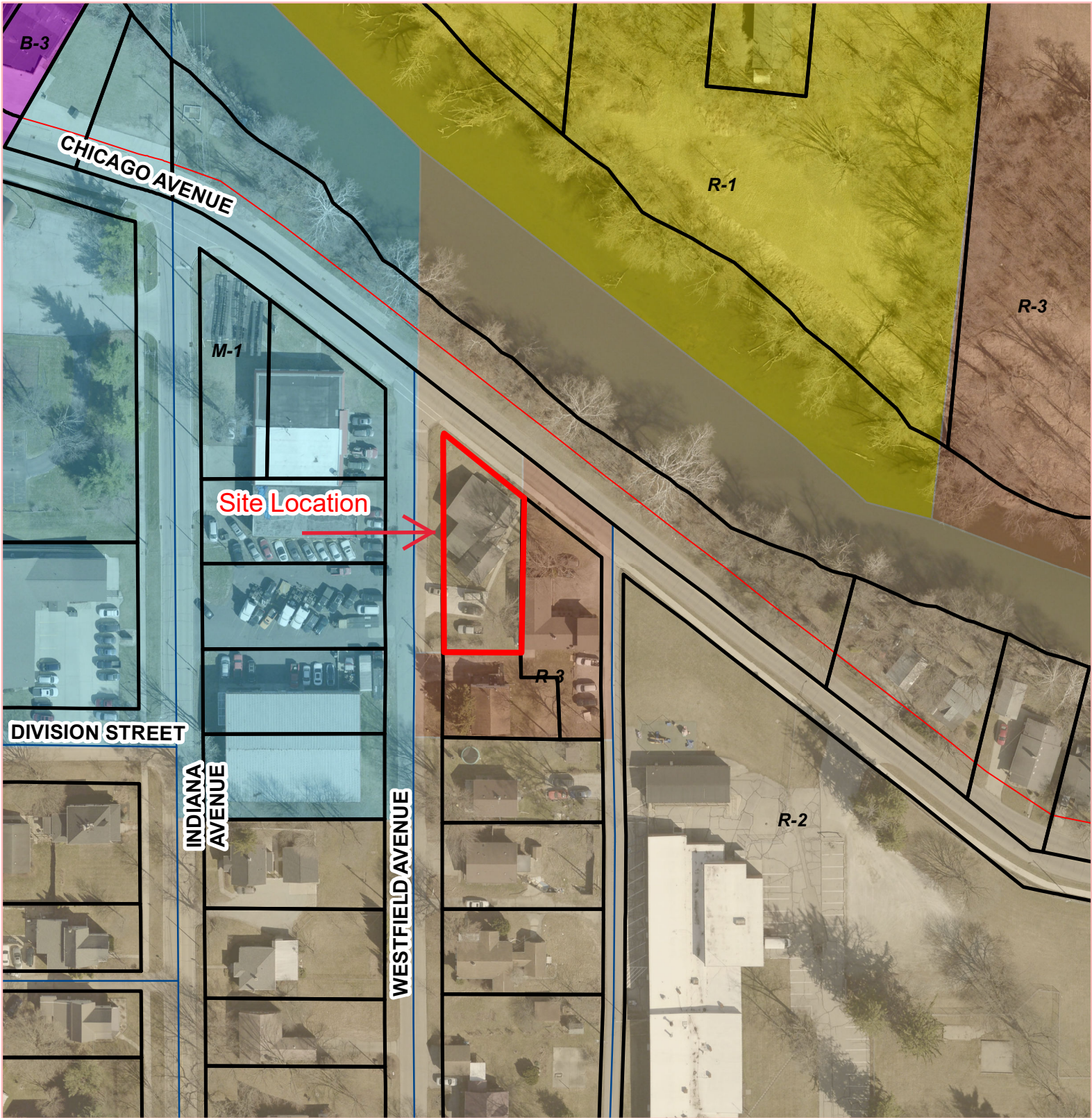
Looking southeast from Westfield Avenue at location of proposed garage rebuild



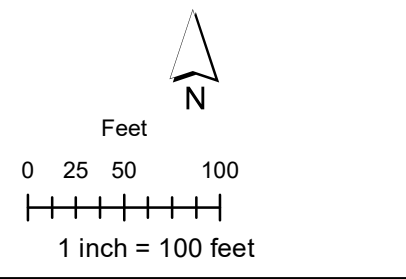
Looking northeast from Westfield Avenue



Looking east at existing driveway and numerous apparent parking violations



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.



711 Chicago

2021 Aerial  
Printed July 12, 2022

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

111 = 301

FOUND 1" AXLE  
1.00' EAST OF  
CORNER  
5" DEEP

144

SET 5/8" REBAR  
WITH CAP BRADS-KO  
0041 FLUSH

CHICAGO AVENUE  
24.4' ASPHALT PAVEMENT

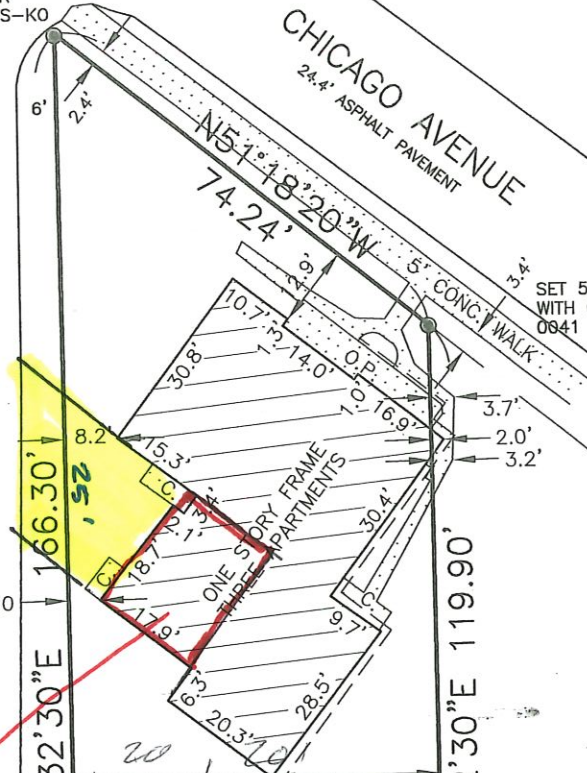
ADDITION  
SE 421

WESTFIELD AVENUE 43' R/W  
22.8' ASPHALT PAVEMENT

SET 5/8" REBAR  
WITH CAP BRADS-KO  
0041 FLUSH

143

HESS RIVERDALE ADDITION  
DEED 84, PAGE 421



*Demolish Old Garage  
Build a new one*

142

S00°32'30"E 166.30'  
S00°32'30"E 119.90'

103

DANIEL J. BROUILLETTE  
(UNDIVIDED 1/2 INTEREST)  
RICHARD L. & PAULETTE M.  
BROUILLETTE (UNDIVIDED 1,  
INTEREST)  
INSTR. #2005 20796  
HESS RIVERDALE ADDITION  
DEED 84, PAGE 421

SET 5/8" REBAR  
WITH CAP BRADS-KO  
0041 FLUSH

S89°59'14"E  
57.50'

FOUND 4" FENCE  
POST 2" ABOVE  
GROUND 2.1' EAST OF  
CORNER

SET 5/8" REBAR  
WITH CAP BRADS-KO  
0041 FLUSH  
FOUND 3/4" IRON  
PIPE LEANING 0.25'  
SOUTHWEST

FOUND 1/2" IRON  
PIPE 0.6' SOUTH &  
0.10' EAST

105

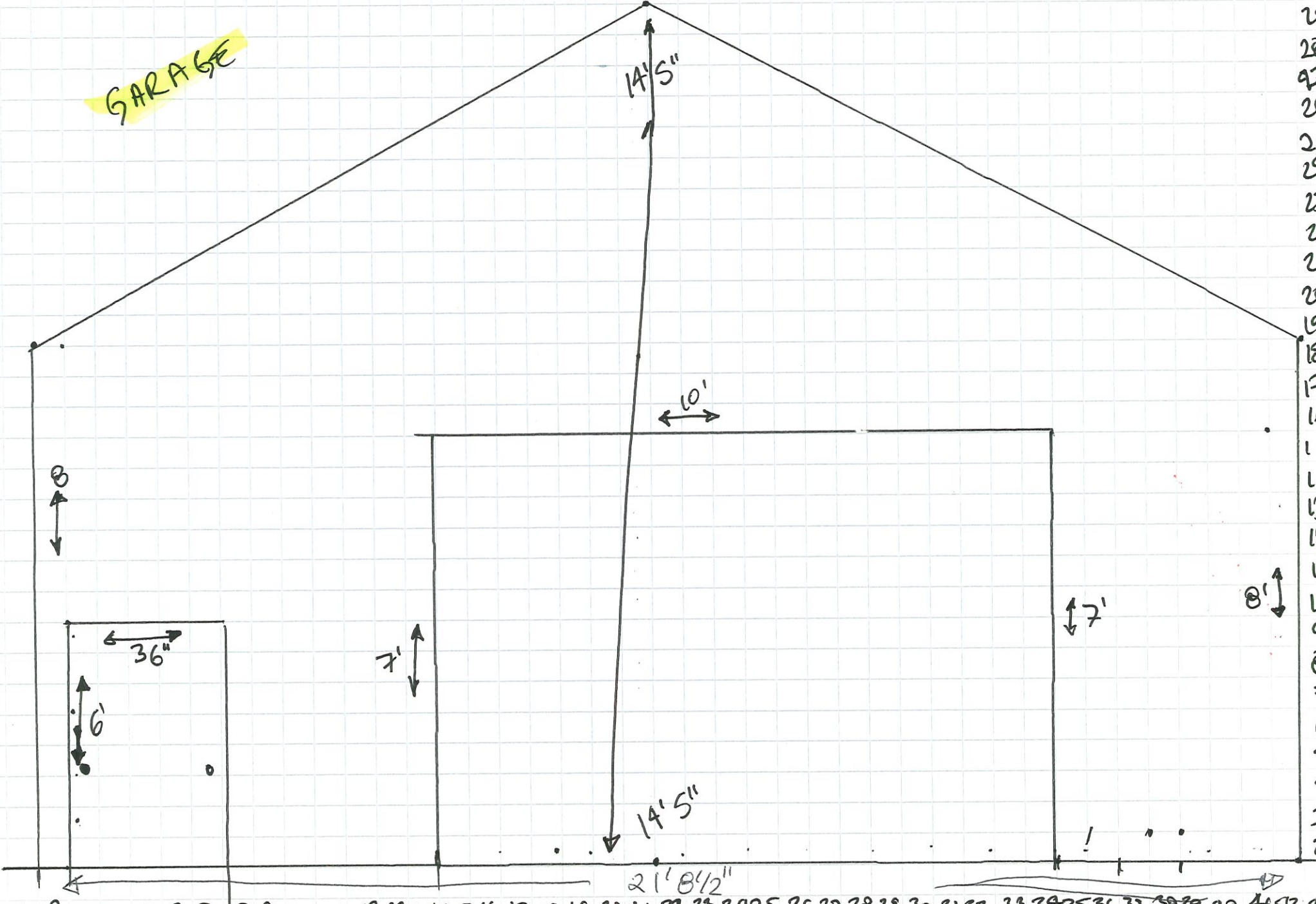
HESS RIVERDALE ADDITION  
DEED 84, PAGE 421

DANIEL J. BROUILLETTE (UNDIVIDED 1/2  
INTEREST) &  
RICHARD L. & PAULETTE M. BROUILLETTE  
(UNDIVIDED 1/2 INTEREST)  
INSTR. #2005 09492

141

HESS RIVERDALE ADDITION  
DEED 84, PAGE 421

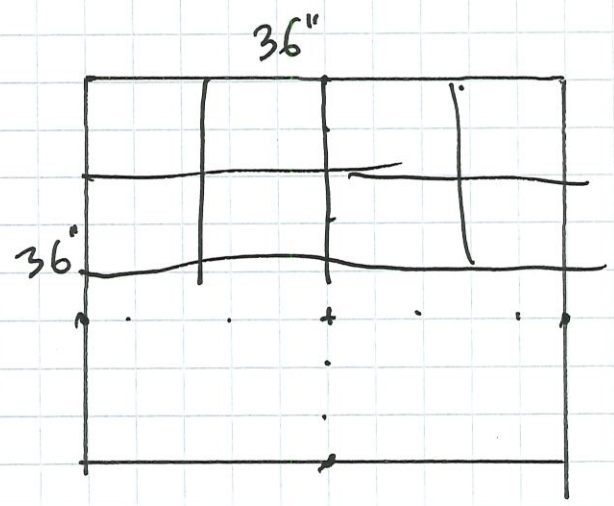
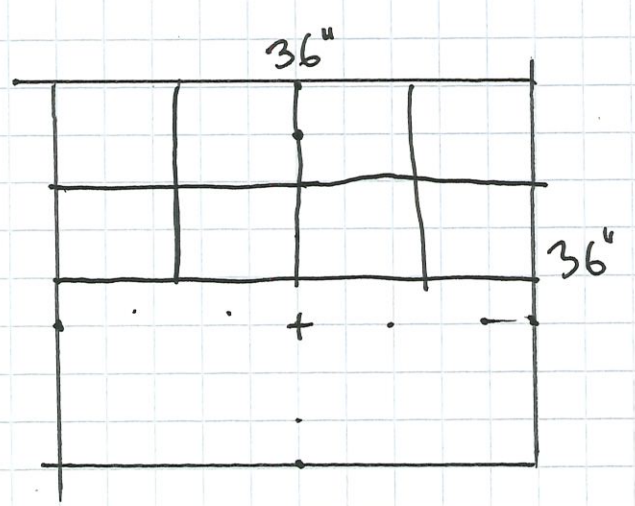
GARAGE



43  
32  
4  
40  
29  
28  
27  
26  
25  
24  
23  
22  
21  
20  
19  
18  
17  
16  
15  
14  
13  
12  
11  
10  
9  
8  
7  
6  
5  
4  
3  
2  
1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43

Roof

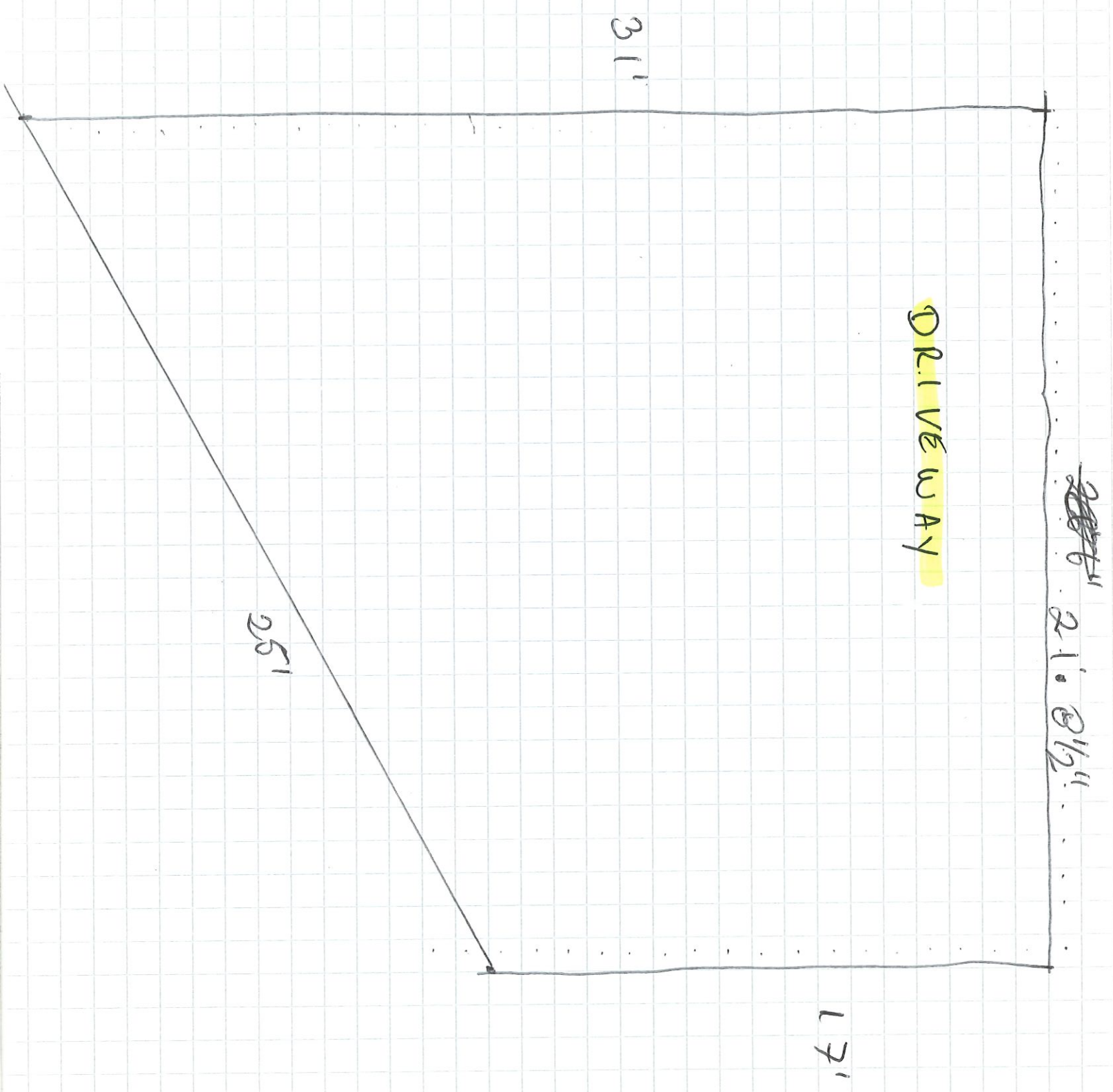


SIDE GARAGE

17' 9"

8'

8'





**LOCATION:** 908 E Reynolds Street & 707 S 13<sup>th</sup> Street  
**CASE NUMBER:** 22-23DV

**DATE:** July 26, 2022  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** Juan & Victoria Navarro (owners of 908 E Reynolds Street); Jose & Maria Hernandez (owners of 707 S 13<sup>th</sup> Street); and Abonmarche Consultants, Inc. (agent)

**REQUEST:** The applicants request developmental variances to allow a 0' side (south) setback at 908 E Reynolds Street (Lots 90 and 91), a 0' side (north) setback at 707 S 13<sup>th</sup> Street (Lot 92) where 5' is required in both side yards for two driveways that cross the property line separating both properties, and 36% building coverage for Lot 92 (707 S 13<sup>th</sup> Street), to allow for new single family development of Lot 92 (707 S 13<sup>th</sup> Street)

**LOT SIZE:** 908 E Reynolds (Lots 90 & 91): ±13,088 SF; ±231' of frontage (±132' on Reynolds Street & 99' on 13<sup>th</sup> Street); ±132' of depth  
707 S 13<sup>th</sup> Street (lot 92): ±6,537 SF; ±50' of frontage; ±132' of depth

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 42

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential, institutional

**NEIGHBORHOOD:** Eastern core

**THOROUGHFARES:** Reynolds Street, 13<sup>th</sup> Street

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District C.3. Accessory buildings on an interior lot shall not be located closer than 5 feet from the lot line.
- ◇ Goshen Zoning Ordinance, *Section 4140.4*, Building Coverage  
No building shall hereafter be erected, reconstructed or altered so that more than 35 percent of the area of the lot is covered.

### **ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES**

The Planning office received two phone calls and one email from adjacent property owners requesting clarifications on the request but did not have any comments.

---

### **ANALYSIS**

---

The subject properties are two adjacent zoning lots located on the southeast corner of 13<sup>th</sup> Street and Reynolds Street. The properties are zoned Residential R-1 and surrounded predominantly by single family homes.

Together, the properties are comprised of three underlying subdivision lots (Lots 90, 91, and 92 of Thomas Third Addition). Until recently, all three lots were part of 908 E Reynolds Street, a single family home that included a detached garage in the southwest portion of the property and three driveways. On June 27<sup>th</sup> of this year, the

petitioners separated the southern-most lot, Lot 92, from the rest of the property, creating a new property (707 S 13<sup>th</sup> Street) for development as a single family home.

The garage for the proposed single family home is an existing structure that will be accessed from an alley by an existing driveway that crosses both properties. The Zoning Ordinance requires that parking and driving aisles in the R-1 District maintain a minimum 5' side yard setback, and this has 0' side yard setbacks on both properties. A separate existing driveway to 908 E Reynolds from 13<sup>th</sup> Street also crosses both property lines with 0' side yard setbacks on both properties. Developmental variances for both properties are required to maintain these setbacks. Additionally, the petitioners have proposed a home at 707 S 13<sup>th</sup> Street with an approximately 1,740 SF footprint. This footprint, in addition to the existing approximately 581 SF garage, will bring building coverage to 35.5% where only 35% is allowed, requiring an additional developmental variance.

There are a number of elements of this request which are reasonable and for which Staff recommends approval. The existing two car garage at 707 S 9<sup>th</sup> Street will provide the required parking for the new home, so the 0' side yard setbacks for the driving aisle to the garage are reasonable. The driveway is typical of other driveways along the same alley, and is unlikely to be injurious to public health and welfare or harmful to the character of the area. A condition requiring a recorded cross access easement for this driveway should be included in the approval and will help avoid future conflicts between the properties.

The request for building coverage of 36% is a negligible difference in what is allowed, and approval is warranted. At 1,740 SF, the proposed home is moderate in size, and building coverage in excess of what is permitted is driven by the small size of the lot, which is less than 7,000 SF where the current Zoning Ordinance requires new lots to be a minimum of 8,000 SF.

Regarding the driveway from 13<sup>th</sup> Street that serves 908 E Reynolds Street, Staff recommends that with approval, portions of this driveway be removed, including those in the right of way, front yard setback along 13<sup>th</sup> Street, side (south) setback of 908 E Reynolds, and side (north) setback of 707 S 13<sup>th</sup> Street. Any portions of driveway that are removed should be stabilized with a vegetative surface such as grass and City sidewalk should be maintained and repaired as needed. Removal of the access drive from 13<sup>th</sup> Street will improve the visual appearance of the street and reduce City maintenance of the right of way. The home at 908 E Reynolds will still have drive access from Reynolds Street and the alley to the west.

Any possible zoning violations occurring on the property should be quickly resolved. During an inspection of the properties for this report, one vehicle appeared to be parked or stored on an unimproved surface and in operable condition, and at least two vehicles appeared to be without current license plates. The possible violations give the properties an unsightly appearance and one that is harmful to the use and value of adjacent residential properties.

### **FINDINGS OF FACT**

Staff recommends **an amended approval** of developmental variances to allow a 0' side (south) setback at 908 E Reynolds Street (Lots 90 and 91), a 0' side (north) setback at 707 S 13<sup>th</sup> Street (Lot 92) where 5' is required in both side yards for a driveway that crosses the property line separating both properties, and 36% building coverage for Lot 92 (707 S 13<sup>th</sup> Street), to allow for new single family development of Lot 92 (707 S 13<sup>th</sup> Street) based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** If approved with conditions, the existing driveway from the alley will be maintained as it is, so it is unlikely to be injurious to the public health and welfare. The proposed building coverage is a negligible difference to what is permitted, and development of the property for single family use will expand available housing. *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.** If approved with conditions, the existing driveway from the alley will be maintained as it is, so it is unlikely to impact the use and value of adjacent properties. The proposed building coverage is only 1% greater than what is permitted. *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.** Use of the existing driveway to access the garage at 707 S 13<sup>th</sup> Street will satisfy the requirement for two parking spaces for a single family home at the property. While the proposed building coverage exceeds what is permitted, the difference is negligible and is driven by the relatively small size of 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 for the construction of a single family home at 707 S 13<sup>th</sup> Street 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. Within thirty (30) days of approval, all vehicles parked or stored at 908 E Reynolds Street and 707 S 13<sup>th</sup> Street shall have current license plates, be in fully operating condition, and be parked or stored on an improved surface.
5. A cross access easement for the driveway between the 908 E Reynolds Street and 707 S 13<sup>th</sup> Street must be executed and recorded, with a copy provided to the Planning office, before a zoning clearance will be issued for any development on either of the two subject properties.
6. Portions of the driveway from 13<sup>th</sup> Street, including those in the right of way, front yard setback along 13<sup>th</sup> Street, side (south) setback of 908 E Reynolds, and side (north) setback of 707 S 13<sup>th</sup> Street, shall be removed and stabilized with a vegetative cover. Any public sidewalk shall be maintained and repaired to City standards if damaged. This removal must occur before the Certificate of Occupancy is issued for the new home at 707 S 13<sup>th</sup> Street. Areas of removal shall be as shown in "Driveway Removal Locations Notes 7/26/22".
7. A single family home shall be built at 707 S 13<sup>th</sup> Street with a certificate of occupancy for the home issued by the City of Goshen no later than November 30, 2023.



Looking southwest across the intersection of Reynolds Street and 13<sup>th</sup> Street



Looking southwest from Reynolds Street at 908 E Reynolds



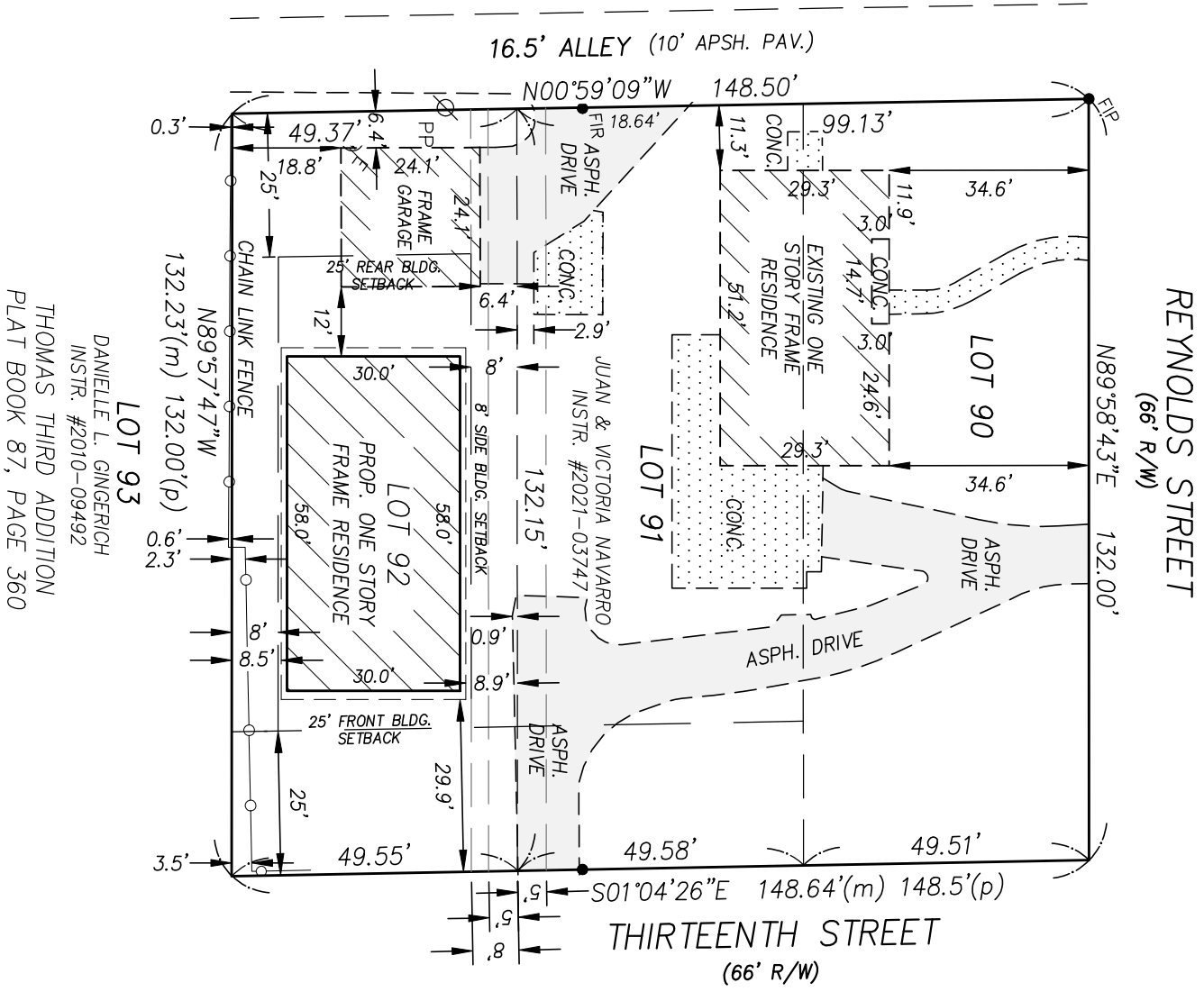
Looking southeast from adjacent alley at driveway that crosses property line



From 13<sup>th</sup> Street looking west at proposed location of new home at 707 S 13<sup>th</sup> Street



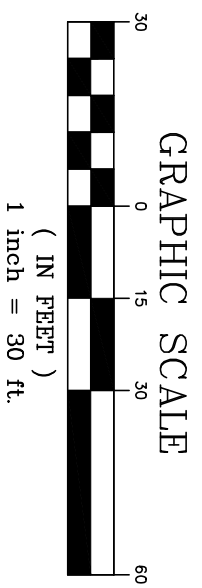
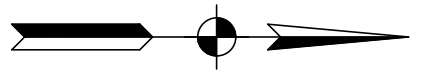
Looking west along shared property line and driveway from 13<sup>th</sup> Street



LOT 93  
 DANIELLE L. GINGERICH  
 INSTR. #2010-09492  
 THOMAS THIRD ADDITION  
 PLAT BOOK 87, PAGE 360

AREAS:  
 6,536 S.F. LOT 90  
 6,552 S.F. LOT 91  
 6,537 S.F. LOT 92

**BZA SITE PLAN/SUPPORT DRAWING**  
 LOTS 90, 91 & 92 IN THOMAS THIRD ADDITION TO THE CITY OF GOSHEN,  
 ALSO BEING A PART OF THE NORTHWEST QUARTER OF SECTION 15,  
 TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP,  
 CITY OF GOSHEN, ELKHART COUNTY, INDIANA.  
 OWNER: JUAN & VICTORIA NAVARRO  
 ADDRESS: 908 E. REYNOLDS ST., GOSHEN, IN 46526



NO.	REVISION DESCRIPTION	BY	DATE

SHEET TITLE: **BZA SITE PLAN/SUPPORT DRAWING**

PROJECT: **JUAN & VICTORIA NAVARRO  
 908 E. REYNOLDS ST.  
 GOSHEN, IN 46526**

DATE: 5/12/22

SCALE: 1"=30'

ACI JOB # 22-0496

SHEET NO. 1 of 1

**ABONMARCHE**

303 River Race Drive, Unit 206  
 Goshen, IN 46526  
 T 574.533.9913  
 F 574.533.9911  
 abonmarche.com

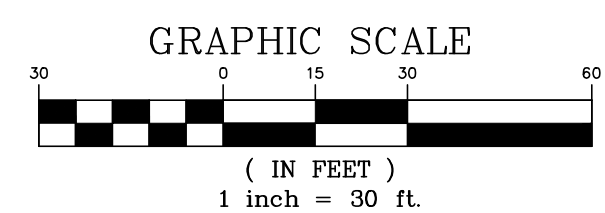
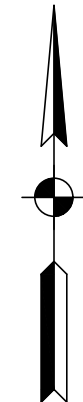
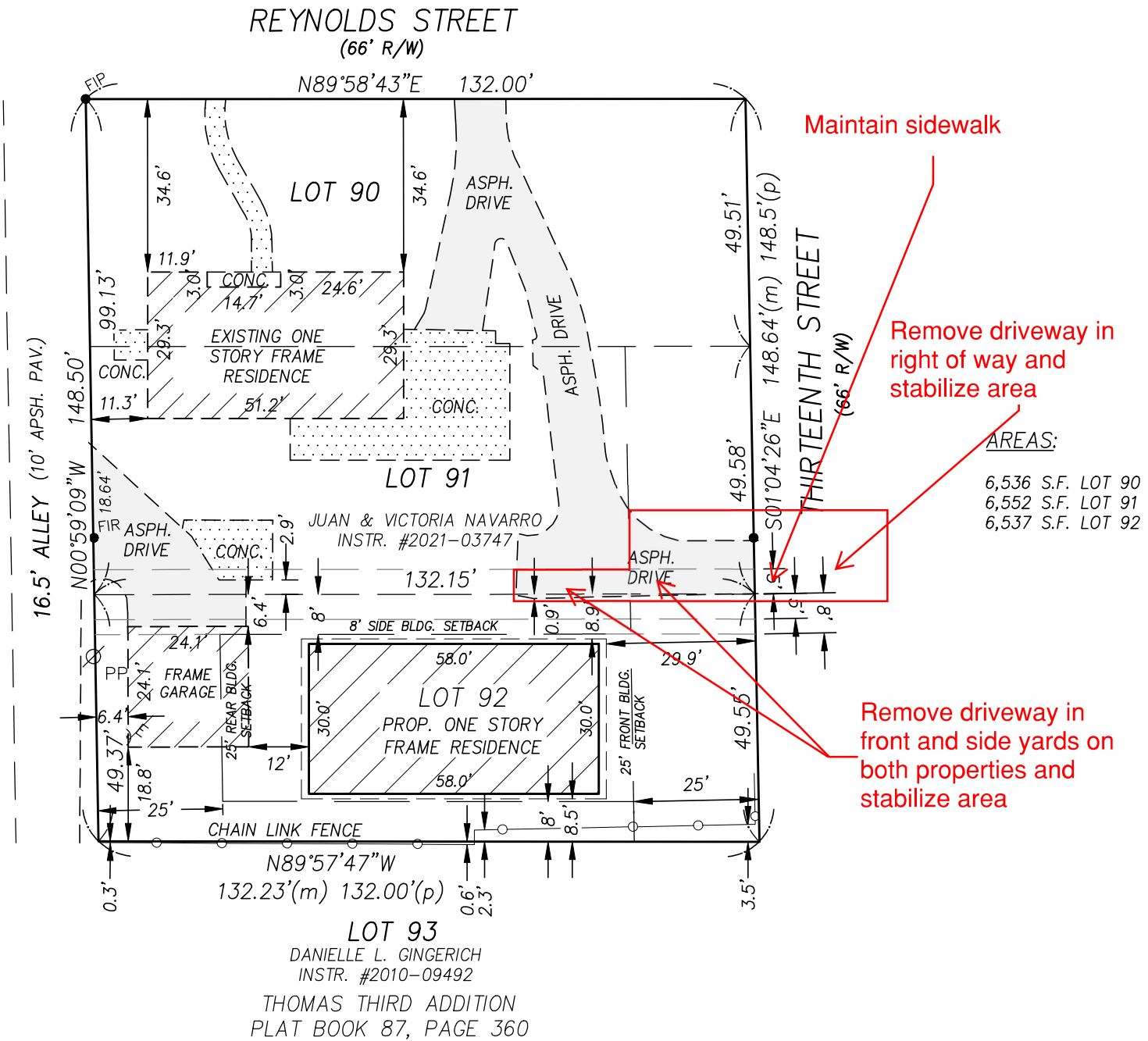
Portage  
 Benton Harbor  
 Grand Haven  
 South Haven  
 Fort Wayne

Goshen  
 Hobart  
 Lafayette  
 South Bend  
 Valparaiso

Engineering Architecture Land Surveying

COPYRIGHT 2022 ABONMARCHE CONSULTANTS, INC.

**BZA SITE PLAN/SUPPORT DRAWING**  
 LOTS 90, 91 & 92 IN THOMAS THIRD ADDITION TO THE CITY OF GOSHEN;  
 ALSO BEING A PART OF THE NORTHWEST QUARTER OF SECTION 15,  
 TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP,  
 CITY OF GOSHEN, ELKHART COUNTY, INDIANA.  
 OWNER: JUAN & VICTORIA NAVARRO  
 ADDRESS: 908 E. REYNOLDS ST., GOSHEN, IN 46526



SHEET TITLE:

DRAWN BY:	TRM
DESIGNED BY:	
PM REVIEW:	CMW
QA/QC REVIEW:	CSB
DATE:	5/12/22
SEAL:	

SIGNATURE:

DATE:

SCALE:  
 HORZ: 1"=30'  
 VERT:

ACI JOB #  
**22-0496**

SHEET NO.  
**1 of 1**