

*Agenda*  
GOSHEN BOARD OF ZONING APPEALS  
Tuesday, September 27, 2022, 4:00 p.m.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 8/23/22
- 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. **Use & Developmental Variances**– public hearing items  
**22-27DV** – Merl J. Mast & Kathleen R. Mast and Abonmarche Consultants, Inc. request a developmental variance to allow a side (south) building setback of 0’ where 8’ is required for the addition of an approximately 506 Sf attached garage. The subject property is generally located at 1421 Wilson Avenue and is zoned Residential R-1 District.  
  
**22-12UV & 22-28DV** – Lux Property Corporation and Jones Petrie Rafinski request a use variance to expand a non-conforming use where residential use is not permitted in the Industrial M-1 District, and developmental variances to allow a front parking and driving aisle setback of 5’ where 25’ is required, a 31’ side (south) and 45’ rear (west) yard setback where 60’ is required for yards abutting residential use/zoning, an alternative landscape buffer where full bufferyard landscaping is required adjacent to residential use, and for the variance to be valid for one year, for the installation of a parking and driving aisle. The subject property is generally located at 1013 & 1015 S 9<sup>th</sup> Street and is zoned Industrial M-1 District.
- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

Minutes - Goshen Board of Zoning Appeals  
Tuesday, August 23, 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: Michael Potuck, Bethany Campbell, Lee Rohn, and Caleb Morris (alternate). Absent: Tom Holtzinger, and Hesston Lauver. Also present were City Planner Rossa Deegan and Assistant City Attorney James Kolbus.
- II. Approval of Minutes from 7/26/22: Rohn/Potuck 4-0
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Potuck/Rohn 4-0
- IV. Postponements/Withdrawals - None
- V. **Use & Developmental Variances** – public hearing items

**22-08UV** – Goshen Community Schools request a use variance to allow a 60 Sf illuminated wall sign on the west side of the gymnasium where schools are a conditional use permitting one non-illuminated wall sign not exceeding 36 Sf in area. The subject property is generally located at 501 Lincolnway East and is zoned Residential R-1, Industrial M-1, and Commercial B-1 District.

*Staff Report*

Mr. Deegan explained this request is for Goshen High School whose property is over 28 acres in size. It has frontage on 5 streets. The property currently has 3 wall signs and a free standing sign and the petitioners are wanting to add a 60 SF illuminated wall sign on the west side of the gymnasium. Schools are a conditional use in all zoning districts and have specific limitations on the size, number, and illumination of signs. They are permitted one non-illuminated wall sign not exceeding 36 sq. ft. so they are seeking use variance approval.

Staff believes this request is reasonable. The sheer size of the property, which includes over 5,000 ft. of frontage, means it would be unreasonable to hold the same sign regulations on this property as other smaller schools in the district like Chandler Elementary. The size of the property merits a sign of this size. The sign would be located over 250 feet away from the nearest residential property and illumination should not affect them detrimentally.

The planning office was not contacted by members of the public in reference to this request.

*Petitioner Presentation:*

Steve Hope, Superintendent Goshen Community Schools, 613 E. Pearl St., petitioner explained that Goshen schools sold the naming rights to Interra Credit Union for their gym last year. The sign would read, “Interra Gym” and have a Redhawk. The sign would be similar to the intermediate school. Noted that the school corporation purchased two homes on 10<sup>th</sup> Street recently and it is their intent to eventually purchase the whole block. Mentioned that Don Ritter from maintenance staff is in the audience to answer any questions about size and specs.

*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, Potuck/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-08UV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**22-09UV & 22-24DV** – Adlai A Schrock and Zaremba Group, LLC 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, and developmental variances to allow an alternative landscape buffer where full bufferyard landscaping is required adjacent to residential use, one illuminated freestanding sign and one illuminated wall sign where illuminated signs adjacent to residential use or zoning are not permitted, and for the variance to be valid for one year, for the construction of a new general store. The subject property is generally located at 811 E Kercher Road and is zoned Industrial M-1 District.

*Staff Report*

Mr. Deegan referred board members to look at the aerial map to see the zoning was mainly M-1 for the area and on the last page of the packet he pointed out the proposed subdivision plan that the lot is a part of. The proposed development of Lot 1 is for a variety store, therefore the petitioners will need a use variance. Noted they are asking for relief from full bufferyard landscaping requirements that are required on industrial properties adjacent to residential use that would be required along Kercher Road because of residential area there. The petitioners are also requesting developmental variances to allow one internally-illuminated freestanding sign and one internally-illuminated wall sign adjacent to the residential area across Kercher Road as well.

Staff recommends approval of the request. While the zoning is industrial, the neighboring properties to the east are commercial in nature and the use continues that commercial development on the north side of Kercher. Kercher is 90' in width at this location and includes two lanes for turning and a bike path. It is not a typical residential street. Staff believe their landscaping buffering proposed is appropriate for the project.

The Planning office was not contacted by members of the public in regards to this petition.

*Petitioner Presentation:*

Tom Cowen, Zaremba Group is a small development firm in Cleveland, address is 14600 Detroit Ave., Lakewood, OH 44107. Stated they are in agreement with the findings of the staff report and the conditions that are listed. Explained how they met with the homeowners near the development and are planning to build a “nicer looking” Dollar General which will be a little different than your typical DG store. Talked about how it should not increase traffic to the area and should create a few jobs.

Whitney Pizzala, AR Engineering, 5725 Venture Park Dr., Kalamazoo. Explained they would like to the first step of getting the variances approved so they can work with City staff to make sure the proposed building is built to current codes and standards. Talked about how the store would be a good fit for the area.

*Audience Comments:*

Bruce Grover, 2401 Kercher Rd., asked for the address in questions to make sure they weren't putting a store next to his house.

Mr. Deegan answered the address is 811 Kercher Road.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Staff members.

*Action:*

A motion was made and seconded, Potuck/Campbell, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-09UV and 22-24DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**22-25DV** – Kropf Family Real Estate, LLC and Surveying and Mapping, LLC request developmental variances to allow a 24' side (west) building and parking/driving aisle setback and a 91' side (east) building setback where a minimum of 100' is required for buildings and a minimum of 60' is required for parking/driving aisles adjacent to residential use, and to allow an alternative landscape buffer where full bufferyard landscaping is required adjacent to residential use, and the variance to be valid for one year, for the construction of an approximately 9,600 Sf storage addition with an expanded driving aisle. The subject property is generally located at 2411 E Kercher Road and is zoned Industrial M-1 District.

*Staff Report*

Mr. Deegan stated this is another property on the north side of Kercher Road and zoned Industrial M-1 between Dierdorff and Lincolnway East. This property is completely surrounded by industrial zoning, but there is residential property on the west and another on the east side of the property, which are both zoned industrial. There is an existing 3,000 SF building on the property. The petitioner is proposing to add an approximate 7,400 SF addition to the existing building for storage. There will not be employees on the property. A driving aisle will be created as well. Due to the adjacent residential properties, variances are needed for the side setbacks to the building and the driving aisle. A developmental variance is also needed for the full bufferyard screening similar to the last request. The M-1 district stipulates buildings maintain a minimum setback of 100' adjacent to residential use and driving aisles maintain a minimum setback of 60' adjacent to residential use and they cannot meet those. They are proposed on the west side a 24' driving and building setback, while the east building setback is proposed at 91'.

Staff believes the request is reasonable as zoning is predominately industrial. There are only 3 residential properties in a one mile stretch on Kercher. Mr. Deegan stated proposed buffer screening would be adequate for storage use. The new 24' west side addition will match the existing setback.

The Planning Office was not contacted by the public regarding this request.

*Petitioner Presentation:*

Debra Hughes, of Surveying and Mapping, 3220 Southview Dr., Elkhart, civil engineer of the project. Also with her is a representative of the Kropf Family LLC. Asked for the approval of the two variances that staff reported on. Explained due to the spec of the property it is impossible to meet requirements. Reiterated the proposal and explained the owner bought the property in 2022 with the existing building. They plan to use it for storage of equipment and vehicles, like snow plows and mowers. There will be no employees or visitors on the property and estimate a trip to the property once a day. She also addressed the alternative landscape plan and stated they'd add a single row of evergreen trees to the existing tree line and another single row along the east side where there is currently no vegetation.

*Audience Comments:*

Bruce Grover, 2401 Kercher Rd., owner of property beside them. Asked if the trees will be taken out. Stated he has lived there for 30 years and has four acres of land. He doesn't want the plans for the property to adversely affect him. He is ok with storage, but not them changing it a year down the road into something different.

Debra Hughes explained the trees are intended to remain and explained where the evergreens would be added for additional landscape buffer.

Mr. Deegan also directed attention to the conditions of approval on page 3, item #7 - The number and locations of street trees and evergreen trees shall be as shown on "Proposed Site Plan—Kropf Family Real Estate, 2411 Kercher Road, Goshen", by Survey and Mapping, dated August 3, 2022. The evergreen trees shall be a minimum of two (2) species, with a minimum spread at maturity of 15' and a minimum height at maturity of 20'. A revised landscape plan detailing the species types and sizes shall be provided as part of Technical Review. He explained that since the landscaping is required, it must be maintained according to the zoning ordinance. Therefore, if a tree were to die, it would need to be replaced.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Staff members.

*Action:*

A motion was made and seconded, Morris/Potuck, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-25DV with the 7 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**22-10UV** – Steven B & Linda J Thomas, S & L Rentals, and Pathways Retreat, Inc. request a use variance to amend the use variances granted in 1974 and amended in 2008 and 2015 for a retreat center/counseling office to allow up to 20 volunteers where the 2015 variance allowed no more than two volunteers, and to expand the variances to an area including three tax parcels and approximately 15.3 acres where the 2015 variance included one tax parcel and approximately 11.7 acres, and the variance to be valid for two years, for the construction of an approximately 725 Sf open-air pavilion. The subject property is generally located at 309 and 309 ½ Hackett Road and is zoned Residential R-1 District.

*Staff Report*

Mr. Deegan referred to the aerial map showing zoning and how the property in question is next to a residential area. The property has been used as a retreat since 1974 and also contains a single residential home on it. Use Variances were approved in 2008 and 2015 and those clarified and expanded to what was approved in 1974. They are adding conditions to the use variance to make those clarifications on what could be done on the property and how many people could be there. The request today is to expand to include two tax parcels totaling approximately 3.5 acres will need to be added to the current 11.5 acres site. He pointed out on the map the area in the proposal and the proposed site of the pavilion. He also explained they are requesting a variance to allow up to 20 volunteers on site instead of the two previously approved. Said that volunteers are needed for grounds maintenance and upkeep.

Staff recommends approval of the request with conditions and commitments. The retreat center use has been operating for nearly 50 years without any apparent negative impact on the neighborhood. Mr. Deegan wanted to point out a few of the staff's conditions and commitments for the project.

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within two (2) years of the date of the BZA approval.

He explained normally this is for six (6) months, but they are extending it to two (2) years since review and approval could take longer. Next commitments to note:

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.

Mr. Deegan noted that 2-6 are the same as the ones that appeared on previous variances.

2. The variance is for a retreat/counseling center.
3. The use of the Real Estate is for walking and passive recreation on the premises, religious counseling and retreats.
4. The use is not for church services or activities.
5. There shall be no more than three full-time counselors/leaders working at the retreat center.
6. There shall be no more than 15 part-time professional staff members.
7. No more than 20 volunteers, providing assistance for grounds, clerical and other non-professional work, may work on the Real Estate at any one time. (Noted from 2-20).

Mr. Deegan noted that 8-11 remain the same as the ones that appeared on previous variances.

8. No other staff/volunteers, other than specifically permitted above, shall be permitted as part of the use on site.
9. At least one of the full-time counselors/leaders must be the owner of and reside on the Real Estate in the single family home.
10. No more than 20 individuals may be counseled or at the retreat at any one time.
11. There are no set hours of operation.

Mr. Deegan explained that for #12 – Pathway must provide parking for the number of people on site.

12. Sufficient on-site parking must be provided so that the number of parking spaces is equal to or greater than one space per two staff (full-time and part-time employees and volunteers) plus one space per 400 SF of office area.

Mr. Deegan explained #13 stays the same, but #14 is new.

13. A stone sign depicted in a photo provided to the Staff is approved with this request. The stone measures approximately 3' x 5.5' with written text 5" high and approximately 40" long.
14. The pavilion shall be screened so that it is not visible from Hackett Road.

Mr. Deegan said one member of the public called the Planning office to comment. Matt Thomas of 218 Hackett and he supported the request and that he uses the property's trail system.

*Petitioner Presentation:*

Evan Miller, 612 S. Third St., Goshen. He is on staff at Pathway Retreat and there to represent the petitioner. They are the only spiritual retreat in the county. Clarified that they need 20 volunteers for grounds maintenance, however, they will not all be there at the same time. Due to the nature of what they do, it requires space, solitude and silence. They are very cognizant of how many people are on the property at one time. They would never have 20 staff, 20 counselees and 20 volunteers at the property at the same time. They don't see what they are requesting to do as an expansion, but as an extension of what they are currently doing.

Bethany Campbell stated they needed a two minute recess for technical difficulties. She called the meeting back to order and noted that they no longer had video, however, the audio was still working for the meeting.

*Audience Comments:*

Linda Thomas, 309 Hackett Rd., Goshen. Stated Steve and Linda Thomas (S & L Rentals) are here and in favor.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Staff members.

*Action:*

A motion was made and seconded, Morris/Potuck, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-10UV with the 5 conditions and 14 commitments listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**22-11UV & 22-26DV** – T & T Auto Service and Abonmarche Consultants, Inc. request a use variance to allow an automobile service business with outdoor vehicle storage where automobile repairs are a conditional use in the Commercial B-3 District and a permitted use in the Industrial M-1 and M-2 Districts, and developmental variances to allow a 24 Sf illuminated freestanding sign and a 54 Sf illuminated wall sign where only ground signs are permitted and where illuminated signs are not permitted adjacent to residential uses or residential zoning districts, and for the variance to be valid for one year, for the construction of an approximately 7,100 Sf building with a parking and driving aisle. The subject property is generally located at 1795 Reliance Road and is zoned Residential R-1 District.

*Board Member, Lee Rohn explained he would have to recuse himself since he was part of this ongoing project. Bethany Campbell agreed and Lee Rohn exited the room.*

*Staff Report*

Mr. Deegan pointed out the zoning aerial for the project. To the north and south is R-1 zoning and to the west are some residential county properties. Along Reliance Rd. is a mix of commercial uses. The property at the moment is 2.8 acres in size with plans for right-of-way acquisition at the front of the property as a round-a-bout is going to be installed at the corner of CR 28 and Reliance Rd. The round-a-bout will alter the site, however, petitioners have accounted for the change in their petition.

Petitioners are requesting to use the property for an auto repair requiring a use variance since it is a residentially zoned property. He pointed out the preliminary site plan. Development includes:

- Demolition and removal of unapproved gravel driving aisle and detached garage
- Construction of an approximately 7,100 SF building, 22' in height
- Installation of a parking/driving area that includes 28 parking spaces and an area for outside vehicle storage. Storage of inoperable vehicles is not permitted in the R-1 District so it is included in the use variance request.
- Stormwater retention area
- Street trees and bufferyard landscaping
- Installation of an approximately 24 SF illuminated freestanding sign and an approximately 54 SF illuminated wall sign, requiring developmental variances

- A vinyl fence 6' in height is proposed along portions of the north property line and is intended to screen the auto repair use from the adjacent residential property

Staff is generally supportive of the request given the proposed layout and screening that the petitioners have provided. Mr. Deegan pointed out some conditions and commitments that would protect the area residents.

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within one year of the date of the BZA approval.
6. The new Reliance Road right-of-way must be established through dedication and acceptance of right-of-way before an application is made to Technical Review.

Commitments:

2. Approval is for auto repair use only.
4. Fences 6' in height shall be installed along the north and east property lines, and around the proposed outside vehicle storage area, as shown on "T & T Auto Service—Preliminary Site Plan", by Abonmarche, dated August 1, 2022
5. Partial landscaping shall be installed along the south property line as shown on "T & T Auto Service—Preliminary Site Plan", by Abonmarche, dated August 1, 2022. Additionally, partial bufferyard landscaping shall be installed along the southern and western lengths of the proposed stormwater basin. An updated landscape plan shall be provided for Technical Review.
7. Future development of the property shall conform to the Commercial B-3 developmental standards except as noted in this approval.
8. A 6' side (east) parking and driving aisle setback limited to the area as shown on "T & T Auto Service—Preliminary Site Plan", by Abonmarche, dated August 1, 2022, shall be acceptable. Otherwise, the parking/driving aisle setback along the side (east) property line shall conform to the Commercial B-3 standards.
9. Storage of inoperable vehicles shall be limited to the approximately 55'x70' area on the west side of the proposed building as shown on "T & T Auto Service—Preliminary Site Plan", by Abonmarche, dated August 1, 2022.

The Planning office was not contacted by anyone from the public about this request.

*Petitioner Presentation:*

Crystal Welsh, Abonmarche, 303 River Race Drive, spoke on behalf of the petitioner. Since this is a commercial use the use variance is something we were concerned about and took careful consideration of buffering for residential in the neighborhood. Explained that the building will be located towards the back in line with other commercial buildings in the district and away from residential and to allow for the right-of-way acquisition in the future. The business owners are present if there are particular questions about operation or construction and they agree with the conditions of the staff.

*Audience Comments:*

Sue Perry, 1723 Reliance Road, is a resident to the south. Concerned that they will lose their property to the round-a-bout and have not been contacted by the City in regards to that. Feels like they are in the dark for plans. Own property in the wooded area behind them where they could move their residence if the city takes their property. Concerned about a buffer. Not happy because there were five trees removed yesterday from their property and is worried additional damage will be done with stumps are removed.



Sam Perry, 1723 Reliance Road. Asked how big the retention pond would be because of his concerns about the water table and runoff.

Mr. Deegan replied that Goshen Engineering Department has a review process for hard surface on the site which would account for all surfaces. He is not aware of how they calculate it for stormwater retention, but it is part of the process in determining the size of the retention pond.

Crystal Welsh, Abonmarche, one of the conditions is that the landscaping will not only be directly south of the building, but will go through the extent of that headed west up the north side. She referenced diagrams of the preliminary landscaping that she has with her and added they will provide the required potential buffer. This would include the area that they could move their home back to in case of a right of way acquisition. The next phase after variance approval is Engineering. She has some preliminary drainage calculations and preliminary size and location of the drainage, however, that has to go through Engineering for approval from them, along with the County and State. About 18% of the site is in hardscape.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Staff members.

*Action:*

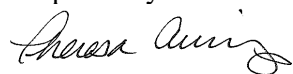
A motion was made and seconded, Morris/Potuck, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-11UV and 22-26DV with the 9 conditions and 10 commitments listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

**VI.** Audience Items  
None

**VII.** Staff Board Items  
None

**VIII.** Adjournment: 4:57 pm Potuck/Morris

Respectfully Submitted:



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Theresa Cummings, Recording Secretary

Approved By:

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Tom Holtzinger, Chair

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Lee Rohn, Secretary

**LOCATION:** 1421 Wilson Avenue  
**CASE NUMBER:** 22-27DV

**DATE:** September 27, 2022  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

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**APPLICANT:** Merl J. Mast & Kathleen R. Mast (owners); Abonmarche Consultants, Inc.

**REQUEST:** The applicants request a developmental variance to allow a side (south) building setback of 0' where 8' is required for the addition of an approximately 506 Sf attached garage

**LOT SIZE:** ±8,310 SF; ±74' of frontage; depth varies

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 29

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential, industrial, institutional

**NEIGHBORHOOD:** Millrace

**THOROUGHFARES:** Wilson Avenue

**TOPOGRAPHY:** Relatively level at front; declines westward towards abutting Millrace Canal

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District C.2. Interior yards shall have two side yards; each side yard shall have a width of not less than eight feet.

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

Adam Scharf of 303 W Waverly Avenue emailed the Planning office and expressed support for the request. His email is included in this packet.

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### **ANALYSIS**

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The subject property is a single family home located on the west side of Wilson Avenue and on the east side of the Millrace Canal. The property is zoned R-1 and surrounded predominantly by R-1 use and zoning. An industrial property is located directly to the south and the south line of the subject property abuts the parking and outdoor storage area of the industrial property. The home on the property has an approximate footprint of 1,846 SF and includes a single stall garage with driveway access from Wilson Avenue.

The applicants are proposing to construct a two-stall garage addition to the front side of the home with access from the existing driveway. The existing one-stall garage will be used for personal storage. The proposed garage is approximately 23'x22' (506 SF) and will have a side (south) setback of 0.3'. The addition will be part of the primary building, and primary buildings in the R-1 District require a minimum 8' side setback, so a developmental variance is needed.

Staff recommends an amended approval allowing the minimum side (south) setback of 3'. Relief from the minimum 8' requirement is warranted because the size and configuration of the property create the need for encroachment into the setback. The current Zoning Ordinance requires that new homes have a minimum of two onsite parking spaces, and with the old garage space to be used as storage, the proposed two car garage is reasonable use of the property.

However, the 0' setback the petitioners are requesting is problematic in that it will not allow adequate area for current construction, future maintenance, and ingress and egress along the south side to take place completely on private property. Future development of the property to the south may eliminate the current buffer area between structures on the two properties. The Planning office routinely approves two-stall garages that are 20' in width, so it is conceivable that a garage addition can be added to the property that is narrower than the proposed 23'.

### **FINDINGS OF FACT**

Staff recommends **an amended approval** of the developmental variance to allow a side (south) building setback of 3' where 8' is required for the addition of an approximately 506 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.** If the amended approval is granted, there will remain space for ingress and egress along the south property line. The addition will be built to Building Code. *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.** Other properties along the same stretch of Wilson Avenue have primary building side setbacks less than the minimum 8'. Survey work for the proposed site plan shows the home on the adjacent property to the north (1419 Wilson Avenue) with a setback of approximately 4'. *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 addition of a two-stall garage to the home is reasonable. The configuration of the property, with the existing driveway and garage located on the south side of the property, limit the proposed garage to the same side, where space is limited and encroachment into the side (south) setback is inevitable. *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 Department is required.
5. The applicant shall submit zoning clearance and building permit applications for an egress window installed in or before 2018 that never received City approval.



Looking west



Looking west along south property line



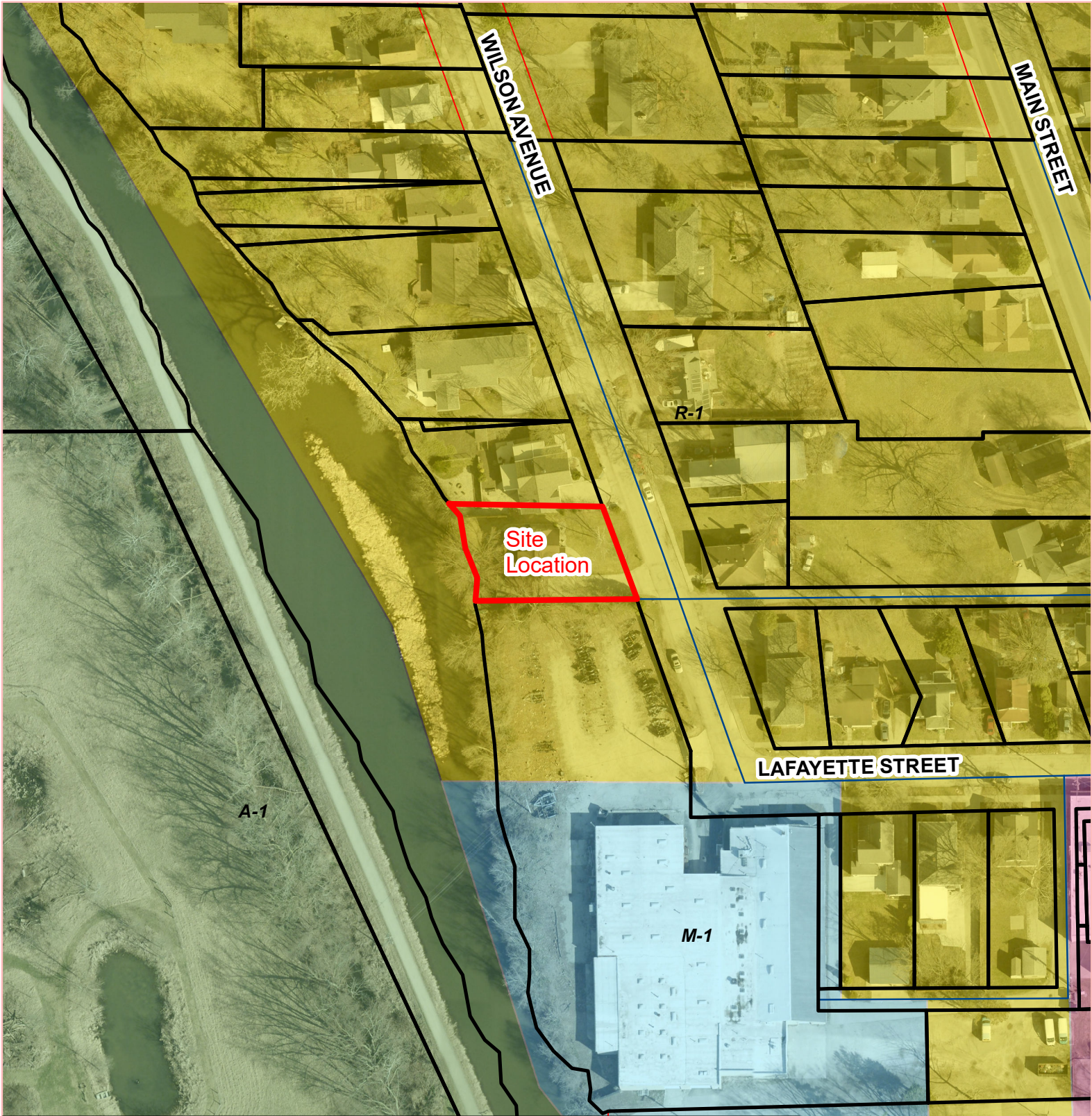
Looking east along south property line



Looking south from front yard



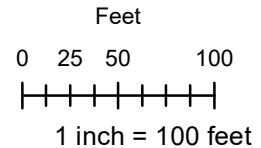
Looking north-northwest along Wilson Avenue



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.

1421 Wilson Avenue

2021 Aerial  
Printed September 7, 2022



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

## Lipscomb, Lori

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**From:** Adam Scharf <adam.c.scharf@gmail.com>  
**Sent:** Monday, September 19, 2022 3:10 PM  
**To:** Lipscomb, Lori  
**Subject:** 1421 Wilson Ave variance petition

Dear Board of Zoning Appeals:

As a neighboring property owner within the notification area, I would like to register my support for Merl & Kathleen Mast's request for a developmental variance for a 0' setback where 8' is required for the construction of a garage at 1421 Wilson Ave. Neither the industrial storage lot immediately south of the petitioners' property nor the neighborhood at-large will suffer any harm or devaluation if the variance is granted. Especially an area where industrial, residential, recreational, and agricultural land are so closely co-located, allowances such as what is being requested are both reasonable and positive.

~Adam Scharf  
303 W. Waverly Ave.

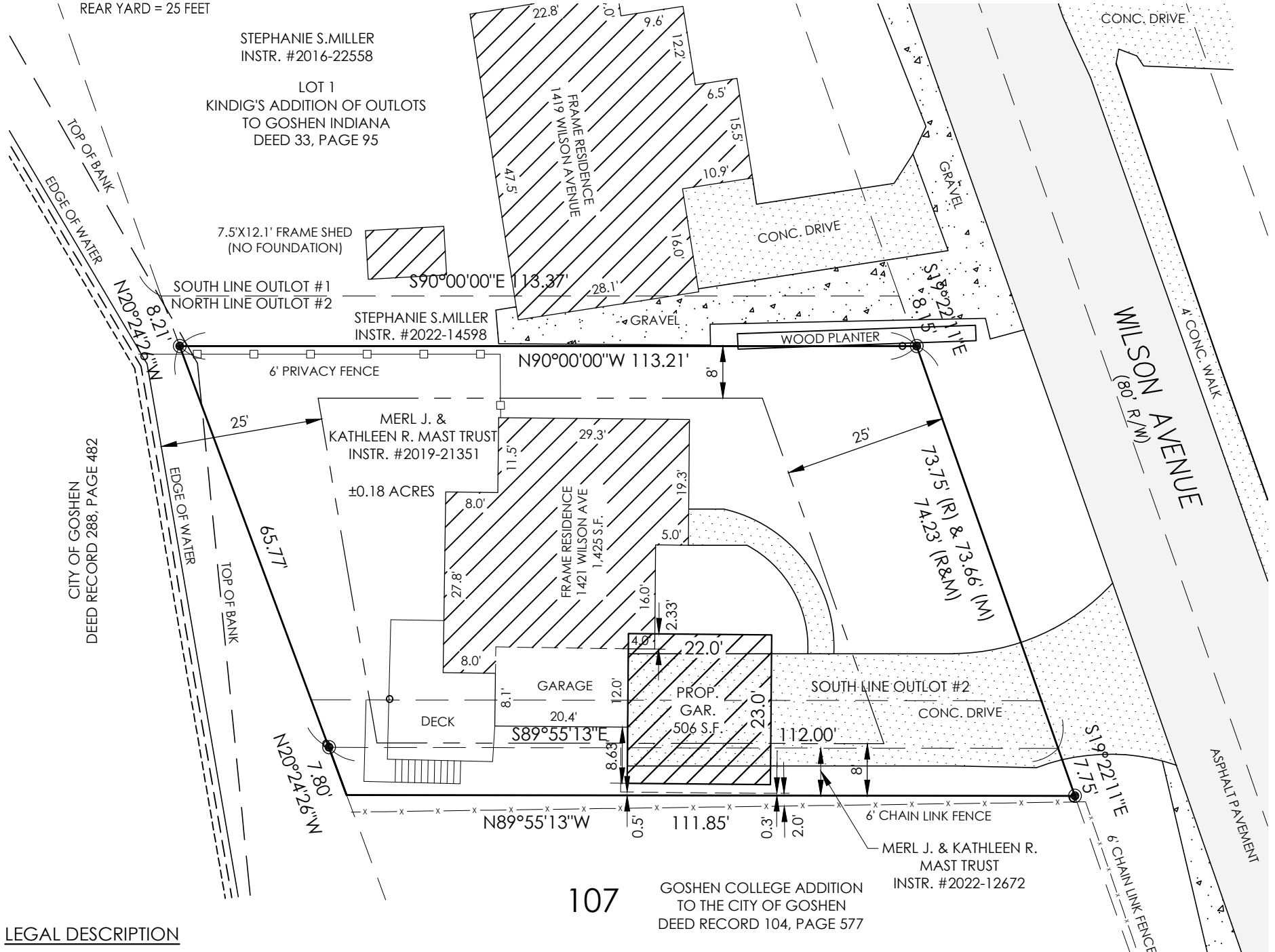
# BOARD OF ZONING APPEALS (BZA) PRELIMINARY SITE PLAN

A PART OF LOT 2 OF KINDIG'S ADDITION OF OUTLOTS TO GOSHEN INDIANA  
DEED RECORDED 33, PAGE 95 AND THE NORTH HALF OF A VACATED 15.5 FOOT  
ALLEY; ALSO BEING IN SECTION 16, TOWNSHIP 36 NORTH, RANGE 6 EAST,  
ELKHART TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA

### GENERAL NOTES

- 1) CURRENT ZONING: "R-1" SINGLE FAMILY
- 2) LAND USE: CURRENTLY RESIDENTIAL; TO REMAIN RESIDENTIAL
- 3) THE PROJECT SITE IS CURRENTLY SERVICED BY THE CITY OF GOSHEN MUNICIPAL SEWER AND WATER SYSTEM.
- 4) SETBACKS SHALL CONFORM TO THE CITY OF GOSHEN ZONING ORDINANCES UNLESS THE PROPER VARIANCES HAVE BEEN APPROVED.

SETBACKS - R-1 ZONE CITY OF GOSHEN  
FRONT YARD = 25 FEET  
SIDE YARD = 8 FEET  
REAR YARD = 25 FEET



### LEGAL DESCRIPTION

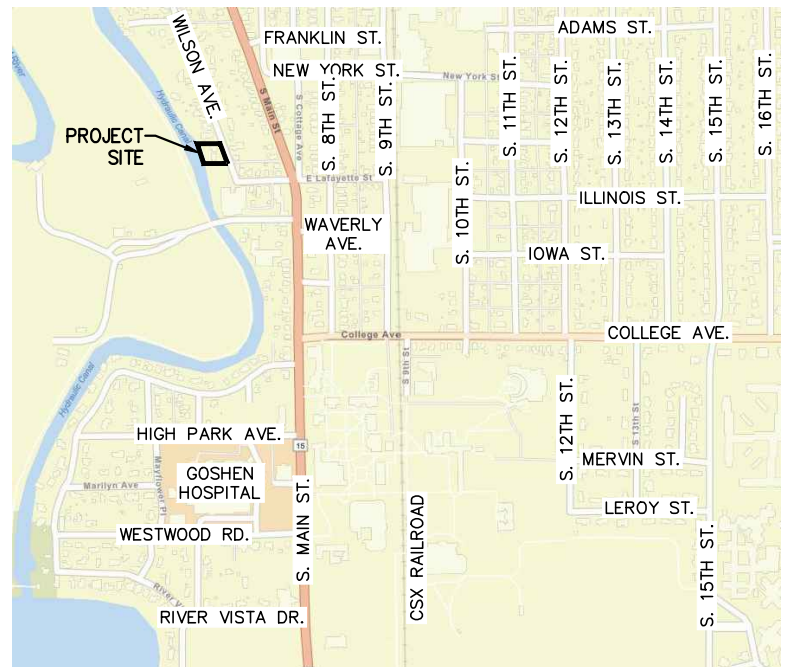
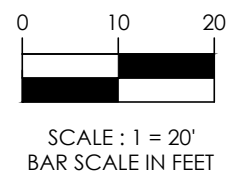
A TRACT OF LAND SITUATED AND KNOWN AS NUMBER 1421 WILSON AVENUE IN THE CITY OF GOSHEN IN ELKHART COUNTY AND STATE OF INDIANA, MORE PARTICULARLY SURVEYED AND DESCRIBED AS FOLLOWS, TO-WIT:  
BEGINNING AT AN IRON STAKE MARKING THE INTERSECTION OF THE NORTH LINE OF OUT LOT NUMBER 2 IN KINDIG'S ADDITION OF OUT LOTS TO SAID CITY OF GOSHEN AND THE WEST LINE OF SAID WILSON AVENUE; THENCE WEST ON SAID NORTH LINE OF SAID OUT LOT NUMBER 2, 100 FEET TO AN IRON STAKE; THENCE CONTINUING WEST ON SAID LINE 13.4 FEET TO AN IRON STAKE MARKING THE HIGH WATER LINE OF THE HYDRAULIC CANAL; THENCE SOUTHERLY ALONG THE HIGH WATER LINE OF SAID HYDRAULIC CANAL FOR APPROXIMATELY 73.75 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND HEREIN DESCRIBED; THENCE EAST ON A LINE PARALLEL WITH SAID NORTH LINE OF SAID OUT LOT NUMBER 2 A DISTANCE OF 12 FEET TO AN IRON STAKE ON THE SOUTH LINE OF SAID TRACT OF LAND HEREIN DESCRIBED; THENCE CONTINUING EAST ON SAID SOUTH LINE 100 FEET TO AN IRON STAKE SET ON THE WEST LINE OF WILSON AVENUE; THENCE NORTH, BEARING WEST, ALONG THE WEST LINE OF WILSON AVENUE 73.75 FEET TO THE IRON STAKE AT THE PLACE OF BEGINNING AS RECORDED IN DEED RECORD 33, PAGE 95, WHICH TRACT IS MORE ACCURATELY DESCRIBED AS FOLLOWS:  
A PART OF THE OUT LOT 2 AND THE NORTH HALF OF A VACATED 15.5-FOOT ALLEY ADJACENT TO THE SOUTH LINE THEREOF IN THE RECORDED PLAT OF KINDIG'S OUT LOT ADDITION, GOSHEN, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT AN IRON PIPE MARKING THE INTERSECTION OF THE SOUTH LINE OF SAID OUT LOT 2 WITH THE WESTERLY LINE OF WILSON AVENUE; THENCE NORTH 19 DEGREES 37 MINUTES WEST 66.0 FEET ALONG THE WESTERLY LINE OF WILSON AVENUE TO A REBAR ON THE NORTH LINE OF SAID OUT LOT 2; THENCE WEST 115 FEET ALONG SAID NORTH LINE TO THE HYDRAULIC CANAL; THENCE SOUTHWARDLY ALONG THE HYDRAULIC CANAL TO A POINT ON THE CENTERLINE OF A VACATED 15.5-FOOT ALLEY; THENCE EAST 129.8 FEET ALONG THE LAST DESCRIBED LINE TO A REBAR ON THE WESTERLY LINE OF WILSON AVENUE; THENCE NORTH 19 DEGREES 37 MINUTES WEST 8.23 FEET TO THE POINT OF BEGINNING.  
**EXCEPTING:**  
A PART OF OUTLOT NUMBER 2 AS SAID OUTLOT IS KNOWN AND DESIGNATED ON THE PLAT OF KINDIG'S OUTLOT ADDITION TO THE CITY OF GOSHEN, INDIANA, SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN DEED RECORD 33, PAGE 95, AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF WILSON AVENUE WITH THE NORTH LINE OF SAID OUTLOT NUMBER 1 AS SAID OUTLOT IS KNOWN AND DESIGNATED ON THE PLAT OF SAID KINDIG'S OUTLOT ADDITION TO THE CITY OF GOSHEN, INDIANA, ALSO BEING THE SOUTHEAST CORNER OF LOT NUMBER 18 AS SAID LOT IS KNOWN AND DESIGNATED ON THE PLAT OF SAID WILDEN'S 8TH ADDITION; THENCE SOUTH 19 DEGREES 22 MINUTES 11 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF WILSON AVENUE A DISTANCE OF 66.00 FEET TO THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY LINE WITH THE NORTH LINE OF SAID OUTLOT NUMBER 2, THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 19 DEGREES 22 MINUTES 11 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF SAID WILSON AVENUE A DISTANCE OF 8.15 FEET NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 113.21 FEET; THENCE NORTH 20 DEGREES 24 MINUTES 26 SECONDS WEST A DISTANCE OF 8.21 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 113.37 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 0.02 OF AN ACRE, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND PUBLIC RIGHTS-OF-WAY OF RECORD.  
ALSO: THE SOUTH HALF OF THE VACATED 15-FOOT WIDE ALLEY LYING SOUTH OF LOT NUMBER 2 AS SAID OUTLOT IS KNOWN AND DESIGNATED ON THE PLAT OF KINDIG'S OUTLOT ADDITION TO THE CITY OF GOSHEN, INDIANA., SAID PLAT BEING RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN DEED RECORD 33, PAGE 95, AND BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF WILSON AVENUE WITH THE NORTH LINE OF SAID OUTLOT NUMBER 1 AS SAID OUTLOT IS KNOWN AND DESIGNATED ON THE PLAT OF SAID KINDIG'S OUTLOT ADDITION TO THE CITY OF GOSHEN, INDIANA, ALSO BEING THE SOUTHEAST CORNER OF LOT NUMBER 18 AS SAID LOT IS KNOWN AND DESIGNATED ON THE PLAT OF SAID WILDEN'S 8TH ADDITION; THENCE SOUTH 19 DEGREES 22 MINUTES 11 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF WILSON AVENUE A DISTANCE OF 139.66 FEET TO THE INTERSECTION SOUTHWESTERLY RIGHT-OF-WAY LINE WITH THE CENTERLINE OF SAID VACATED ALLEY, THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 19 DEGREES 22 MINUTES 11 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF THE RIGHT-OF-WAY OF WILSON AVENUE A DISTANCE OF 7.75 FEET TO THE SOUTH LINE OF SAID VACATED ALLEY; THENCE NORTH 89 DEGREES 55 MINUTES 13 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 111.85 FEET; THENCE NORTH 20 DEGREES 24 MINUTES 26 SECONDS WEST A DISTANCE OF 7.80 FEET TO THE CENTERLINE OF SAID VACATED ALLEY; THENCE SOUTH 89 DEGREES 55 MINUTES 13 SECONDS EAST A DISTANCE OF 112.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 0.190 OF AN ACRE, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND PUBLIC RIGHTS-OF-WAY OF RECORD.

### FLOOD NOTE

THIS SUBJECT PARCEL IS NOT WITHIN 1% ANNUAL CHANCE FLOOD (SPECIAL FLOOD HAZARD AREA) AS SCALED AND DEPICTED ON THE FEMA/FIRM COMMUNITY PANEL NUMBER 18039C0254D, EFFECTIVE MAP DATE: AUGUST 2, 2011.

### OWNER

MERL J. & KATHLEEN R. MAST TRUST  
1421 WILSON AVENUE  
GOSHEN, IN 46526



**LOCATION MAP**  
(NOT TO SCALE)

NO.	REVISION DESCRIPTION
1	1

DATE:	8/03/2022
SCALE:	1"=20'
HORIZ.:	1"=20'
VERT.:	1"=20'
AC/LDB #:	22-1037
SHEET NO.:	1 of 1

SHEET TITLE:	BZA SITE PLAN
DRAWN BY:	TRM
DESIGNED BY:	
DATE:	8/03/2022
QA/QC REVIEW:	CSB
DATE:	8/03/2022

PROJECT:  
**PART OF LOT 2 KINDIG'S ADDITION  
OF OUTLOTS TO GOSHEN, & N 1/2  
OF A VACATED 15.5' ALLEY,  
ELK. TWP., ELK. CO., INDIANA**

**ABONMARCHE**  
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Goshen, IN 46526  
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F 574.533.9911  
abonmarche.com

Portage  
Benton Harbor  
Lafayette  
South Haven  
Fort Wayne

Goshen  
Hobart  
Grand Bend  
South Bend  
Valparaiso

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**LOCATION:** 1013 & 1015 S 9<sup>th</sup> Street  
**CASE NUMBER:** 22-12UV & 22-28DV

**DATE:** September 27, 2022  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

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**APPLICANT:** Lux Property Corporation (owner); Jones Petrie Rafinski (agent)

**REQUEST:** The applicant requests a use variance to expand a non-conforming use where residential use is not permitted in the Industrial M-1 District, and developmental variances to allow a front parking and driving aisle setback of 5' where 25' is required, a 31' side (south) and 45' rear (west) yard setback where 60' is required for yards abutting residential use/zoning, an alternative landscape buffer where full bufferyard landscaping is required adjacent to residential use, and for the variance to be valid for one year, for the installation of a parking and driving aisle

**LOT SIZE:** ±0.53 acres; ± 157' of frontage; depth varies

**APPLICABLE ZONING:** Industrial M-1

**NOTICES SENT:** 40

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** Connected to City sewer; not connected to City water

**AREA DEVELOPMENT:** Residential, industrial, commercial, institutional

**NEIGHBORHOOD:** Parkside

**THOROUGHFARES:** 9<sup>th</sup> Street

**TOPOGRAPHY:** Level

### **VARIANCE OF USE STANDARDS**

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses
  - Residential uses are not permitted in the Industrial M-1 District
- ◇ Goshen Zoning Ordinance, *Section 4230.3*, Area, Width, and Yard Regulations of the M-1 District **E. Yards Abutting Residential Uses or Residential Zoning Districts.** Building setbacks for side and or rear yards abutting any residential use or residential zoning district boundary line shall be 100 feet. Parking setbacks shall be 60 feet.
- ◇ Goshen Zoning Ordinance, *Section 5000.3*, Bufferyard Landscaping Table 2  
Properties zoned Industrial M-1 shall have full bufferyard landscaping adjacent to residential use

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

The Planning office was contacted by the manager of a nearby industrial facility at 1025 S 10<sup>th</sup> Street; the inquirer had questions about the plan, but did not provided explicit support or objection to the request.

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### **ANALYSIS**

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The subject property is an approximately half-acre tract located on the west side of S 9<sup>th</sup> Street. It is made up of three tax parcels and is zoned Industrial M-1. Residential uses are located directly to the south and single family use and zoning directly to the west across the north-south alley. Other properties along 9<sup>th</sup> Street are a mix of industrial, commercial, residential, and institutional.

The property includes 13 small buildings, eleven of which are small dwelling units, with the others used for storage. The homes are located on the northern two parcels, while the south parcel has been largely vacant other than one storage building located on its west side. In October 2020, the Planning office became aware that a gravel driving aisle and parking area had been installed on the south side of the buildings in this largely vacant area. The improvement occurred without City approval, and since that time, staff has been working with representatives of the property to bring it into compliance. They have explained that following the reconfiguration of 9<sup>th</sup> Street in 2019-2020, parking spaces in the right of way that tenants had previously used were removed, so the gravel parking area was installed to make up for the deficient parking. They were unaware they needed City approval.

In response to City feedback on the parking area, the petitioners have submitted plans for a new paved parking and driving area. The plans include 10 new parking spaces with a 24' wide driving aisle; a stormwater retention basin; screening as well as an entrance gate with emergency access. Because the property is zoned Industrial M-1, where residential use is not permitted, the parking area is considered an expansion of the non-conforming residential use. A use variance is required for the expansion. Developmental variances are also needed for the following:

- The parking area will have a 5' front yard setback from 9<sup>th</sup> Street where 25' is required
- The adjacent property to the south is a residential use; the adjacent zoning to the west, beginning at the centerline of the alley, is Residential R-1. A minimum 60' parking and driving aisle is needed adjacent to residential use/zoning, but the proposed south setback is only 31' and the proposed west setback is 45'
- Properties zoned Industrial M-1 require full bufferyard landscaping when adjacent to residential use. Full bufferyard landscaping includes a large earthen berm and a dense mix of plantings. In lieu of full bufferyard landscaping on the south and west sides of the proposed parking area, the petitioners are proposing an alternative landscape plan that includes a mix of ornamental and evergreen trees, grasses, and shrubs; a fence 6' in height is also proposed along the south property line.

Staff recommends approval of the requests. Expansion of the residential use will not be detrimental to the neighborhood, as the property has been a residential use for many years and the 9<sup>th</sup> Street corridor includes a mix of industrial, commercial, and residential uses. The proposed expansion will not increase the number of homes or tenants on the property. The petitioners have correctly pointed out that available street parking for tenants has been reduced in recent years; without available parking, vehicles are more likely to park haphazardly and on unimproved surfaces. The proposed plan, with 10 paved and delineated parking spaces, will improve the appearance of vehicle parking on the property.

There is inadequate room on the site to meet the required setbacks for M-1 properties and to install full bufferyard screening. Since the use is a non-conforming residential facility, such requirements would constitute an unnecessary hardship for the proposed development. The existing multi-family housing is currently unscreened, so proposed landscaping and fence will represent an improvement over the status quo.

The petitioner has requested the variance be valid for one year, a reasonable request given the need for Technical Review and scheduling a contractor.

### **FINDINGS OF FACT**

Staff recommends **approval** of a use variance to expand a non-conforming use where residential use is not permitted in the Industrial M-1 District, and developmental variances to allow a front parking and driving aisle setback of 5' where 25' is required, a 31' side (south) and 45' rear (west) yard setback where 60' is required for yards abutting residential use/zoning, an alternative landscape buffer where full bufferyard landscaping is required adjacent to residential use, and for the variance to be valid for one year, for the installation of 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 proposed expansion of the non-conforming residential use will not increase the number of

homes or tenants on the property, and the residential use has existing on the property for many years. The proposed parking area will be accessible to the Fire Department during emergencies. *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 expansion of the non-conforming use will not increase the number of homes or tenants on the property. It will provide paved, delineated parking spaces onsite where there is a high likelihood of haphazard parking occurring. The proposed setbacks and screening are in keeping with residential use. *The standard is confirmed.*

**3. The need for the variance arises from a condition peculiar to the subject property.** The non-conforming residential use of the property has existed for many years in a mixed-use corridor that includes industrial, commercial, and residential uses. For many years, the tenants have used available street parking, which has been reduced due to changes to the right of way, and a parking expansion will help relieve parking issues with the property. *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 residential use of the property has existed for many years in a mixed-use corridor that includes industrial, commercial, and residential uses. Denial of the request would exacerbate parking issues on and around the property without eliminating the non-conforming residential use. The required setbacks and landscape screening requirements of the M-1 District are unnecessary for this use because it is not being used for industrial purposes. *The standard is confirmed.*

**5. The approval does not interfere substantially with the Comprehensive Plan.** The subject property is a residential property on a mixed use industrial and residential corridor. The proposed parking area with privacy fence and landscaping will provide a smooth transition between the multi-tenant use and the adjacent residential uses and zoning, supporting the Comprehensive Plan (Land Use -2.1).

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 one year 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. Approval by the Engineering and Fire Departments through Technical Review is required.
4. An approved zoning clearance form is required.
5. Approval by the Building Department is required.
6. Landscaping shall be installed as part of construction based on “1013 S 9<sup>th</sup> Street, Goshen, IN—Lux Property Corporation—Site Landscape Plan & Details”, by Jones Petrie Rafinski, dated August 5, 2022. The existing mature tree shown on the landscape plan adjacent to the south property line shall be maintained through construction and replaced with a large species tree if damaged.



Looking west at dwelling units



Looking west at proposed location of parking area



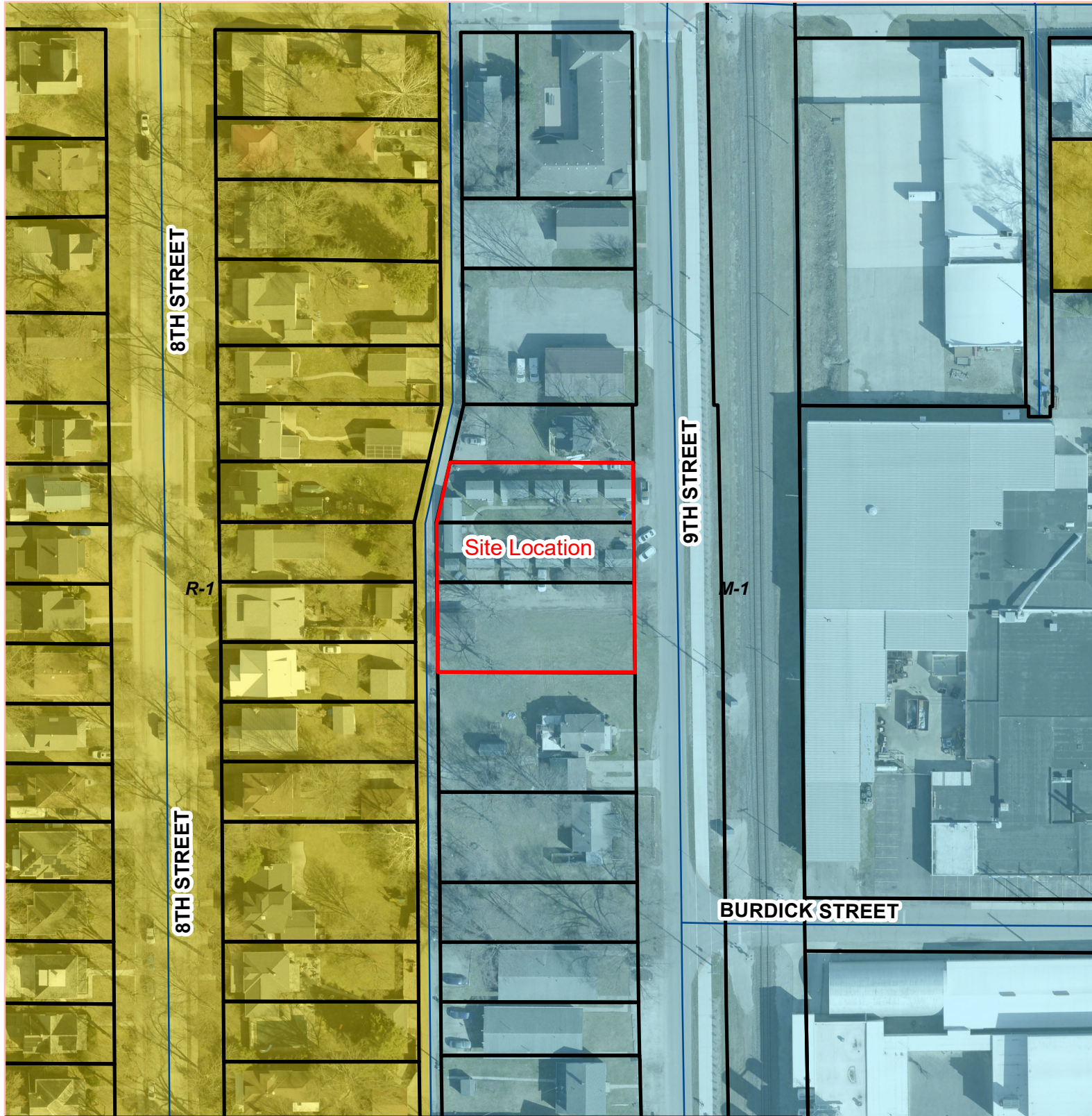
Looking northwest along 9<sup>th</sup> Street



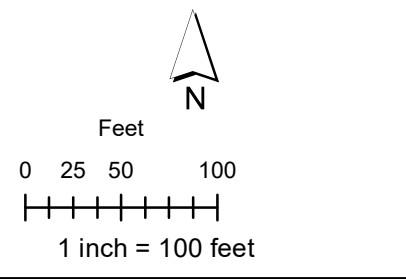
Looking north along rear alley



Looking east from rear alley



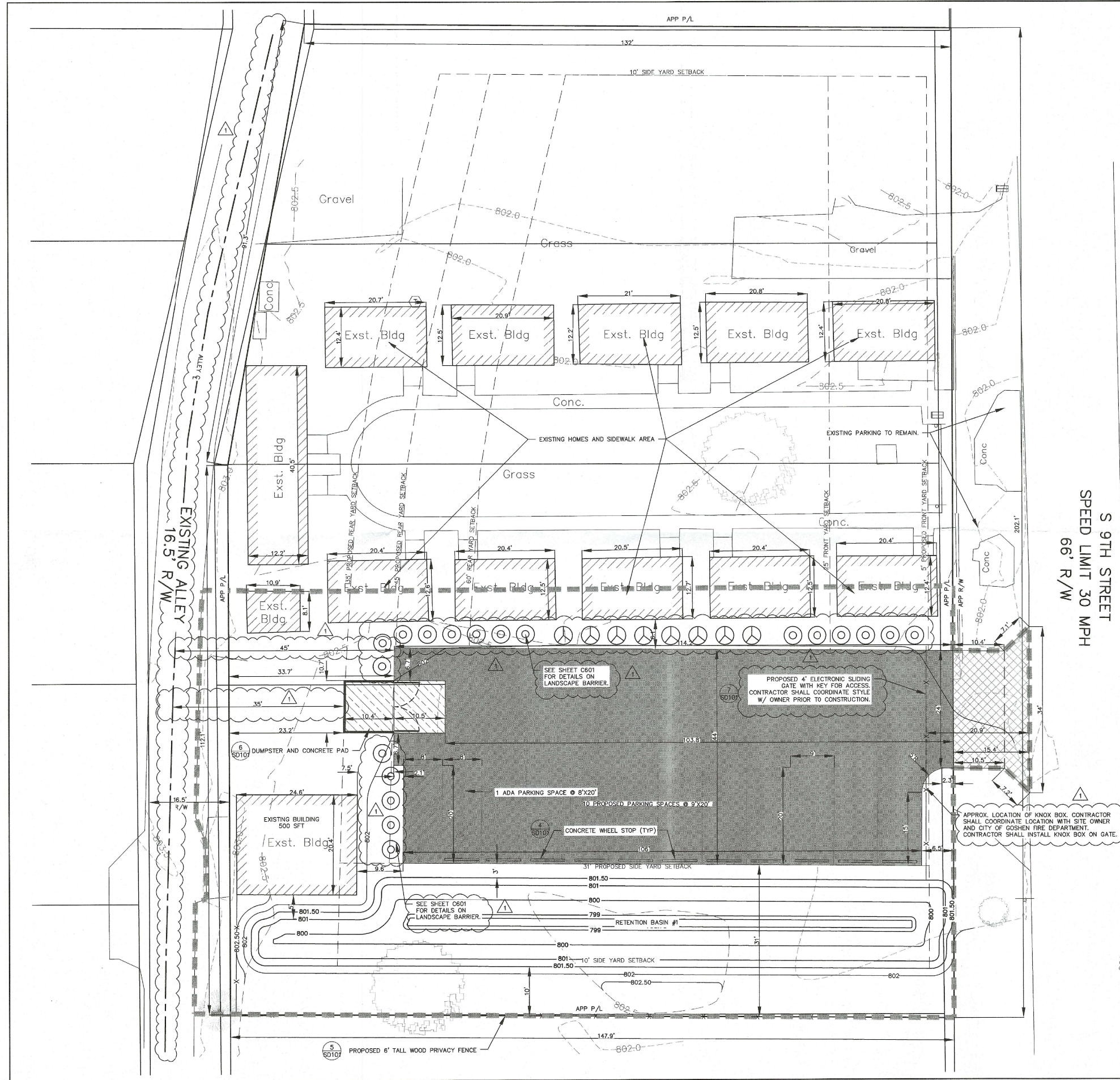
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1013 & 1015 S 9th Street

2021 Aerial  
Printed September 7, 2022

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



**LEGEND**

	PROPOSED CONCRETE PAVEMENT SEE PLAN SHEETS G102 & SD101 FOR DETAILED INFORMATION	1 SD101
	PROPOSED STANDARD HMA PAVEMENT SEE PLAN SHEETS G102 & SD101 FOR DETAILED INFORMATION	2 SD101
	PROPOSED HEAVY DUTY HMA PAVEMENT WITHIN R/W. SEE SHEETS G102 & SD101 FOR DETAILED INFORMATION	3 SD101
	WATERSHED AREA	

**TABULATED SITE DATA - OVERALL SITE**

1. ACREAGE OF SITE	31,824 SFT	0.73 AC
2. EXISTING LAND USE:	A. M-1	
3. PROPOSED LAND USE:	A. RESIDENTIAL PARKING WITHIN M-1 ZONING	
4. PROPOSED LAND COVERAGE:	SQUARE FOOTAGE	% OF SITE
A. EXST BUILDINGS	3,657	11.49%
B. EXST PARKING & DRIVES	2,629	8.26%
C. PROPOSED PARKING & DRIVES	5,364	16.86%
D. GRAVEL	2,183	6.86%
E. OPEN SPACE	17,991	56.53%
TOTAL	31,824	100.00%

**TABULATED SITE DATA - WATERSHED**

1. ACREAGE OF SITE	13,833 SFT	0.32 AC
2. EXISTING LAND USE:	A. M-1	
3. PROPOSED LAND USE:	A. RESIDENTIAL PARKING (DWELLING UNITS) WITHIN M-1 ZONING	
4. PARKING RATIO REQUIRED BY ORDINANCE:	A. PARKING SPACES:	
1 PER EFFICIENCY MULTI-FAMILY DWELLING UNIT	B. NUMBER OF SPACES REQUIRED - 10	
C. NUMBER OF SPACES PROVIDED - 10 PROPOSED	D. NUMBER OF A.D.A. SPACES PROVIDED - 1	
E. NUMBER OF EXTRA SPACES - 0		
4. PROPOSED LAND COVERAGE:	SQUARE FOOTAGE	% OF SITE
A. BUILDING	1,230	8.89%
B. PARKING & DRIVES	5,363	38.77%
C. GRAVEL	275	1.99%
D. OPEN SPACE	6,965	50.35%
TOTAL	13,833	100.00%

**ZONING & SETBACKS**

ZONING  
EXISTING ZONING - M-1

**REQUIRED PARKING SETBACKS**

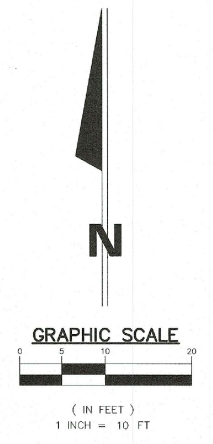
FRONT YARD 25'  
SIDE YARD 10'  
REAR YARD 60' (FROM CENTER LINE OF EXISTING ALLEY)

**REQUESTED DEVIATIONS FROM THE CITY STANDARDS**

**PARKING SETBACKS**

PROPOSED FRONT YARD 5' (ALONG EAST PROPERTY LINE - S. 9TH STREET)  
PROPOSED SIDE YARD 31' (ALONG SOUTH PROPERTY LINE)  
PROPOSED REAR YARD 35' FROM CENTER LINE OF EXISTING ALLEY  
PROPOSED REAR YARD 45' FROM CENTER LINE OF EXISTING ALLEY

- USE VARIANCE TO ALLOW EXPANSION OF NON-CONFORMING USE.
- REDUCED SETBACKS ADJACENT TO RESIDENTIAL USE AND ZONING DISTRICT BOUNDARY LINES.
- ALTERNATIVE LANDSCAPE PLAN TO FULL BUFFER.



REV	DESCRIPTION	DATE
1	PER CITY OF GOSHEN TECH REVIEW	08/05/2022

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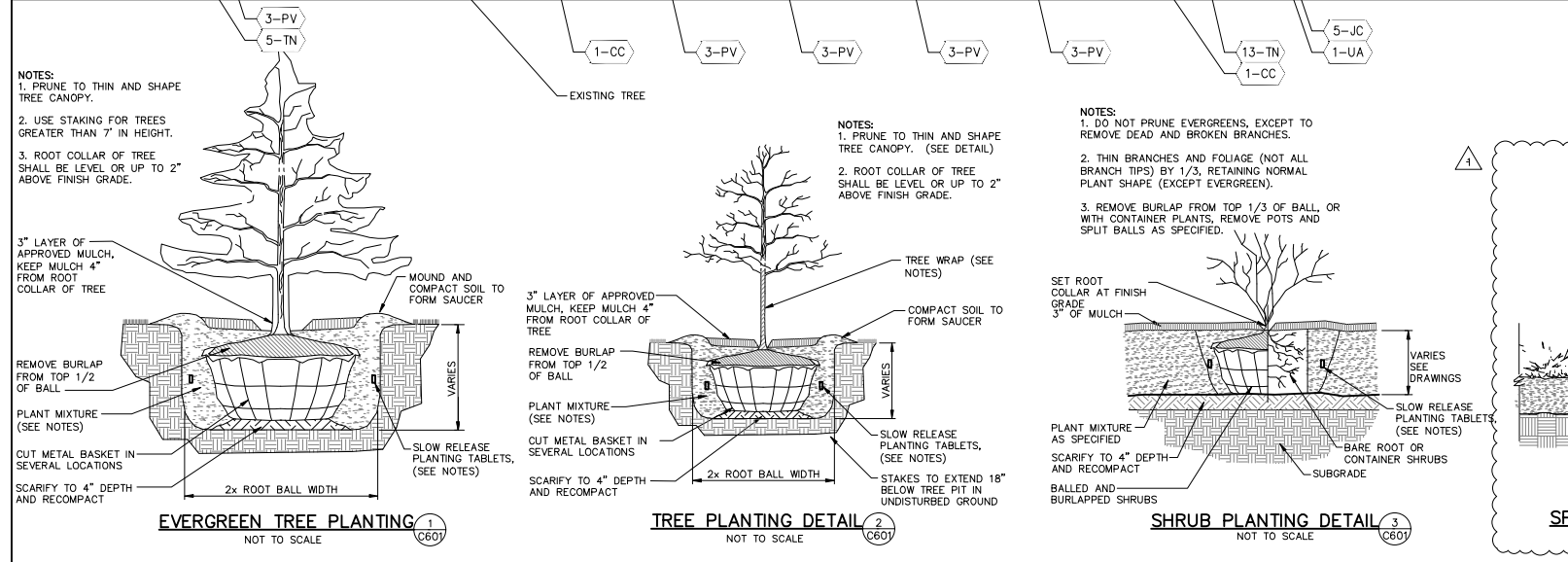
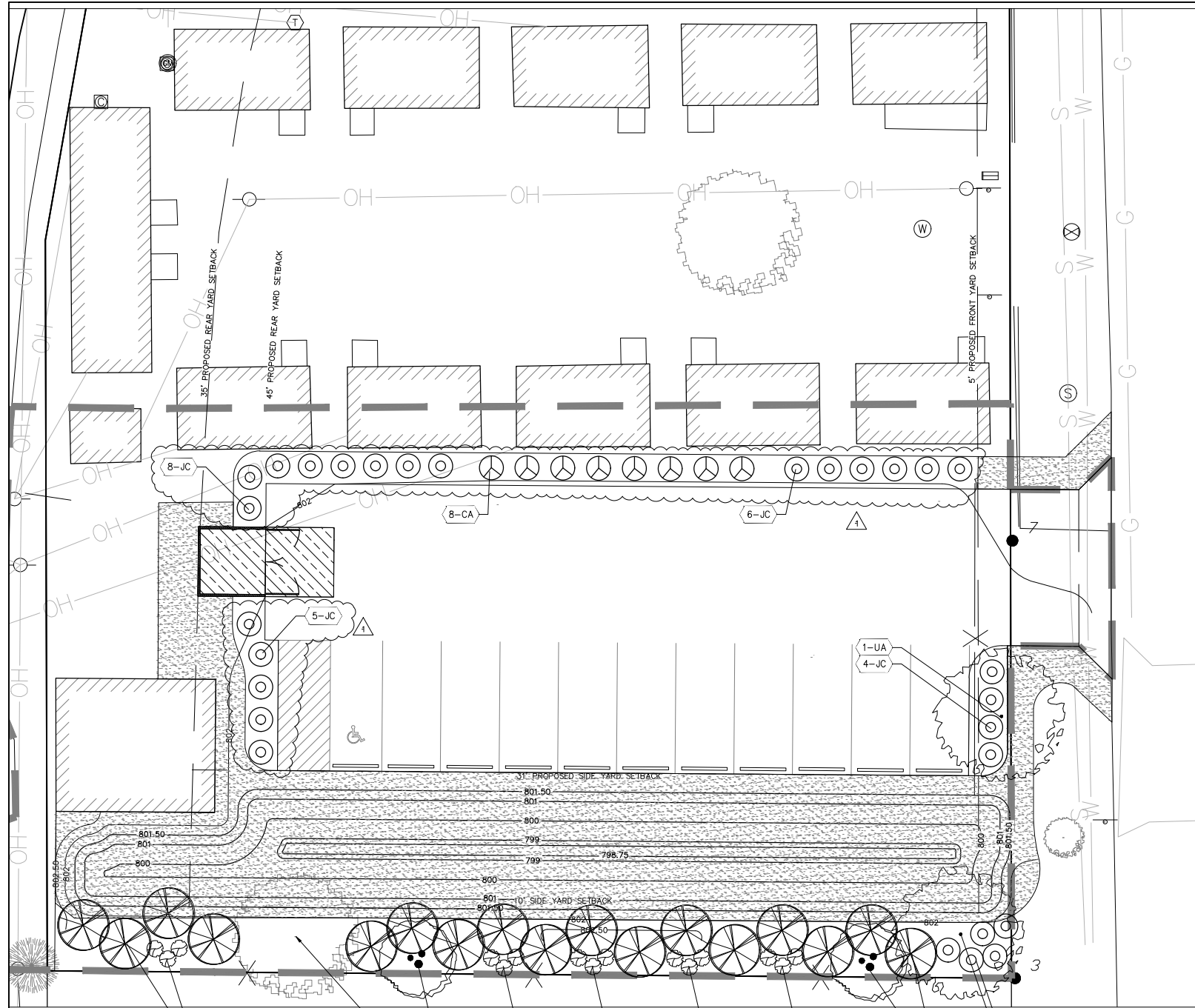
**JONES PETRIE RAFINSKI**

South Bend, IN P: 574.232.4888  
Elkhart, IN P: 574.283.7792  
Evan, WY P: 360.422.2522

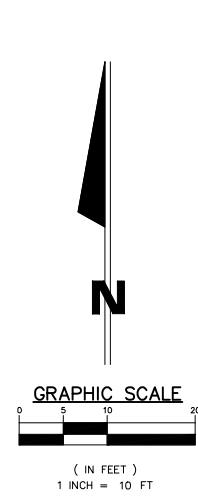
**ELIZABETH E. ELKIND**  
REGISTERED PROFESSIONAL ENGINEER  
No. 12000703  
STATE OF INDIANA  
9/06/2022

**1013 S 9TH STREET, GOSHEN, IN**  
**LUX PROPERTY CORPORATION**  
**SITE DIMENSIONAL PLAN**

DESIGNED BY: SJW  
DRAWN BY: SJW  
REVIEWED BY: CEE  
DATE: SEPTEMBER 2022  
JOB NUMBER: 2021-0200  
SCALE: 1"=10'  
**SITE PLAN**



- ### GENERAL LANDSCAPE NOTES
- CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY LOCATION OF ALL PRIVATE AND PUBLIC UTILITY LINES WHICH AFFECT THIS SITE. CONTRACTOR SHALL ALSO NOTIFY ALL UTILITY COMPANIES PRIOR TO THE COMMENCEMENT OF ANY SITE WORK.
  - CONTRACTOR SHALL REVIEW PLANTING SPECIFICATIONS AND PLANTING DETAILS BEFORE BEGINNING WORK.
  - CONTRACTOR SHALL VISIT THE PROJECT SITE AND BECOME FAMILIAR WITH CONDITIONS UNDER WHICH WORK SHALL BE IMPLEMENTED PRIOR TO BIDDING.
  - CONTRACTOR SHALL NOTIFY CONTRACT OFFICER OF ANY DISCREPANCIES IN THE EXISTING CONDITIONS OR WITHIN THE PLANS PRIOR TO BEGINNING WORK.
  - PLANTING BEDS SHALL HAVE FINISHED GRADES SMOOTHED TO ELIMINATE PONDING OR STANDING WATER. CONTRACTOR SHALL MAINTAIN A MINIMUM 2% DRAINAGE AWAY FROM BUILDINGS AND PAVING INTO DRAINAGE STRUCTURE OR TO STREET. CONTRACTOR SHALL NOTIFY OWNER IMMEDIATELY OF ANY CONFLICTS IN MAINTAINING DRAINAGE. IRRIGATION SYSTEM SHALL BE DESIGNED TO ELIMINATE OVERSPRAY ONTO BUILDINGS, STRUCTURES AND MONUMENT SIGNS.
  - CONTRACT OFFICER SHALL APPROVE ALL FINISH GRADING PRIOR TO PLACEMENT OF ANY PLANT MATERIAL.
  - CONTRACTOR SHALL IMMEDIATELY, UPON THE AWARD OF THE CONTRACT, LOCATE, ORDER AND PURCHASE (OR HAVE HELD) ALL PLANT MATERIAL REQUIRED BY THESE PLANS AND SPECIFICATIONS.
  - CONTRACTOR SHALL NOTIFY CONTRACT OFFICER FOR OBSERVATION AT THE FOLLOWING TIMES:  
-IRRIGATION MAINLINE AND LATERALS - PRIOR TO BACKFILL AND PRESSURE TEST  
-TREE LOCATIONS - PRIOR TO PLANTING  
-IRRIGATION COVERAGE - PRIOR TO PLANT PLACEMENT  
-PLANT APPROVAL AND SPOTTING - PRIOR TO PLANTING  
-PRE-MAINTENANCE APPROVAL  
-POST-MAINTENANCE / FINAL APPROVAL
  - CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY REPAIRS MADE NECESSARY THROUGH THE ACTIONS/NEGLIGENCE OF THEIR CREW.
  - SHRUB AND GROUND COVER MASS QUANTITIES ARE SHOWN ON PLANS. UNDERPLANT ALL TREES WITH THE ADJACENT SHRUB AND/OR GROUND COVER AS INDICATED BY THE PLANS. PLANTS SHALL BE INSTALLED WITH TRIANGULAR SPACING. PLANT GROUND COVERS TO WITHIN 36" OF TREE TRUNK OR 12" OF SHRUB STEMS.
  - PLANT SYMBOLS TAKE PRECEDENCE OVER PLANT QUANTITIES SPECIFIED. WHERE SHRUB SYMBOLS ARE MASSSED, CONTRACTOR SHALL MAINTAIN A CONSISTENT ON CENTER, TRIANGULAR SPACING AS SPECIFIED IN LEGEND. CONTRACTOR SHALL VERIFY PLANT TOTALS FOR BID PURPOSES.
  - ALL ROCKS AND DEBRIS ONE INCH (1") AND LARGER SHALL BE REMOVED FROM PLANTING AREAS TO A DEPTH OF 1'-0" AND THEN FROM THE SITE TO A LEGAL SITE OF DISPOSAL. WHERE GRASS IS TO BE PLANTED, ALL ROCKS AND DEBRIS ONE HALF INCH (1/2") AND LARGER SHALL BE REMOVED.
  - PLANTING SOIL SHALL BE A THOROUGHLY GROUND AND BLENDED MIXTURE OF EQUAL PARTS OF THE FOLLOWING MATERIALS: ONE THIRD (1/3) TOPSOIL, ONE THIRD (1/3) PEAT MOSS AND ONE THIRD (1/3) SAND. ALL PLANTED AREAS SHALL RECEIVE A MINIMUM OF 6" OF TOPSOIL.
  - PRIOR TO PLANT INSTALLATION, CONTRACTOR SHALL IRRIGATE ALL PLANTING AREAS NORMALLY FOR TWO WEEKS TO GERMINATE WEEDS. CONTRACTOR SHALL THEN APPLY CONTACT HERBICIDE TO WEEDS ONLY PER MANUFACTURER, MONSANTO 'ROUND-UP' OR APPROVED EQUAL.
  - PLANT MATERIAL MAY BE REJECTED AT ANY TIME BY CONTRACT OFFICER DUE TO CONDITION, FORM OR DAMAGE BEFORE OR AFTER PLANTING.
  - ALL PLANT MATERIAL TO BE PLANTED WITH PLANTING TABLETS ACCORDING TO THE MANUFACTURER'S INSTRUCTION AND AS FOLLOWS:  
-BALLED & BURLAPPED PLANT MATERIAL USE TWO (2) 21 GRAM TABLETS PER EACH 1/2" CALIPER  
-7 GALLON CONTAINER PLANT MATERIAL USE THREE (3) 21 GRAM TABLETS PER PLANT  
-5 GALLON CONTAINER PLANT MATERIAL USE TWO (2) 21 GRAM TABLETS PER PLANT  
-3.2 AND 1 GALLON CONTAINER PLANT MATERIAL USE ONE (1) 21 GRAM TABLETS PER PLANT  
-PLANTING TABLETS SHALL BE AGRIFORM 20-10-5, PLANTING TABLETS PLUS MINORS STOCK NO. 90026 (21 GRAMS) OR APPROVED EQUAL.
  - ALL PLANT MATERIAL SHALL RECEIVE GRANULAR PLANT FOOD TO THE SURFACE OF THE PLANT BEDS INCLUDING GROUND COVER BEDS WHICH DO NOT CONTAIN MANURE OR PLANTING TABLETS. THE PLANT FOOD SHALL BE SPREAD OVER THE ROOT AREA STARTING 6" FROM THE TRUNK AND EXTENDING TO THE DRIP LINE OF EACH PLANT OR TO THE OUTER EDGE OF THE PLANT BED, WHICHEVER LARGER, AT THE RATE OF 2 POUNDS PER 100 SQ FT.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL LANDSCAPE PLANT MATERIAL TO THE LATEST HORTICULTURAL PRACTICE STANDARDS.
  - ALL PLANTING BEDS SHALL HAVE A 3 INCH (3") DEPTH OF SHREDDED HARDWOOD MULCH APPLIED AFTER INSTALLATION OF PLANT MATERIAL. MULCH SHALL BE PEST & DISEASE FREE PLANT MATERIAL AND BE FREE OF TWIGS, LEAVES, STONES, CLAY OR OTHER FOREIGN MATERIAL. CONTRACTOR SHALL SUBMIT SAMPLE OF MULCH TO CONTRACT OFFICER FOR APPROVAL PRIOR TO INSTALLATION.
  - ALL DESIGNATED PERIMETER PLANTING AREAS SHALL HAVE 4 INCHES (4") PROFESSIONAL-GRADE BLACK ANODIZED ALUMINUM EDGING -INSTALLED PER MANUFACTURER'S SPECIFICATIONS-
  - CONTRACTOR SHALL BE RESPONSIBLE FOR A MINIMUM ONE (1) YEAR GUARANTEE TIME FOR THE REPLACEMENT OF ANY PLANT MATERIAL WHICH DIES AFTER THE DATE OF INSTALLATION ON SITE. THE REPLACEMENT PLANT MATERIAL SHALL BE EQUAL IN SIZE AND QUALITY TO THE PLANT MATERIAL SHOWN ON THE LANDSCAPE PLANS. ALL COSTS FOR THE REMOVAL OF DEAD PLANTS AND THEIR REPLACEMENTS SHALL BE BORNE BY THE CONTRACTOR.
  - SUBSTITUTIONS OF PLANT MATERIAL SHALL BE PERMITTED UPON WRITTEN SUBMISSION THAT SPECIFIED PLANT(S) ARE UNAVAILABLE OR UNACCEPTABLE DUE TO HARDINESS. SUBSTITUTE PLANT MATERIAL SHALL BE EQUAL IN SIZE, CHARACTERISTICS AND CONDITION OF MATERIAL BEING REPLACED. OWNER SHALL BE NOTIFIED AND APPROVE ALL SUBSTITUTIONS PRIOR TO THEIR INSTALLATION.
  - PRIOR TO PLANTING, CONTRACTOR SHALL SUBMIT IRRIGATION DESIGN DRAWINGS FOR REVIEW. IRRIGATION SYSTEM SHALL BE FULLY OPERATIONAL, AND ALL LANDSCAPE AREAS SHALL BE IRRIGATED, UNLESS DIRECTED OTHERWISE. IRRIGATION CONTRACTOR SHALL INSTALL ALL REQUIRED IRRIGATION STRUCTURES, PIPELINES, ETC. WHICH ARE TO BE PLACED UNDER ANY PAVED AREAS PRIOR TO PAVEMENT INSTALLATION. IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED IF IRRIGATION EQUIPMENT IS REQUIRED TO BE INSTALLED AFTER PAVEMENT IS PLACED ON SITE. IRRIGATION CONTRACTOR SHALL HAVE ALL IRRIGATION PLANS APPROVED BY OWNER PRIOR TO ANY INSTALLATION. IRRIGATION CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE UTILITY CONTRACTOR FOR LOCATION OF IRRIGATION CONNECTION TO WATER SYSTEM.
  - CONTRACTOR SHALL INSPECT BACKFILL AND PLACEMENT OF TOPSOIL TO DETERMINE WHETHER OR NOT A "HARDPAN" SITUATION EXISTS OR COULD EXIST DUE TO PREVIOUS SOIL CONDITIONS. PLACEMENT OF FILL DURING CONSTRUCTION OR ANY OTHER CONTRIBUTING FACTOR PRIOR TO INSTALLATION OF PLANT MATERIALS. IF SUCH A SITUATION IS FOUND OR ANTICIPATED, IT SHOULD BE BROUGHT TO THE ATTENTION OF JPR AND/OR OWNER IMMEDIATELY, AND PRIOR TO THE INSTALLATION OF PLANT MATERIAL, FOR A REMEDY. CONTRACTOR RESPONSIBLE FOR PLANT REPLACEMENT IF PLANT MATERIAL IS PLANTED IN A "HARDPAN" SITUATION.
  - DIMENSIONS FOR HEIGHTS, SPREAD AND CALIPER OF TREES SPECIFIED ON THE PLANT LIST ARE GENERAL GUIDES FOR THE MINIMUM DESIRED SIZE OF EACH PLANT. EACH PLANT SHALL HAVE A UNIFORM AND CONSISTENT SHAPE AS IT PERTAINS TO THE LATEST EDITION OF AMERICAN STANDARD FOR NURSERY STOCK. PLANT MATERIAL WHICH FAILS TO CONFORM TO THE SPECIFICATIONS IS SUBJECT TO REJECTION BY OWNER/JPR.



### SEEDING NOTES

1. ALL DISTURBED AREAS TO BE DRILL SEED WITH THE FOLLOWING GRASS SEED MIXTURE:

TYPE	% BY WEIGHT	% BY PURITY	% BY GERMINATION
KENTUCKY BLUE GRASS	36	98	80
RED FESCUE	30	98	85
MANHATTAN PERENNIAL RYE	17	98	90
NORLEA PERENNIAL RYE	17	98	90

- TURF SEED INSTALLATION: SOW SEED WITH DRILL SEEDING MACHINE. EVENLY DISTRIBUTE SEED BY SOWING EQUAL QUANTITIES IN TWO DIRECTIONS AT RIGHT ANGLES TO EACH OTHER. DO NOT USE WET SEED OR SEED THAT IS MOLDY OR OTHERWISE DAMAGED. DO NOT SEED AGAINST EXISTING TREES. LIMIT EXTENT OF SEED TO OUTSIDE EDGE OF PLANTING SAUCER. -SOW SEED AT A TOTAL RATE OF 4 LB/1000 SQ FT. -RAKE SEED LIGHTLY INTO TOP 1/8 INCH OF SOIL. ROLL LIGHTLY, AND WATER WITH FINE SPRAY. -PROTECT SEEDED AREAS WITH SLOPES EXCEEDING 1:3 WITH EROSION-CONTROL BLANKETS INSTALLED AND STAPLED ACCORDING TO MANUFACTURER'S WRITTEN INSTRUCTIONS. -PROTECT SEEDED AREAS WITH SLOPES NOT EXCEEDING 1:3 BY HYDROMULCH. SPREAD UNIFORMLY AT A MINIMUM RATE OF 1 1/2 TONS/ACRE TO FORM A CONTINUOUS BLANKET OVER SEEDED AREAS.
- SATISFACTORY SEEDED TURF: AT END OF MAINTENANCE PERIOD (90 DAYS), A HEALTHY, UNIFORM, CLOSE STAND OF GRASS HAS BEEN ESTABLISHED, FREE OF WEEDS AND SURFACE IRREGULARITIES, WITH COVERAGE EXCEEDING 90 PERCENT OVER ANY 10 SQ FT AND BARE SPOTS NOT EXCEEDING 3 INCHES BY 3 INCHES (3" X 3").

### PLANT MATERIAL LIST

ID	BOTANICAL NAME	COMMON NAME	SIZE	QTY	ROOT	NOTES
CC	CERCIS CANADENSIS	EASTERN REDBUD	6" H. MIN.	2	B & B	MULTISTEMMED
CA	CORNUS ALBA 'BALHALO'	IVORY HALO DOGWOOD	NO. 5, 24" H MIN.	8	CONT.	
UA	ULMUS AMERICANA 'PRINCETON'	PRINCETON AMERICAN ELM	2 1/2" CAL	2	B & B	
TN	THUJA OCCIDENTALIS 'NIGRA'	NIGRA AMERICAN ARBORVITAE	6" H. MIN.	18	3 GAL	
PV	PANICUM VIRGATUM 'HEAVY METAL'	HEAVY METAL SWITCHGRASS	NO. 2, 30" H MIN.	15	CONT.	
JC	JUNIPERUS CHINENSIS 'GREY OWL'	GREY OWL CHINESE JUNIPER	NO. 5 24" H MIN.	28	CONT.	

### PLANT MATERIAL NOTES

- ALL PLANT MATERIAL TO MEET AMERICAN STANDARDS FOR NURSERY STOCK, 1990 EDITION/ HORTIS THIRD 1076 CORNELL UNIVERSITY.
- ALL LANDSCAPE AREAS TO BE 100% IRRIGATED WITH AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM.
- PLANT CONTAINER SIZES ARE SHOWN AS GUIDELINES ONLY (MINIMUM HEIGHT AND SPREAD REQUIREMENTS RULE). PLANT HEIGHT AND SPREAD SPECIFICATIONS ARE MINIMUMS, ON CENTER (O.C.) SPECIFICATIONS ARE MAXIMUMS.

DESIGNED BY: SJW  
 DRAWN BY: SJW  
 REVIEWED BY: CEE  
 DATE: SEPTEMBER 2022  
 JOB NUMBER: 2021-0200  
 SCALE: 1"=10'  
 C601

1013 S 9TH STREET, GOSHEN, IN  
 LUX PROPERTY CORPORATION  
 SITE LANDSCAPE PLAN & DETAILS

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REVISIONS

REV	DATE	DESCRIPTION
1	09/03/2022	CITY OF GOSHEN TECH REVIEW

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STATE OF INDIANA  
 ARCHITECT REG. NO. LA2 100,000,027  
 JOHN BARDELY  
 08-11-22