

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, July 25, 2023, 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 6/27/23
- 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
23-18DV – Pride Properties, LLC, Andy Morrison, and Fritz Engineering Services request developmental variances to allow a 30’ front building setback along Bashor Road where 35’ is required, a 20’ front parking and driving aisle setback along Bashor Road where 35’ is required and a 0’ rear (east) driving aisle setback where 10’ is required for a shared access drive, a 10’ front parking and driving aisle setback along Elkhart Road where 35’ is required, a 30’ parking and driving aisle setback along Bashor Road where 35’ is required, and a 6’ rear (east) parking setback where 10’ is required, and the variance to be valid for one year, for the development of a new automobile service (oil change) facility. The subject property is generally located at 1715 Elkhart Road and is zoned Commercial B-3 District.
- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, June 27, 2023, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Bethany Campbell, Tom Holtzinger, Hesston Lauver, Lee Rohn, and Michael Potuck. Also present were Assistant City Planner Rossa Deegan, and Assistant City Attorney James Kolbus.

II. Approval of Minutes from 5/23/23: Potuck/Lauver 5-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Potuck 5-0

IV. Postponements/Withdrawals - None

V. Use & Developmental Variances – public hearing items

23-13DV –Maple City Health Care Center, Inc. requests a developmental variance to allow an illuminated freestanding sign approximately 15 SF in area and 4’ in height where only ground signs not exceeding 3’ in height and 8 SF in aggregate area are permitted. The subject property is generally located at 213 & 215 Middlebury Street, includes six tax parcels and two parking lots, and is zoned Residential R-1 District.

Staff Report

Mr. Deegan described the R-1 property, explaining it includes two buildings and two parking lots, and has obtained multiple use and developmental variances from the BZA. Today’s request is to replace an existing free-standing sign, which the Planning Office doesn’t find approval for, so he referred BZA members to a drawing of the proposed sign in the packet. He explained a developmental variance is required because the proposed sign is 4’ in height and 15 sf in area, and because the property is zoned Residential R-1, the only permitted signs are ground signs not exceeding 3’ in height and 8 sf in area. Staff recommends approval of the request noting that the relatively small sign will not upset the character of the area.

No inquiries were received from the public regarding this request.

Petitioner Presentation:

Rocio Diaz, representing Maple City Health Care, 213 Middlebury Street, spoke on behalf of the petitioner. She stated they’re requesting this sign to match the signs at the Vista location, the former Abshire Mansion, so branding is consistent throughout their properties.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

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 23-13DV with the 5 conditions a listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

23-14DV – Cassandra A Beachy & Christopher K Beachy and Ken Beachy request a developmental variance to allow two primary buildings where only one is permitted for the construction of an approximately 714 Sf detached garage and dwelling unit in addition to an existing home. The subject property is generally located at 511 S Winter Avenue and is zoned Residential R-2 District.

Staff Report

Mr. Deegan explained this property currently contains a one story home with a detached garage and is located on a lot approximately one-third acre in size. The property is zoned Residential R-2 which permits single and two family homes. The proposal is to demolish the existing garage and rebuild with a second story dwelling. A developmental variance is required for two primary structures on the property because although the R-2 permits two-family homes, they have to be in the same structure. Approval is justified because this is a large property and all developmental requirements will be met, including adequate onsite parking.

The Planning Office received two phone calls regarding this petition. The first was from Kirk Miller, 1302 Prairie, who stated he is not opposed to the variance, but has some concerns about the possibility of the garage being used as a rental in the future. Mr. Deegan pointed out to BZA members that rentals of single family and duplex uses are generally permitted without a public hearing. The second call was from Shannon and Skyler Gard, 1303 Berkey Avenue, who stated they support this request and are happy to see improvements to the neighborhood.

Petitioner Presentation:

Christopher K Beachy, 511 S Winter Avenue, spoke on behalf of the petitioner. He stated they have no intention of moving anytime soon, explaining the intention is to raise their family in a multi-generational home. He also provided a letter to Board members (23-14DV-1) that had been received from a neighbor at 1202 Prairie, voicing their support of this request.

Ken Beachy, 511 S Winter Avenue, also spoke to the petitioner. He clarified that this is not a total demolition of the garage. The plan is to remove the roof, add the second floor and reinstall the roof.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Potuck/Rohn, to adopt the Staff recommendations as the findings of the Board and approve 23-14DV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

23-15DV – James B Shenk & Rachel A Shenk request developmental variances to allow a front building setback of 5' from Cottage Avenue where 25' is required and a side (south) building setback of 1' where 5' is required for the construction of an approximately 440 SF detached garage. The subject property is generally located at 606 S 7th Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this R-1 property is a narrow lot, with frontage on 7th Street and Cottage Avenue. The property contains a single family home and a detached garage. The petitioners would like to remove the existing garage and rebuild a larger garage (approximately 440 sf) with one garage stall, a workspace, and a porch. Proposed setbacks are 5' from Cottage Ave, where 25' is required, and a 1' setback from the south property line where 5' is required. Staff recommends approval, noting that two properties with similar requests have been approved in the recent years. He explained while some homes front Cottage Avenue, the majority of the homes do not and Cottage Avenue functions more as an alley. Because a 5' setback along an alley meets setback requirements, staff feels this request is reasonable. He also noted that the 1' side setback will match the existing garage, explaining there is a utility pole in the alley, midway

between the north and south property lines, and it appears the garage could not be accessed without moving the driveway and stall to the south.

No public inquiries were received regarding this request.

Petitioner Presentation:

Rachel A Shenk, 606 S 7th Street, spoke on behalf of the petitioner. She stated the existing structure cannot be used for a garage and because parking is sometimes difficult on 7th Street, they would like to add a new garage.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Rohn/Lauver, to adopt the Staff recommendations as the findings of the Board and approve 23-15DV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

23-05UV – Michael Thompson requests a use variance to allow an event center (auditorium) where auditoriums are a permitted use in the Commercial B-2 & B-3 districts and Industrial M-1 & M-2 districts. The subject property is generally located at 1001 & 1003 N Main Street and is zoned Commercial B-1 District.

Staff Report

Mr. Deegan explained this nearly 5 acre site contains a one-story, two-unit building, fronting Main Street. One of the units contains a pizzeria and the second unit, which once contained a bar/nightclub, is now vacant. Zoning for the property is Commercial B-1 which is a neighborhood commercial use. He went on to say there is a mix of residential and commercial uses on surrounding properties, including the Salvation Army, Moose Lodge, and Moose Lodge campground.

Today's request is to use the vacant portion of the building for an event center. There will be no change to the exterior of the building and the interior will remain nearly the same. Floor plans show the seating capacity for 130 people and the parking plan submitted indicates ample parking for both uses. He stated Staff recommends approval of the request, noting other City departments and INDOT appear comfortable with the plans. He pointed out some of the conditions listed in the staff report include that the parking spaces be delineated within 30 days, and a vehicle with expired plates, parked in the front-yard setback, should be brought into compliance with the ordinance.

Planning received two phone calls regarding this request. The first caller stated opposition to the request and the second caller asked for details, but offered no additional comment.

Petitioner Presentation:

Michael Thompson, PO Box 396, Union, MI spoke on behalf of the petitioner. He stated he has spoken with some of the neighbors who commented that there was excessive noise when a bar was there and they have concerns that having an event center here might also create a lot of noise. He commented that he has no interest in dealing with drunk people and explained that his contract states there is to be no alcohol. He went on to say if alcohol is a problem, the police are called, the contract is done with no refund, and everyone must leave. He also stated there won't be any 2:00 am parties because he's looking to book events such as birthday parties, wedding receptions, and family oriented events. He anticipates events will be over no later than 10:00 pm. He went on to say his contract also has stipulations on the noise level and if the police are called, the party is over and everyone needs to go home. He stated he knows how important it is to keep neighbors happy.

Mr. Holtzinger asked if this means there will be no liquor license.

Mr. Thompson stated neither the pizzeria or the event center have, or will have, a liquor license.

Mr. Thompson continued by announcing that firearms will not be permitted inside the building and anyone with a firearm will need to keep it in their locked vehicle. He stated he feels he's doing everything he can to run a legitimate operation and to prevent any issues with his neighbors.

Mr. Rohn asked if the parking lot can be striped within the 30 day timeframe as requested by Staff.

Mr. Thompson stated he doesn't know if he can get it done that quickly, but feels it's to his advantage to do so and will get it done as soon as possible.

Mr. Rohn asked if the car that's sitting on the lot will be addressed.

Mr. Thompson stated it will be moved.

Mr. Lauver asked who set the building capacity.

Mr. Thomson stated it is set by the fire department.

Audience Comments:

Nancy Josselyn, 101 W Wilden Avenue, spoke to the petition. She stated one of the lots is full of trees and if the trees will be cut down, she is not in favor of the request. If the trees remain, she is okay with the request.

Mr. Deegan noted the plans provide indicate they will keep the existing paving and there is no indication anything will be done with the trees at this time.

Maria Castaneda, 103 W Wilden Avenue, also spoke to the petition. She stated she doesn't feel there is enough parking for the maximum permitted occupancy.

Mr. Deegan stated the parking was reviewed by Staff and they found the site plan to be sufficient.

Mary Jo Pratt 926 N Main Street, also spoke to the petition. She stated she lives across the street from the property and is concerned about the capacity and if there will be enough parking. She also indicated she was concerned that the zoning will allow an industrial use at some point.

Mr. Rohn read from the staff report, explaining where an event center is permitted.

Ms. Pratt stated if small businesses are permitted here, neighbors have no way to know future plans.

Attorney Kolbus explained if this variance is approved it cannot be used for anything else that is not already a permitted use in this zoning district.

The public hearing was closed.

Staff Discussion:

Attorney Kolbus noted if the Board is concerned about negative effects to the neighborhood, they can include a time limit on the variance requiring them to return for a new hearing and variance at some point.

Mr. Lauver asked if the petitioner's contract can become part of our agreement.

Attorney Kolbus stated it would be best to list items from the contract that you want and they can be included in a commitment form. Those items could include no alcohol, a timeframe for events, and any restrictions the Board feels is necessary.

Mr. Rohn would like to see approval for two years with a return to the BZA. He suggested Sunday-Thursday events should cease by 10:00 pm and permit Friday & Saturday events to run until 11:00 pm.

Mr. Holtzinger questioned if 11:00 pm for everyday would be more acceptable.

Mr. Rohn stated he feels 10:00 pm is appropriate for week nights.

Mr. Holtzinger added that no alcohol shall be permitted.

Mr. Holtzinger requested that Mr. Thompson return to the podium and acknowledge if he is agreeable to these terms.

Mr. Thompson stated most of the parties will likely be over by 10:00 pm, but it takes a while to clean up and close down.

Mr. Rohn suggested that the event should be over by 10:00 pm or 11:00 pm, with additional time allowed for cleanup. Attorney Kolbus suggested language for the event can be referred to as main event and prep or take down.

Action:

A motion was made and seconded, Rohn/Potuck, to adopt the Staff recommendations as the findings of the Board and approve 23-05UV with the following 8 conditions and 4 commitments:

Conditions:

1. If a Building permit is required, the variance shall become null and void unless a Building permit has been issued and substantial progress has been made within six (6) months of the date of BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and when all conditions of approval have been met.
4. An approved zoning clearance form is required.
5. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and until all conditions of approval have been met.
6. Approval by the Building and Fire Departments is required.
7. The parking and driving areas shall be permanently striped based on the parking layout “1001 & 1003 N Main Street Parking Plan—June 7, 2023” within thirty (30) days of this approval.
8. The vehicle with expired plates illegally parked on the patio area in the front yard setback shall be moved to a lawful parking space and registered with current license plates within thirty (30) days of this approval.

Commitments:

1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. The variance is approved for a period of two (2) years from the date of June 27, 2023; following the period of two (2) years, a new variance request must be heard by the City of Goshen Board of Zoning Appeals with a new application and a new public hearing.
3. Hours of operation shall be limited as follows: Sunday through Thursday, event activities shall cease no later than 10:00 p.m., with an additional one hour allowed for cleanup; Friday and Saturday event activities shall cease no later than 11:00 p.m., with an additional one hour allowed for cleanup.
4. No alcohol consumption is permitted on the premises.

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

23-16DV – Loupa’s Enterprise, LLC, Robert Keim, and Turkey Creek Construction request a developmental variance for a side (north) building setback of 5’ where 8’ is required for an approximately 1,088 Sf second story expansion. The subject property is generally located at 819 Lincolnway East and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this single family home is located in the R-1 zoning district and surrounding properties are a mix of residential and commercial uses. He noted the former Double D’s property is immediately south of this property and is under the same ownership. He explained this is a one-story home with living space in the attic. The existing home has a north (side) setback, measured from the overhang, of approximately 5’ where 8’ is required. The petitioners would like to add a second floor to the home and raising the roof. In order to meet the existing 5’ side setback of the first story, a developmental variance is required. Staff recommends approval of the request noting the distance between this home and the one to the north is approximately 19’ and meeting the 8’ setback would be impractical. He asked Board members to look at condition #5 of the recommended conditions in the Staff Report. He explained that a number of years ago, the BZA allowed the Double D’s property to expand its paved parking area onto this residential property, but we never received a recorded easement for that parking area. He explained that this variance allows us to get that into place in case this property is sold sometime in the future,

Petitioner Presentation:

Lynn Hochstetler, 9425 N 850 E, Syracuse, spoke on behalf of the petitioner. He stated the owner would like to add the second floor to make this house more livable. He also noted that he had spoken with Abonmarche earlier today and asked them to prepare the paperwork for the easement.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

Mr. Lauver stated he recommends approval, but if the ownership changes they have to have the ability to remove the parking.

Mr. Deegan noted that this is relatively minor because the previous ownership of the properties was the same and it remains that way with the recent sale of the home and the former Double D's property. He explained that if the house is sold off in the future, the new owner could say they don't want the concrete. He went on to say if they remove it, there's not a lot of parking for the Double D's site. There is also some stormwater retention on the residential property. Having the easements recorded would prohibit any such future problems.

Action:

A motion was made and seconded, Lauver/Campbell, to adopt the Staff recommendations as the findings of the Board and approve 23-16 DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items
None

VIII. Adjournment: 4:48 pm Lauver/Potuck

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Lee Rohn, Secretary

LOCATION: 1715 Elkhart Road
CASE NUMBER: 23-18DV

DATE: July 25, 2023
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Pride Properties, LLC (owner); Andy Morrison & Fritz Engineering Services (agents)

REQUEST: The applicants request developmental variances to allow a 30' front building setback along Bashor Road where 35' is required, a 20' front parking and driving aisle setback along Bashor Road where 35' is required and a 0' rear (east) driving aisle setback where 10' is required for a shared access drive, a 10' front parking and driving aisle setback along Elkhart Road where 35' is required, a 30' parking and driving aisle setback along Bashor Road where 35' is required, and a 6' rear (east) parking setback where 10' is required, and the variance to be valid for one year, for the development of a new automobile service (oil change) facility

LOT SIZE: ±0.5 acres; ±337' of frontage (±162' on Elkhart Road & ±175' on Bashor Rd); ±99' of depth

APPLICABLE ZONING: Commercial B-3

NOTICES SENT: 15

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer available

AREA DEVELOPMENT: Commercial

NEIGHBORHOOD: None

THOROUGHFARES: Elkhart Road (U.S. 33) & Bashor Road

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4210.3*, Area, Width, and Yard Requirements of the B-3 District B. Front Yard.
 - 2. On arterial streets, the front yard shall be a minimum distance of 35 feet

D. Rear Yard. An accessory building may be erected within the rear quarter of the lot, observing the above side yard requirements and located no closer than ten feet from the rear lot line.

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 includes two tax parcels, is approximately one-half acre in size, and is located on the southeast corner of the intersection of Elkhart Road (U.S. 33) and Bashor Road. The property is zoned Commercial B-3; all surrounding properties are zoned B-3 with uses including auto sales, fast food restaurants, a large grocery store, a gas service station, and car wash. An existing building on the property was previously an eye-care office. The property is served by two access drives: one from Elkhart Road and one from Bashor Road.

The petitioners are proposing to redevelop both parcels as a single site for an oil change service facility. Proposed construction includes an approximately 1,080 SF building with two drive-through service bays. New paving for driving aisles and 5 parking spaces will be provided. Developmental variances are needed for the following:

- The proposed building will have a front setback from the Bashor Road property line of 30' where 35' is required
- The proposed driving aisle for vehicles entering and existing the building will have a 30' front setback along Bashor Road where 35' is required and the driving aisle exiting the building will have a 10' front yard setback where 35' is required along Elkhart Road
- The existing driving aisle that will serve as shared access with the adjacent car wash property will have an approximately 20' front setback from Bashor Road where 35' is required and a rear (east) setback of 0' where 10' is required
- The 5 proposed parking spaces will have a 6' rear (east) setback where 10' is required.

Understanding the following points about the eastern-most parcel (ID 20-11-08-203-002.000-015 and address 1524 Bashor Road) is important for any development of the site:

- It was included in a site plan and variance (13-15DV) for the adjacent car wash property, making it part of the same zoning lot as the car wash
- The car wash recently transferred ownership, but the subject tax parcel was not included in that transfer and was retained by the original car wash owner
- It includes a driving aisle connected to the vacuum area of the carwash, and this driving aisle serves as a vehicle exit from the vacuum area.
- It includes a stormwater retention area that serves the car wash property
- Representatives of the current owner say that easements for the shared access and stormwater retention areas have been recorded, but they have not been provided to staff

The subject property is relatively small in size and will be difficult to develop without improvements that encroach in the setbacks. The adjacent car wash property has building and paving that encroaches in front yard setbacks along Elkhart Road and Bashor Road, so approval of setback relief will not be out of character with the area.

Given those facts, staff recommends approval of the request, but does so only if a number of conditions are included so that the project is not injurious to public safety and the use of adjacent properties is not adversely impacted. Those conditions need to address the following before a zoning clearance form is signed:

- Copies of recorded access and drainage easements should be provided for staff review
- An INDOT permit or written authorization to proceed without a permit should be provided to staff
- Developmental variances need to be approved amending variance 13-15DV so that tax parcel 20-11-08-203-002.000-015 is removed from the car wash site
- Combination of both tax parcels on the subject property
- The Engineering Department has expressed concern about a number of traffic related issues with the proposed development, including the maneuvering of various types of vehicles through the property; drive queue length; and the width of the Bashor Road access. A traffic study examining these concerns needs to be completed and submitted to staff for review.

FINDINGS OF FACT

Staff recommends **approval with conditions** of developmental variances to allow a 30' front building setback along Bashor Road where 35' is required, a 20' front parking and driving aisle setback along Bashor Road where 35' is required and a 0' rear (east) driving aisle setback where 10' is required for a shared access drive, a 10' front parking and driving aisle setback along Elkhart Road where 35' is required, a 30' parking and driving aisle setback along Bashor Road where 35' is required, and a 6' rear (east) parking setback where 10' is required, and the variance to be valid for one year, for the development of a new automobile service (oil change) facility, 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 reduced building and parking and driving aisle setbacks will increase the amount of space on the property for vehicle parking and maneuvering, decreasing the likelihood vehicles will interfere with adjacent properties and 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 proposed use and reduced setbacks are compatible with surrounding commercial properties. The adjacent car wash property has variance approvals for parking and driving areas of 20' and 0' along Bashor Road, and the car wash building has an existing setback from Elkhart Road of approximately 20'. The redeveloped site will replace an existing building that has an approximate front setback from the property line on Elkhart Road of 0' and an approximate front setback from the Bashor Road property line of 13'. *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 subject property is relatively small, and denial of the requests to encroach in the front and rear yards will make configuration of a new use very difficult. *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 one (1) 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. An approved zoning clearance form is required.
4. Approval by the Building Department is required.
5. Technical review, with approval by the Engineering and Fire Departments, is required.
6. A copy of the recorded cross access and stormwater retention easements shall be provided to City staff for review as part of Technical Review.
7. Landscaping for the auto service development shall conform to current Zoning Ordinance requirements.
8. A right of way permit by INDOT is required; if an INDOT permit is not needed, written documentation shall be provided to the Planning office from INDOT noting that a permit is not required for the site plan as submitted for Tech Review. The permit or authorization must be received before a zoning clearance form is signed.
9. Before a zoning clearance is issued for the proposed oil change facility, approval of a developmental variance shall be in place amending variance 13-15DV removing references the tax parcel 20-11-08-203-002.000-015 and its associated address and legal description from descriptions of the property, and for any development variances needed with the reduction in the size of the car wash property. Any commitments related to such developmental variances shall be executed and recorded prior to zoning clearance approval of the proposed oil change facility.
10. The two tax parcels on the subject property shall be combined by the Elkhart County Auditor's office, and a copy of the combination form shall be provided to the Planning office before the zoning clearance is issued.
11. A traffic study shall be completed by a licensed engineer holding a PTOE certification. The traffic study shall include the traffic volumes not only from the proposed use, but also from the car wash vacuum area. Additionally, the evaluation will need to include turning movement paths and radiuses for the different vehicles that are anticipated to use the site, including passenger vehicles, delivery vehicles, environmental waste removal vehicles, and public safety vehicles. The traffic study shall be completed and reviewed by the Engineering Department prior to Tech Review.



Looking east across Elkhart Road



Looking northwest from adjacent car wash property



Looking south across Bashor Road



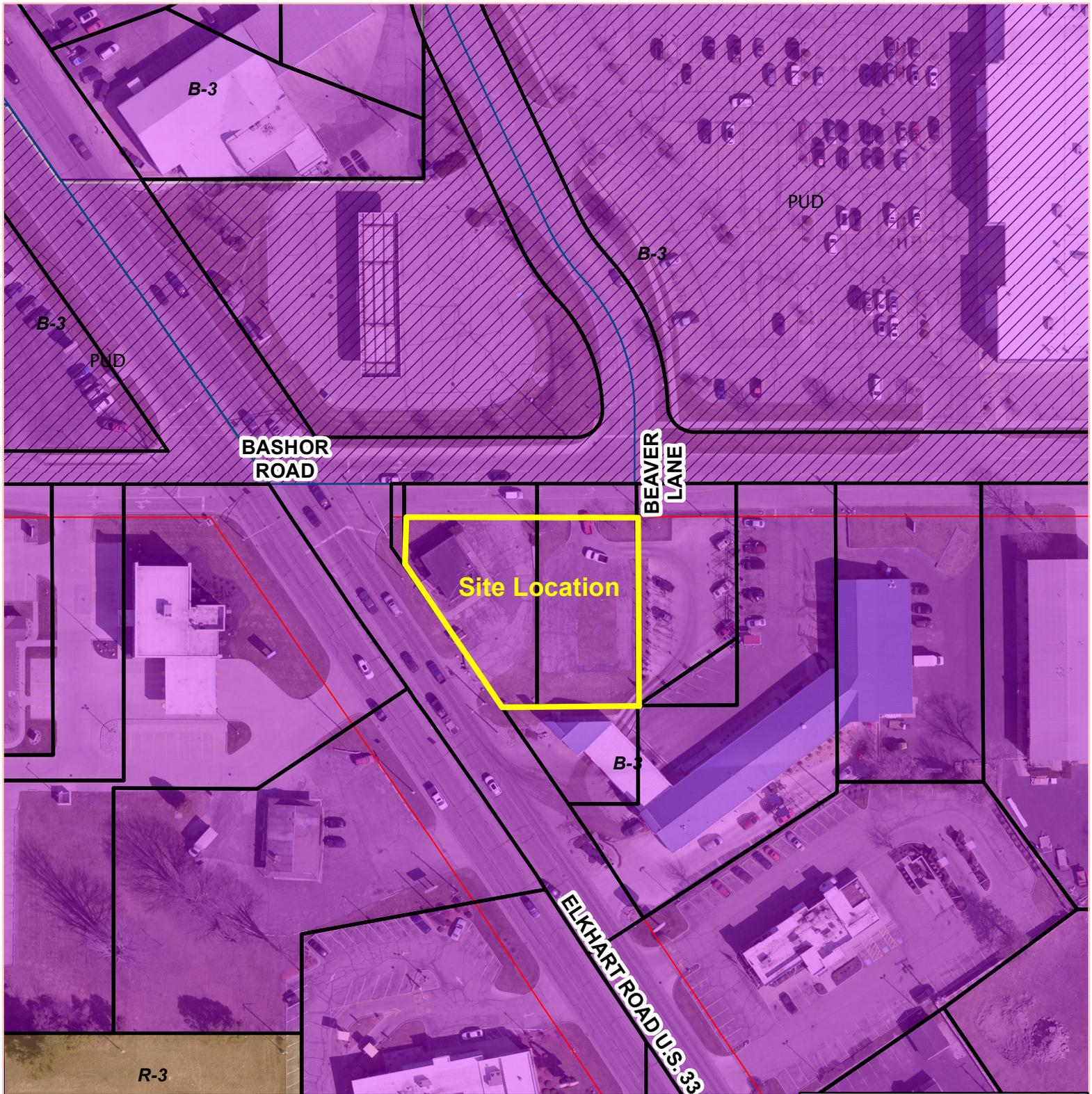
Looking southwest across Bashor Road



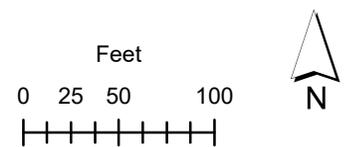
From vacuum area of car wash property looking west at shared access drive



From southeast corner of subject property looking northwest



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1715 Elkhart Rd

2021 Aerial
Printed July 7, 2023

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



*Removal of this address
and parcel number, and
changes to this legal
description need BZA
approval*

Result Letter/Commitment
Case #: 13-15DV

Date: July 23, 2013

Grantor:
Pride Properties, LLC
PO Box 1048
Goshen, IN 46527-1048

Grantee:
City of Goshen Board of Zoning Appeals
204 E Jefferson Street, Suite 4
Goshen, IN 46528

The following shall be referred to as "the Real Estate":

Common Address: 1713 Elkhart Road, 1524 Bashor Road, 1520 Bashor Road, 1516 Bashor Road

Current Tax Code #: 20-11-08-203-002.000-015; 20-11-08-203-055.000-015; 20-11-08-203-054.000-015; 20-11-08-203-067.000-015; 20-11-08-203-004.000-015; 20-11-08-203-011.000-015

Legal Description: See Attachment A

The request for a developmental variance to permit a 20 foot setback where 35 feet is required for a proposed driveway and a 0 foot setback where 35 feet is required for a parking and detailing area, both located on the north side of the property, with frontage along Bashor Road for the Real Estate, zoned Commercial B-3 District, was heard at the meeting of the City of Goshen Board of Zoning Appeals on July 23, 2013, and was acted upon as follows:

DENIED ___ APPROVED XX TABLED ___ WITHDRAWN ___

When the Board's action is one of approval, the authorization is granted contingent upon any conditions and commitments placed on the petition by the Board. Deviation from said conditions and commitments may result in the City of Goshen Board of Zoning Appeals rescinding the approval or permit.

The Grantor, jointly and severally, agree to abide by these conditions:

1. The variance shall become null and void unless a Building permit has been issued and substantial progress has been made within six (6) months of the date of approval.
2. Deviation from the requirements and conditions of the variance automatically cancels and terminates the approval or permit.
3. The BZA approval shall be effective when the executed and recorded Results/Commitment form has been returned to the City of Goshen BZA staff and when all conditions of approval have been met.
4. No zoning clearance form will be issued until the executed and recorded Results/Commitment form has been returned to the City of Goshen BZA staff and until all conditions of approval have been met.
5. Site plan approval by Goshen City Engineering is required for site drainage, post construction, site utilities and right-of-way access, as applicable, before a zoning clearance/building permit is issued
6. Street trees shall be planted in accordance with Section 5000.2 "Streetside Landscaping" of the Goshen Zoning Ordinance.

The Grantor, jointly and severally, agree to abide by these commitments concerning the use and/or development of the Real Estate:

1. The 0 foot parking/driving aisle setback shall be approved only for the 50 foot area adjacent to Bashor Road, as shown on the revised site plan dated 6/17/13.

Further, the Grantor, jointly and severally, agree to the following concerning the procedures associated with maintenance and enforcement of this Commitment:

1. That this Commitment shall be recorded in the Elkhart County Recorder's Office.
2. That the Grantor shall give notice of this Commitment, whether recorded or unrecorded, to any-subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate.
3. That any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate shall be bound by the terms of this Commitment even if it is unrecorded.

Deegan, Rossa

From: Sailor, Dustin
Sent: Tuesday, July 11, 2023 6:44 PM
To: Deegan, Rossa
Cc: Sailor, Dustin; Hetler, Tara
Subject: Goshen Engineering - 1715 Elkhart Rd - oil change

Importance: High

Rossa:

Goshen Engineering performed a cursory review of the preliminary site plan for 1715 Elkhart Road. Staff's initial comments related to vehicle movement are:

1. Staff does not believe the north drive off of Bashor Road is wide enough in its current and proposed configuration to support two-way traffic. Staff looked at a right-in / right-out option, and although staff believes the right-out option is feasible with driveway modifications, the right-in option is a concern due to potential limitations on the drive que length. The City does not want to see another Dunkin Donuts que length conflict develop.
2. Staff does not believe the north drive off of Bashor Road is wide enough, as shown, to support the turning movement from a trash truck east bound on Bashor Road or west bound on Bashor Road into the site if there is a queued vehicle in the drive approach exiting the site.
3. Intensifying the number of vehicles using the drive approach onto Bashor Road is a concern due to its offset with Beaver Lane, and because of the location left turning vehicles leaving the site will cross Bashor Road's left turn lane onto Beaver Lane. This condition currently exists, but concern exists in the additional traffic volume. Historic uses for the corner property have had low traffic volumes, and it's unclear what considerations were taken into account when Northern Pride Carwash began using the drive approach.

Due to the preliminary traffic movement concerns, driveway width, and the site's proximity to the intersection of US Hwy 33 and Bashor Road, Goshen Engineering recommends that a condition of the BZA approval include a requirement for a traffic study to be completed by a licensed engineer holding a PTOE certification. The traffic study will need to include the traffic volumes not only from the proposed use, but also from Northern Pride Carwash, which uses the drive access onto Bashor Road. Additionally, the evaluation will need to include turning movement paths and radiuses for the different vehicles that are anticipated to use the site from passenger vehicles, delivery vehicles, environmental waste removal vehicles, and public safety vehicles.

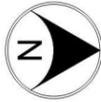
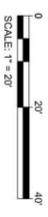
Regards,

Dustin K. Sailor, P.E.
Director of Public Works
City of Goshen
204 E. Jefferson Street
Goshen, IN 46528
Ph: 574.534.2201
Cell: 574.202.0062



SITE DEVELOPMENT SUMMARY TABLE

ZONING CLASSIFICATION, CITY OF GOSHEN	R3-GENERAL BUSINESS AUTOMOBILE SERVICE USE PERMITTED
PARCEL SIZE	0.57 AC. ±
LOT AREA	8,000 SF MIN.
LOT FRONTAGE	80' MIN.
BUILDING COVERAGE	50% MAX.
MIN. STREET FRONTAGE	N/A
MAX. BLDG HEIGHT	4 STORES
SETBACKS	FRONT 35' ABUTTING ARTERIAL STREET SIDE 30' ABUTTING COLLECTOR STREET ON CORNER LOT, OTHER 10'
REAR	25'
BUFFERYARDS / GREENBELTS	FRONT 6' GREEN SPACE SIDE 6' GREEN SPACE REAR 6' GREEN SPACE
PARKING REQUIRED FOR AUTO SERVICE USE	1 PER 2 EMPLOYEES, 2 PER SERVICE BAY, 5 MINIMUM 2 EMPLOYEES AND 2 SERVICE BAYS = 5 REQ'D
PARKING PROVIDED	5 SPACES
VEHICLE STACKING	NONE REQ'D FOR AUTO SERVICE USE
BICYCLE PARKING REQUIRED	N/A
NOTE:	1.



FRITZ
ENGINEERING SERVICES

14020 MISSISSINAWA DRIVE
 CARMEL, INDIANA 46033
 P: 317.324.8895 F: 317.324.8717
 www.fritz-eng.com

**PRELIMINARY
NOT FOR
CONSTRUCTION**

REVISIONS AND ISSUES

NO.	DATE	BY

GENERAL NOTES / LEGEND:

811
"IT'S THE LAW"
Know what's below.
Call before you dig.
2 WORKING DAYS BEFORE YOU DIG.

PROJECT:
TAKE 5 OIL CHANGE GOSHEN

PROJECT LOCATION:
1715 ELKHART RD.
GOSHEN, INDIANA 46526
ELKHART COUNTY
SECTION, TOWNSHIP, RANGE:
SW 1/4, S18, T24N, R8E

CLIENT:
TAKE 5 INDIANA
10894 GRESHAM PLACE
NOBLESVILLE, IN 46060

PLAN DATE: 6/30/2023

DESIGN: AF	CHECK: AF	DRAWN: KG
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PROJECT NO.: 2306003

SHEET NAME: CONCEPTUAL SITE PLAN

SHEET NO.: EXH-1