

Minutes - Goshen Board of Zoning Appeals  
Tuesday, September 26, 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, Lee Rohn, and Michael Potuck. Also present were Assistant City Planner Rossa Deegan, and Assistant City Attorney James Kolbus. Absent: Hesston Lauver

**II.** Approval of Minutes from 8/22/23: Potuck/Rohn 4-0

**III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Potuck/Campbell 4-0

**IV.** Postponements/Withdrawals - None

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

**23-22DV** – Felipe Merino requests a developmental variance to allow a front building setback of 31’ where 35’ is required along Lincoln Avenue for the construction of an approximately 840 Sf deck. The subject property is generally located at 101 N 3<sup>rd</sup> Street and is zoned Commercial B-2 District.

*Staff Report*

Mr. Deegan provided background information for this property, noting that it’s been a combination of residential and commercial uses over the years and is located in the B-2 central business district. The current use of the home is strictly residential. He went on to say the residential use is permitted in the B-2 district, provided it meets the requirements of the Residential R-1 District.

Today’s request is to add an approximate 840 SF deck to the home. He referred to a photo in the staff report which shows where the deck would be placed on the property. Because it will be located approximately 31’ where 35’ is required from the Lincoln Avenue property line, a developmental variance will be required. He noted that a large portion of the home is already located in Lincoln Avenue setback, and Staff supports this request. He pointed out that the deck will not be visible from Lincoln Avenue and because of an existing fence, it won’t be visible from 3<sup>rd</sup> Street either. He also noted that commercial uses in the B-2 District typically don’t have a front building setback and commented that the deck is a reasonable residential use.

The Planning Office received no public inquiries regarding this request.

*Petitioner Presentation:*

Alan Caton, 55875 County Road 33, Middlebury, spoke on behalf of the petitioner. He stated he is familiar with Staff’s recommendation and has nothing to add.

*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/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-22DV with the 4 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**23-23DV** – Eloisa Avila de Guerrero & Jose Socorro Guerrero and Estanislao Arriaga request developmental variances to allow a 0’ front building setback where 25’ is required along Purl Street and building coverage of 37% where a maximum of 35% is permitted for an approximately 190 Sf access ramp. The subject property is generally located at 420 E Purl Street and is zoned Residential R-1 District.

*Staff Report*

Mr. Deegan explained this single family home is located on a very small lot, approximately 3,800 sf in area which is typical of corner lots in this neighborhood. This, and surrounding properties, are all zoned Residential R-1 District.

Today’s request is for an accessibility ramp with a zero foot front setback along Purl Street where 25’ is required. A variance is also required to allow building coverage of 36.1% where 35% coverage is permitted. He explained that Staff supports the request because this is the only suitable location on the property where the ramp can be located and noted that allowances for building coverage in this neighborhood are typical. He pointed out that the ramp will not harm the character of the neighborhood; in fact, it allows those with diverse needs to remain in the same neighborhood. He noted this is a critical element in creating a vibrant neighborhood, explaining that in fact, it adds to the use and value of adjacent properties.

There were no inquiries from the public regarding this request.

*Petitioner Presentation:*

Estanislao Arriaga, 420E Purl Street, spoke on behalf of the petitioner. He asked that the Board approve this handicap ramp as it’s needed by the resident.

*Audience Comments:*

Christopher Charwood, 514 S 8<sup>th</sup> Street also spoke to the petition. He stated he lives cattycorner from this property and if they were adding more living space or limiting visibility near this corner he would have concerns. Because this is only for a ramp, he has no concerns with the request.

*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 23-23DV with the 4 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**23-24DV** – Ancon Holdings, LLC and Jones Petrie Rafinski request developmental variances to allow a front building setback of 34’ where 35’ is required, a front parking and driving aisle setback of 22’ where 35’ is required, and a side (east) driving aisle setback of 0’ where 5’ is required for a shared access drive, and for the variance to be valid for one year, for a building renovation and parking lot reconfiguration for new offices in a former furniture store. The subject property is generally located at 2119 & 2121 W Wilden Avenue and is zoned Industrial M-1 District.

*Staff Report*

Mr. Deegan explained this former furniture store on Wilden Avenue is zoned Industrial M-1, surrounded by commercial and industrial uses. He explained that the owner of the adjoining property at 2119 W Wilden purchased this property with plans to renovate it for office use. The plan is to completely remodel the interior for office space, give the front façade a facelift, add an outdoor employee area to the front, and reconfigure the parking lot with a new drive access from the adjoining property to the east. Developmental variances are required for the following:

- To allow the southwest corner of the building to encroach into the 35’ front setback, at a distance of 34’
- For two parking spaces encroaching into the front yard (22’), where 35’ is required
- A 0’ side setback for the new drive access

Mr. Deegan stated Staff supports this request, noting that the building encroachment into the setback will meet what's already there. While the parking lot will not meet the setback requirements, it will be substantially farther back than the existing. The GIS measurement shows approximately 3' from the property line and the side setback will encroach into what is already a shared driveway.

Mr. Deegan noted conditions of approval include that the property get connected to City utilities and that a written agreement or approval from the adjacent property owner allowing the access drive is obtained.

*Petitioner Presentation:*

Doug VonGunten, 58664 St Mary's Lane, Goshen, spoke on behalf of the petitioner. He stated he is familiar with the Staff recommendation and has nothing to add.

Mr. Rohn asked about the shared drive and asked if they lease the front building. Mr. VonGunten stated that they own the building to the north, but the building in front of it is up for sale. He stated they have an easement for the drive leading back to their warehouse so another easement agreement will be required for a second connection to that drive.

*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/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-24DV with the 7 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**VI.** Audience Items  
None

**VII.** Staff Board Items

**VIII.** Adjournment: 4:13 pm Rohn/Potuck

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Lee Rohn

Lee Rohn, Secretary