

*Agenda*  
GOSHEN BOARD OF ZONING APPEALS  
Tuesday, November 28, 2023, 4:00 p.m.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 10/24/23
- 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. **Use & Developmental Variances** – public hearing items
  - 23-08UV & 23-28DV** – Matthew Miller & Kevin Carr request a use variance to allow an automobile detail and dent repair business where automobile repair and body shops are conditional uses in the Commercial B-3 District and permitted uses in the Industrial M-1 & M-2 Districts, and developmental variances to allow one illuminated window sign approximately 5 Sf in area and 16 non-illuminated vinyl window signs each approximately 8 SF in area where only ground signs are permitted not exceeding 8 Sf in aggregate area. The subject property is generally located at 711 W Lincoln Avenue and 104 Huron Street and is zoned Commercial B-1 and Residential R-3 Districts.
  - 23-29DV** – Paul & Rebecca Shetler Fast and Kauffman Construction request a developmental variance to allow an 8’ front building setback where 35’ is required for an approximately 302 SF garage addition and home remodel. The subject property is generally located at 1209 Berkey Avenue and is zoned Residential R-2 District.
  - 23-30DV** – Justin & Kari Tarman request a developmental variance to allow a 1’ side (north) setback where a minimum of 5’ is required for the installation of an approximately 96 SF storage shed. The subject property is generally located at 312 S 5<sup>th</sup> Street and is zoned Commercial B-2 District.
  - 23-31DV** – Alberto & Carolina Sanchez request a developmental variance to allow a 2’ side (west) setback where 5’ is required for an approximately 570 Sf gazebo and carport over a concrete patio and parking area. The subject property is generally located at 519 Van Gilst Drive and is zoned Residential R-1 District.
  - 23-09UV** – Goshen Community Schools request a use variance to allow a dust collector enclosed by a fence 12’ in height at a distance of 73’ from adjacent residential uses along Cottage Avenue where 100’ is required for such equipment, for a technical school classroom. The subject property is generally located at 419 S 8<sup>th</sup> Street and is zoned Residential R-1 District.
  - 23-10UV** – Lifepoint Church of God of Goshen, Indiana and Bright Point request a use variance to allow use of a room in an existing church for a social service organization where business offices are a conditional use in the Commercial B-1 District and a permitted use in the Commercial B-2, B-3, B-4 and Industrial M-1 & M-2 Districts. The subject property is generally located at 1006 S 16<sup>th</sup> Street and is zoned Residential R-1 and Residential R-2 Districts.
  - 23-32DV** – Maria Y Oliva and Vanessa Mangan request a developmental variance to allow demonstrated onsite parking on an existing concrete driveway where open parking is not permitted in the front yard setback. The subject property is generally located at 716 N 7<sup>th</sup> Street and is zoned Residential R-1 District.
  - 23-33DV** – Amanda Pedroza requests a developmental variance to allow a fence 6’ in height where 4’ is permitted in the front yard setback along Burdick Street. The subject property is generally located at 1017 S 14<sup>th</sup> Street and is zoned Residential R-1 District.
- VI. Audience Items
- VII. Staff/Board Items
  - 2024 BZA Calendar
- VIII. Adjournment

Minutes - Goshen Board of Zoning Appeals  
Tuesday, October 24, 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: Hesston Lauver, Bethany Campbell, Tom Holtzinger, Lee Rohn, and Michael Potuck. Also present were Assistant City Planner Rossa Deegan, and Assistant City Attorney James Kolbus.

**II.** Approval of Minutes from 9/26/23: Potuck/Rohn 5-0

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

**IV.** Postponements/Withdrawals - None

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

**23-25DV** – Chase Alfrey requests developmental variances to allow a 13’ front building setback along Harrison Street where 25’ is required for an approximately 163 Sf deck and open parking in the front yard setback along Harrison Street where open parking is not permitted, for the installation of an approximately 30’ x 24’ driveway and parking area. The subject property is generally located at 1021 W Lincoln Avenue and is zoned Residential R-2 District.

*Staff Report*

Mr. Deegan described this R-2 single family home as having frontage on both Lincoln Avenue and Harrison Street, with surrounding properties a mix of residential uses. He explained this home is approximately 768 sf in area and a shed, approximately 192 sf, was added to the property this year. In 2021, the home was renovated and at that time, the BZA approved a 9’ front setback along Harrison Street for an addition. Because of the small addition and small lot size, the encroachment into the setback was reasonable. He went on to say that as part of this renovation, a new gravel driveway, parking area, and deck were also added to the property without approval. These improvements were recently discovered by the City and require variances because the parking area adds open parking to the front yard setback along Harrison Street and the deck has an approximate 13’ setback along Harrison Street. He explained an updated plan which is slightly more accurate, has been provided to Board members.

Staff recommends approval, noting that because of its size and location on a corner, reasonable development of the property is basically impossible without variances. He pointed out the open parking will reduce the number of vehicles parked in the right-of-way and explained the gravel surface was recently approved by the Board of Works. He noted a large trailer was observed on the property during the staff report inspection and staff recommends removal of the trailer within 30 days.

The Planning Office received no public inquiries regarding this request.

*Petitioner Presentation:*

Chase Alfrey, 1021 W Lincoln Avenue, spoke on behalf of the petitioner. He stated the trailer observed on the property was being used for the construction and has been removed from the site.

*Audience Comments:*

Lisa Butler, 1019 W Lincoln Avenue, spoke to the petition. She stated she has concerns regarding the property line between the homes.

Mr. Alfrey stated he used a metal detector to locate the property lines and feels the setbacks he submitted are accurate.

*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 23-25DV with the 6 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**23-26DV** – Donald L Beachy & Tami’s Trendy Hair request developmental variances to allow a 12 SF banner sign, a 6 SF non-illuminated wall sign, a 1.25 SF wall-mounted illuminated sign, a 1 SF illuminated window sign, and a 1 SF illuminated changeable copy sign, where only ground signs not exceeding 8 SF in aggregate area and one non-illuminated flush-mounted wall sign no greater than 2 SF in area is permitted for a home occupation. The subject property is generally located at 1011 S Main Street and is zoned Residential R-1 District.

*Staff Report*

Mr. Deegan explained this property is located on the west side of Main Street. This, and surrounding properties are all zoned Residential R-1 District. He described the property noting it’s a two-story, single family home, with a detached garage and an east/west alley adjacent on the north side of the property.

A portion of the first floor has been renovated to allow a hair salon as a home occupation. He explained that generally a home occupation is a use on a residentially zoned property where the primary use remains residential in nature, while the occupant also has an occupational profession conducted from the home. He went on to say the home occupation definition is very restrictive and prohibits the exterior appearance of the property from appearing commercial in nature. He explained that ground signs are permitted, no greater than 3 ft in height and 8 sf in aggregate area. One non-illuminated, flush-mounted wall sign is also permitted for the home occupation. He explained the petitioner is proposing an additional five signs in order to advertise her business. Included is an approximate 12 sf banner, a 6 sf non-illuminated flush mounted wall sign, and illuminated signs ranging in size from 1 sf to 1.25 sf. Staff recommends denial of the request, pointing out the nearby area is zoned residential and allowing additional signs on the property will adversely impact the character of the area. He went on to say there are also numerous signs on the property which were not submitted as part of the petition and should be removed as part of the denial of this request. As part of Planning’s recommendation of denial, he asked that the property be brought into compliance within three days. He noted the Planning Office was not contacted by the public regarding this request, but the matter was originally referred to Planning by a public complaint.

*Petitioner Presentation:*

Tamra Beachy, 1011 S Main Street, spoke on behalf of the petitioner. She stated the “no walk in” signs have been removed, along with the banner. She explained she needs the yard signs because when snow is on the ground they need to be visible above the snow. She also explained the state requires a sign by her doorway listing business hours. Other signs include a pink cosmetology sign which she hasn’t illuminated and some of the other lights have been removed. She went on to say there’s an alley between her and her neighbor and her illuminated open sign is in a window facing the alley. She commented that without signs on her property, customers can’t find her.

Donald Beachy, 1011 S Main Street also spoke to the petition. He stated three people saw the sign and called for an appointment, but now that the signs have been removed, she’s not getting any new customers.

*Audience Comments:*

Lillian Skinner, 1009 S Main Street, spoke in support of the request. She stated she lives across the alley from this property and has no concerns about the signs, including the illuminated sign.

Paul Albrecht, 1105 Wilson Avenue, also spoke to the petition. He stated he’s concerned about traffic stopping abruptly to read her signs and feels the signs should not be permitted.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Board members.

*Action:*

A motion was made and seconded, Rohn/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, deny 23-26DV with the reasons listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**23-07UV** – Central Block, LLC and Hannah Minix request a use variance to allow a tattoo parlor in the Commercial B-2 District where the use is conditional in the Commercial B-3 and Industrial M-1 districts. The subject property is generally located at 108 E Washington and zoned Commercial B-2 HD DD District.

*Staff Report*

Mr. Deegan explained this property is located in the downtown district, on a parcel with several buildings, addresses, and uses. He noted surrounding uses consist of café's, upstairs apartments, etc. Today's request by the petitioner, is to use the unit at 108 for a one station, appointment based, tattoo parlor. Staff recommends approval, noting this is a relatively small space, located in a dense commercial area. He noted previous uses here have included a beauty shop and jewelry store, and this use doesn't appear to be significantly more intense.

Mr. Deegan noted for the record that there was no public input, with the exception of the signatures of support included with the staff report.

*Petitioner Presentation:*

Hannah Minix, 1375 Park 33 Blvd, Apt 1303, spoke to the petition. She stated she has a lot of support from downtown businesses and she looks forward to participating with First Friday events.

*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 23-07UV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**23-27DV** – PRIMECO, Inc. (Paul Pressler), Aby Mohamed of Aby Groups, and Woolpert request developmental variances to allow a 10' parking and driving aisle setback along Pike Street where 35' is required, a 3' parking and driving aisle setback along High Street where 25' is required, a 13' parking and driving aisle setback along Harrison Street where 25' is required, a 10' parking and driving aisle setback along the south property line adjacent to residential use and zoning where 20' is required, a dumpster enclosure 6' in height in the front yards along Pike Street and Harrison Street where fences and walls cannot exceed 4' in height, a privacy fence 6' in height where 4' is permitted in the front yards along Harrison Street and High Street, vehicle access points on Harrison Street and High Street where no access points from residential streets are permitted, and for the variance to be valid for one year, for the construction of a new restaurant. The subject property is generally located at 1102, 1106 & 1110 W Pike Street and is zoned Commercial B-3 District.

*Staff Report*

Mr. Deegan explained this B-3 zoned property consists of three parcels, with frontage on Pike Street, as well as Harrison and High Streets and two homes and a former auto repair business are presently located here. Properties immediately south are zoned Residential R-2 District. The proposal is to redevelop this site with a drive-thru restaurant, noting the following variances will be required:

- Two entrances to the property are from the side streets and the zoning ordinance requires access from an arterial or collector street.
- The dumpster location near the northwest corner of the property is located within the front yards of Harrison and Pike Streets and the wall and fence exceeds 4' in height
- The fence along the south property line will serve as a partial buffer between the commercial use and residential uses to the south. The variance is required because the fence exceeds the maximum 4' allowed.
- The wrap around drive encroaches in the front yard on all three streets and also encroaches into the 20' required setback adjacent to the residential use and zoning to the south.

Staff recommends approval of the request pointing out this is located along the Pike Street commercial corridor and restaurant use is common along this corridor. The request is reasonable and typical of other drive-thru restaurants along this corridor. He pointed out that access points are from residential streets, most of the traffic to and from the site won't pass through the residential neighborhood, but will enter and exit from Pike Street.

He also noted that due to stormwater retention and overhead power lines in the southeast portion of the property, the only feasible location for the dumpster is the proposed location near the northwest corner of the property. All other developmental requirements will be met and staff recommends approval of the request. He also noted for the record that the Planning Office received no public inquiries regarding this request.

*Petitioner Presentation:*

Ryan Walter, 3333 Warrenville Road, Lisle, IL spoke on behalf of the petitioner. He stated the summary was good, but pointed out there are existing homes with zero foot setbacks to the property line and this project would add quite a bit of green space along the perimeter of the site which will be an improvement from the existing conditions. He noted heavy landscaping will be added, especially to the south near the residential area. He pointed out the stormwater retention is also located to the south and will provide a natural buffer between the homes and the project. A site plan was provided to INDOT and they have expressed no concerns with the development, but an access will be removed from Pike Street, which will require an INDOT permit.

Mr. Holtzinger asked if there will be enough parking for a restaurant this size.

Mr. Walter stated parking is double what the code requires.

*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, Rohn/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-27DV with the 9 conditions as 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: 4:40 pm Potuck/Rohn

Respectfully Submitted:

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Lori Lipscomb, Recording Secretary

Approved By:

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Tom Holtzinger, Chair

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Lee Rohn, Secretary

**LOCATION:** 711 W Lincoln Avenue & 104 Huron Street  
**CASE NUMBER:** 23-08UV & 23-28DV

**DATE:** November 28, 2023  
**PREPARED BY:** Rossa Deegan

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## **GENERAL INFORMATION**

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**APPLICANT:** Matthew Miller (owner); Kevin Carr (agent)

**REQUEST:** The applicants request a use variance to allow an automobile detail and dent repair business where automobile repair and body shops are conditional uses in the Commercial B-3 District and permitted uses in the Industrial M-1 & M-2 Districts, and developmental variances to allow one illuminated window sign approximately 5 Sf in area and 16 non-illuminated vinyl window signs each approximately 8 SF in area where only ground signs are permitted not exceeding 8 Sf in aggregate area

**LOT SIZE:** ±1.1 acres; ±675' of frontage (±297' on Lincoln Avenue; ±211' on Denver Street; ±167' on Huron Street); depth varies

**APPLICABLE ZONING:** Commercial B-1 & Residential R-3

**NOTICES SENT:** 40

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## **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water & sewer

**AREA DEVELOPMENT:** Commercial, residential

**NEIGHBORHOOD:** None

**THOROUGHFARES:** Lincoln Avenue, Huron Street, & Denver Street

**TOPOGRAPHY:** Entire property is located in Zone AE Floodway Fringe of the Regulatory Floodplain

## **VARIANCE OF USE STANDARDS**

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses  
Automobile Repairs and Automobile Body Shops are listed as conditional uses in the Commercial B-3 District and permitted uses in the Industrial M-1 and M-2 Districts
- ◇ Goshen Zoning Ordinance, *Section 5100.3*, Permitted Signs by District  
A. Signs permitted in the A-1 Agricultural District and R-1, R-1S, R-2, and R-4 Residential Districts are as follows:
  1. The maximum aggregate area for all signs on the zoning lot, regardless of sign type, shall be no greater than eight (8) square feet.
  2. Only ground signs are permitted.

## **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.

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## **ANALYSIS**

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The subject property is three tax parcels and approximately 1.1 acres on the north side of Lincoln Avenue and north of Linway Plaza. The eastern parcel is zoned Commercial B-1 (neighborhood commercial) and the two western parcels are zoned Residential R-3. The property is bounded by Denver Street and Huron Street to east and West and Lincoln Avenue to the south. A large one-story commercial building (711 W Lincoln Ave)

approximately 26,800 SF in footprint area stretches across all three parcels and across both zoning districts, and a single-family home (104 Huron Street) with an approximately 1,348 SF footprint shares the same parcel as the northwest corner of the commercial building. The property is located in Zone AE Floodway Fringe of the regulatory floodplain. Previous uses of the commercial building include a furniture store and auto dealership with inside sales (approved by variance 14-02UV).

### **Auto Repair & Body Shop**

In July of this year, the petitioners began using the west side of the large building for an automobile repair and body shop; the Planning Department subsequently became aware of the use and the petitioners are now seeking the appropriate approvals to continue the business. Details about the proposed use include the following:

- The business is described as a “smart autobody shop,” which involves repairing, restoring, and protecting vehicles
- No vehicle painting occurs on site; paintwork is subcontracted to other businesses
- Services include paint-less dent repair, auto glass repair, paint-less (non-spray) clearcoat repair, non-spray ceramic coatings, window tint, vehicle wraps, detailing, and paint protection film
- The petitioner would like to use portions on the north, east, and west sides of the building for the business. The middle of the building will continue to be used for personal storage.
- The main entrance to the business is through the parking lot off Huron Street; vehicles enter the building through a bay door at this point
- All vehicles are worked on inside the building
- Vehicles are washed offsite, but the petitioners would like to use a garage bay in the northeast corner of the building to wash cars; water is not currently turned on in this portion of the building.
- The business currently operates with three full-time employees and occasional additional employees

Because auto repair and body shops are not permitted in the R-3 or the B-1 districts, a use variance is required.

Unrestricted automobile repair and body shops have the potential to be highly intense uses; elements of those uses such as painting, loud equipment, outside storage of vehicle parts and inoperable vehicles, and pollution, mean they are inappropriate in dense residential and commercial areas. With that in mind, Staff recommends approval of the request with a set of conditions and commitments that limit the intensity of the proposed use.

The subject property is located in a transition area between commercial uses to the south and east and a residential neighborhood to the north and west. Low-intensity commercial use is appropriate, so the proposed auto repair and body shop should be allowed but prohibited from the following: paint work; storing large vehicles such as semis and trailers; storing materials, inoperable vehicles, and vehicle body parts outside; and displaying merchandise and vehicles outside. Approval should only be for the activities as the petitioners have described.

Concerns remain. During an inspection of the property by the Fire, Building, and Engineering Departments, inspectors noted that firewalling within the building needed to be improved to meet Code. Engineering noted that the bay on the northeast corner of the building where the petitioners would like to wash vehicles has inadequate drains, so an update to the drains with approval by Engineering will be needed before that area is used for vehicle washing. Because the property is located in the regulatory floodplain, no work can proceed, and previous work still needs to be reviewed, as it relates to the Flood Control District Regulations. The Building inspector confirmed that the processes used as part of this business were acceptable, and only small quantities of hazardous chemicals were used. These chemicals and substances should be stored at or above Flood Protection Grade.

### **Signs**

The petitioners have refaced the existing freestanding sign and placed a wall sign on the southeast corner of the building. Those signs can be approved administratively. However, the petitioners are also proposing to add signs to the building which are not allowed by the Zoning Ordinance. These include an approximately 5 SF illuminated window sign and 16 non-illuminated window signs, each of which is approximately 16 SF in area. All of the proposed window signs are in the R-3 District portion of the property where only ground signs are permitted.



Staff recommends an amended approval of this request. The property is commercial in nature, and the proposed window signs are facing other commercial properties that include a business office and fitness business, so some window signs will not be detrimental to the adjacent properties. The adjacent properties are located in the B-2 District, where lots are allowed 1 window sign up to 20 SF. In this case, allowing the proposed 5 SF illuminated window sign and two of the proposed 8 SF vinyl window signs would be reasonable. Those three signs would total approximately 21 SF in area.

### **FINDINGS OF FACT**

Staff recommends **approval with conditions and commitments** of a use variance to allow an automobile detail and dent repair business where automobile repair and body shops are conditional uses in the Commercial B-3 District and permitted uses in the Industrial M-1 & M-2 Districts, 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 and commitments, the proposed automobile repair and body shop will be far less intense than typical repair and body shops; no painting will occur, and use of hazardous chemicals will be minimized. The building will be brought into compliance with Building and Fire Code as part of this approval. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** If approved with conditions and commitments, the proposed use will occur entirely inside the building. The subject property will remain similar in appearance to the status quo. *The standard is confirmed.*
3. **The need for the variance arises from a condition peculiar to the subject property.** The subject property is located in two zoning districts (the R-3 and B-1 districts) and directly adjacent to the B-2 District, and the area does not have a homogenous form of development. The commercial building on the property has operated as a furniture store and auto dealership. It has an open floor plan and bay doors, making it suitable for a low-intensity automotive use. *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 commercial building on the property has operated as a furniture store and auto dealership. It has an open floor plan and bay doors, making it suitable for a low-intensity automotive use. The property faces limitations on the types of appropriate uses because of its location between residential and commercial areas and also because it is prone to flooding. *The standard is confirmed.*
5. **The approval does not interfere substantially with the Comprehensive Plan.** Goshen's Comprehensive Plan seeks to "ensure compatibility and smooth transitions between different land uses" (Land Use 2.1). *The standard is confirmed.*

Staff recommends **an amended approval** of developmental variances to allow one illuminated window sign approximately 5 Sf in area and two non-illuminated vinyl window signs each approximately 8 SF in area where only ground signs are permitted not exceeding 8 Sf in aggregate area, based on the following:

1. **The amended approval will not be injurious to the public health, safety, morals and general welfare of the community.** The proposed signs are mounted on windows, pose no threat to pedestrian or vehicle movement, and will not completely block all windows on the building. *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 window signs will face commercial properties in the B-2 District, which has a similar allowance for window sign area as the three signs in the amended approval. *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 signs are proposed in a portion of the building that is zoned Residential R-3, a district with strict sign limitations. However, the building is commercial in appearance, nature, and history. *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. All requirements of the Goshen Zoning Ordinance Flood Control District Regulations must be met.
4. All permits, and any work not requiring a permit, require review by the Planning office before a permit is issued and before work proceeds.
5. An approved zoning clearance form is required, with a SFHA (Special Flood Hazard Area) floodplain determination required before any zoning clearance form is signed by the Planning office. Documents for the determination must be submitted by the property owner.
6. The building must be brought into compliance by the property owner with Building and Fire Code within forty-five (45) days of this approval, following review by the Planning office, including a SFHA floodplain determination and zoning clearance form signed by the Planning office.
7. All signs require zoning clearance approval.

If approved, the following Commitments shall apply:

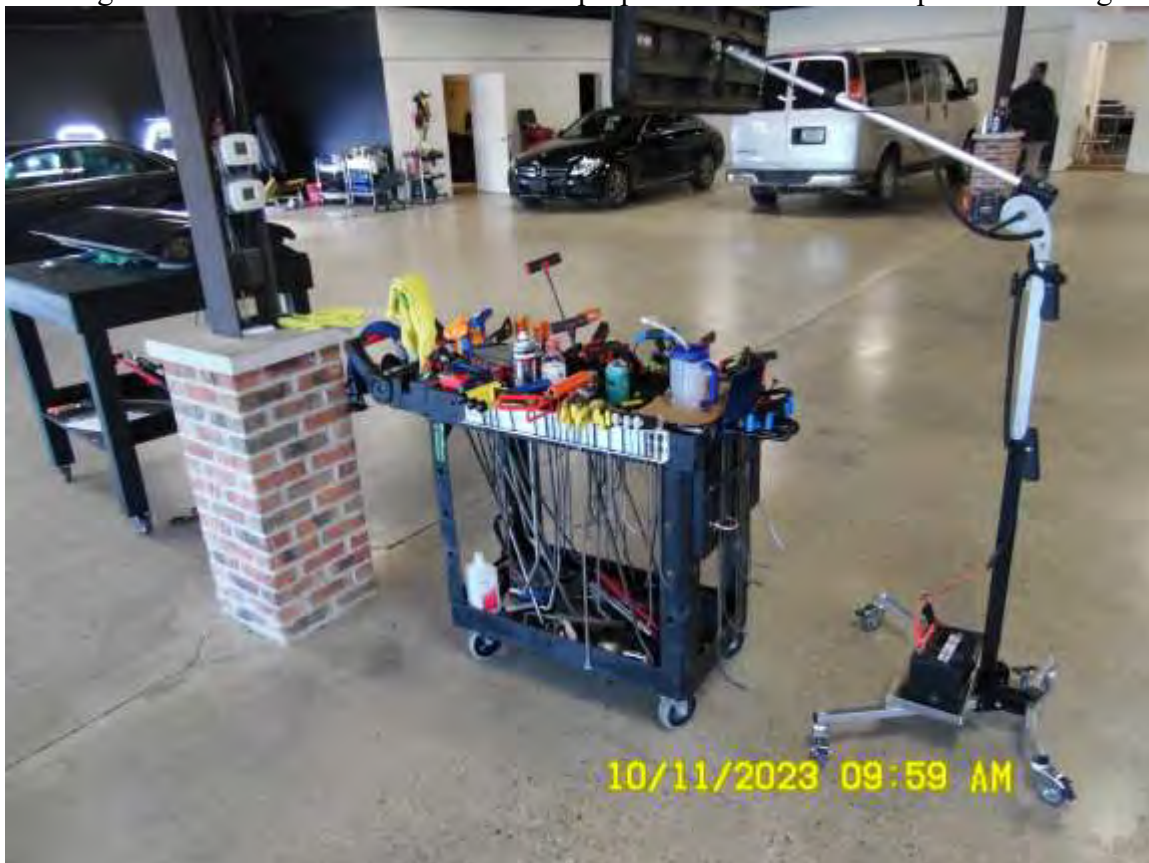
1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. Automotive repair and body work occurring on the subject property shall be limited to paint-less dent repair, auto glass repair, paint-less (non-spray) clearcoat repair, non-spray ceramic coatings, window tinting, vehicle wrapping, vehicle detailing, and application of paint protection film.
3. Vehicle painting shall be prohibited everywhere on the subject property.
4. Outside storage, including storage of inoperable vehicles and automotive parts, shall be prohibited.
5. Outside display of merchandise or vehicles shall be prohibited.
6. Vehicle washing shall be limited to the area inside the northeast corner of the building over the existing trench drain. Engineering requirements for use of this portion of the building must be met before any vehicle washing takes place. Vehicle washing outside the building shall be prohibited.
7. Semi-tractors, semi-trailers, two-axle trailers, and tow trucks shall be prohibited from parking or being stored on the subject property.
8. All chemicals, solvents, cleaners, and other liquids or substances used as part of the auto repair and body shop shall be stored at or above Flood Protection Grade.



Looking northeast along Lincoln Avenue at main entrance to building



Looking north across Lincoln Avenue at the proposed location of multiple window signs



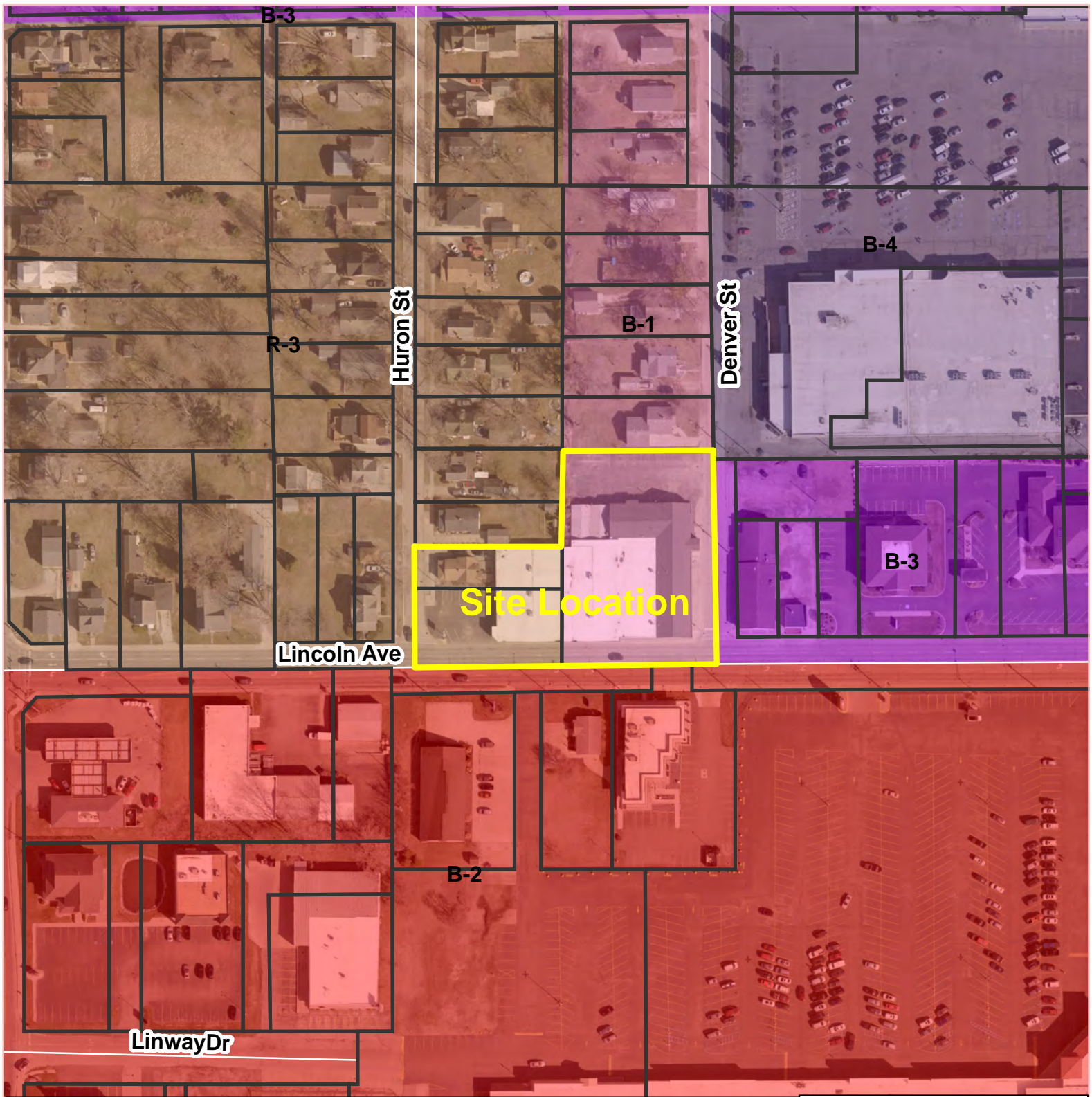
Interior view of business area, including equipment cart for dent repair



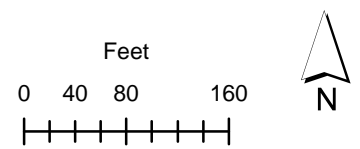
Bay in northeast corner of building proposed as wash area. Trench drain pictured on lower right.



Exterior view of bay door on northeast corner of building



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



711 W Lincoln & 104 Huron Street

2021 Aerial  
Printed November 14, 2023

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



## Instructions.

Matt Miller <steelmasterroofing@yahoo.com>

Tue 10/10/2023 5:08 PM

To: Mary Hershberger <mary@steelmasterroofing.com>; Shop <crazycelerity@yahoo.com>

Requesting variance for detailing and dent repair shop in section A and D.

Section B and C and half of D are being used for personal storage only, no changes requested.

Section C I have removed partition walls that were in violation of not having proper permits, Section has been restored to original condition, no changes were ever made to anything structural or electrical.

Would like to be permitted to take out several walls in Sections D that currently consist of 4 small rooms to make areas more accessible and turn into two bigger rooms.

With current permit to replace outside siding, plan on putting on all new battonlock vertical siding with horizontal accents on front lincolnway, possibly sides as well with rusted streak horizontal siding on corners for accents which would give building a major face-lift adding curb appeal, similar curb appeal to the Oasis building.

I understand the area is in a flood plane and planning is hesitant to allow new businesses into the area but with the amount of business already in the flood plane area I believe it's unrealistic to expect all businesses to shut down.

Making it hard to do business in the area discourages owners like me from investing money into updating buildings which is why I believe downtown goshen, especially the area around linway/Kroger is looking rundown, not a good look for the whole city.

Would love to be able to do my part in helping revitalize the downtown area.

Sent from Yahoo Mail on Android

(No subject)

Matt Miller <steelmasterroofing@yahoo.com>

Wed 10/18/2023 2:32 PM

To: Mary Hershberger <mary@steelmasterroofing.com>

CarrTech

We are a smart autobody shop, meaning we repair, restore, and protect vehicles without painting and with really quick turn around times.

Our services currently include: Paintless Dent Repair, auto glass repair, Paintless Clearcoat Repair, ceramic coatings, window tint, vehicle, wraps, detailing\* and paintprotection film.

\* for exteriors, we will pre-clean vehicles at a touchless car wash, and so shop location water and drainage not used. All interior cleaning and exterior polishing and buffing will take place at the shop.

\* In case of needed paint work we will sublet work to area body shops.

Our Goshen location currently has three full-time employees, with subs helping from time to time.

We hope to be busy and profitable in our business. However, with 9 to 10 spots inside and really fast service our parking lot might continually look to be near empty.

Sent from Yahoo Mail on Android

ALSO REQUESTING PERMIT (VARIANCE FOR  
3 SIGNS (INCLUDING PHOTOS)

LIT SIGN 1. - RESURFACING EXISTING SIGN 80" X 72" W

UNLIT SIGN 2. EAST SIDE OF BUILDING B DENVER ST.  
96" X 120" W

0. LIT SIGN 3. OPEN SIGN 20" H 24" W "NON BLINKING"

4. ~~VARIOUS~~ VARIOUS SMALL PROPOSED WINDOW GRAPHICS -  
"SEE EXHIBIT FOR DETAILS"



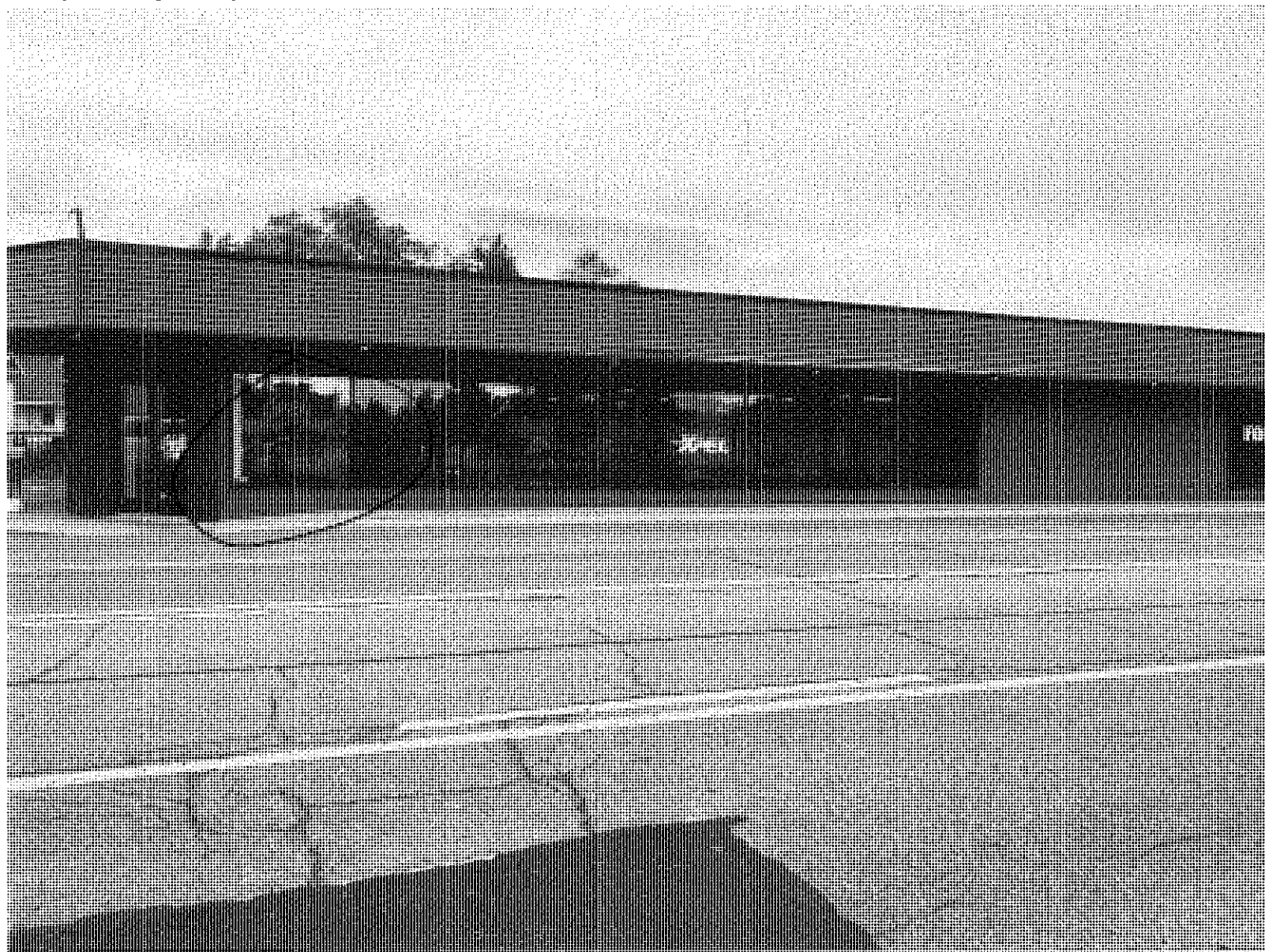
(No subject)

Matt Miller <steelmasterroofing@yahoo.com>

Wed 10/18/2023 3:05 PM

To: Mary Hershberger <mary@steelmasterroofing.com>

3. LIT OPEN SIGN  
SECTION A. LINCOLN AVE



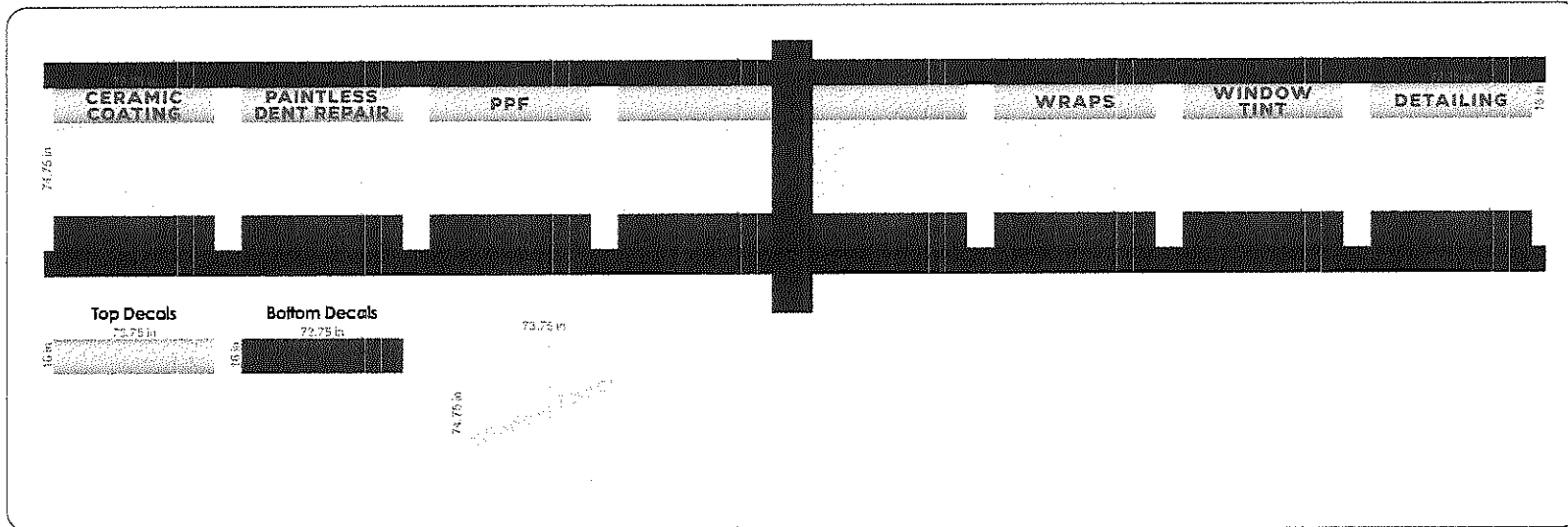
(No subject)

Matt Miller <steelmasterroofing@yahoo.com>

Wed 10/18/2023 3:04 PM

To: Mary Hershberger <mary@steelmasterroofing.com>

H. PROPOSED WINDOW DECALS  
SECTION A - LINCOLN AVE



Mary

Sent from Yahoo Mail on Android

**LOCATION:** 1209 Berkey Avenue  
**CASE NUMBER:** 23-29DV

**DATE:** November 28, 2023  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

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**APPLICANT:** Paul & Rebecca Shetler Fast (owners)

**REQUEST:** The applicants request a developmental variance to allow an 8' front building setback where 35' is required for an approximately 302 SF garage addition and home remodel

**LOT SIZE:** ±13,135 SF; ±71' of frontage; ±185' of depth

**APPLICABLE ZONING:** Residential R-2

**NOTICES SENT:** 28

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential, institutional

**NEIGHBORHOOD:** West Goshen

**THOROUGHFARES:** Berkey Avenue

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

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

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

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

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### **ANALYSIS**

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The subject property is a single-family home in the West Goshen neighborhood; it is located on the north side of Berkey Avenue and a short distance west of Dewey Avenue. Zoning is R-2 and surrounding uses include a mix of single- and multi-family dwellings. A church is located directly to the south across Berkey Avenue. The home is two-stories with an approximate footprint of 1,134 SF and an approximately 720 SF detached two-stall garage was recently built.

The petitioners are proposing to make changes to the property that include the following:

- Renovating the interior of both stories of the existing home
- Removing a previous addition to the rear of the home and constructing a new, larger addition
- Adding a one-stall attached garage approximately 302 SF in area to the north side of the home. This addition will encroach in the minimum front 35' setback at a distance of 8' from the property line, requiring a developmental variance

Staff recommends approval of the request. While there is an existing two-stall garage, and the proposed additions to the home could be reconfigured so that the garage meets the average 11' setback, the proposed setback will not pose a threat to public safety and will not be detrimental to the use and value of adjacent properties. The average front building setback for homes on the same side of the street between Dewey Avenue and Winter Street is 11',

so the request of 8' is close to in line with the average. The home directly to the west (1211 Berkey Avenue) has an approximate front building setback of 6'. Ample room will remain between the home and sidewalk, so pedestrian traffic will not be impeded.

### **FINDINGS OF FACT**

Staff recommends **approval** of a developmental variance to allow an 8' front building setback where 35' is required for an approximately 302 SF garage addition and home remodel, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Ample room will remain between the home and the sidewalk, so pedestrian use of the sidewalk will not be impeded. *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 average front building setback for homes on the same side of the street between Dewey Avenue and Winter Street is 11', so the request of 8' is close to in line with the average. The home directly to the west (1211 Berkey Avenue) has an approximate front building setback of 6'. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will not result in practical difficulties in the use of the subject property.** There is an existing two-stall garage, and the proposed additions to the home could be reconfigured so that the garage meets the average 11' setback so that a variance would not be needed. *The standard is not confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. A building permit and right of way permit is required.
5. If the sidewalk is damaged as part of construction, it shall be repaired or replaced to meet City specifications.
6. The driveway to the proposed garage shall be durable hard surface such as concrete or asphalt.



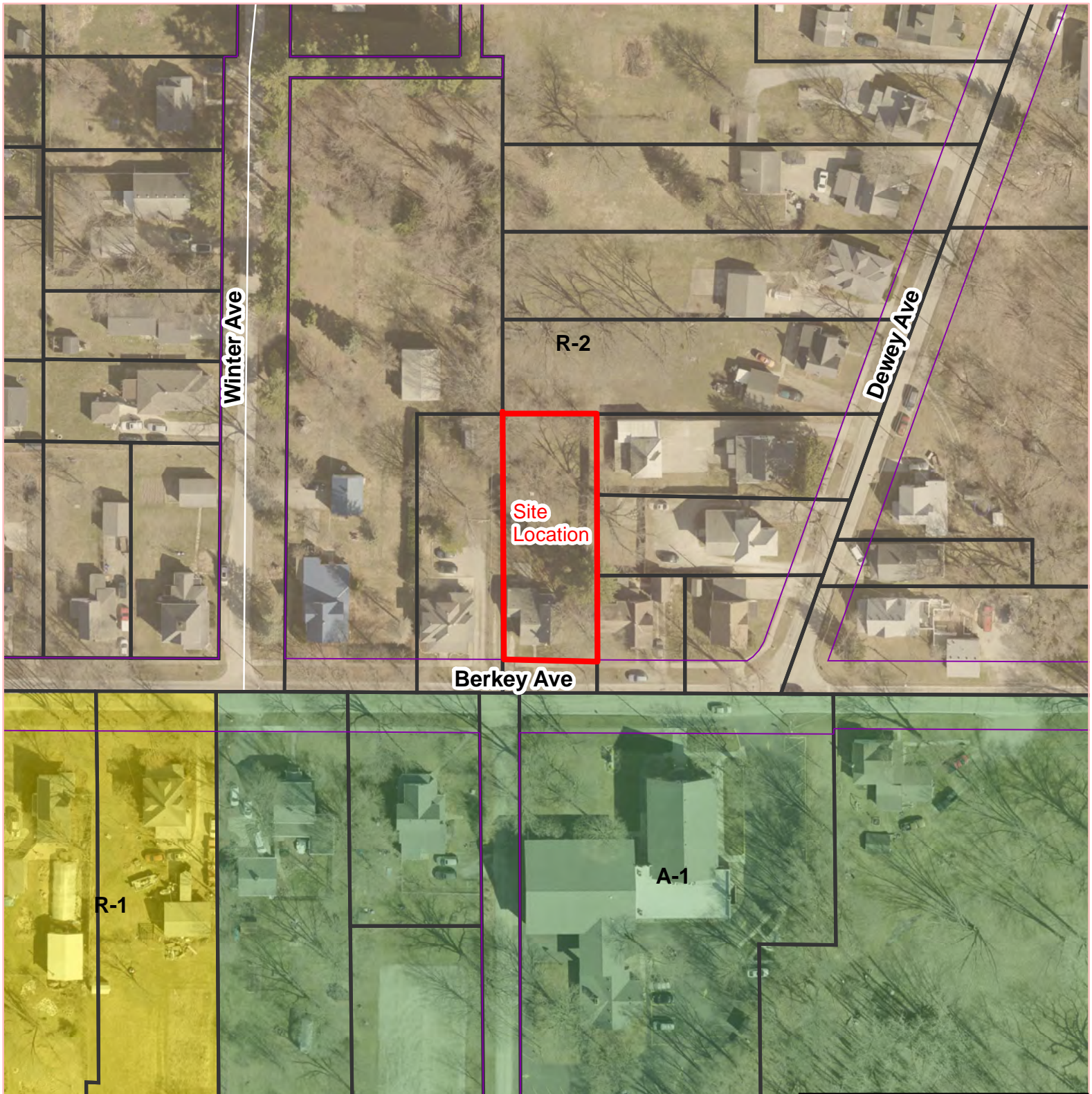
Looking north from Berkey Avenue



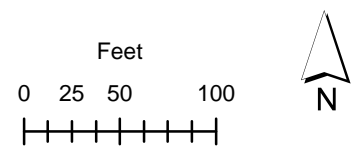
Looking west along Berkey Avenue



Looking east along Berkey Avenue



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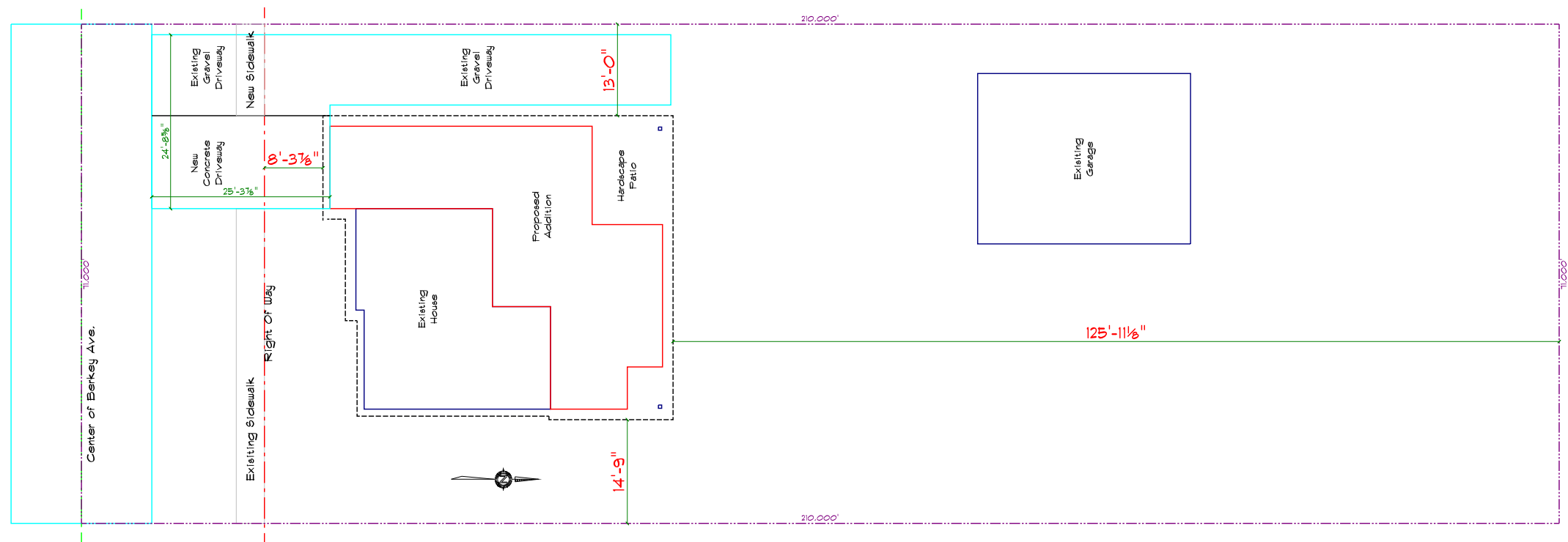
1209 Berkey Avenue


2021 Aerial  
Printed October 20, 2023

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

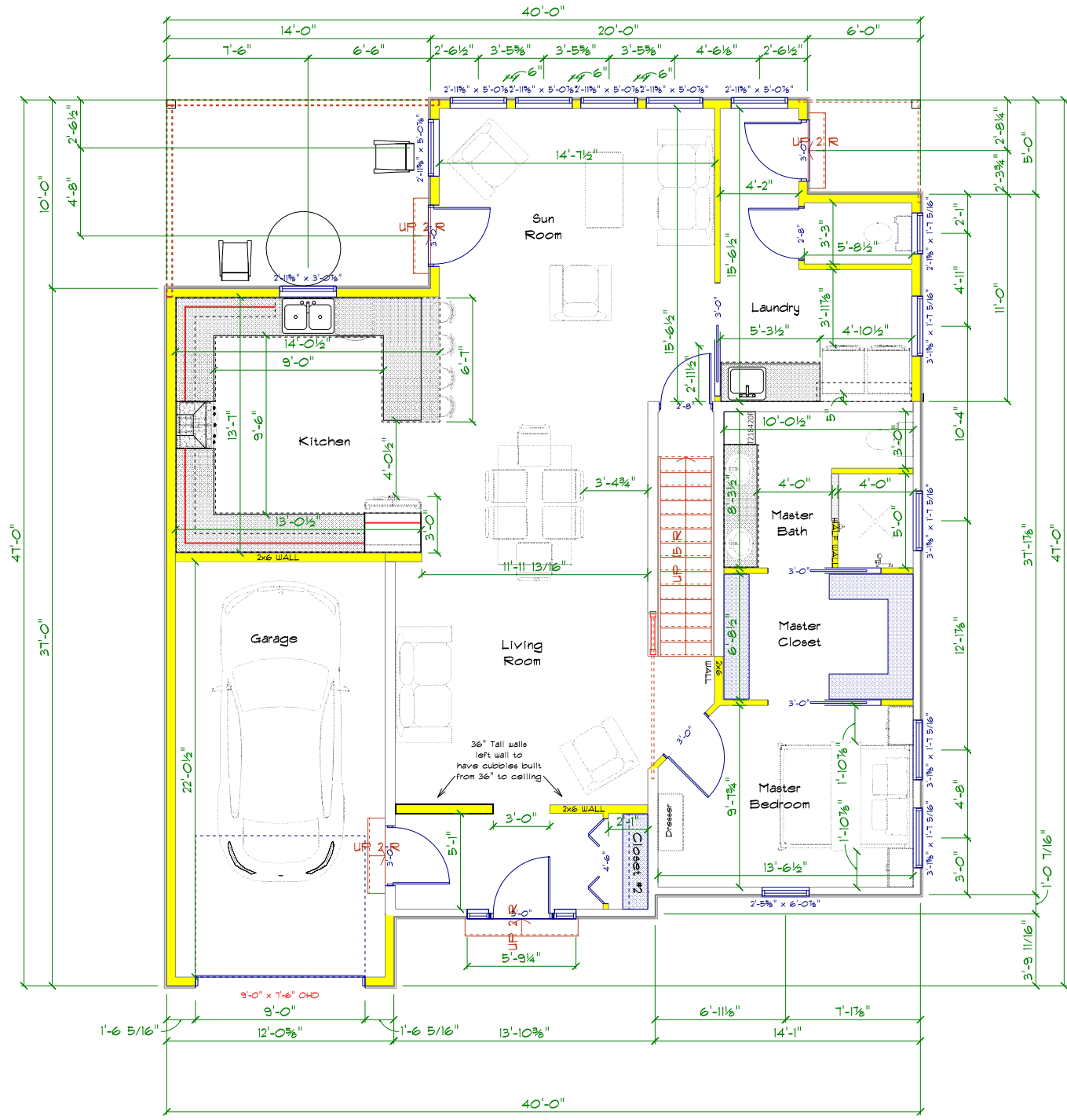


<b>KAUFFMAN</b> CONSTRUCTION <small>Drawn by: Jonathan Kuhns</small>	<b>John &amp; Esther Fast</b> 1209 Berkey Ave. Goshen IN 46526	Phone #	<b>South Elevation 2.1</b>
		SCALE NTS	DATE Wednesday, September 6, 2023

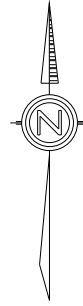


 Drawn by: Jonathan Kuhns	<b>John &amp; Esther Fast</b> 1209 Berkey Ave. Goshen IN 46526		Phone #	<b>Addition Site Plan 2.1</b>	
				SCALE: 1" = 20'-0"	DATE: Thursday, October 19, 2023





NEW CONSTRUCTION NOTES:  
 - WALL HEIGHT = 8' 9-1/2"  
 - YELLOW WALLS = NEW WALLS  
 - ALL EXTERIOR FRAMING 2X6 16" O.C.  
 - ALL INTERIOR FRAMING 2X4 16" O.C. UNLESS OTHERWISE NOTED  
 - HEADER HEIGHT = 82"  
 680 S.F. ADDITION



**LOCATION:** 312 S 5<sup>th</sup> Street  
**CASE NUMBER:** 23-30DV

**DATE:** November 28, 2023  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

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**APPLICANT:** Justin & Kari Tarman (owners)

**REQUEST:** The applicants request a developmental variance to allow a 1' side (north) setback where a minimum of 5' is required for the installation of an approximately 96 SF storage shed

**LOT SIZE:** ±10,890 SF; ±66' of frontage; ±165' depth

**APPLICABLE ZONING:** Commercial B-2

**NOTICES SENT:** 40

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential, institutional

**NEIGHBORHOOD:** East Lincoln Crossroads

**THOROUGHFARES:** 5<sup>th</sup> Street

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 5200*, Conditional Uses  
**Dwelling Units** - Single family dwellings shall be permitted in the B-2 Commercial District (central Business District CBD) provided that they meet the R-1 Residential District (Single-Family) requirements.
- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District C. Side Yard. Each lot shall have two side yards measured from the building to the lot line and shall be as follows:
  3. Accessory buildings on an interior lot shall not be located closer than five feet from the 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.

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### **ANALYSIS**

---

The subject property is located on the east side of 5<sup>th</sup> Street, directly south of the City Annex Building, in the East Lincoln Crossroads neighborhood. Zoning is B-2, and surrounding properties are a mix of B-2, R-1, and R-2 zoning and a variety of residential, institutional, and commercial uses. The property includes two primary buildings: a single-family home fronting 5<sup>th</sup> Street with an approximate footprint of 2,434 SF and a two-story duplex along the rear alley approximately 810 SF in footprint area. The duplex building is presumably a former carriage house. Alleyways bound the property to the south and east, and a five-car parking area is located in the mid-yard with access from the east-west alley.

The petitioners recently installed an approximately 96 SF storage shed on the property and are now working retroactively to obtain zoning clearance approval and a building permit. The proposed location of the shed is on

the north side of the duplex building, approximately 1' from the side (north) property line where a minimum of 5' is required. The petitioners have explained that the location is due to the lack of space on the remainder of the property; they would like to maintain the minimal open yard space between the buildings and there are large trees that prevent relocating it.

Denial of the request would not result in practical difficulties in the use of the property. The property has two large buildings, one of which appears to have been a former outbuilding to the main home and which would serve as an ideal building for storage. An accessory structure was formerly located on the northside of the home and its location may be more appropriate in meeting the requirements for the proposed shed.

Nevertheless, Staff recommends approval of the request. The shed will maintain a 5' setback from the rear property line, and firewalling will be added to the structure to comply with Building Code. In its proposed location, the shed will be relatively inconspicuous and similar in size and configuration to sheds on other nearby properties. All other developmental requirements will be met.

### **FINDINGS OF FACT**

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Staff recommends **approval** of a developmental variance to allow a 1' side (north) setback where a minimum of 5' is required for the installation of an approximately 96 SF storage shed, 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 shed will maintain a 5' setback from the rear property line, and firewalling will be added to the structure to comply with 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.** In its proposed location, the shed will be relatively inconspicuous and similar in size and configuration to sheds on other nearby properties. All other developmental requirements will be met. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will not result in practical difficulties in the use of the subject property.** The property has two large buildings, one of which appears to have been a former outbuilding to the main home and which would serve as an ideal building for storage. An accessory structure was formerly located on the northside of the home and its location may be more appropriate in meeting the requirements for the proposed shed. *The standard is not confirmed.*

With approval, the following conditions shall apply:

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



From 5<sup>th</sup> Street looking east



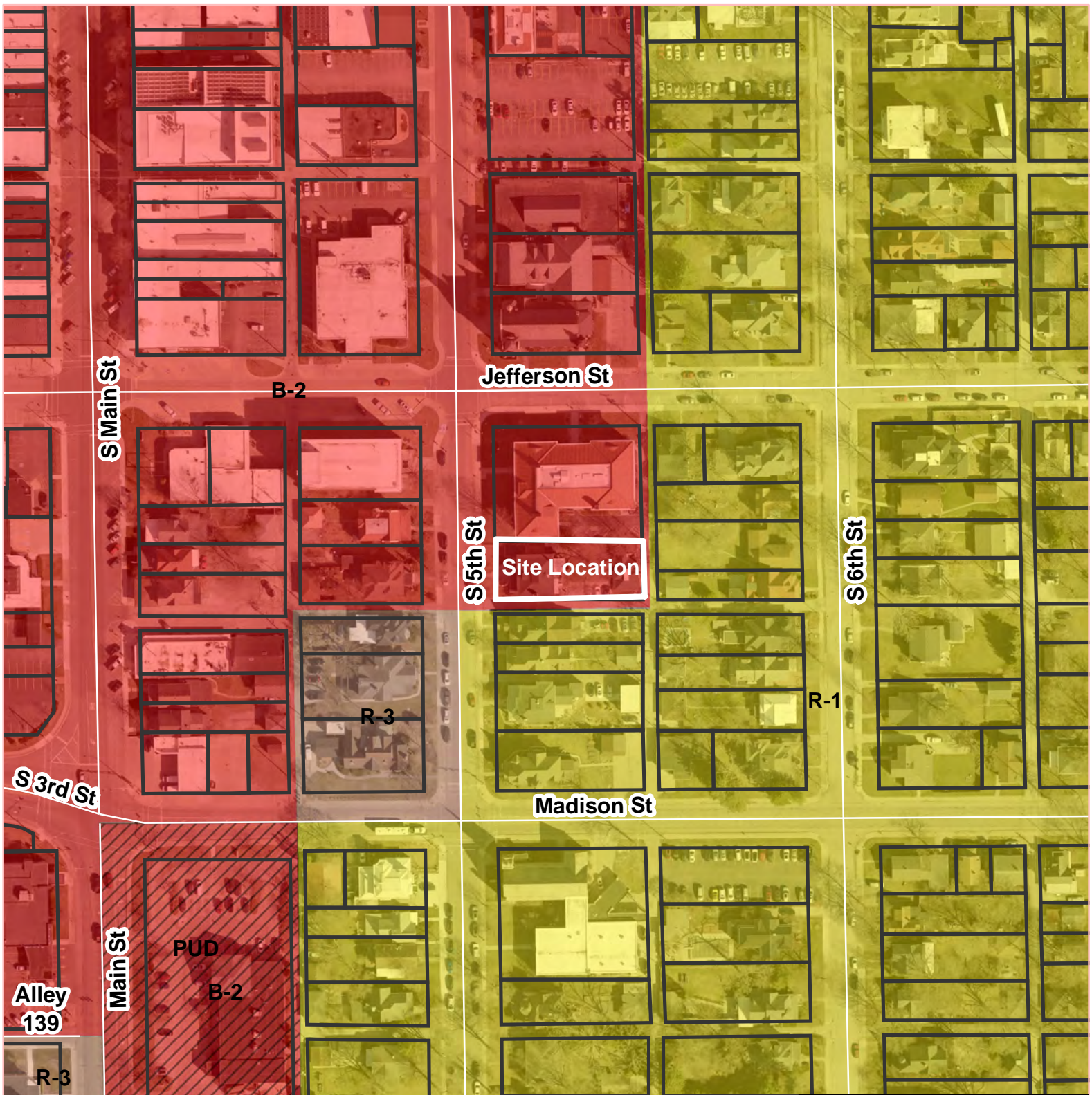
Looking east along north property line at proposed shed



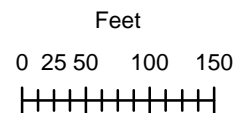
Looking west along north property line



Looking north along rear alley



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1 inch = 150 feet

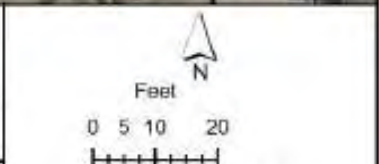
312 S 5th Street

2021 Aerial  
Printed November 8, 2023

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



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**312 Dewey Avenue**

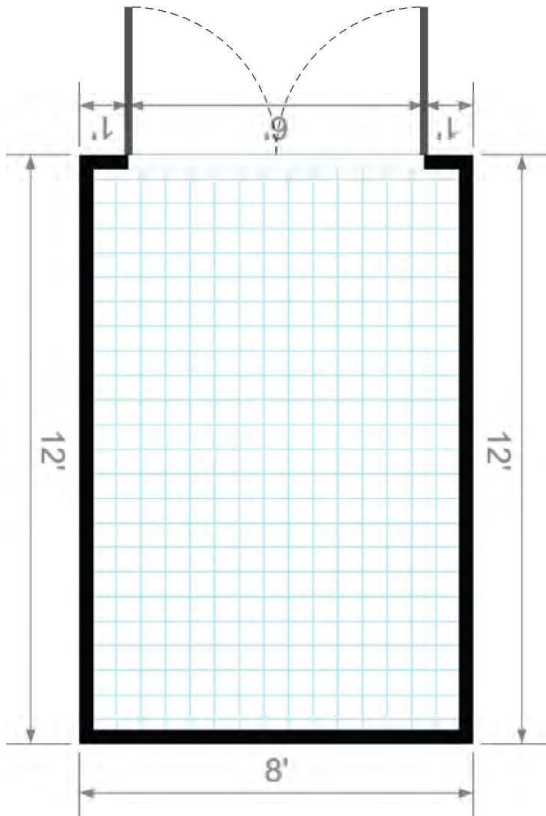
**The City of Goshen**  
 Department of  
 Planning & Zoning  
 204 East Jefferson Street, Goshen, Indiana 46528  
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2021 Aerial  
 Printed on 9/6/2023



Yoders Portable Buildings LLC  
(219) 405-5284  
boskoaj@yahoo.com

**Building Configuration**



**Terms and Conditions**

The 3D rendering is only a representation of the product and may vary from the actual product. Payment is due in full upon delivery, and there will be a \$50 charge for NSF checks. Cancellations are subject to a 10% cancellation fee. If changes are made to the order after the order is signed, a change order fee will apply. Customer is responsible for all building permits and compliance with local regulations. Customer is responsible for ensuring adequate access and a compacted level pad. Deliveries over 30 miles from a dealer are charged a rate of \$5/mile. Setup includes 2 hours of setup time, additional time is billed at \$85/hour. There will be one original free setup of the building, additional trips to re-block or adjust the building will be charged. Yoder's Portable Buildings LLC is not responsible for yard or property damage due to lack of access or unfavorable conditions. In the event of an incomplete or default payment, Yoder's Portable Buildings LLC has the right to enter the property without prior notice and repossess the building; additional charges may apply as well.

Contact  
Signature

  
\_\_\_\_\_

Date 07 / 30 / 2023



**LOCATION:** 519 Van Gilst Drive  
**CASE NUMBER:** 23-31DV

**DATE:** November 28, 2023  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

---

**APPLICANT:** Alberto & Carolina Sanchez (owners)

**REQUEST:** The applicants request a 2' side (west) setback where 5' is required for an approximately 570 Sf gazebo and carport over a concrete patio and parking area

**LOT SIZE:** ±8,085 SF; ±77' of frontage; ±105' depth

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 41

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential

**NEIGHBORHOOD:** North Meadow Estates

**THOROUGHFARES:** Van Gilst Drive

**TOPOGRAPHY:** Inclines northward from Van Gilst Drive

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District C. Side Yard. Each lot shall have two side yards measured from the building to the lot line and shall be as follows:
  3. Accessory buildings on an interior lot shall not be located closer than five feet from the 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.

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### **ANALYSIS**

---

This property is a single-family home on the north side of Van Gilst Drive in North Meadow Estates. Zoning is R-1 and surrounding properties are single family homes. The home on the property, which was built in 2002, is an approximately 1,400 SF single story building with an attached two-car garage. Other properties on Van Gilst are similarly sized and configured.

The Planning office recently became aware that improvements were made to the property without zoning clearance approval and building permits, and the property owner is now working to obtain the appropriate approvals. Improvements include an approximately 15' x 38' structure serving as a gazebo and future car port, and a concrete pad running the length of the gazebo. The structure has a 2' side (west) setback where a minimum of 5' is approved, so a developmental variance is required.

Staff recommends approval of the request. The structure is open on all sides, allowing movement around and throughout it; a fenced-in backyard keeps it relatively hidden from the street. There is enough space on the northside of the home to place the structure; however, the soil in that location is graded upward away from the home, making placement of a level surface difficult. When the structure is used for a car port in the future, it will be impractical to drive vehicles all the way to the backyard.

Approval should be conditioned so that a hard surface connection from the driveway needs to be installed before parking can take place under the structure.

### **FINDINGS OF FACT**

Staff recommends **approval** of developmental variance to allow a 2' side (west) setback where 5' is required for an approximately 570 Sf gazebo and carport over a concrete patio and parking area, 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 structure is open on all sides and will maintain a 2' buffer from the property to the west. *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 structure is located within a fenced-in back yard and is relatively unnoticeable from the street. *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.** There is enough space on the northside of the home to place the structure; however, the soil in that location is graded downward away from the home, making placement of a level surface difficult. When the structure is used for a car port in the future, it will be impractical to drive vehicles all the way to the backyard. *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. A building permit is required.
5. Before the carport is used for parking vehicles, a durable hard surface driving area shall be installed connecting the driveway to the parking pad.



From Van Gilst Drive, looking north



Looking north along west property line



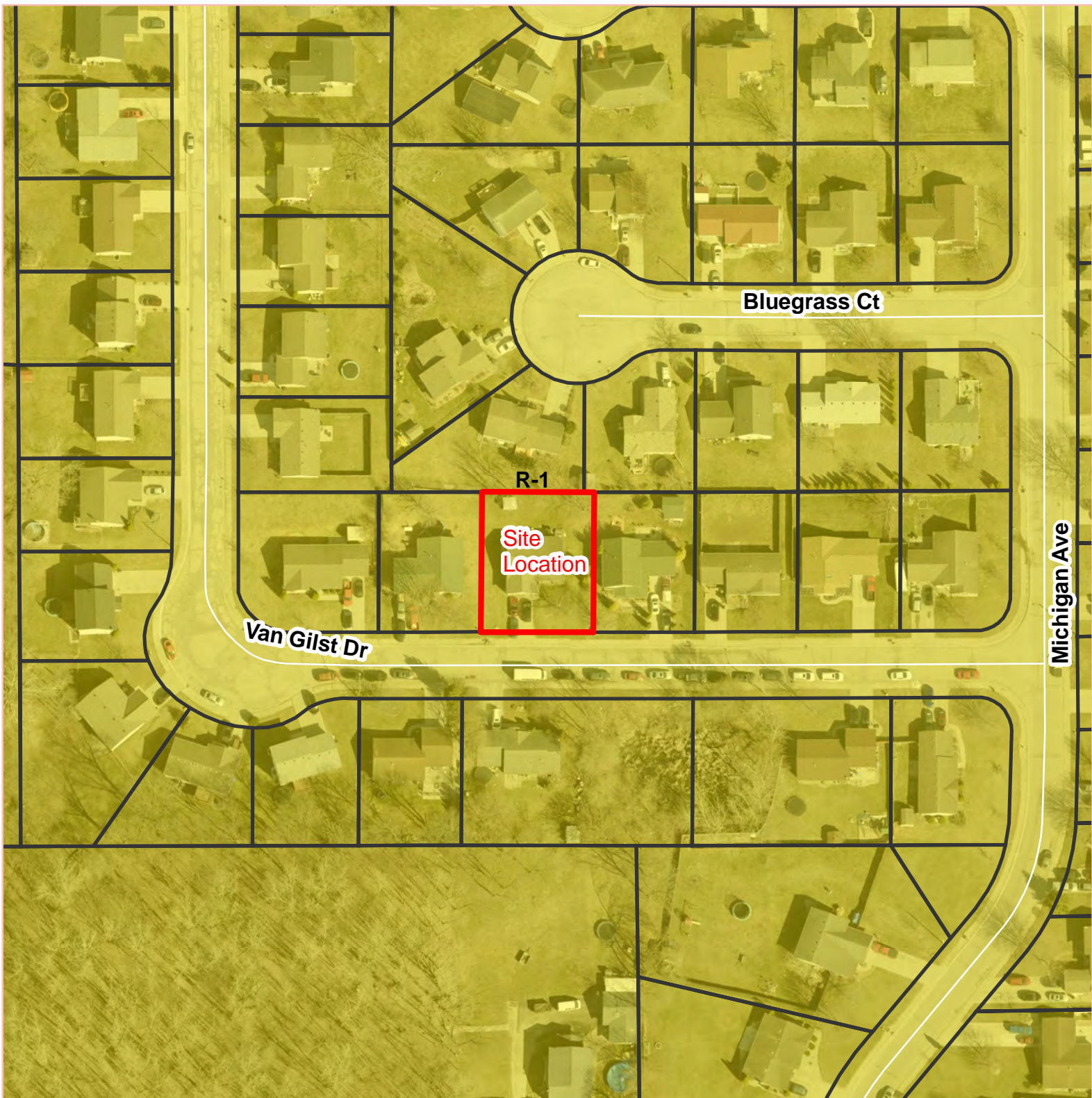
Looking north



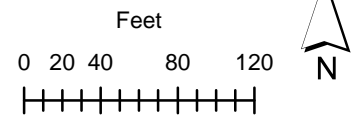
Looking south along west property line



Looking east at the rear yard of the property



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519 Van Gilst

2021 Aerial  
Printed November 8, 2023

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



Van Gilst Dr

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0 5 10 20



1 inch equals 20 feet

519 Van Gilst Drive

2023 Aerial  
Printed on 10/13/2023

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

**LOCATION:** 419 S 8<sup>th</sup> Street  
**CASE NUMBER:** 23-09UV

**DATE:** November 28, 2023  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

---

**APPLICANT:** Goshen Community Schools (owner)

**REQUEST:** The applicant requests a use variance to allow a dust collector enclosed by a fence 12' in height at a distance of 73' from adjacent residential uses along Cottage Avenue where 100' is required for such equipment, for a technical school classroom

**LOT SIZE:** ±3.3 acres; ±2,136' of frontage (±908' on both 8<sup>th</sup> Street & Cottage Avenue; ±165' on Purl Street; 155' on Madison Street)

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 98

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water & sewer

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

**NEIGHBORHOOD:** Historic Southside

**THOROUGHFARES:** 8<sup>th</sup> Street, Purl Street, Madison Street, & Cottage Avenue

**TOPOGRAPHY:** Level

### **VARIANCE OF USE STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 5200*, Conditional Use Requirements for Schools  
A....Buildings used for musical instruction, power houses, heating and air conditioning units, and athletic fields and stadiums shall be located 100 feet from residential uses or zoning districts.

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

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

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### **ANALYSIS**

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The subject property is an approximately 3.3-acre tract comprised of four tax parcels and located in the Historic Southside Neighborhood. It is bounded to the east and west by 8<sup>th</sup> Street and Cottage Avenue and to the north and south by Madison Street and Cottage Avenue. The school building is approximately 0.96 acres in size and the remainder of the property includes parking areas and driving aisles, and a large playground and play area in the southernmost parcel. The property is zoned R-1 and is entirely surrounded by residential uses with the exception of a barber shop located at the intersection of 8<sup>th</sup> Street and Madison Street.

Planning files indicate that school use of the property dates as far back as the 1850s, when a northern portion of the current property was deeded to the Town of Goshen for common school purposes. In 1990, the building underwent a renovation and expansion that included BZA approval of ten variances ranging from relief from setback requirements to fence location. For many years until the end of the school year in Spring 2023, the school was Chandler Elementary, serving students in the surrounding neighborhood.

In August of this year, use of the building changed to technical school classes for the high school. The old gymnasium is now being used as a classroom for the building trades program. A large overhead door has been

added to the west wall of that room, and the petitioners are proposing to add a dust collector along the same exterior wall adjacent to Cottage Avenue. The proposed dust collector is approximately 13' in height and will be located in an approximately 280 SF enclosure with a fence 12' in height. The Zoning Ordinance classifies schools as conditional uses, and one of the conditions is that "Buildings used for musical instruction, power houses, heating and air conditioning units, and athletic fields and stadiums shall be located 100 feet from residential uses or zoning districts." The dust collector, which is a noise-generating piece of equipment similar to a large air conditioner or power house, will be located approximately 73' from the property lines of residential uses across Cottage Avenue, so a use variance is required.

Regarding noise levels and frequency of use, the petitioner's application includes the following information:

- The noise level of the model of dust collector to be used is 82.9 dBA when four feet from the machine
- The fence will be covered in a sound control material, and the petitioner is proposing to use a proprietary material called Acoustifence ®; the website selling this material purports that it "gives you a transmission loss of 28 dB (sic) through the material."
- The dust collector will only be used during class sessions. There are currently three such sessions per day between 8:15am and 3:05pm; class sessions are 1 hour and 15 minutes; and class will occur only during the 180 days of a regular school year.

Staff recommends approval. Given that property has been a school for many decades, continued use of the property as a school, even with a Technical School curriculum, is not a significant departure from the status quo. The construction class takes place inside the building; the variance is needed for equipment only. Additionally:

- The purpose of the dust collector is to remove particulates from the air. If the particulates remain in the air, they will be a fire hazard and potentially harmful to occupants of the building.
- There are few or no other locations a dust collector could be installed on the property. The property is located in the R-1 District and is completely surrounded by residential properties. The former gymnasium, which is the most appropriate space to renovate for a construction classroom, is located on the west side of the building.
- Approval of the equipment needed for the technical school aligns with Goshen's Comprehensive Plan, which seeks to "support Goshen Community Schools' initiative to prepare students with the knowledge, skills and abilities to be college or career-ready at graduation."

This proposed distance of 73' from the edge of the dust collector area to the nearest residence is likely ample enough to achieve adequate sound attenuation so that the equipment is not a nuisance. However, extra precautions should be made by applying numerous commitments with the approval. These will help alleviate not only sound but the appearance of the industrial equipment:

- Limit the dust collector to school-related uses only.
- Allow the dust collector to be used during the hours between 8am and 5pm only.
- Stipulate that the dust collector is surrounded by a fence 12' in height that includes a sound blocker
- A large species evergreen tree or five or more narrow evergreen trees should be planted in the lawn directly west of the dust collector.

## **FINDINGS OF FACT**

Staff recommends **approval** of a to allow a dust collector enclosed by a fence 12' in height at a distance of 73' from adjacent residential uses along Cottage Avenue where 100' is required for such equipment, for a technical school classroom, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The purpose of the dust collector is to remove particulates from the air. If the particulates remain in the air, they will be a fire hazard and potentially harmful to occupants of the building. *The standard is confirmed.*
- 2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** If approved with commitments, the adverse appearance and sound of the dust collector will be mitigated to a degree that is has little to not adverse impact on the use and value of adjacent residential properties. *The standard is confirmed.*



**3. The need for the variance arises from a condition peculiar to the subject property.** There are few or no other locations a dust collector could be installed on the property. The property is located in the R-1 District and is completely surrounded by residential properties. The former gymnasium, which is the most appropriate space to renovate for a construction classroom, is located on the west side of the building. *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.** There are few or no more appropriate uses of this property than school use. It is completely surrounded by residential properties, is zoned R-1, but is far too large to be a home. Given that, the addition of the dust collector to the side of the building to allow a construction classroom is reasonable. *The standard is confirmed.*

**5. The approval does not interfere substantially with the Comprehensive Plan.** Approval of the equipment needed for the technical school aligns with Goshen's Comprehensive Plan, which seeks to "support Goshen Community Schools' initiative to prepare students with the knowledge, skills and abilities to be college or career-ready at graduation." *The standard is confirmed.*

With approval, the following conditions shall apply:

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

If approved, the following Commitments shall apply:

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 dust collector shall be limited to use for classroom purposes only.
3. The dust collector shall be used during the hours between 8am and 5pm only.
4. The dust collector shall be enclosed by a fence 12' in height, and the fence shall be covered on all sides by sound control material.
5. One (1) large species evergreen tree or five (5) or more narrow evergreen trees shall be planted in the lawn directly west of the dust collector.



From Cottage Avenue looking southeast



Looking east at proposed dust collector location



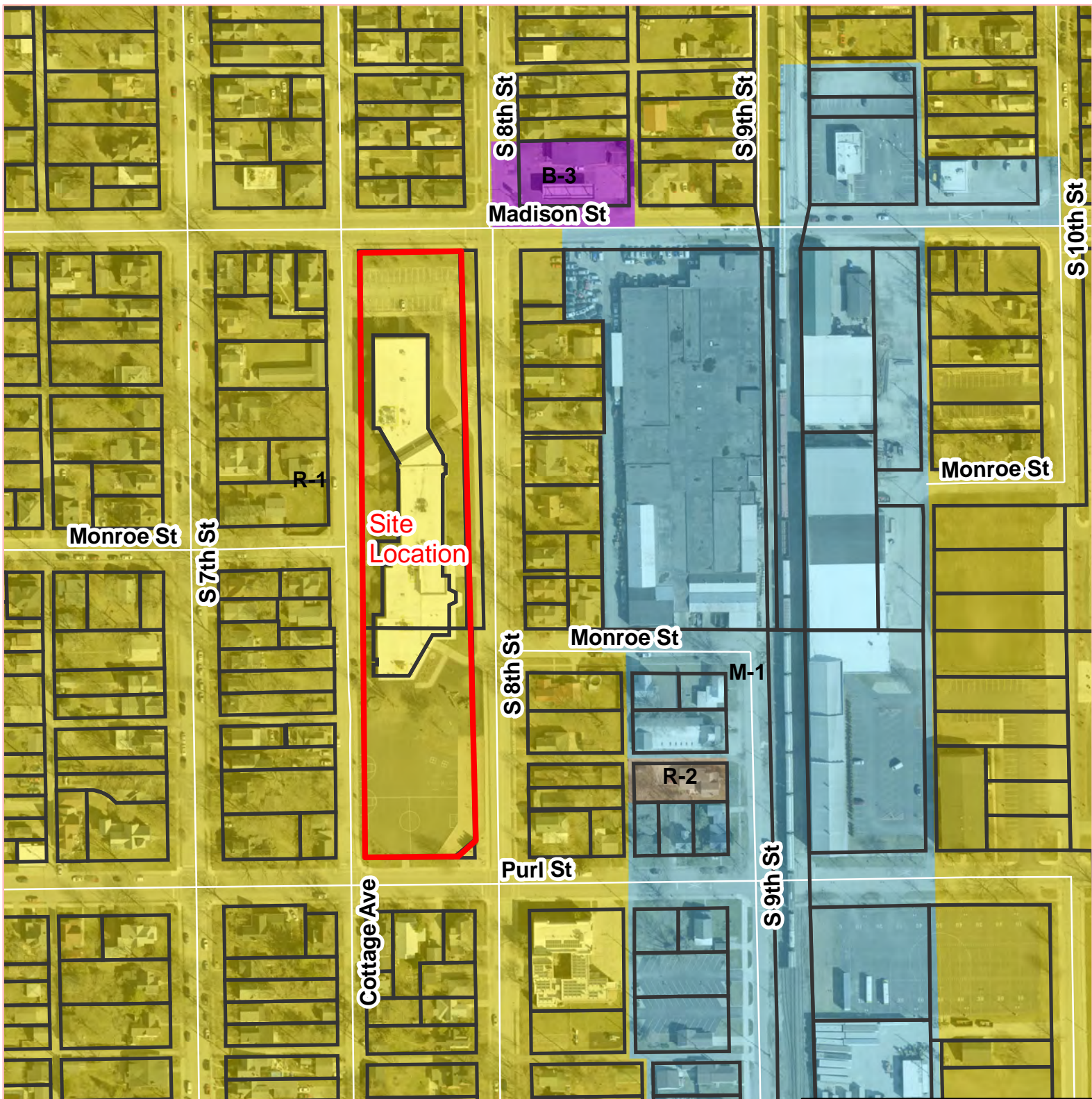
Looking west from the proposed location of the dust collector to adjacent residential properties



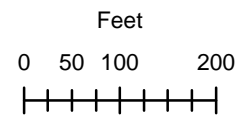
Looking north along Cottage Avenue



Looking south along Cottage Avenue



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1 inch = 200 feet

419 S 8th Street

2021 Aerial  
Printed November 14, 2023

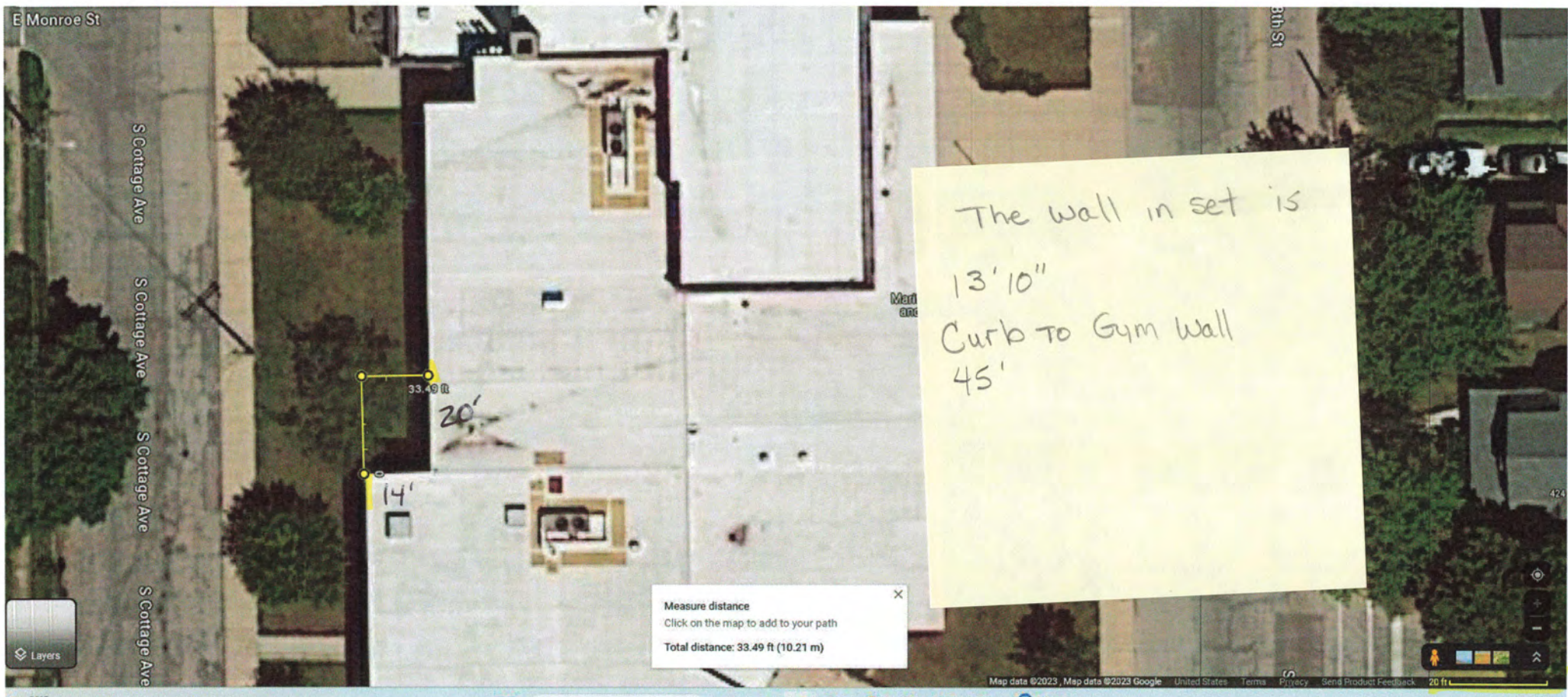
**The City of Goshen**  
Department of  
Planning & Zoning  
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-3600 Fax: 574-533-8626

# Chandler Schools - Dust Collector

The location of the dust collector would be on the west side of the building at the inset of the cafeteria and gym, and it is approximately 75 feet from the building (gym wall) to the sidewalk on the opposite side of the road. Two sides would be enclosed by the building. We would put a 12' fence with slates around the unit to hide the equipment as much as possible and this would also help with any sound concerns and to make the unit less noticeable.

School classes are only 180 days per year, School starts at 8:15 and ends at 3:05. The construction class only has three periods for 1 hour 15 minutes each per day. The total time the unit would run is 3 hours 45 minutes per day. This is only if they are working in the shop class area.

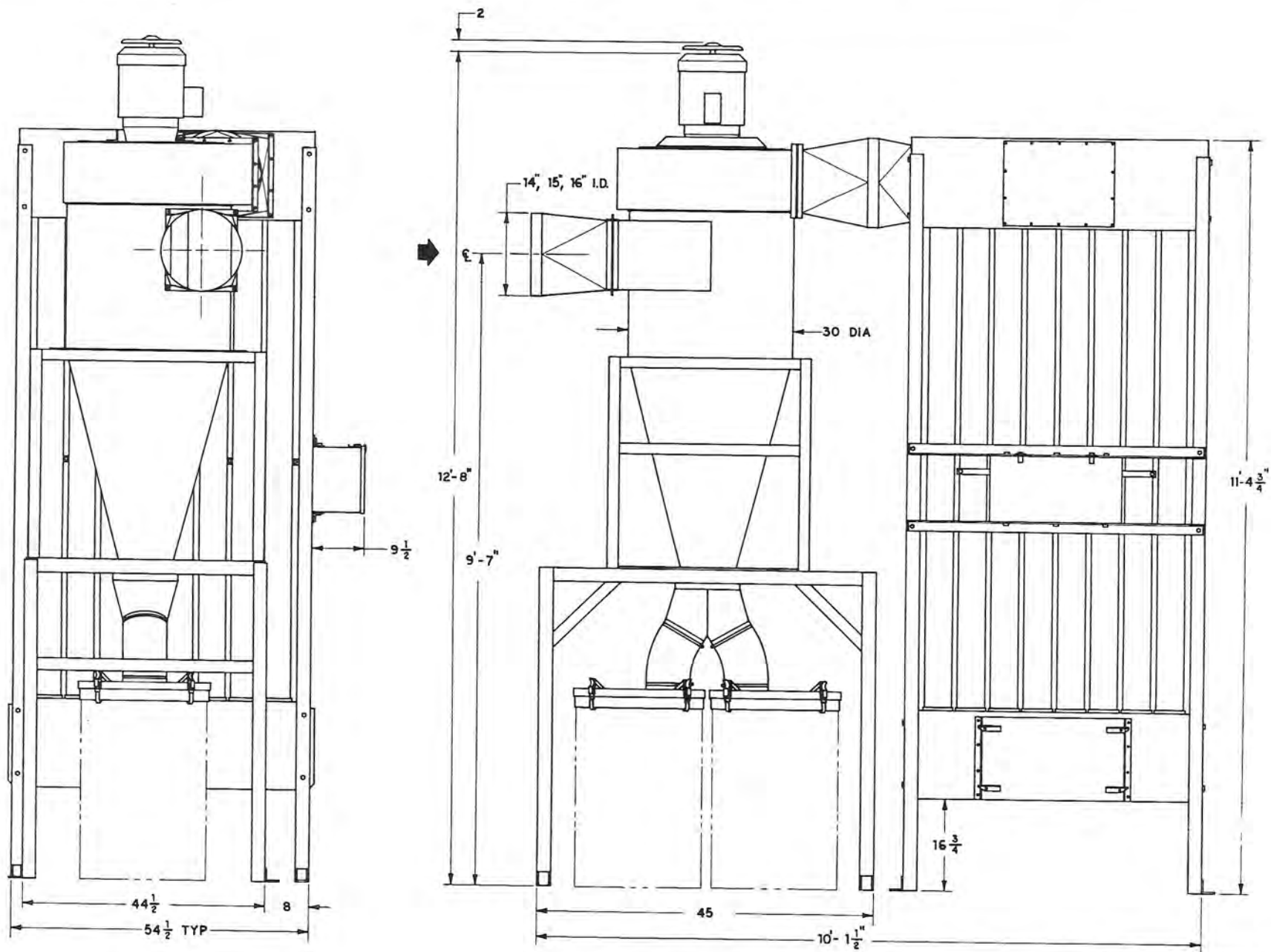




Chandler - Dust Collector location


14x20

A 12' Fence will be place around the Unit to help  
Conceal & divert sand.



- 4. REFER TO INDIVIDUAL UNIT PRINTS FOR PARTS AND DETAILS
- 3. FILTER AREA - 612 SQ. FT.
- 2. DUST STORAGE CAPACITIES - 14.7 CU. FT. CYCLONE, 25 CU. FT. FILTER
- 1. CUSTOMER TO SUPPLY TWO 55 GALLON DRUMS FOR DUST STORAGE

NOTE

DUSTKOP STOPS DUST				MISTKOP STOPS MIST	
AGET MFG. CO., ADRIAN, MICH.					
SCALE 1" = 1'-0"		DATE 5/20/92			
DRAWN BY Woods		APPROVED BY			
MODEL NO. 70SN70-D2 w/FT64-SP					
PRINT NO. 7070-C-321					
LEL	CHANGE	DATE			

# DUSTKOP NOISE LEVELS

All sound pressure level values (dBA) are averages for each unit  
with the inlet connected to a minimum of 10 diameters length of pipe

MODEL NO.	dBA Unit Only		dBA with Attenuator	
	4 Ft.	12 Ft.	4 Ft.	12 Ft.
520	69.9	66.4		
5N20	72.6	68.5		
5C20	68.2	65.4		
5E20	82.4	77.8		
800	77.4	72.8		
8N50	77.3	75.5		
8C50	77.0	73.5		
8T50	70.4	67.8		
8E50	83.2	79.0		
1151	77.8	74.0		
11N51	77.4	74.8	76.8	73.4
11NM51	75.5	71.4	74.4	69.0
11C51	76.4	73.8	75.3	72.5
11T51	74.7	70.8	74.1	68.9
11E51	90.0	88.0		
11SN51	81.8	76.7	76.8	70.2
11SC51	76.2	72.1		
2031	78.1	74.3	77.7	73.4
20N31	78.4	74.8	77.7	73.4
20NM31	77.7	73.9	77.1	72.2
20C31	77.2	73.9	76.8	72.5
20T31	75.0	71.4	74.2	69.4
20E31	93.4	90.7		
20SN31	81.0	77.5	74.2	70.1
20SC31	76.0	72.6		
20SN51	87.5	85.6	82.8	80.2
20SC51	81.3	77.5		
3051	82.2	77.9		
30N51	86.5	82.6		
30NM51	80.6	77.0	80.5	75.6
30E51	102.3	96.3		
30SN51 (obsolete)	90.9	86.8	83.1	81.0
30SN90	86.7	83.8	80.8	77.0
60N70 (10 HP)	80.2	76.8	75.8	72.0
60N70 (15 HP)	83.3	79.6	80.9	75.2
60E70 (10 HP)	96.7	89.5		
60E70 (15 HP)				
60SN70	89.1	85.7	78.8	77.1
<b>70SN70</b>	91.4	89.0	82.9	<b>81.4</b>
80N70 (15 HP)	81.5	78.5	78.2	74.8
80N70 (20 HP)	84.4	81.7	82.0	78.1



**LOCATION:** 1006 S 16<sup>th</sup> Street  
**CASE NUMBER:** 23-10UV

**DATE:** November 28, 2023  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

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**APPLICANT:** Lifepoint Church of Goshen, Indiana (owner)

**REQUEST:** The applicant requests a use variance to allow use of a room in an existing church for a social service organization where business offices are a conditional use in the Commercial B-1 District and a permitted use in the Commercial B-2, B-3, B-4 and Industrial M-1 & M-2 Districts

**LOT SIZE:** ± 4.57 acres; ± 1,160' of frontage (± 705' on Fairfield Avenue; ± 255' on 16<sup>th</sup> Street; ± 200' on Jackson Street); depth varies

**APPLICABLE ZONING:** Residential R-1 & R-2

**NOTICES SENT:** 64

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water & sewer

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

**NEIGHBORHOOD:** None; between Rieth Park neighborhood & Lincolnway East Commercial Corridor

**THOROUGHFARES:** 16<sup>th</sup> Street & Fairfield Avenue

**TOPOGRAPHY:** Level

### **VARIANCE OF USE STANDARDS**

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses  
Business offices are listed as a conditional use in the Commercial B-1 District and a permitted use in the Commercial B-2, B-3, B-4 and Industrial M-1 & M-2 Districts

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

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

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### **ANALYSIS**

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The subject property is a church located on the east side of the City between 16<sup>th</sup> Street and the Lincolnway East commercial corridor. It is just under 5-acres in size and includes a primary building (1006 S 16<sup>th</sup> Street) with an approximately 37,000 SF footprint as well as two smaller buildings that include a utility building and office building (1317 E Jackson Street). The main building is surrounded by paving with over 200 parking spaces. Zoning is split between the R-1 and R-2 districts, and surrounding uses are predominantly residential, although commercial uses and zoning bound the property to the east and a recreational facility is located to the south across Fairfield Avenue. Planning records show church use of property since at least 1972.

The petitioners are proposing to allow use of an empty room in the main building as an office for a social services organization. Business offices are permitted in the B-2, B-3, B-4, M-1, and M-2 Districts, and are not permitted in the any residential zoning districts. The proposed office will be in an approximately 24' x 25' room on the east side of the building. The office will have one staff member who accepts client appointments.

Staff recommends approval of the request, which is warranted based on the following:

- The proposed business will compliment the current church. The church building includes vacant rooms appropriate for office use. Only small portions of the building and property are used for the majority of a typical week. The proposed one-room office will not interfere with church services
- The property and building are ample in size to accommodate a one room business office.
- Parking is adequate. The property has over 200 parking spaces and the required parking for the church and office is 137 spaces. Staff and client hours will occur during hours when church services are not occurring.
- Approval allows optimizing unused space in the City for a social service organization that has had difficulty finding space to operate. It supports the goal of Goshen's Comprehensive Plan to promote compact, mixed-uses, (Land Use. 1.1), which reduces the development of greenspace.
- The Building Commissioner inspected the proposed office space and notified Planning that Building Code was satisfied
- No changes are being made to the building or property other than cosmetic changes to the office interior

### **FINDINGS OF FACT**

Staff recommends **approval with conditions and commitments** of a use variance to allow use of a room in an existing church for a social service organization where business offices are a conditional use in the Commercial B-1 District and a permitted use in the Commercial B-2, B-3, B-4 and Industrial M-1 & M-2 Districts, based on the following:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The proposed office will go into a space that is ideal for use as an office, and it will comply with 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.** The subject property is almost 5-acres in size; the subject building is approximately 37,000 SF in area; and there are over 200 parking spaces where only 137 spaces are required. Given the ample size of the property, it's unlikely a one-room office will visibly alter the property in a meaningful way. *The standard is confirmed.*
3. **The need for the variance arises from a condition peculiar to the subject property.** The subject building is ample in size but goes unused for large portions of time. It includes numerous rooms that are ideal for office use. *The standard is confirmed.*
4. **Strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the subject property.** The property could continue to be used as a church with denial of the request. *The standard is not confirmed.*
5. **The approval does not interfere substantially with the Comprehensive Plan.** It supports the goal of Goshen's Comprehensive Plan to promote compact, mixed-uses, (Land Use. 1.1), which reduces the development of greenspace. *The standard is confirmed.*

With approval, the following conditions shall apply:

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



Looking west at the east side of the main building of the church.



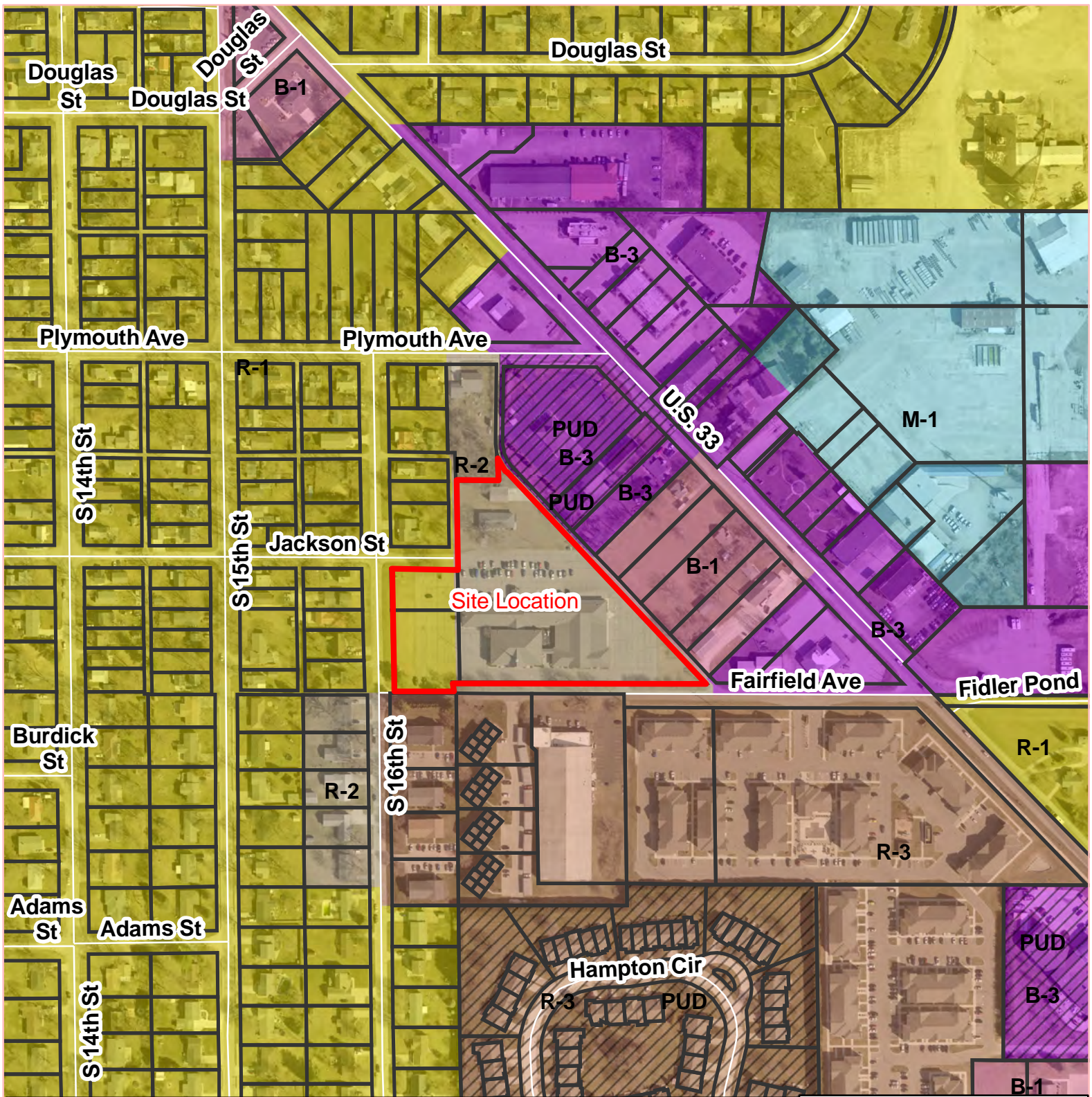
Looking northwest from Fairfield Avenue at the east side of the building



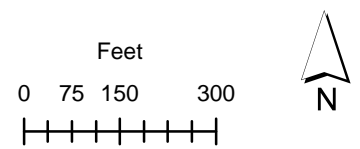
Looking southwest at the east side of the building



From the window of the proposed office looking northeast at adjacent residential properties



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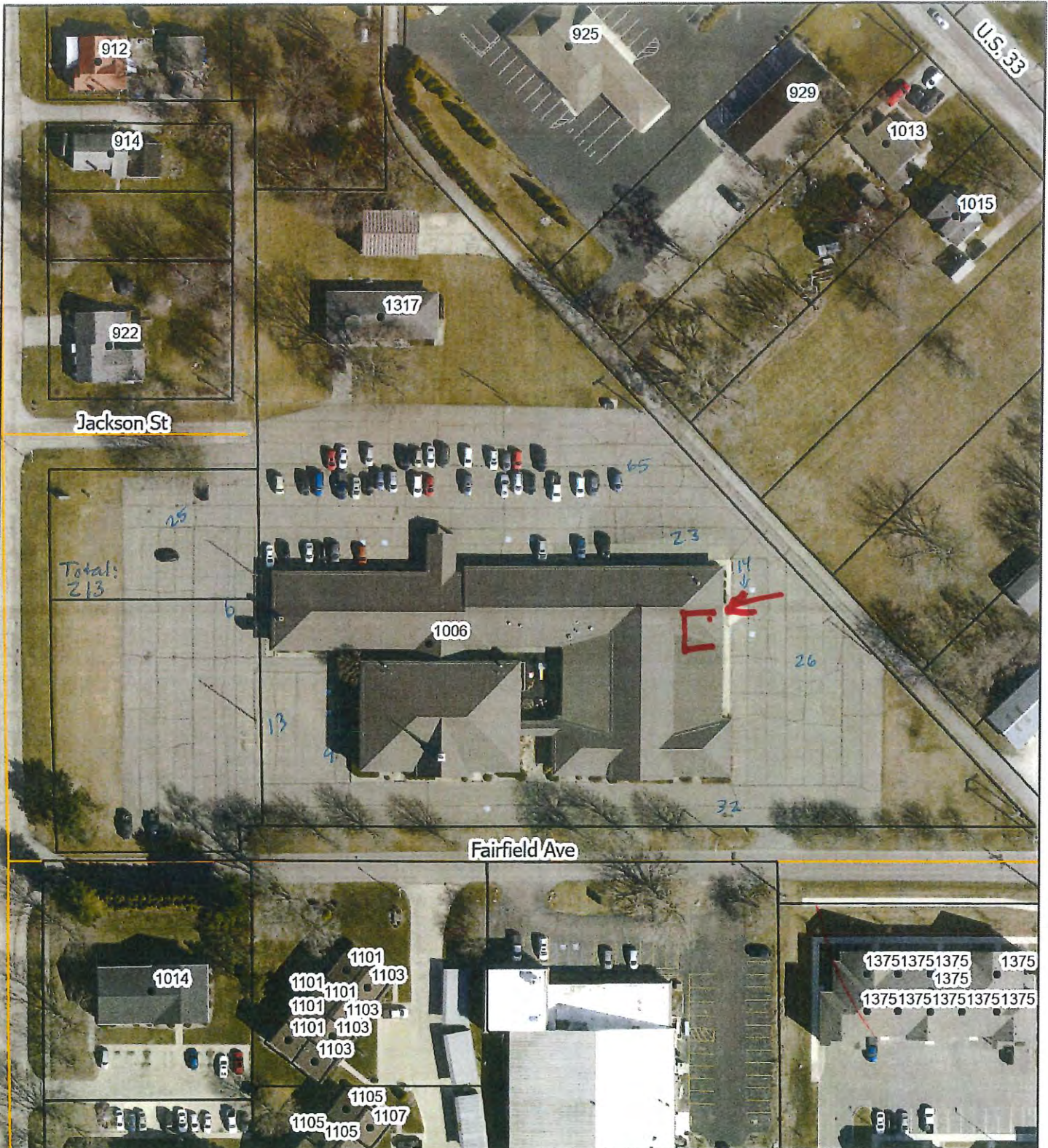


1006 S 16th Street

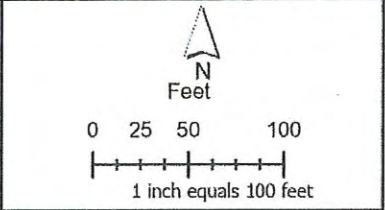
1 inch = 300 feet

2021 Aerial  
Printed November 9, 2023

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



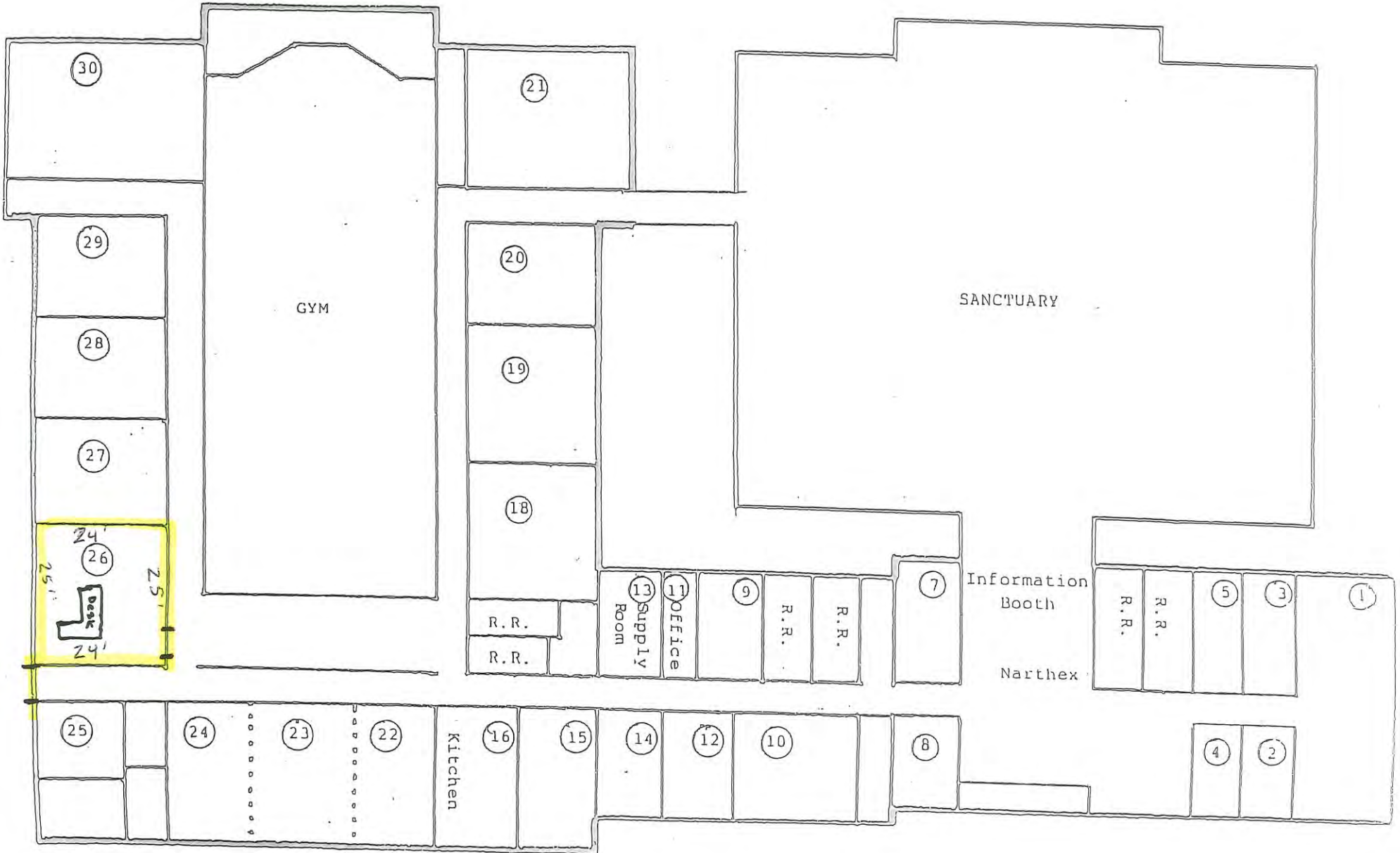
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1006 S 16th Street

2021 Aerial  
Printed on 9/7/2023

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





# LIFEPOINT CHURCH

**LifePoint Church**  
1006 S 16th Street  
Goshen, IN 46526  
574.533.1191

Anthony Cottrell  
**Lead Pastor**

Danyell Myers  
**Family Ministries  
Director**

Amanda Best  
**Kids Point Director**

Heather Doberenz  
**Worship Arts  
Director**

To Whom It May Concern,

I am writing to outline our proposed plan to partner with Community Action of Northeast Indiana, Inc, d/b/a Brightpoint allowing them to utilize an underused space in our church as an office.

We are proposing that Room 26 on the East side of the building be used for this purpose. Room 26 is about 24' x 25' or 600 square feet.

LifePoint Church has 400 seats in the sanctuary, 7 employees, and 213 parking spaces. Brightpoint will be staffing the proposed office space with one employee. The parking spaces meet the requirements of the one space per two employees plus one per three seats in the main sanctuary (minimum requirement is 137 parking spaces). There is also a sufficient number of parking spaces for the office requirement.

Thank you for considering our request for a use variance allowing Brightpoint to utilize our space for an office.

Grace + Peace,

Anthony Cottrell  
*Lead Pastor*

E: [anthony@lifepointgoshen.org](mailto:anthony@lifepointgoshen.org)

M: 765.318.6500





For a Brighter Future.

P.O. Box 10570 | 227 E. Washington Blvd. | Fort Wayne, Indiana 46853-0570 | (260) 423-3546 | (800) 589-2264 (Appt. Line) | www.mybrightpoint.org

### Lifepoint Church Letter of Intent

Community Action of Northeast Indiana, Inc, d/b/a Brightpoint is the largest social service organization in Northeast Indiana by size and number of people we served. In 2022, Brightpoint served 39,664 in 15,922 households across our 15 – county service area. Of these households 74% were at or below 100% of the Federal Poverty Guidelines.

One of our largest programs, in terms of individuals helped in Elkhart County, is our Child Care Development Fund Program (CCDF). The CCDF program provides subsidized childcare vouchers for low-income households with children younger than 13. Parents must be working and/or in school and must select an approved childcare provider to qualify. In 2022, 702 families received subsidized childcare assistance. In 2023, we have seen that number grow to 885 families, touching 1,615 children. Child Care Providers in Elkhart County have received \$6,592,416 in childcare subsidies, so far this year.

Another Brightpoint Program is the Brightpoint Development Fund (BDF), a subsidiary of Brightpoint, provides affordable loans to businesses and consumers, personal financial foundations, and housing-development services. BDF is a small business lending institution backed by the SBA microloan program and a U.S. Department of the Treasury Community Development Financial Institution (CDFI). In 2022, Brightpoint Development Fund served 2,366 people with a total of \$1,162,506.00 in total financial assistance.

Brightpoint currently sees clients one day per week at Child & Parent Services in Elkhart. It was a temporary solution to be physically in Elkhart County to serve our clients. With our services expanding in Elkhart County, we find it necessary to find a more permanent solution to expand our office hours to meet the needs of our clients. We ask that we be allowed to grow our partnership with the Lifepoint Church in putting to use some under utilized space the church has. It is an ideal location in that it is close to the public transportation line, handicap accessible and will allow us to be physically present five days per week.

Thank you for considering our request to be physically present at the Lifepoint Church in Elkhart County.

Sincerely,

Steve Hoffman  
President/CEO

#### Brightpoint Programs

Covering Kids & Families | Energy Assistance | Supportive Housing | Career Academy | Child Care Assistance  
Housing Solutions | Family Development | Supportive Services for Veteran Families | Weatherization  
Early Head Start | Head Start | JAG–Youth Development | AmeriCorps | Brightpoint Development Fund



**LOCATION:** 716 N 7<sup>th</sup> Street  
**CASE NUMBER:** 23-32DV

**DATE:** November 28, 2023  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

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**APPLICANT:** Maria Y. Olvera (owner); Vanessa Mangan (agent)

**REQUEST:** The applicants request a developmental variance to allow demonstrated onsite parking on an existing concrete driveway where open parking is not permitted in the front yard setback

**LOT SIZE:** ± 23,694 SF; ± 312' of frontage (± 132' on 7<sup>th</sup> Street & 180' on East Street); ±180' of depth

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 38

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential

**NEIGHBORHOOD:** Chamberlain Neighborhood

**THOROUGHFARES:** 7<sup>th</sup> Street & East Street

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Design Standards for Parking
  - A.1 Open parking spaces may be located in any yard, except a front yard or the street side of a corner lot

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

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

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### **ANALYSIS**

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The subject property is a single-family home in the Chamberlain Neighborhood on the north side of the City. It is over a half-acre in size and is bounded to the west by 7<sup>th</sup> Street and to the south by East Street. The home on the property has an approximate footprint of 2,056 SF and includes an attached two-stall garage. A stone parking area also exists on the south side of the home; this area appears to have been present since at least 2003, although it is unclear how it was ever approved. Surrounding properties are zoned Residential R-1 and are primarily single-family homes.

The petitioner is proposing to renovate the existing garage to make it occupiable space, so it will no longer be available for vehicle parking. The garage currently serves as demonstrated on site parking for 2 parking spaces, so demonstrated on site parking will be eliminated. The petitioner is instead proposing to use the existing concrete driveway off 7<sup>th</sup> Street as available parking for two vehicles. All or most of this driveway is within the minimum 25' front yard setback, where open parking is prohibited, so a developmental variance is required.

Staff recommends approval of the request. There is ample open space on the remainder of the property to add occupiable space, so denying the request will not create practical difficulties in the use of the property. Nevertheless, a review of GIS aerials show vehicle parking in the front yard setback on existing driveways is common in the same neighborhood and on the subject block. The portion of the concrete driveway between the

property line and the home measures approximately 18' x 24', which is ample space for two vehicles to park side by side and outside the right of way.

### **FINDINGS OF FACT**

Staff recommends **approval** of the request to a developmental variance to allow demonstrated onsite parking on an existing concrete driveway where open parking is not permitted in the front yard setback, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The portion of the concrete driveway between the property line and the home measures approximately 18' x 24', which is ample space for two vehicles to park side by side and outside the 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.** A review of GIS aerials show vehicle parking in the front yard setback on existing driveways is common in the same neighborhood and on the subject block. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will not result in practical difficulties in the use of the subject property.** There is ample open space on the remainder of the property to add occupiable space, so denying the request will not create practical difficulties in the use of the property. *The standard is not confirmed.*

With approval, the following conditions shall apply:

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



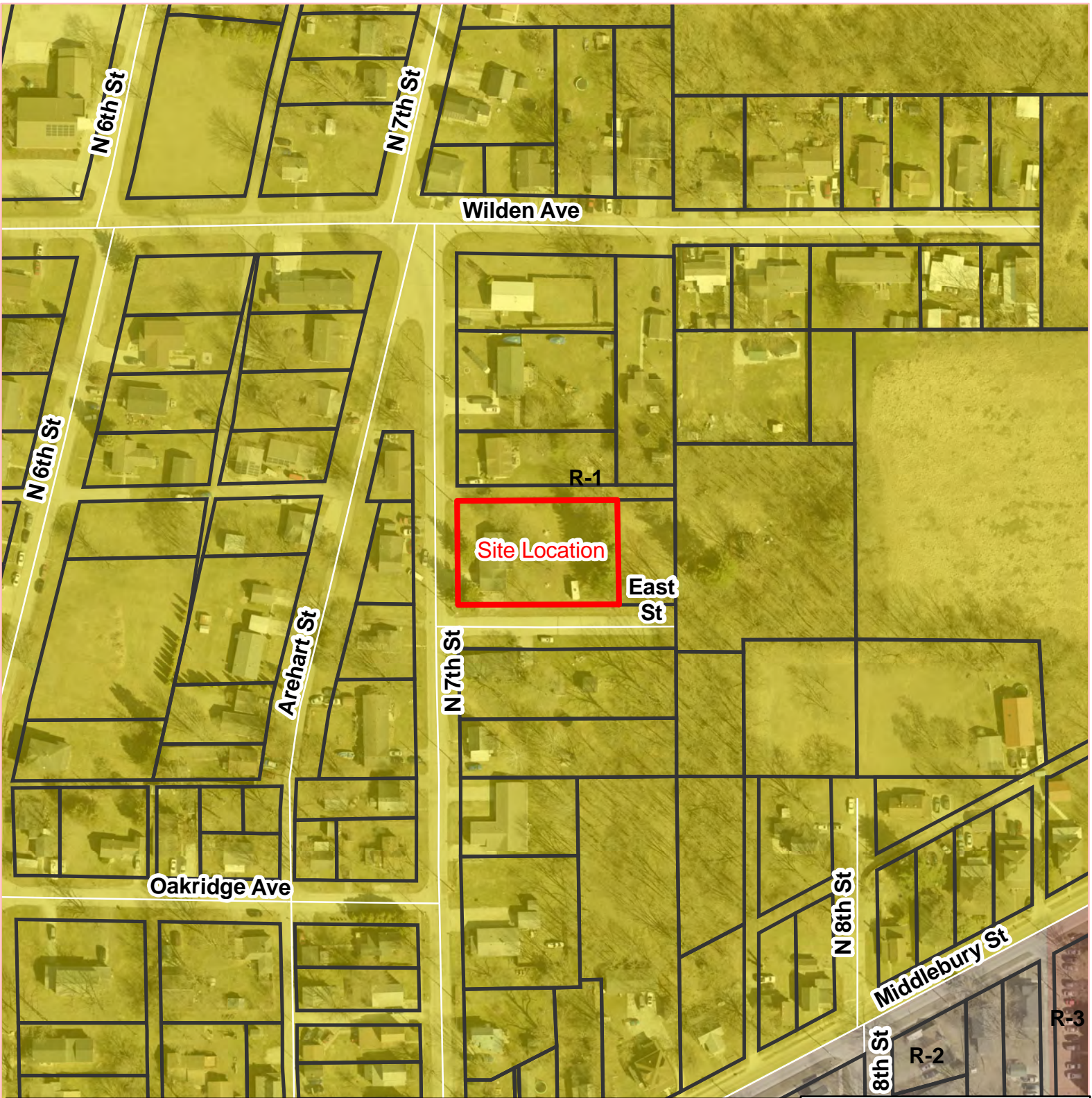
From 7<sup>th</sup> Street looking east at the proposed location of two demonstrated on site parking spaces in the driveway



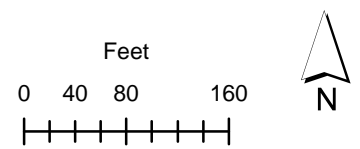
Looking south along 7<sup>th</sup> Street



Looking north from East Street



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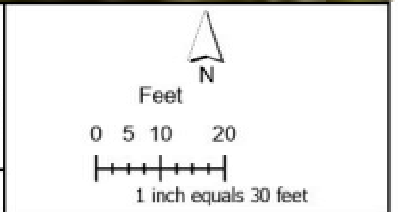
716 N 7th Street

2021 Aerial  
Printed November 9, 2023

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



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2023 Aerial  
 Printed on 10/16/2023

**LOCATION:** 1017 S 14<sup>th</sup> Street  
**CASE NUMBER:** 23-33DV

**DATE:** November 28, 2023  
**PREPARED BY:** Rossa Deegan

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## **GENERAL INFORMATION**

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**APPLICANT:** Amanda Pedroza (owner)

**REQUEST:** The applicant requests a developmental variance to allow a fence 6' in height where 4' is permitted in the front yard setback along Burdick Street

**LOT SIZE:** ± 10,519 SF; ± 115' of frontage; (± 75' on 14<sup>th</sup> Street; ±140' on Burdick Street); ± 140' of depth

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 41

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## **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential

**NEIGHBORHOOD:** Eastern Core (no recognized neighborhood)

**THOROUGHFARES:** 14<sup>th</sup> Street & Burdick Street

**TOPOGRAPHY:** Level

## **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 5130*, Fence Regulations
  - B. Fences Permitted in Residential and Business Districts
    - 1. Fences and walls not exceeding four feet in height shall be permitted in the front yard.

## **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.

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## **ANALYSIS**

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The subject property is a single-family home in the eastern core of the City. It is a corner lot, with frontage along 14<sup>th</sup> Street and Burdick Street. The subject and surrounding properties are zoned R-1, and surrounding properties are predominantly single-family homes. The property and home are typical of the size and style of the neighborhood: the lot is just over 10,000 SF and the home is a single-story ranch with an approximate footprint of 1,440 SF.

In July 2022, the petitioner received zoning clearance approval to install a fence in the front yard along Burdick Street. The fence was approved at 4' in height, running east to west from the corner of the home to the rear (west) property line. Planning recently became aware that the fence was installed at 6' in height. Fences in front yards cannot exceed 4' in height, so a developmental variance is needed.

Staff recommends approval of the request. The property is a corner lot, and the front pedestal and driveway are along the 14<sup>th</sup> Street side of the property. The Burdick Street frontage serves similar to a side yard, where a fence 6' in height would be permitted. The fence is also in line with the south side of the home, so it does not project out into the front yard, will not disrupt the visual field of front yards along Burdick Street, and is approximately 11' front the right of way line where 25' is required. The request is also reasonable, as some degree of privacy on a corner lot would be difficult to achieve without the proposed variance.

The BZA has provided similar approvals for fences when they do not disrupt the visual field of streets or they are on corner lots. BZA approvals have included a 6' tall fence at 411 N 2<sup>nd</sup> Street in May 2021 and a 6' tall fence at 1105 Baker Avenue in June 2021.

### **FINDINGS OF FACT**

Staff recommends **approval** of a developmental variance to allow a fence 6' in height where 4' is permitted in the front yard setback along Burdick Street, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The fence is located 11' from the Burdick Street right of way, so it will not interfere with pedestrian or vehicle maneuvering in that area. *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 fence is in line with the south side the home, so it does not project out into the front yard, will not disrupt the visual field of front yards along Burdick Street, and is approximately 11' front the right of way line. *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 request is reasonable, as some degree of privacy on a corner lot would be difficult to achieve without the requested variance. *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. The bare soil exposed from vehicle parking on the south side of the subject fence shall be stabilized with a vegetative cover such as grass no later May 1, 2023.
5. The two-axle trailer parked in the driveway shall be permanently removed from the property within 15 (fifteen) days of this approval.



Looking northwest from the intersection of 14<sup>th</sup> Street and Burdick Street

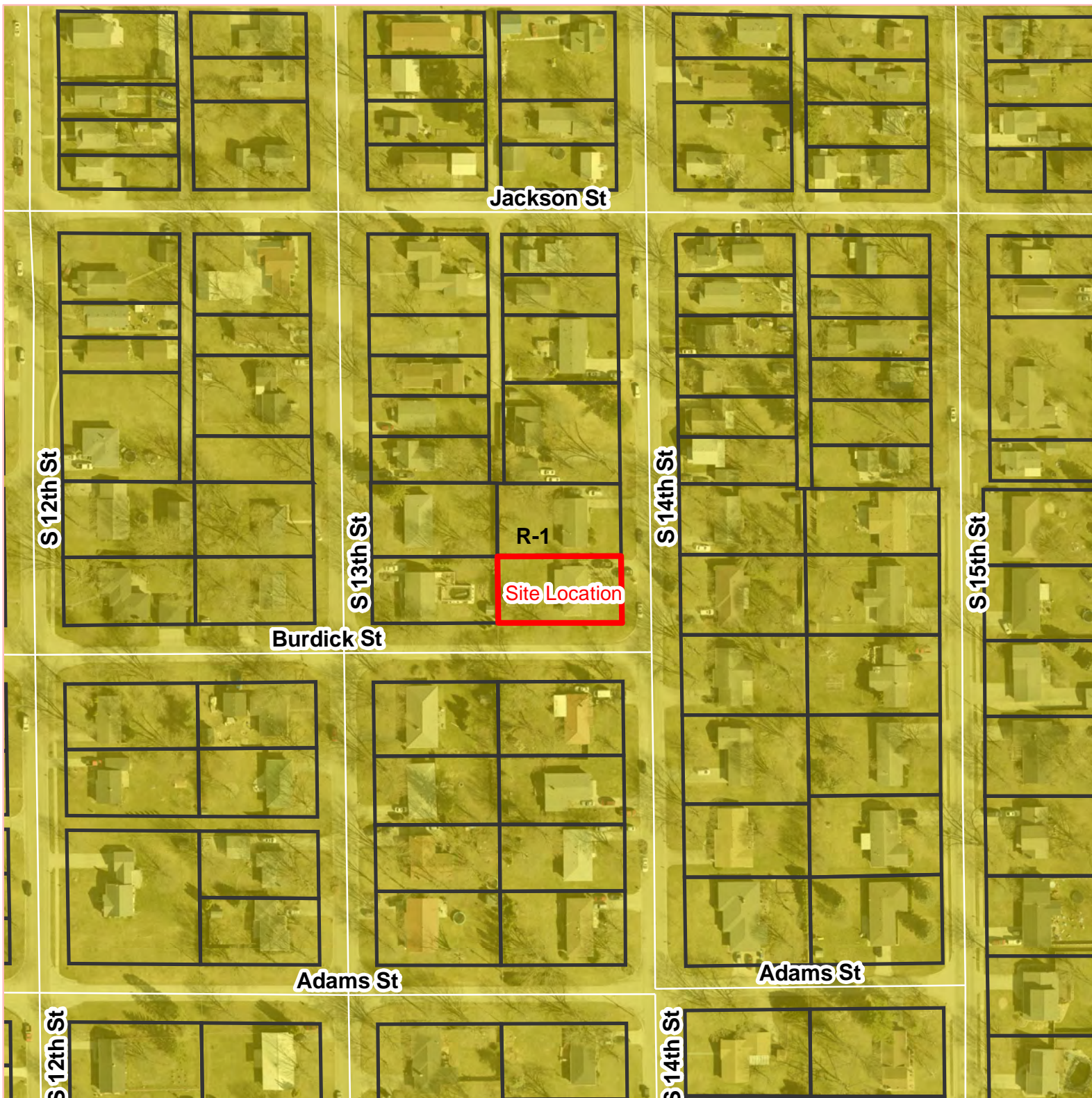




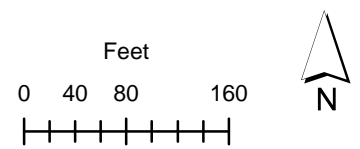
Looking west along the south property line from 14<sup>th</sup> Street



Looking northwest from Burdick Street



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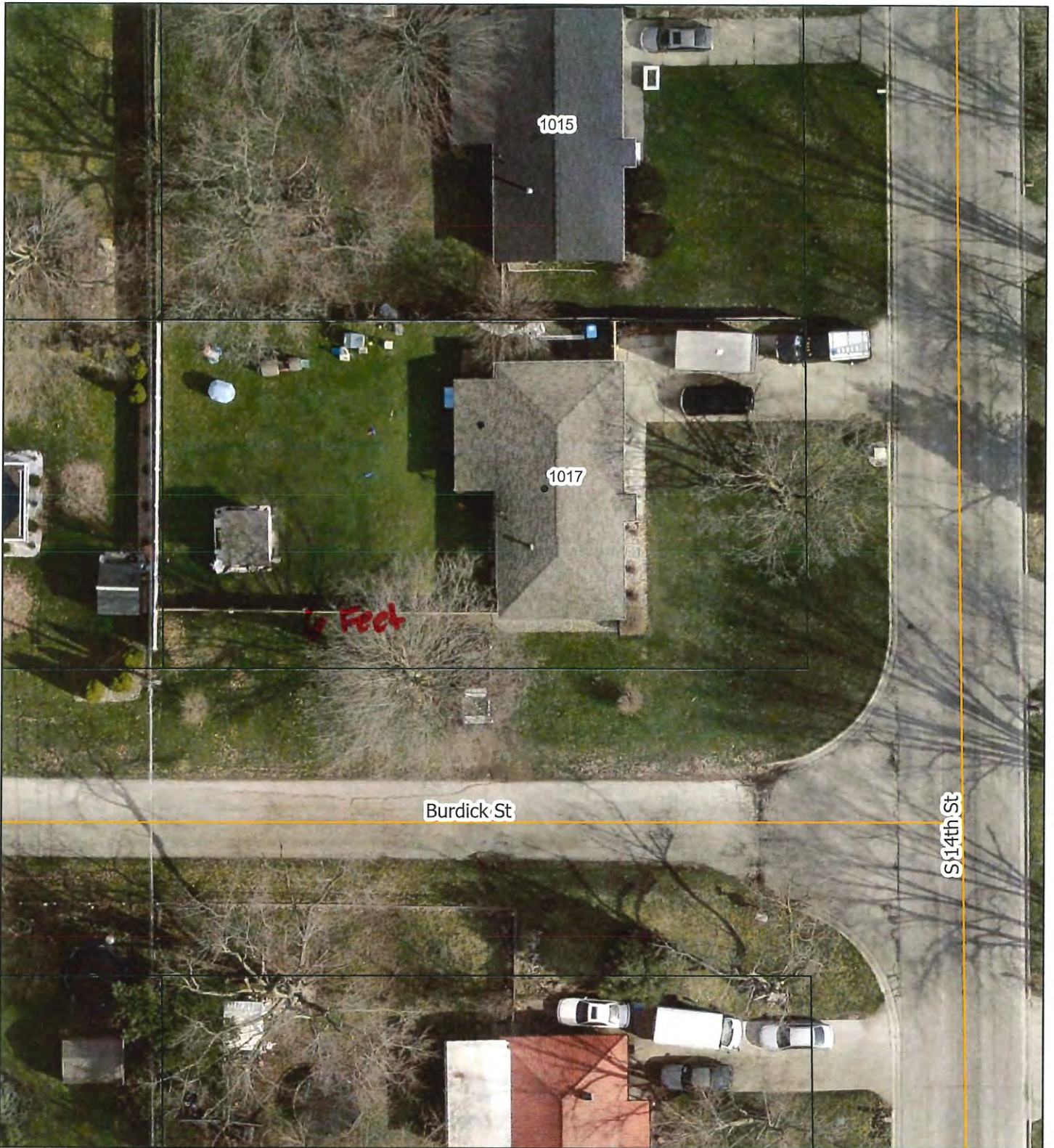


1017 S 14th Street

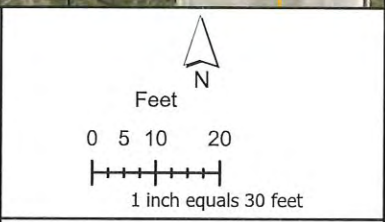
1 inch = 150 feet

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1017 S 14th Street

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GOSHEN CITY PLAN COMMISSION 2024

MEETING DATES

JANUARY 16  
FEBRUARY 20  
MARCH 19  
APRIL 16  
MAY 21  
JUNE 18  
JULY 16  
AUGUST 20  
SEPTEMBER 17  
OCTOBER 15  
NOVEMBER 19  
DECEMBER 17\*

FILING & SITE PLAN DEADLINE

DECEMBER 27, 2023  
JANUARY 31  
FEBRUARY 28  
MARCH 27  
MAY 01  
MAY 29  
JUNE 26  
JULY 31  
AUGUST 28  
SEPTEMBER 25  
OCTOBER 30  
NOVEMBER 27

GOSHEN CITY BOARD OF ZONING APPEALS 2024

MEETING DATES

JANUARY 23  
FEBRUARY 27  
MARCH 26  
APRIL 23  
MAY 28  
JUNE 25  
JULY 23  
AUGUST 27  
SEPTEMBER 24  
OCTOBER 22  
NOVEMBER 26  
DECEMBER 17\*

FILING & SITE PLAN DEADLINE

JANUARY 03  
FEBRUARY 07  
MARCH 06  
APRIL 03  
MAY 08  
JUNE 05  
JULY 03  
AUGUST 07  
SEPTEMBER 04  
OCTOBER 02  
NOVEMBER 06  
NOVEMBER 27

The Plan Commission normally meets on the third Tuesday of each month at 4:00 p.m., and the Board of Zoning Appeals normally meets the fourth Tuesday of each month at 4:00 p.m. Both meetings are held in the Council Chambers, Goshen Police and Courts Building, 111 E. Jefferson Street, Goshen, Indiana. Questions about the filing procedures should be directed to the Planning and Zoning Department at 204 E. Jefferson Street, Suite 4, Goshen, IN 46528; [planning@goshencity.com](mailto:planning@goshencity.com); 574-534-3600.

***\*Due to the Christmas holiday, the December BZA meeting will follow the Plan Commission meeting.***