

*Agenda*  
GOSHEN BOARD OF ZONING APPEALS  
Tuesday, January 23, 2024, 4:00 P.M.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I. Roll Call
- II. 2024 Board of Zoning Appeals Appointments
- III. Election of 2024 Officers
  - Chair
  - Vice Chair
  - Secretary
- IV. Approval of Minutes from 11/28/23
- V. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- VI. Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- VII. **Developmental Variances**– public hearing items
  - 24-01DV** – AG Holdings, LLC, and Abonmarche Consultants request developmental variances for the proposed two-lot major commercial subdivision, Red Oak, to allow a lot with no street frontage and no direct street access. The subject property is generally located on the south side of Eisenhower Drive North, west of Caragana Court, with a common address of 2312 Eisenhower Drive North, containing ±1.8 acres, zoned Commercial B-3.
  - 24-02DV** – Dennis M Landis, Susan Mark Landis, and Abonmarche Consultants request developmental variances for the proposed two-lot major residential subdivision, Double Oak, to allow both lots with no street frontage, no direct access to a street, and to be developed with no connection to City water. The subject property is generally located north of Lincoln Avenue and east of Steury Avenue, with a common address of 820 Steury Avenue, containing ±26.77 acres, zoned Residential R-2.
  - 24-03DV** – LaCasa Real Estate Holdings, LLC, requests developmental variances to allow a residential building lot with 33’ of frontage where an established front lot line of not less than 66’ is required, 3’ (north and south) side building setbacks where a minimum of 8’ is required, and for the variance to be valid for 18 months, for the construction of a new single family home. The subject property is generally located at 317 S 10<sup>th</sup> Street and is zoned Residential R-1 District.
  - 24-04DV** – Mark Linn, heir of Steve & Debra Linn, requests developmental variances to allow an 8’ front building setback along Plymouth Avenue where 35’ is required for an approximately 261 SF porch addition, and to allow a fence 6’ in height in the front yard along Plymouth Avenue where fences cannot exceed 4’ in height. The subject property is generally located at 821 S 14<sup>th</sup> Street and is zoned Residential R-1 District.
- VIII. Audience Items
- IX. Staff/Board Items
- X. Adjournment

Minutes - Goshen Board of Zoning Appeals  
Tuesday, November 28, 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, Tom Holtzinger, Lee Rohn, and Michael Potuck. Also present were Assistant City Planner Rossa Deegan, and Assistant City Attorney Don Shuler. Absent: Bethany Campbell.

**II.** Approval of Minutes from 10/24/23: Lauver/Rohn 4-0

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

**IV.** Postponements/Withdrawals - None

**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.

*Staff Report*

Mr. Deegan referenced the zoning aerial noting the site location is part of two zoning districts B-1 and R-3. He said this property is on the north side of Lincoln Avenue, just north of Linway Plaza. He noted the four commercial zoning districts on the aerial, B-1, B-2, B-3 and B-4, are all adjacent to this along with the residential neighborhood R-3. He mentioned on the property there was a single family home and a large existing commercial building. He gave examples of past businesses that were located there and described the two parts to the request before them. Part one allowing an auto detail and dent repair in the large commercial building and the second part for allowing signs in excess of what is permitted in the Zoning Ordinance. He described proposed services the auto detail and repair shop would provide, noting vehicles are currently washed off site but they would like to use a bay at the northeast corner of the building to do that. He added all work on the vehicles will be done indoors, primarily at the west portion of the building which is zoned R-3. He said some of the existing signs can be approved by staff, not including the illuminated window sign and 16 proposed vinyl window signs which need the Board's approval.

Staff recommends an amended approval for the signs reducing them to two non-illuminated window signs in addition to one illuminated window sign which would keep it consistent with other commercial properties. He stated approval of the auto repair business is warranted with conditions and commitments as specified in the packet. He went on to point out a few of the conditions noting #3-6 are important as the property is in the regulatory floodplain and those conditions need to be dealt with to meet requirements. He also added that #6 states the building must be brought into compliance with Building and Fire Code in forty-five days. Next, he touched on commitments noting #2 defines what type of auto body and repair work can be done; #4 prohibits outside storage; and #5 prohibits outside display; #6 ensures they obtain approval from Engineering to use the bay for vehicle washing; #7 limits the types of vehicles that can access the site; and finally #8 addresses meeting Flood Protection Grade for storage of chemicals.

The Planning Office did not receive any public comments on this request.

*Petitioner Presentation:*

Matthew Miller, 68548 C.R. 33, Goshen, Indiana, stated David is the tenant who could probably describe the plans better and asked if anyone had questions for him. Mr. Rohn asked if they foresaw any issues with bringing the building up to code per conditions or meeting the commitments outlined in the staff recommendation? Mr. Miller replied no he did not see an issue and stated he personally was not there when Building and Fire did a walk through so he wanted to talk to them about a few items. Mr. Deegan explained if it proceeds with approval, to contact the Planning office the next day so he can be put in touch with Building and Fire inspectors.

Kevin Carr, 7984N 625W, Nappanee, Indiana, described the operation as “super green”, environmentally safe and included paint-less dent repair and vehicle wraps. He expressed they would like to get approval to wash the cars on site, but they could keep doing them off site if the Board decided against it. Mr. Carr then presented the board with a proposal from Premiere Signs for vinyl window signs and passed out copies of proposal to board. Let it be noted this proposal was different from what was submitted in the request. Mr. Potuck asked if it was for 16 window signs or less? Mr. Carr explained it would go on 8 windows. Discussion followed regarding what was requested, what the Zoning Ordinance allows, and what the staff recommended. Mr. Carr explained the new proposal would eliminate the ribbon at the top and the ribbon at the bottom of the windows and replace it with one going across the middle, from 16 to 8 window signs.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

Staff discussed new sign request and Mr. Deegan reiterated that the staff is not recommending approval of something that large for a residential zoning district, however they would allow the proposed illuminated window sign of 5 SF and up to two 8 SF vinyl window signs. A discussion ensued on how the new proposal is less than the original proposal, but still more than what is permitted in the ordinance.

*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 23-08UV & 23-28DV with the 7 conditions and 8 commitments as listed in the Staff Report. The motion passed unanimously by a vote of 4 to 0.

**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.

*Staff Report*

Mr. Deegan explained it is a single family home located in the West Goshen neighborhood zoned R-2. He said 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. He went on to describe the proposed changes including the addition of a single stall attached garage. He noted the garage would have an 8’ front set back where 35’ is required, therefore, a developmental variance is needed. He stated while the home is less than the average setback of 11’ there is a home directly west with a 6’ front building setback. He went on to say that overall the project is in line with characteristics of the street and block.

The Planning Office did not receive any public comments on this request.

*Petitioner Presentation:*

Nate Kauffman, 5593 Fir Rd., Bremen, Indiana. He stated he did not have much to add except that the home has not seen a lot of investment over the years and there have been some additions cobbled onto it which they are proposing to remove during the remodel to beautify the neighborhood. Discussion followed on how the home had been a rental, but will now belong to the parents of a family who live next door. Mr. Lauver asked if they could complete the renovations within the specified six-month time frame. Mr. Kauffman agreed it could be done.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Potuck/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-29DV with the 6 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 4 to 0.

**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.

*Staff Report*

Mr. Deegan explained this property is a quarter-acre lot directly south of the City Annex Building. Noting it is zoned B-2 with a single-family home and a large duplex at the rear of the property that appears to be a former carriage house. He said the petitioners recently installed an approximately 96 SF storage shed on the property without zoning clearance approval and they are now seeking that approval. He stated it currently has a 1’ setback from the north property line where 5’ is required from the side yard so a variance is needed. He explained this request is relatively difficult to substantiate with regards to the criteria that deal with practical difficulties as there is ample room on the property including within the existing footprint of the buildings for storage.

Staff recommends approval of this request based on the proposed location if it maintains a safe 5’ setback from the rear property line as it is a small, inconspicuous shed.

The Planning Office did not receive any public comments on this request.

*Petitioner Presentation:*

Justin Tarman, 312 S. 5<sup>th</sup> Street, Goshen, stated he agreed with most of what the staff said and clarified that the rear building is a former carriage house that is currently two rentals. He said those units are practically leased all of the time and are not viable for storage for his family as the units are occupied. He explained the small storage shed is encompassing everything they need for outdoor equipment, ladders and stuff needed for maintenance. He went on to say they removed an older shed that was falling down in bad shape that had a similar setback. Discussion followed regarding the location of the old shed, which was not in the same place as the current one, and if the new one was moveable, which it is.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Potuck/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-30DV with the 4 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 4 to 0.

**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.

*Staff Report*

Mr. Deegan explained the property is a single family home in North Meadow estates, zoned residential R-1, and is completely surrounded by single family homes. He stated petitioners are seeking approval for work that has already been done as they installed an approximately 570 square foot open air structure used as a gazebo over a concrete patio. He said petitioners have also parked a vehicle in this area and would like to do so again when the correct approvals are in place. He noted the structure has a 2’ setback from the west property line where 5’ is required so a developmental variance is needed.

Staff recommends approval given the grading in the backyard would make it difficult to install a similar structure in that location. He noted that if the board approves, the area cannot be used as a carport until a connection is made between the driveway and that pad. He stated staff recommends that a BZA stipulation require that this connection is hard surface.

The Planning Office did not receive any public comments on this request.

*Petitioner Presentation:*

Alberto Sanchez, 519 Van Gilst Drive, Goshen, Indiana, stated he always wanted to have a patio and gazebo for his family to relax under and agreed with staff that the backyard is too slanted for this. Mr. Rohn asked if he parked a vehicle under there. Mr. Sanchez explained not normally, he was helping his son after hitting a pothole. A discussion followed that concrete would have to be placed there if a vehicle would be parked in that location. The petitioner agreed and stated it would have to wait until next year when the weather warmed up.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Rohn/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-31DV with the 5 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 4 to 0.

**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.

*Staff Report*

Mr. Deegan explained Planning files indicated the property was used as an elementary school dating as far back as 1850s and in August of this year use of the building changed to technical school classes for the high school. He said the former gym in the building is now being used as a shop class and a dust collector is needed to remove particulates from the air. He noted Goshen Schools is wanting to add the dust collector to the exterior of the west side of the building placing it approximately 73’ feet from an adjacent residential property where a minimum of 100’ is required. He stated this is going to require a use variance because the 100’ setback is part of the conditional use requirements for schools. He went on to say that the dust collector right now is at the high school and is going to be moved to this new location. He said that when it is installed it will be enclosed with a 12’ fence in an area approximately 280 SF.

Staff recommends approval with a number of conditions and commitments. Mr. Deegan stated the primary concern is the impact this type of machinery would have on adjacent residences. He explained that staff is recommending requiring that 12’ fence and would like to add the addition of sound blocking material to adequately reduce noise. He stated the dust collector should only be used for school purposes during daytime hours and the tree being removed from the property should be replaced with either a large species evergreen tree or five narrow evergreen trees.

The Planning Office did not receive any public comments on this request.

*Petitioner Presentation:*

Don Ritter, 12080 Camelot Trail, Milford, Indiana, stated he is the school’s facility director and managing the project. He said the school decided to change the use of the building and moved the construction class over to this building. He explained they wanted to expand the project and it requires this dust collector to collect the dust off of the saws and equipment. He stated they had added air filtration systems, but it is not sufficient.

Mr. Holtzinger asked about the decibels the dust collector created. Mr. Ritter explained it is 82.9 dBA, which was equivalent to about traffic traveling by. Discussion followed regarding noise and the sound material proposed that could eliminate up to 28 decibels. Mr. Holtzinger asked the petitioner if he would be opposed to a requirement to add the sound material to reduce noise by 28 decibels? Mr. Ritter stated they did not have a problem with that. Mr. Holtzinger added the sound barrier would reduce noise to approximately 55 decibels. Mr. Ritter explained his plans for the installation of a fence with sound reduction material. Discussion followed having a stipulation that the dust collector should only be run during the daytime hours of 8:00-5:00 PM and should not be used for an evening class.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

The board discussed amending commitment #4 to read, “The dust collector shall be enclosed by a fence 12’ in height, and the fences shall be covered on all sides by a sound control material that reduces sound a minimum of 28 decibels.”

*Action:*

A motion was made and seconded, Potuck/Rohn, to adopt the amended Staff recommendations as the findings of the Board and based on these findings, approve 23-09UV with the 5 conditions and 5 commitments as listed in the Staff Report with the addition of the sound barrier. The motion passed unanimously by a vote of 4 to 0.

**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.

*Staff Report*

Mr. Deegan explained this is an almost 5-acre church property with frontage on 16<sup>th</sup> Street and Fairfield Avenue and it is a short distance west of the Lincolnway East corridor. He stated the main building on the property is a church sanctuary which also includes offices and a gymnasium with over 200 on-site parking spaces. He noted the property is zoned R-1 and R-2 and surrounding properties are predominately residential. He said the church would like to allow the use of one of the rooms for the office of a social service organization and that while churches are a conditional use in the R-1 and R-2 districts, business offices are not permitted so a use variance is required.

Staff recommends approval of the request for one room to be used for an office. Mr. Deegan referenced the site layout in the packet to note the proposed location of the office and noted there is ample parking for both uses.

The Planning Office did not receive any public comments on this request.

*Petitioner Presentation:*

Anthony Cottrell, 512 Noelwood Drive, Goshen, Indiana, introduced himself and said he did not have anything to add to the staff report.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Potuck/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-10UV with the 4 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 4 to 0.

**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.

*Staff Report*

Mr. Deegan explained this is a single family home on the corner of 7<sup>th</sup> and East Street on the north side of Goshen. He said petitioners are proposing to remodel the existing attached garage to make it occupiable space which would eliminate the two parking spaces that would be considered the demonstrated on-site two parking spaces for vehicles. He reminded the board that single family homes have a requirement of two on-site parking spaces. He stated petitioners are proposing to use the open parking area of their driveway that comes off 7<sup>th</sup> Street and this will need a developmental variance because the demonstrated parking is open parking in the front yard. He said that staff report notes this does not meet the practical difficulties criterion because the petitioners have ample room in the rest of the property to add occupiable space, such as in the backyard. He stated still approval can be granted based on similar open parking occurring on adjacent properties, therefore staff recommends approval of the request.

The Planning Office did have a phone call from owner of 805 Arehart which was a general inquiry with no comments in support or opposition.

*Petitioner Presentation:*

Petitioner was not present.

*Audience Comments:*

Carla Munoz (aka) Carla Bocanegra, 412 East Wilden Avenue, Goshen, Indiana, stated her backyard is attached to their backyard. She stated that she thinks they should be able to do it if they can.

*The public hearing was closed.*

*Staff Discussion:*

A discussion followed on the aerial map showing gravel parking for two cars and how that parking was existing prior to 2003 records. Mr. Deegan explained that after that time, requirements for hard surface parking were instituted and to his knowledge there was not Board of Works approval either for the gravel or a second driveway. He said a conforming driveway coming off 7<sup>th</sup> Street is the appropriate place to make this request. Discussion continued on how the proposed parking area meets setback and standards.

*Action:*

A motion was made and seconded, Holtzinger/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-32DV with the 4 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 4 to 0.

**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.

*Staff Report*

Mr. Deegan explained this is a single family home on the corner of 14<sup>th</sup> and Burdick Street. He said surrounding properties are also single family homes and zoning is R-1. He stated in July 2022, petitioner received approval for a fence 4' in height running east-west through the front yard along Burdick Street and a conditional use permit for a child care in the home was approved around the same time. He added the fence was a requirement for the child care home to allow children to play outside. Mr. Lauver asked for clarification on if the fence was supposed to be 6'. Mr. Deegan explained the petitioner was approved for a 4' fence and there was no stipulation in the conditional use for a child care home for the size of the fence, however, they installed a 6' fence and that is not permitted. He said a developmental variance is now needed.

Staff recommends approval based on the fact that the true front of the home faces 14<sup>th</sup> Street, so Burdick Street serves more as a side yard in this case. He noted the 6' fence is in line with the home and does not stick out into the yard in anyway nor does it appear to upset the character of the neighborhood. He also pointed out a couple of possible zoning violations present and asked the board to approve the request with conditions to address them, which includes removing a large trailer from the property and reseeding grass where a vehicle had been parked on an unapproved surface.

The Planning Office receive public comments from numerous property owners on this request. The owner of 1014 S. 14<sup>th</sup> Street stated she was not in opposition but was concerned that the fence was there to conceal some non-residential activity. The owner of 1010 S. 14<sup>th</sup> Street had a similar comment saying she was not opposed to the fence but wondered why it was needed and also commented that the trailer parked on the property created traffic issues. Mr. Deegan stated including the conditions to resolve those zoning matters would be helpful in this case.

*Petitioner Presentation:*

Amanda Pedroza, 1017 South 14<sup>th</sup> Street, Goshen, Indiana, stated in regards to the violations that the trailer has already been removed along with other stuff at the side of the house. She said they will plant more grass next summer. She explained she has a licensed daycare and installed a 6' fence to ensure the safety of the children. Discussion followed that petitioner is not hiding any activities and the fence was to keep the children at the daycare safe.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Potuck/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-33DV with the 5 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 4 to 0.

**VI.** Audience Items  
None

**VII.** Staff Board Items  
• 2024 BZA Calendar

Mr. Deegan explained the BZA calendar is set by the Plan Commission and is being provided so members are aware when 2024 meetings will be held. No action is required from Board members.

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

Respectfully Submitted:

---

Theresa Cummings, Recording Secretary

Approved By:

---

Tom Holtzinger, Chair

---

Lee Rohn, Secretary



**LOCATION:** 2312 Eisenhower Drive North  
**CASE NUMBER:** 24-01DV

**DATE:** January 23, 2024  
**PREPARED BY:** Rossa Deegan

---

**GENERAL INFORMATION**

---

**APPLICANT:** AG Holdings, LLC (owner); Abonmarche Consultants (agent)

**REQUEST:** The applicants request developmental variances for the proposed two-lot major commercial subdivision, Red Oak, to allow a lot with no street frontage and no direct street access

**LOT SIZE:** ±1.8 acres; ±190' of frontage; ± 416' of depth

**APPLICABLE ZONING:** B-3

**NOTICES SENT:** 10

---

**SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Industrial, commercial

**NEIGHBORHOOD:** Goshen Industrial Park

**THOROUGHFARES:** Eisenhower Drive North (no direct access)

**TOPOGRAPHY:** Level

**VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4210.3*, Area, Width, and Yard Regulations of the B-3 District  
A. **Minimum Lot Area and Width.** All new uses developed in this district shall be on a lot having...a width at the established front lot line of not less than 80 feet.
- ◇ Goshen Zoning Ordinance, *Section 4210.12*, Miscellaneous Regulations  
A. All uses in this district must have all vehicle access points on a collector or arterial street.

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

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

---

**ANALYSIS**

---

The subject property is an approximately 1.8-acre site on the south side of Eisenhower Drive North. Zoning is B-3 and improvements include an approximately 10,000 SF office building and 47 parking spaces. Properties to the east and west are also zoned B-3 and include a church and veterinary office; otherwise, industrial zoning and uses predominate the area.

Over a decade ago, the petitioner planted several hundred trees in the rear of the property, south of the building and parking lot. As the trees continue to mature, the petitioner would like to establish a conservation easement/tree preserve over that portion of the property. The petitioner is now in the process of subdividing the property to separate the tree area from the commercial use. In December 2023, the Plan Commission gave primary subdivision approval for a two-lot major commercial subdivision of the property. The building and parking area are located on the proposed Lot 1, which is approximately 1.07 acres in size, and the tree preserve is located on the proposed Lot A, which is 0.74 acres.

Lot 1 meets all developmental requirements; however, Lot A will have no street frontage and no direct access to a street as required by the B-3 District developmental standards, so developmental variances are needed. Approval of the variances must be in place before secondary subdivision approval is granted.

Approval is warranted. No new construction will take place as a result of the subdivision, and the trees to be preserved are existing. While frontage and street access requirements are necessary for uses that include routine human activity, especially vehicle access, the proposed tree preserve is a static use. Occasional access to Lot A for tree maintenance or maintenance of the existing stormwater retention basin will be needed, but will be so infrequent that requiring direct access to the site is impractical. The existing parking on Lot 1 for the office building exceeds the minimum parking requirement, so occasional vehicle parking and maneuvering related to the tree preserve can be adequately accommodated with an access easement.

Goshen's Comprehensive Plan seeks to "maintain, grow, and promote Goshen's urban forest program" (Goal 4 for Natural Environment). Approval of the proposed variances will allow the subdivision process to continue so that the tree preserve is implemented.

### **FINDINGS OF FACT**

---

Staff recommends **approval** of developmental variances for the proposed two-lot major commercial subdivision, Red Oak, to allow a lot with no street frontage and no direct street access, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Approval allows the preservation of trees, which are beneficial to human respiratory function. Emergency access to other active uses will not be impeded as a result of the 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.** No new construction will take place as a result of the approval, and the trees to be preserved are existing. *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 tree preserve is a static use. Occasional access to Lot A for tree maintenance or maintenance of the existing stormwater retention basin will be needed, but will be so infrequent that requiring direct access to the site is impractical. *The standard is confirmed.*

With approval the following conditions shall apply:

1. The variance is fully effective when secondary subdivision approval is granted and the subdivision is recorded.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.



Looking south across Eisenhower Drive North



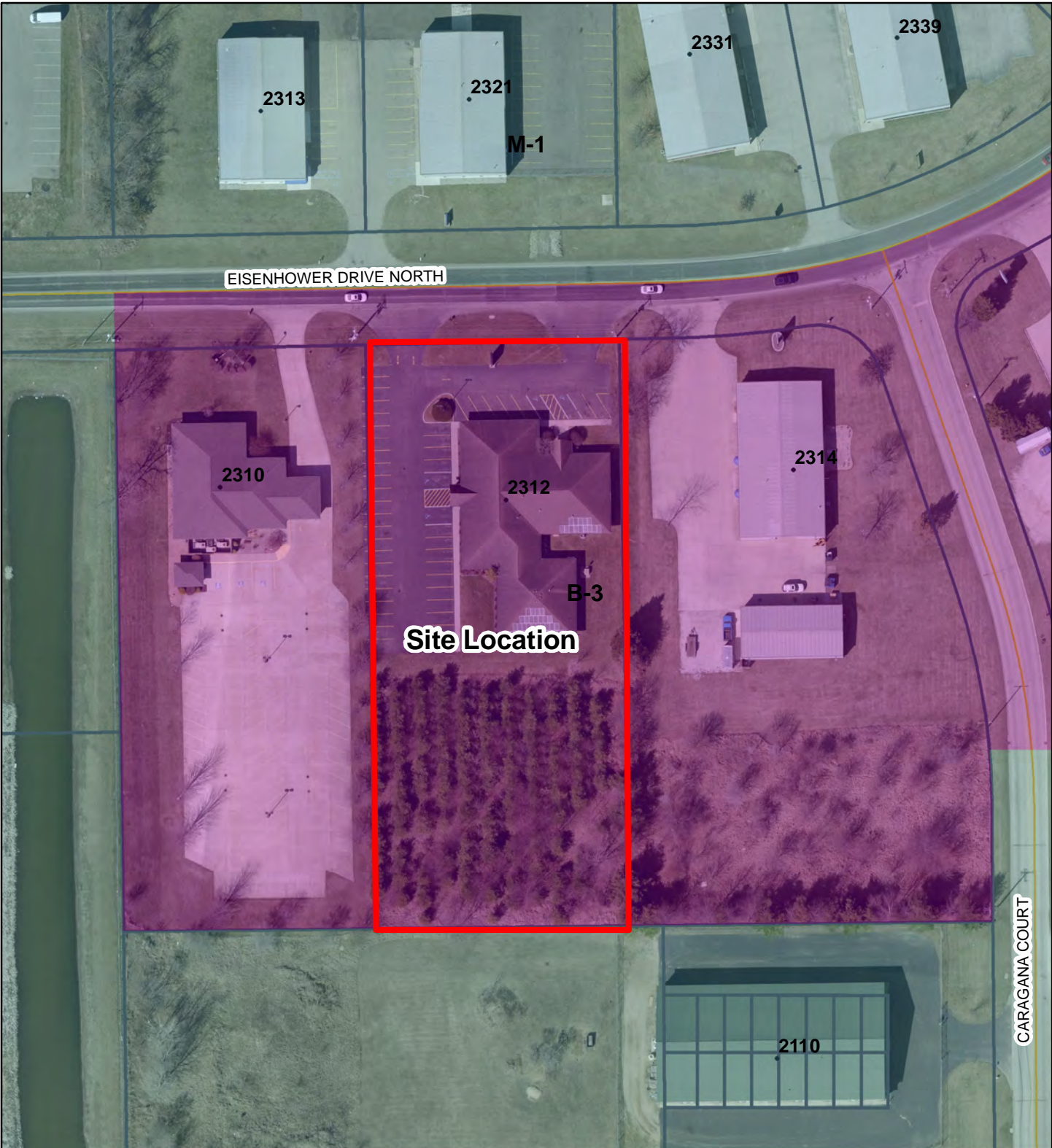
From proposed Lot 1, looking south at proposed Lot A



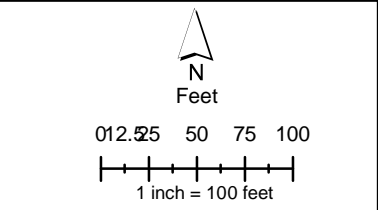
Interior photo of Lot A, looking southeast towards stormwater retention area



Looking west along diving line between the proposed Lot 1 and Lot A



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.



**Red Oak Subdivision, 2312 Eisenhower Drive North**

Zoning Map & 2021 Aerial  
 Printed November 29, 2023

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

November 29, 2023

Ms. Rhonda Yoder Planning and Zoning Administrator  
City of Goshen Planning and Zoning Department  
204 East Jefferson Street, Suite 4  
Goshen, IN 46526

**RE: 2312 EISENHOWER DRIVE NORTH**

To Whom It May Concern:

Ag Holdings LLC, the owner of parcel 20-11-23-402-001.000-015, requests approval for subdivision of said parcel. The intent of the subdivision is to create one lot for the existing commercial building and one lot (Outlot A) for a tree preserve / conservation easement. Both lots will meet requirements for the Commercial B-3 Zoning District, with the following exceptions for Outlot A

- No direct access to an approved street
- No frontage
- Off-site parking for Outlot A

These exceptions will be submitted to the Board of Zoning Appeals for approval.

Use of Outlot A is restricted to conservation only. No development is planned for this subdivision.

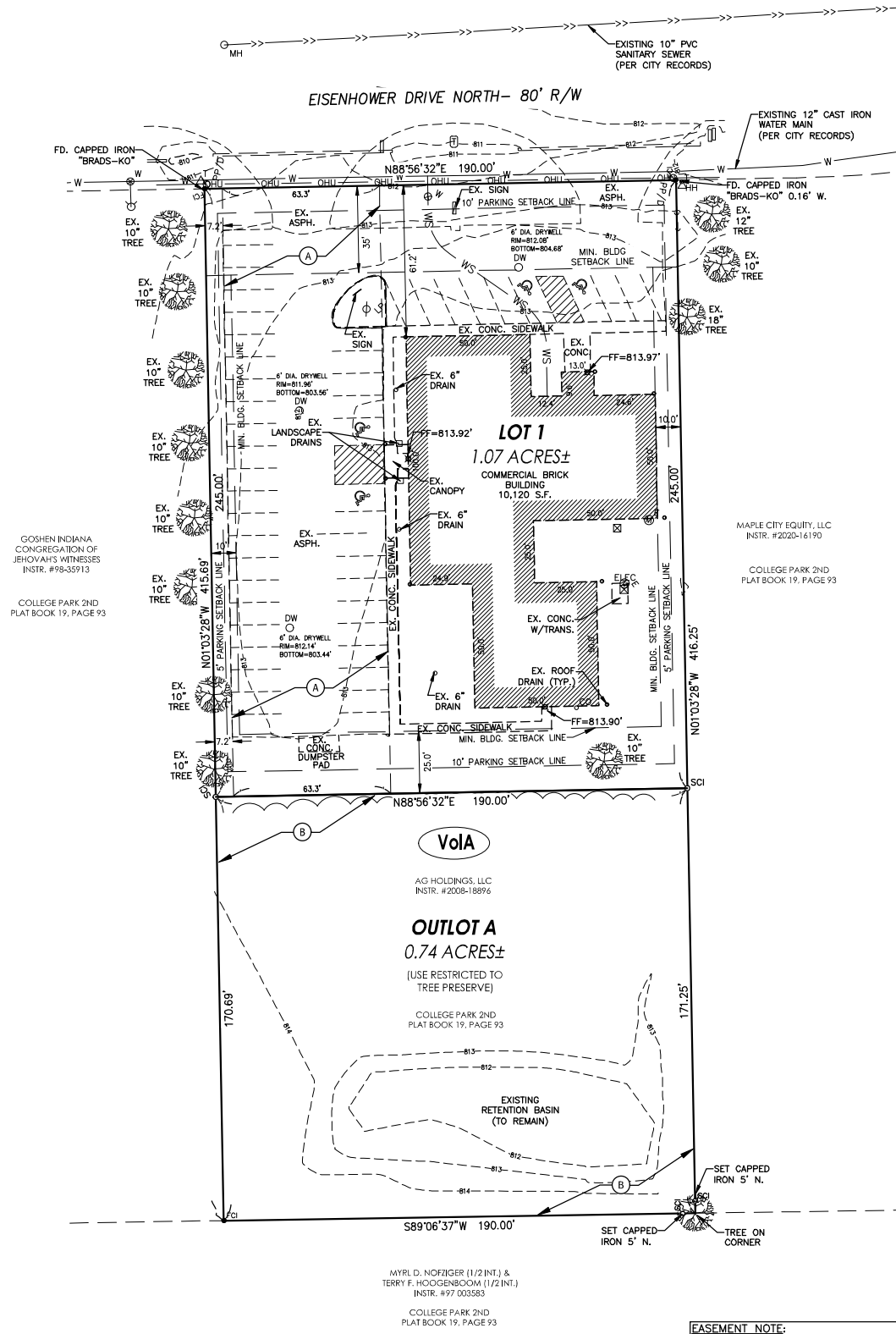
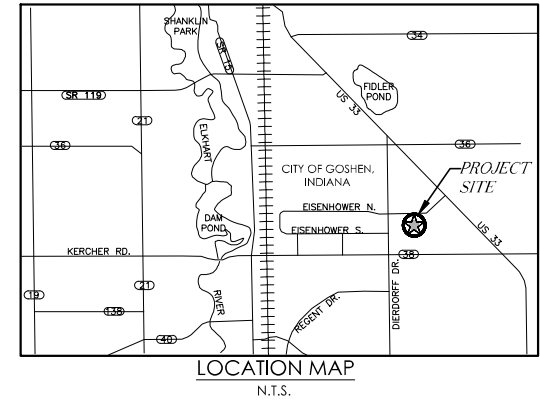
Best Regards,



---

Evan J. Miller, Ag Holdings LLC

**RED OAK  
PRIMARY SUBDIVISION**  
A PART OF THE RECORDED PLAT OF COLLEGE PARK SECOND (PLAT BOOK 19, PAGE 93),  
SAID PLAT BEING SITUATED IN SECTION 23, TOWNSHIP 36 NORTH, RANGE 6 EAST,  
CITY OF GOSHEN, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA  
ADDRESS: 2312 EISENHOWER DRIVE NORTH, GOSHEN, IN 46526  
TAX ID#: 20-11-23-402-001.000-015



**GENERAL NOTES**

- SUBDIVISION AREA: 1.81± ACRES  
LOT 1: 1.07± ACRES  
OUTLOT A: 0.74± ACRES
- EXISTING LAND USE: BEACON OFFICES & HERTZLER SYSTEMS, INC. OFFICES.
- THE EXISTING BUILDING IS CURRENTLY SERVICED BY THE CITY OF GOSHEN MUNICIPAL SANITARY SEWER AND WATER.
- THE FOLLOWING DEVELOPMENTAL VARIANCES WILL NEED GRANTED BY THE CITY OF GOSHEN BOARD OF ZONING APPEALS (BZA) PRIOR TO THE SECONDARY PLAT BEING APPROVED AND RECORDED.  
A) TO ALLOW FOR NO FRONTAGE ON OR DIRECT STREET ACCESS TO OUTLOT A.  
B) TO ALLOW FOR ACCESS TO OUTLOT A THROUGH AN EASEMENT ON LOT #1.  
C) TO ALLOW PARKING FOR OUTLOT A TO BE PROVIDED ON LOT #1.
- PROPOSED CROSS ACCESS, PARKING & DRAINAGE EASEMENTS WILL BE ESTABLISHED UNDER A PRIVATE AGREEMENT TO BE RECORDED AND REFERENCED ON THE SECONDARY PLAT.
- SETBACKS SHOWN ARE PER B-3 (COMMERCIAL-GENERAL)  
FRONT YARD = 35 FEET ON ARTERIAL STREETS  
SIDE YARD = 10 FEET  
REAR YARD = 25 FEET
- PARKING:  
NUMBER OF EMPLOYEES: 7-19  
AREA OF OFFICE SPACE: 10,000 S.F.  
SPACES REQUIRED: 29-35  
SPACES PROVIDED: 47 (INCLUDING 4 ADA)

**SOIL CLASSIFICATION**

THE PROJECT IS COMPOSED OF VOLINIA LOAM WITH 0-1% SLOPE.

**FLOOD NOTE**

THE SUBJECT PARCELS ARE LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD) PER PAF NUMBER 18039C0266D AND HAVING AN EFFECTIVE DATE OF 08-02-2011 OF THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.

**SITE IMPROVEMENTS**

THE EXISTING BUILDING AND SITE IMPROVEMENTS, AS WELL AS ELEVATIONS SHOWN, ARE REFERENCED FROM A FIELD SURVEY/LOCATED BY ABONMARCHÉ CONSULTANTS FOR REPRESENTATION ON THE PLAN.

THE EXISTING IMPROVEMENTS SHOWN ON THIS PRELIMINARY PLAT WILL REMAIN IN PLACE WITH NO CHANGES (NO NEW CONSTRUCTION, ETC.) OCCURRING.

**DRAINAGE EVALUATION - EXISTING SITE**

THE EXISTING SITE IS CURRENTLY MANAGED BY (3) DRYWELLS IN THE PARKING LOT AND A STORMWATER RETENTION BASIN ON THE SOUTH SIDE OF THE PROPERTY ACCEPTING SURFACE RUNOFF. THERE ARE EXISTING YARD INLETS THAT APPEAR TO CONNECT TO THE EXISTING DRYWELLS BUT THE CONNECTIONS COULD NOT BE FIELD VERIFIED INSIDE THE DRYWELLS DUE TO CONFINED SPACE ENTRY REQUIREMENTS. THE EXISTING ROOF DOWNSPOUTS CURRENTLY DISCHARGE ABOVE FINISHED GRADE AND INTO THE PARKING LOT, EXISTING YARD INLETS, AND THE EXISTING RETENTION BASIN.

SINCE THERE ARE NO IMPROVEMENTS PROPOSED TO THE SITE WITH THIS SUBDIVISION AND THE OWNER HAS INDICATED NO DRAINAGE CONCERNS, THE FOLLOWING DRAINAGE EVALUATION PROVIDES THE CITY OF GOSHEN ENGINEERING DEPARTMENT A CURRENT DRAINAGE STATUS OF THE PROPERTY AND FOR USE WHEN REVIEWING ANY FUTURE SITE MODIFICATIONS TO HARD SURFACE.

SITE AREA = 1.81± ACRES

**TABULATED SITE DATA**

EXISTING BUILDING (C=1.00)	= 0.23± Acres
EXISTING HARD SURFACE (C=0.95)	= 0.46± Acres
OPEN SPACE (C=0.30)	= 1.12± Acres
TOTAL	= 1.81± Acres

**MODIFIED RUNOFF COEFFICIENT CALCULATIONS**

$$C = \frac{((0.23 \times 1.00) + (0.46 \times 0.95) + (1.12 \times 0.30))}{1.81\pm \text{ ACRES}} = 0.56$$

**CAPACITY OF EXISTING RETENTION BASIN**

TOP OF BANK = 813.0  
BOTTOM = 811.5 (DRY AT THE TIME OF SURVEY)

Contour	Area (sq ft)	Volume (cu ft)
811.5	462	
812.0	3,463	865
813.0	6,161	4,736
Volume:		5,602 CFT

Contour	Area (sq ft)	Volume (cu ft)
811.5	462	
812.0	3,463	865
813.0	6,161	4,736
Volume:		5,602 CFT

**EASEMENT NOTE:**  
PROPOSED CROSS ACCESS, PARKING & DRAINAGE EASEMENTS WILL BE ESTABLISHED UNDER A PRIVATE AGREEMENT TO BE RECORDED AND REFERENCED ON THE SECONDARY PLAT.

**LEGAL DESCRIPTION-INSTR. #2008-18896**

A PART OF THE RECORDED PLAT OF COLLEGE PARK SECOND AS RECORDED IN PLAT BOOK 19, PAGE 93 IN THE ELKHART COUNTY RECORDER'S OFFICE, BEING SITUATED IN A PART OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID RECORDED PLAT, ALSO BEING THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 00 DEGREES 08 MINUTES 16 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 23; THENCE NORTH 00 DEGREES 08 MINUTES 16 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 23; THENCE NORTH 00 DEGREES 08 MINUTES 16 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 23; THENCE NORTH 89 DEGREES 33 MINUTES 52 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 170.00 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89 DEGREES 33 MINUTES 52 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 190.00 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 08 SECONDS EAST, A DISTANCE OF 416.24 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 57 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID RECORDED PLAT, A DISTANCE OF 190.00 FEET; THENCE NORTH 00 DEGREES 26 MINUTES 08 SECONDS WEST, A DISTANCE OF 415.69 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

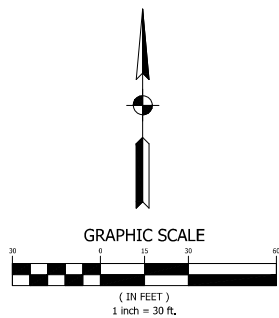
SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND CONDITIONS OF RECORD.

**LEGEND**

- SCI - SET 5/8" REBAR, 24" LONG WITH ID CAP "ABONMARCHÉ FIRM #50"
- FCI - FOUND CAPPED REBAR
- FIR - FOUND IRON REBAR OR ROD
- (A) - PROPOSED ACCESS & DRAINAGE EASEMENT FOR THE BENEFIT OF THE OUTLOT
- DW - DRYWELL
- ELEC - ELECTRIC TRANSFORMER
- E - ELECTRIC METER
- HH - HANDHOLE
- M - MAILBOX
- S - SIGN
- PP/D - POWER POLE W/DROP
- AC - AIR CONDITIONER
- CO - CLEAN OUT
- W - WATER VALVE
- LP - LIGHT POLE
- G - GUYWIRE
- D - DRAIN
- xxx --- - EXISTING GROUND CONTOUR
- (A) - PROPOSED ACCESS & PARKING EASEMENT ACROSS LOT #1 FOR BENEFIT OF OUTLOT A.
- (B) - PROPOSED DRAINAGE EASEMENT ACROSS ENTIRE OUTLOT A FOR BENEFIT OF LOT #1.

PREPARED BY  
ABONMARCHÉ CONSULTANTS, INC.  
303 RIVER RACE DRIVE, UNIT 206  
GOSHEN, IN 46526  
PHONE: (574) 533-9913  
FAX: (574) 533-9911

OWNER  
AG HOLDINGS, LLC  
2312 EISENHOWER DRIVE NORTH  
GOSHEN, IN 46526



**ABONMARCHÉ**  
Valparaiso  
Benton Harbor  
Hobart  
South Bend  
Goshen, IN 46526  
Phone: (574) 533-9913  
Fax: (574) 533-9911  
abonmarche.com

**RED OAK  
PRIMARY SUBDIVISION**  
2312 EISENHOWER DRIVE  
GOSHEN, IN 46526

**PRIMARY SUBDIVISION**

SHEET TITLE:  
DRAWN BY: TRM  
DESIGNED BY:  
PM REVIEW: CMWE  
QA/QC REVIEW: BEM  
DATE: 11-29-2023  
SEAL: CRAIG S. BATDORF, REGISTERED LAND SURVEYOR, No. 21200006, STATE OF INDIANA  
SIGNATURE: Craig S. Batdorf  
DATE: 11-29-2023  
SCALE: 1" = 30'  
ACI JOB #: 23-1527  
SHEET NO: 1 of 1

NO.	REVISION DESCRIPTION	BY	DATE

**LOCATION:** 820 Steury Avenue  
**CASE NUMBER:** 24-02DV

**DATE:** January 23, 2024  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** Dennis M. Landis & Susan Mark Landis (owners); Abonmarche Consultants (agents)

**REQUEST:** The applicants request developmental variances for the proposed two-lot major residential subdivision, Double Oak, to allow both lots with no street frontage, no direct access to a street, and to be developed with no connection to City water

**LOT SIZE:** ± 26.77 acres; no frontage; varying depth

**APPLICABLE ZONING:** R-2

**NOTICES SENT:** 25

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City sewer available; City water not available

**AREA DEVELOPMENT:** Industrial, residential

**NEIGHBORHOOD:** None

**THOROUGHFARES:** None; indirect access from Steury Avenue

**TOPOGRAPHY:** Largely undeveloped, vegetated land; portions of property located in wetland and Zone AE Fringe of the regulatory floodplain; grade inclines from southwest to northeast

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4160.3*, Area, Width, and Yard Regulations of the R-2 District  
**A. Minimum Lot Area and Width.**
  1. Every single family detached dwelling hereafter constructed shall have ...a width at the established front lot line of not less than 60 feet.
- ◇ Goshen Zoning Ordinance, *Section 4160.10*, Miscellaneous Regulations  
**A.** All lots and uses in this district must be served by city water and sewer. Sewer and water main extensions shall be built to city specifications and shall be the responsibility of the developer and not the city.
- ◇ Goshen Zoning Ordinance, *Section 5160*, Street Access – Primary Structures or Buildings  
Every primary building or structure shall have direct access to a public street, or to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, emergency vehicles, and required off-street parking.

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

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

---

### **ANALYSIS**

---

The subject property is an approximately 26.77-acre tract located in East Goshen, a short distance north of Lincoln Avenue and east of Steury Avenue. The property is zoned Residential R-2 and includes a single-family home with a detached garage in its northeast corner that was built in 2014. The home is served by a gravel drive that has indirect access from Steury Avenue. Surrounding uses and zoning include a mix of residential, industrial, and agricultural; the property is bounded to the east by the Pumpkinvine Trail. The majority of the property is



rugged, vegetated terrain and both wetland and Zone AE Fringe of the regulatory floodplain encroach in its southern half.

In December 2023, the Plan Commission gave primary subdivision approval for a two-lot major residential subdivision of the property. The existing home is located on the proposed Lot 1, which is approximately 25.04 acres in size, and the proposed Lot 2 is approximately 1.73 acres and intended for a new single family home.

The home on Lot 1 was built following 2014 BZA approval of developmental variances allowing no direct access from a street and no connection to City water. Because of the changes to the property resulting from the subdivision, new variance approval is needed to allow both proposed lots to have no frontage, no access to a street, and no connection to City water where those are required by the Zoning Ordinance.

Staff recommends approval based on the following:

- City water is not currently available to the property. Further reasonable residential development of the property will be impossible if the requirement is upheld.
- Access to both proposed lots will be via an easement over private property
- There is no indication that similar variances granted to allow the current home at 820 Steury Avenue have created injury or adverse impacts on the public, general welfare, or surrounding properties
- Surrounding properties are a mix of uses and configurations with few shared characteristics
- At close to 27 acres, the property is beyond adequate in size to accommodate two-separate lots for development of single family homes. All other developmental requirements for both proposed lots will be met
- The proposed variances are needed to continue the subdivision process of a large piece of land that is dissimilar to other large areas of land used for residential subdivisions. Access to the land is limited, and the location of wetland and portions of the regulatory floodplain on the subject property make configuration of the property for residential development difficult.

## **FINDINGS OF FACT**

---

Staff recommends **approval** of developmental variances for the proposed two-lot major residential subdivision, Double Oak, to allow both lots with no street frontage, no direct access to a street, and to be developed with no connection to City water, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The property is ample in size, all other developmental requirements will be met, and there is no indication that approval of similar variances for the existing home at 820 Steury has been injurious to the public. *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.** Surrounding properties are a mix of uses and configurations with few shared characteristics. Relief from several developmental standards for the proposed lots will not be detrimental to the adjacent properties. *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.** City water is not currently available to the property. Further reasonable development of the property will be impossible if the requirement is upheld. The proposed variances are needed to continue the subdivision process of a large piece of land that is dissimilar to other large areas of land used for residential subdivisions. Access to the land is limited, and the location of wetland and portions of the regulatory floodplain on the subject property make configuration of the property for residential development difficult. *The standard is confirmed.*

With approval the following conditions shall apply:

1. The variance is fully effective when secondary subdivision approval is granted and the subdivision is recorded.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.



From Steury Avenue, looking east



From interior of property, looking northeast towards existing home on proposed Lot 1



Looking northwest across gravel driveway at general location of proposed Lot 2



Looking west towards point of access through private property

**LOCATION:** 317 S 10<sup>th</sup> Street  
**CASE NUMBER:** 24-03DV

**DATE:** January 23, 2024  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** LaCasa Real Estate Holdings, LLC (owner)

**REQUEST:** The applicant requests developmental variances to allow a residential building lot with 33' of frontage where an established front lot line of not less than 66' is required, 3' (north and south) side building setbacks where a minimum of 8' is required, and for the variance to be valid for 18 months, for the construction of a new single family home

**LOT SIZE:** ± 5,445 SF; ± 33' of frontage; ± 165' of depth

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 38

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer available

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

**NEIGHBORHOOD:** East Lincoln Crossroads

**THOROUGHFARES:** 10<sup>th</sup> Street

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District

A.1. Every single family detached dwelling hereafter constructed shall be on a lot having...a width at the established lot line of not less than 66 feet.

C.2 Interior yards shall have two side yards; each side yard shall have a width of not less than eight feet.

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

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

---

### **ANALYSIS**

---

The subject property is a vacant lot on the west side of 10<sup>th</sup> Street, several properties north of Madison Street. The property is surrounded by residential uses and is zoned Residential R-1. Other nearby properties include a fast food restaurant directly to the west across an alley and a restaurant to the south along Madison Street. Previously, a multi-unit home existed on the property but was destroyed by fire in August 2017. The petitioner took possession of the property in 2018 and demolished the remnants of the building.

The petitioner now seeks to redevelop the property with a single-family home. The proposed home is a one-story building with three bedrooms, two bathrooms, and a two-car concrete pad with access from the rear alley. The house will meet most development requirements, including the average front setback for the west side of the 300-block of S 10<sup>th</sup> Street, but it needs developmental variances to allow development of a property with 33' of frontage where a minimum of 66' SF is required and 3' side building setbacks where 8' is required. The same

petition was made at the BZA in June 2020, and the Board approved; however, the approved variances expired because of funding issues.

Staff recommends approval of this request for the following reasons:

- The proposed development matches the character of the surrounding properties. The property to the south and the two properties to the north of the subject property also have front lot lines of 33'. Many properties in the East Lincoln Crossroads neighborhood are built on lots that would require developmental variances to develop using the current Zoning Ordinance requirements.
- The properties directly to the north and south have one or more side yards less than 8'
- GIS aerials indicate that the previous building on this property had a 0' north side setback, so the proposed home will have more ample separation from the north property line than previously
- All other developmental requirements will be met
- Perhaps most importantly, development of the property as a single family home meets the required district use and constitutes infill residential development. The Comprehensive Plan seeks to prioritize reuse and redevelopment of land, particularly residential infill in the urban core, because it "helps to spur revitalization efforts, returns delinquent and non-contributing parcels to the tax roll and reduces the need for sprawl" while lowering costs to the City by locating more homes close to existing City services (Land Use L-1).

The petitioners are unsure of the construction timeline and have requested the variance be valid for 18 months; staff supports this request.

#### **FINDINGS OF FACT**

Staff recommends **approval** of developmental variances to allow a residential building lot with 33' of frontage where an established front lot line of not less than 66' is required, 3' (north and south) side building setbacks where a minimum of 8' is required, and for the variance to be valid for 18 months, for the construction of a new single family home, 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 house will meet the characteristics of the surrounding properties, and it will have more ample separation from the property to the north than the previous home on the subject property. Use of the property for infill residential development promotes the general welfare of the community by increasing the availability of housing in the urban core and close to City services. *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 single family home will replace a non-conforming multi-family home destroyed by a fire. It will match the developmental characteristics of the area. *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.** Although the property is zoned Residential R-1, re-development of the property for single family use will be very difficult without a variance to allow a new home on a property with inadequate street frontage. The proposed home is relatively small, and meeting the average side building setback would be a hardship that may make development of the property impossible. *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a building permit has been issued and substantial progress has been made within eighteen (18) 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. Building permits are required.
5. The parking area shall be a durable hard surface.
6. Any damage to the sidewalk along 10<sup>th</sup> Street resulting from construction shall be repaired and replaced as needed before the certificate of occupancy is issued for the home.



Looking west from 10<sup>th</sup> Street



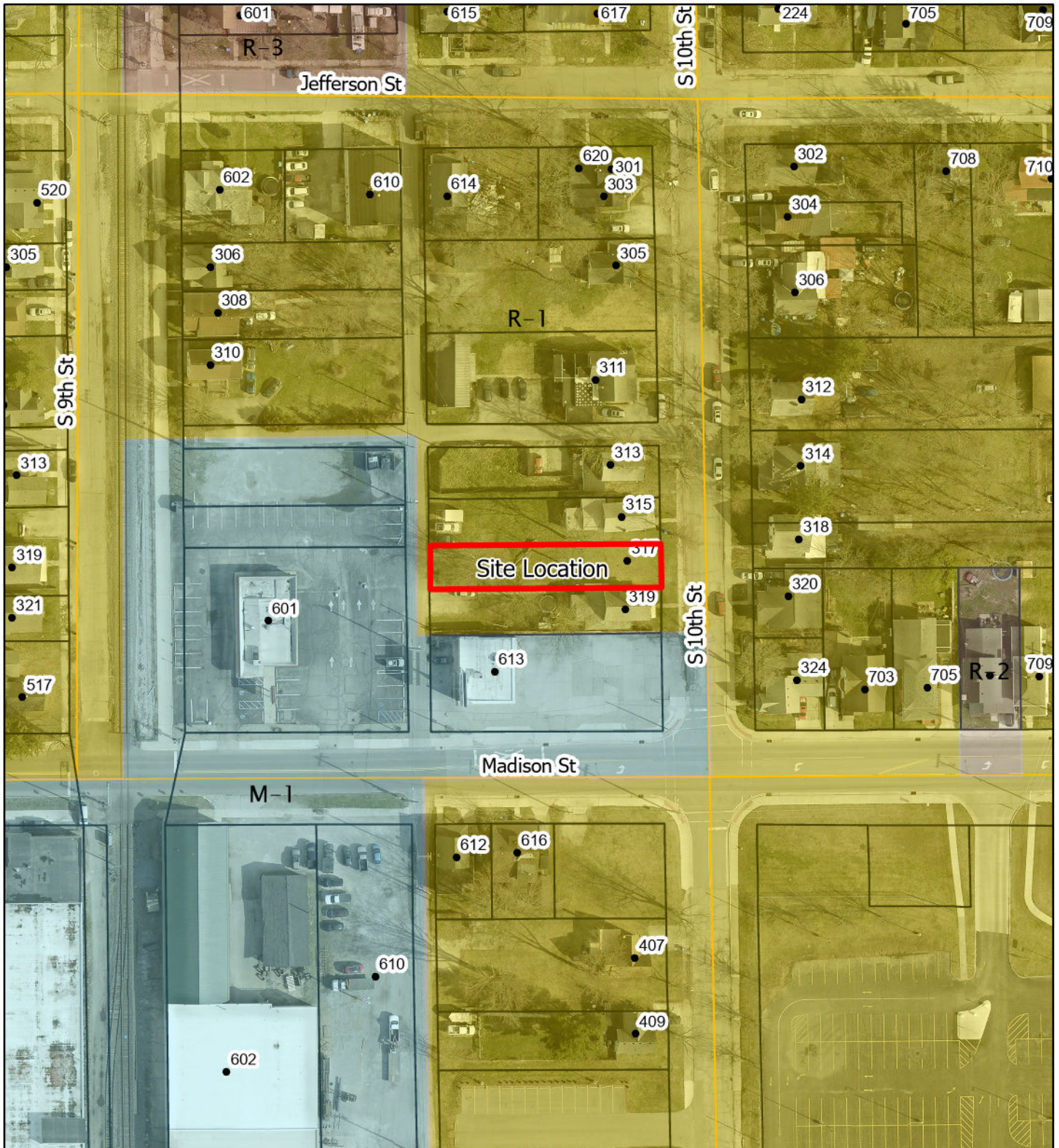
Looking southwest from 10<sup>th</sup> Street



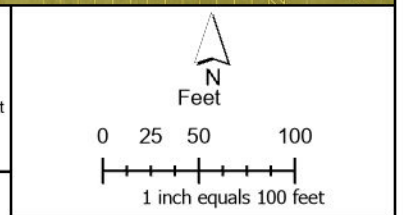
Looking east along south property line from adjacent restaurant parking lot



Looking east along north property line



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.



317 S 10th Street

Zoning Map & 2023 Aerial  
Printed on 1/8/2024

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



1/3/2024

Board of Zoning Appeals  
Goshen Indiana  
Tom Holtzinger, Chair

Re: BZA petition for 317 S. 10<sup>th</sup> St.

Lacasa is requesting the developmental variances for 317 S. 10<sup>th</sup> St. to facilitate the construction of a new house that will be for sale to a family at or below 80% AMI.

This particular property was acquired and demolished as part of Lacasa's Blight Elimination Program after a fire destroyed the property in August 2017. The goal of the BEP program was to deal with blighted properties and prepare the lots for redevelopment. However, as is typical, in old city neighborhoods we will need variances from the established regulations in the zoning district.

In January of 2020, Lacasa was selected by Indiana Housing Community Development Authority to participate in a HOME for Homeownership pilot program. As a part of this program we have access to up to 2 million dollars to build and develop for-sale, new housing in Elkhart county. We have already developed and sold 4 houses in Goshen and 4 houses in Elkhart as part of the first two tranches of houses developed.

Originally, we had hoped to include 317 S 10<sup>th</sup> in an earlier round of home construction. But with the pandemic and cost increases, we had to remove this site from consideration. We are now applying for a third round of funding to construct and sell 2 additional houses, one each in Goshen and Elkhart. The overall schedule for this project will have construction starting in the fall of 2024, hence the request to have the variance, if approved, valid for 18 months.

We hope that the board approves our petition and we can move forward with the construction of much needed new housing in Goshen.

Sincerely,



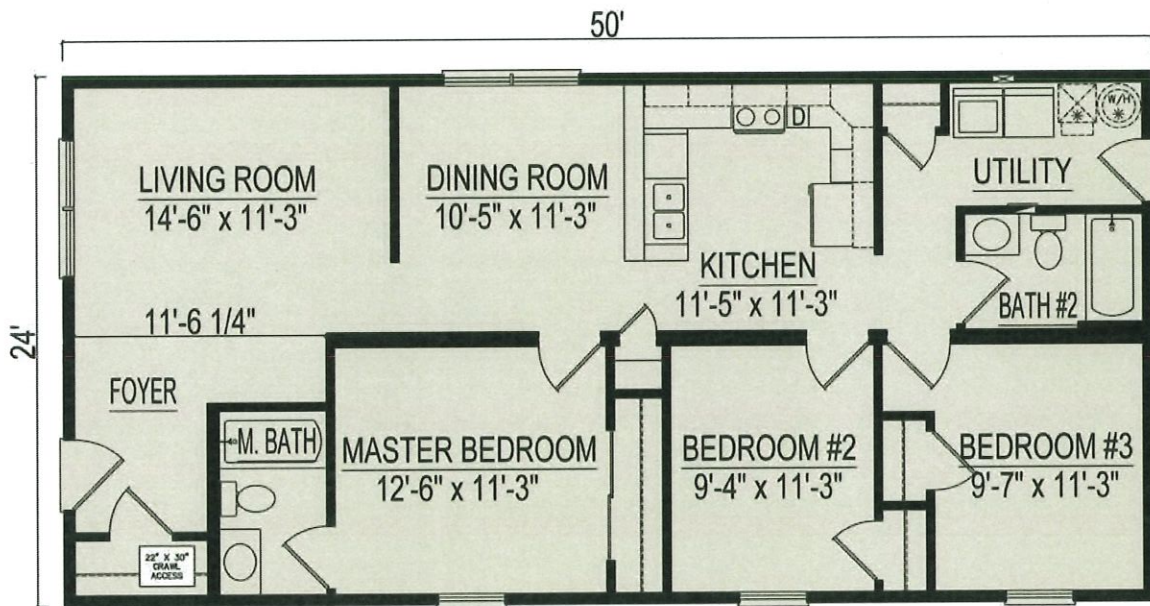
Aaron Lehman  
Director of Real Estate Development  
Lacasa, Inc.



# Manhattan

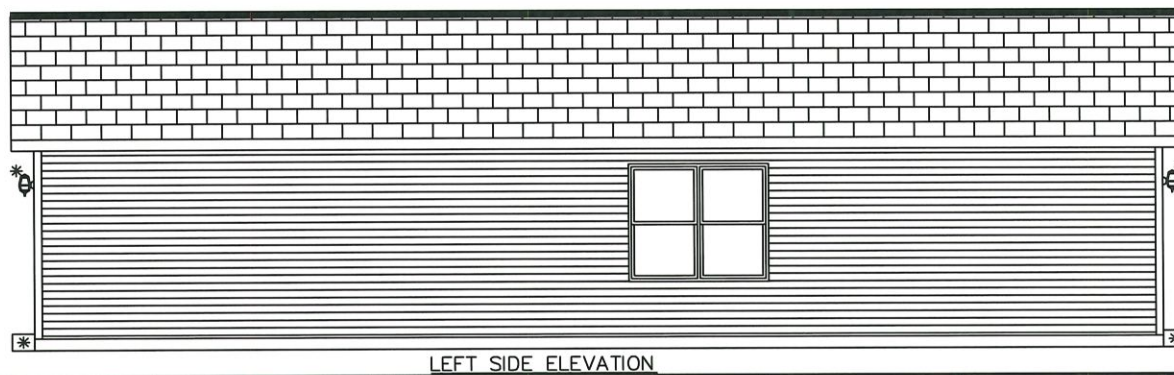
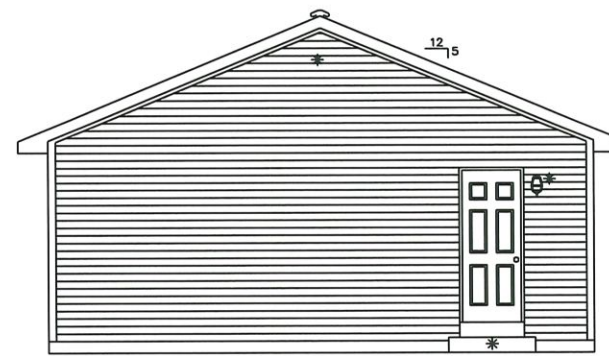
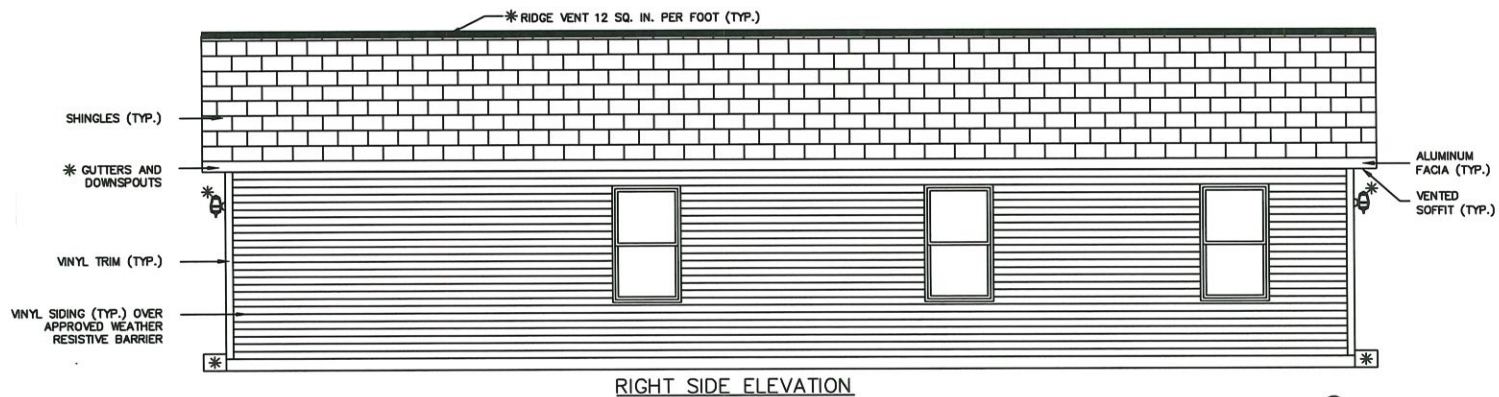
3 Bedrooms, 2 Bathrooms, 1200 Square Feet

*Some Items shown may be optional or constructed on site*



**Heckaman Homes**  
 Made by Craftech Building Systems, Inc.  
 2676 East Market Street  
 Nappanee, IN 46550  
 574.773.4167  
 HeckamanHomes.com

**FIELD NOTES**  
 \*INDICATES ITEMS INSTALLED  
 ON SITE BY OTHERS



THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF HECKAMAN HOMES AND MAY NOT BE USED WITHOUT THEIR CONSENT.

CRAFTECH BUILDING SYSTEMS, INC.  
 d/b/a HECKAMAN HOMES  
 NAPPANEE, INDIANA 46550  
 www.heckamanhomes.com



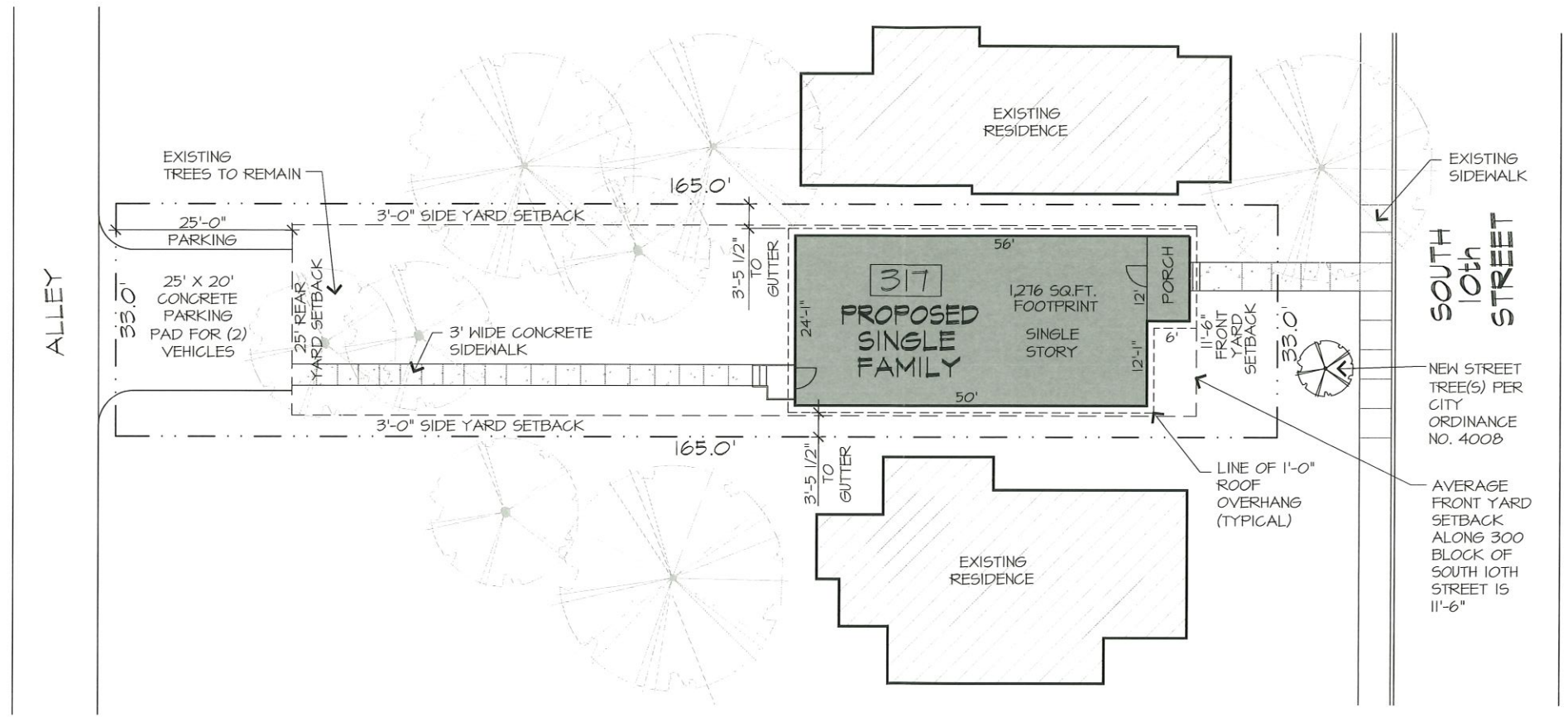
REVISIONS:

ELEVATIONS

MODEL: MANHATTAN  
 SCALE: 3/16" = 1'-0"

BLDR:  
 CUSTOMER:  
 DATE: 2020

JOB #  
 DWN. BY: BT  
 SHEET:



**SITE PLAN**



**317 S. 10th STREET**  
GOSHEN, INDIANA

**SITE CALCULATIONS:**

ZONING DISTRICT	R-1
LOT DIMENSIONS	165.0' X 33.0'
LOT ACREAGE	0.125 ACRES
LOT AREA	5,445 SQ.FT
BUILDING FOOTPRINT	1,276 SQ.FT.
BUILDING COVERAGE	23% ACTUAL
BUILDING COVERAGE	35% ALLOWED

**VARIANCES REQUIRED:**

REDUCTION OF SIDE YARD SETBACKS TO 3'-0" WHERE 8'-0" IS REQUIRED

 Strong foundations. For everyone.  
 WestSun Design, LLC ARCHITECTURAL SUPPORT SERVICES

PROJECT TITLE: 2020 HOME FUND PROJECT  
 PROJECT NAME: LACASA, INC. ELKHART, INDIANA

DATE	REVISIONS	BY
12/21/2020		

DATE: 12/21/2020  
 JOB NO.: 116  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]

SHEET NUMBER

**LOCATION:** 821 S 14<sup>th</sup> Street  
**CASE NUMBER:** 24-04DV

**DATE:** January 23, 2024  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** Mark Linn, heir of Steve & Debra Linn (owners)

**REQUEST:** The applicant requests developmental variances to allow an 8' front building setback along Plymouth Avenue where 35' is required for an approximately 261 SF porch addition, and to allow a fence 6' in height in the front yard along Plymouth Avenue where fences cannot exceed 4' in height

**LOT SIZE:** ±6,204 SF; ±179' of frontage (±47' on 14<sup>th</sup> Street & ±132' on Plymouth Avenue); ±132' of depth

**APPLICABLE ZONING:** Residential R-1

**NOTICES SENT:** 45

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential

**NEIGHBORHOOD:** Eastern Core

**THOROUGHFARES:** 14<sup>th</sup> Street & Plymouth Avenue

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Yard Requirements in the R-1 District  
B.3. On arterial streets, the front yard shall be a minimum distance of 35 feet.
- ◇ 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.

---

### **ANALYSIS**

---

The subject property is a single family home located on the northwest corner of the intersection of 14<sup>th</sup> Street and Plymouth Avenue. Zoning is R-1 and all surrounding properties are single family homes. The one-story home has an approximate footprint of 780 SF; poorly defined parking spaces are located on the east and west sides of the property; and there are three small sheds.

Recently, the petitioner constructed an approximately 9'x29' covered porch on the rear (west) end of the home without Planning approval. The petitioner is now seeking the appropriate approvals, which include the need for a developmental variance because the porch encroaches in the minimum 35' front building setback along Plymouth Avenue at a distance of 8' from the property line. The petitioner also plans to erect a fence approximately 6' in height around a large portion of the perimeter of the property. Several sections of the proposed fence will be in the

Plymouth Avenue front yard, where fences cannot exceed 4' in height, so an additional developmental variance is needed.

Approval is warranted. As a corner lot, the property has frontage on two streets, one of which is an arterial street with the minimum required front setback of 35'. Reasonable single family development of the property is impossible when the 35' front yard setback along Plymouth Avenue and side (north) setback of 8' are in place. The unapproved porch is in line with the south wall of the existing home, so it is within the existing character of the home and area. GIS measurements show the south wall of the home to the east (824 S 14<sup>th</sup> Street) at approximately 4' from the Plymouth Avenue property line.

The proposed 6' fence is also reasonable. The fence will not be located in the front yard along 14<sup>th</sup> Street, which is the yard the front of the home faces. Given the arterial nature of Plymouth Avenue, with a larger volume of traffic than a typical residential street, the 6' fence will provide the property with needed privacy. It will not be located in the vision clearance area where the alley intersects Plymouth Avenue, so is unlikely to create safety issues.

Parking on unimproved surface in the front yard along 14<sup>th</sup> Street has been an ongoing issue with this property. Approval should include a condition that with approval, greater definition is provided to the one existing parking space along 14<sup>th</sup> Street while the remainder of the yard is re-seeded with grass.

### **FINDINGS OF FACT**

Staff recommends **approval** of developmental variances to allow an 8' front building setback along Plymouth Avenue where 35' is required for an approximately 261 SF porch addition, and to allow a fence 6' in height in the front yard along Plymouth Avenue where fences cannot exceed 4' in height, 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 porch will be located completely on private property and all other developmental requirements will be met. The proposed fence will not be located in the vision clearance area where the alley intersects Plymouth Avenue, so is unlikely to create safety issues. *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 unapproved porch is in line with the south wall of the existing home, so it is within the existing character of the home and area. GIS measurements show the south wall of the home to the east (824 S 14<sup>th</sup> Street) at approximately 4' from the Plymouth Avenue property 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.** As a corner lot, the property has frontage on two streets, one of which is an arterial street with the minimum required front setback of 35'. Reasonable single family development of the property is impossible when the 35' front yard setback along Plymouth and side (north) setback of 8' are in place. *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. The existing parking space in the front yard along 14<sup>th</sup> Street shall be properly defined by the use of landscape timbers or other materials that hold gravel and prevent its spread. Gravel shall be removed from areas where it has spread without approval and areas of bare soil shall be re-seeded with grass no later than June 1, 2024.



From 14<sup>th</sup> Street looking west at front of home



From Plymouth Avenue, looking northwest

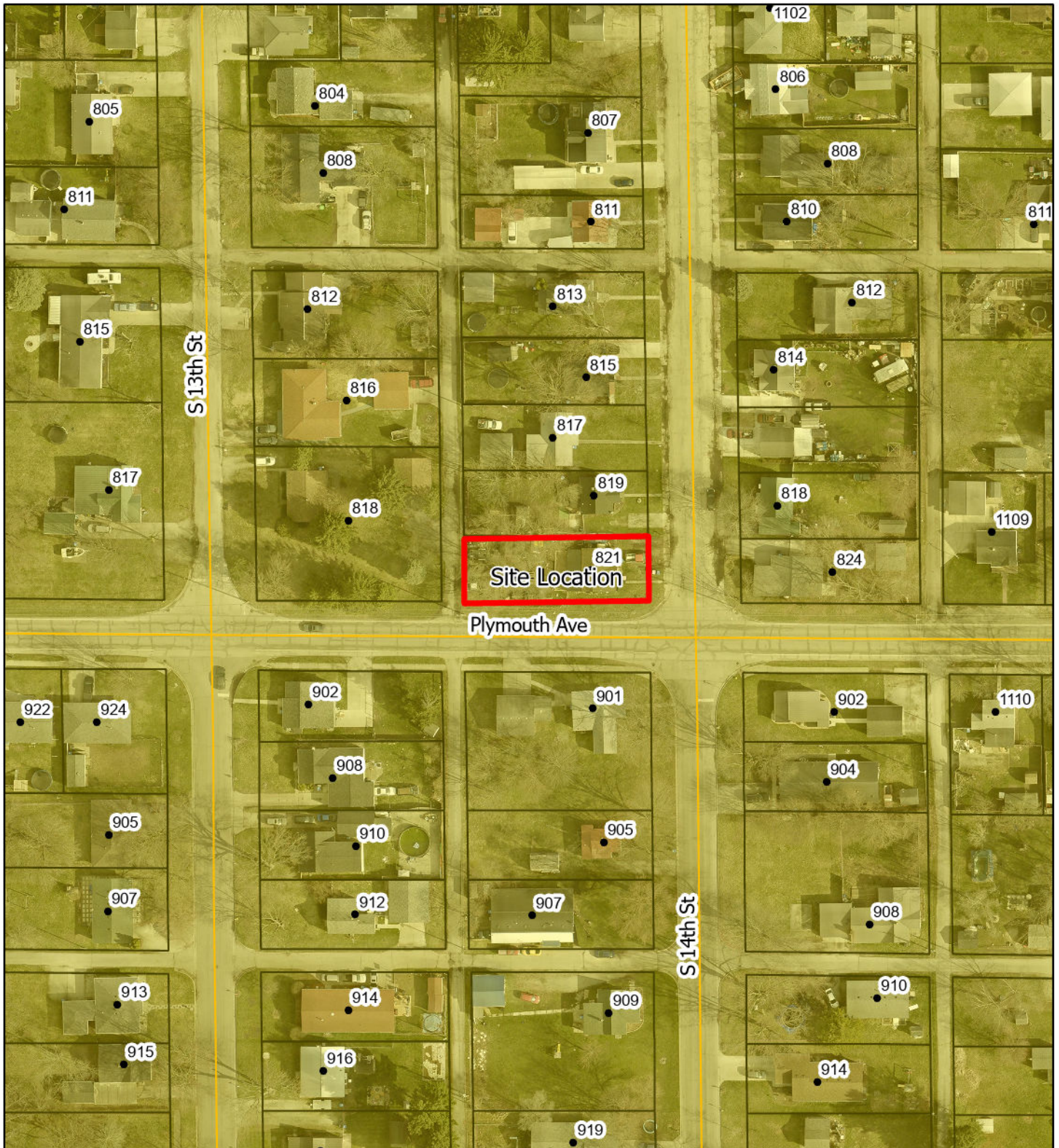


Looking north at the unapproved porch addition

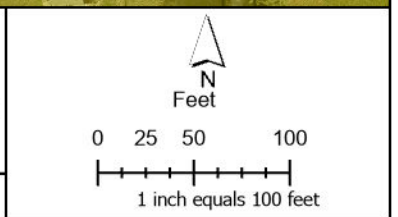


Looking east-northeast along the south property line





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.



821 S 14th Street

Zoning Map & 2023 Aerial  
Printed on 1/8/2024

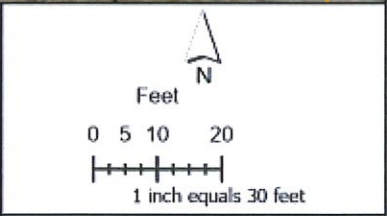
The City of Goshen  
Department of  
Planning & Zoning  
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-3600 Fax: 574-533-8626



6ft tall fence

8ft setback  
 29ft x 8ft 7in porch

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.



821 S 14th Street

2023 Aerial  
 Printed on 10/11/2023

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