

GOSHEN CITY APPLICATION

FILING PROCEDURE

1. The application shall be filed at the Goshen City Planning Office, 204 E. Jefferson Street, Suite 4, Goshen, IN 46528. Phone: 574-534-3600.
2. The application shall be accompanied by a **filing fee** of:
 - Administrative Appeal \$125.00
 - Use Variance \$200.00
 - Developmental Variance \$125.00
 - Amendment \$125.00
 - Rezoning \$200.00
 - PUD Preliminary Site Plan Approval \$200.00 + \$5.00/acre
 - PUD Major Change \$200.00
 - PUD Minor Change \$100.00
 - PUD Final Site Plan Approval \$100.00
 - Plat/Public Way Vacation \$175.00
 - Minor Subdivision \$200.00
 - Major Subdivision -- Primary \$250.00 + \$5.00/lot
 - Major Subdivision – Secondary \$150.00
3. The applicant shall be the property owner, a purchaser, or a person specifically authorized to make application.
4. The filing fee includes mailing and administrative costs, plus payment for publication of a legal notice which the Planning Office will submit to the newspaper. The legal notice will appear in the *Goshen News* ten (10) days prior to the meeting date.

INFORMATION ON THE APPLICATION

1. All information requested on the application must be accurately completed.
2. It will be necessary to request the **names and addresses of all property owners with 300'** of the boundary of the property under consideration at the Elkhart County Auditor's Office at 117 N. Second Street, Goshen, IN 46526. The neighboring property owners will be notified of the public hearing by the Planning Office.
3. A **complete and proper legal description** of the property must be submitted. The legal description may be taken from the abstract or deed to the property or may be obtained in the Elkhart County Recorder's Office at 117 N. Second Street, Goshen, IN 46526.
4. It will also be necessary to **include a detailed site plan of the property**. This site plan shall include all present and proposed buildings, parking areas, building setbacks from all lot lines and streets, location and name of adjacent streets and roads, and a North point arrow.

PRESENTATION TO THE BOARD OF ZONING APPEALS

1. Each petitioner shall present their application to the Board during the public hearing. Presentations may be made by the petitioner, an attorney, or an appointed representative. At the public hearing on the application, the petitioner will be called forward to make their presentation.

2. Prior to the public hearing, the Planning Office will have written staff reports making recommendations to the Board. A copy of this report and an agenda will be sent to the petitioner, and any representative prior to the hearing with notice of date and time.
3. The Board will carefully consider the proposal and determine whether or not the proposal will adversely affect the public convenience, health, safety, and general welfare. In making a decision, the Board must balance what is best for the individual with what is best for the entire community.
4. Before granting any application, the Board must, by law, be assured that the application for a **use variance**:
 - a) will not be injurious to the public health, safety, morals or general welfare of the community;
 - b) the use and value of the surrounding neighborhood will not be affected in a substantial adverse manner;
 - c) that the need for the variance arises from particular physical features, shape or topographical conditions which are unique to the specific property, and are not applicable to other properties in the same district or surrounding neighborhood;
 - d) strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship as distinguished from a mere inconvenience, or economic hardship, if applied to the subject property for which the variance is sought;
 - e) any difficulties or hardship is caused by the Zoning Ordinance and has not been created by any persons having an interest in the property;
 - f) the approval shall not interfere substantially with the Comprehensive Plan.

and for a developmental variance:

- a) the approval will not be injurious to the public health, safety, morals or general welfare of the community;
- b) the use and value of the surrounding neighborhood will not be affected in a substantially adverse manner;
- c) strict application to the terms of the Zoning Ordinance will result in a practical difficulty in the use of the subject property because of particular physical features, shape, topography, or characteristics. Said characteristics are unique to the subject property and not applicable to other properties in the same district or surrounding neighborhood;
- d) any difficulty or hardship is caused by the Zoning Ordinance and has not been caused by any persons having an interest in the property.

These points should be covered in the presentation.

5. Following the presentation, the Board may ask additional questions if they feel some items have remained unanswered, after which the Board will give any supporters or remonstrators from the audience an opportunity to speak.
6. The public hearing will be closed by the Board. There are then four possible actions the Board may take on the petition:
 - a) approve;
 - b) approve with conditions deemed necessary by the Board;
 - c) table;
 - d) deny.
7. If you have any questions concerning the presentation of your petition, or the proper filing procedure, please ask for assistance from the Planning Office by calling 574-534-3600. We will be happy to help in any way.
8. The Goshen Zoning Ordinance is available on the City of Goshen website at www.goshenindiana.org. Click on the Planning/Zoning link on the City of Goshen homepage and then click on the link at the bottom of the Planning/Zoning page.