

GOSHEN CITY PLAN COMMISSION & BOARD OF ZONING APPEALS APPLICATIONS

FILING PROCEDURES

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 applicant shall be the property owner, a purchaser, or a person specifically authorized to make application.
3. Applications shall be filed no later than 4:30 pm on the day of the filing deadline. Incomplete and late applications will not be accepted.
4. 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
5. 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. 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.
3. The application shall 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.
4. The Planning Office will generate an adjacent property owner list, consisting of the names and addresses of all property owners with 300' of the boundary of the property under consideration. The list will be generated using Elkhart County's eGIS online system. The neighboring property owners will be notified of the public hearing by the Planning Office.

PRESENTATION TO THE BOARD OF ZONING APPEALS (BZA)

1. Each petitioner shall present their application to the BZA 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 provide written staff reports making recommendations to the BZA. 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 BZA will carefully consider the proposal and determine whether the proposal will adversely affect the public convenience, health, safety, and general welfare. In making a decision, the BZA must balance what is best for the individual with what is best for the entire community.
4. Before granting a use variance the BZA must determine that:
 - 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) 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 Goshen Zoning Ordinance will constitute an unusual and unnecessary hardship, as distinguished from a mere inconvenience or economic hardship, if applied to the subject property;
 - e) any difficulties or hardship is caused by the Goshen Zoning Ordinance, and has not been created by any persons having an interest in the subject property; and
 - f) the approval does not interfere substantially with the City of Goshen Comprehensive Plan.
5. Before granting a developmental variance the BZA must determine that:
 - 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 of the terms of the Goshen Zoning Ordinance will result in a practical difficulty in the use of the subject property because of particular physical features, shape, topography or characteristics, and said characteristics are unique to the subject property and not applicable to other properties in the same district or surrounding neighborhood.
6. Following the presentation, the BZA may ask additional questions if some items have remained unanswered, after which the BZA will give any supporters or remonstrators from the audience an opportunity to speak.
7. The public hearing will be closed by the BZA. Following the public hearing, there are four possible actions the BZA may take on the petition:
 - a) approve;
 - b) approve with conditions and/or commitments deemed necessary by the BZA;
 - c) table;
 - d) deny.

Please direct any questions concerning the presentation of the petition, or the filing procedures, to the Planning Office by calling 574-534-3600.

The Goshen Zoning Ordinance is available on the City of Goshen website at www.goshenindiana.org, using the following tabs: City Government/Departments/Community Development/Planning & Zoning. Click directly on the Planning & Zoning tab and then click on the links at the bottom of the Planning & Zoning page.

POST-MEETING PROCEDURES

Petitions approved by the PC and BZA may require written commitments, which will require recording by the petitioner at the petitioner's expense, with a recorded copy provided to the Planning office prior to any further action related to the petition.