Agenda GOSHEN BOARD OF ZONING APPEALS

Tuesday, January 25, 2022, 4:00 p.m. Council Chambers, 111 E. Jefferson Street Goshen, Indiana

- I. Roll Call
- **II.** 2022 Board of Zoning Appeals Appointments
 - Tom Holtzinger Reappointed by Mayor, 1/1/22-12/31/25
 - Plan Commission appointment to the BZA, 1/1/22-12/31/25
 - Ardean Friesen & Angela McKenna, BZA Alternates Appointed by Mayor, 1/11/22-12/31/23
- **III.** Election of 2022 Officers
 - Chair
 - Vice Chair
 - Secretary
- **IV.** Approval of Minutes from 11/23/21
- 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 & Use Variances public hearing items

22-01DV – Ask3 Commercial, LLC and Gabriel Lopez request a developmental variance to allow a front building setback along N Harrison Street of 6' where 25' is required for a 96 sf cooler addition. The subject property is generally located at 1202-1204 W Pike Street and is zoned Commercial B-3 and Residential R-2 District.

22-02DV – 510 Apple, LLC, Beadle Huffman, LLC, and Abonmarche Consultants request a developmental variance to allow a front parking/driving aisle setback along Eisenhower Drive South of 20' where 30' is required for the construction of a new manufacturing facility. The subject property is generally located at 1778 Eisenhower Drive South and is zoned Industrial M-1 District.

22-01UV – Goshen Interfaith Hospitality Network, Goshen Community Schools, and Nuway Construction request a use variance to allow group housing quarters for temporary emergency housing where the use is conditional in the Residential R-1S, R-3, and PUD Districts and permitted in the Commercial B-3 District. The subject property is generally located at 801 W Wilkinson Street and is zoned Residential R-2 District.

VIII. Audience Items

- IX. Staff/Board Items
 - 6-month extension for 21-28DV 2611 Peddlers Village Road, from 2/24/22 to 8/24/22
 - Residency form for Tom Holtzinger
 - Residency form for Plan Commission appointment
 - Residency forms for Ardean Friesen and Angela McKenna
- X. Adjournment

Minutes - Goshen Board of Zoning Appeals Tuesday, November 23, 2021, 4:00 p.m. Council Chambers, 111 E. Jefferson Street Goshen, Indiana

- I. The meeting was called to order with the following members present: Aracelia Manriquez, Lee Rohn, Tom Holtzinger, Michael Potuck, and Bethany Campbell. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.
- II. Approval of Minutes from 10/26/21: Holtzinger/Potuck 5-0
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Rohn 5-0
- **IV.** Postponements/Withdrawals None
- V. Use Variance public hearing items

21-10UV – Eckco Transit, LLC, Javi Holdings, LLC, and Jones Petrie Rafinski request a use variance to allow a semi-truck terminal and repair facility where truck terminals and truck repair are permitted uses in the Industrial M-1 and M-2 Districts. The subject property is generally located at 1808-1810 Reliance Road and is zoned Commercial B-3 District.

Staff Report

Mr. Deegan discussed area zoning, noting this property is zoned Commercial B-3 and is located in an area with mixed uses and zoning, noting examples of zoning and uses in the surrounding areas, predominately B-3 zoning, with Residential R-1 zoning to the west.

Today's request is to allow a semi-truck terminal and semi-truck repair facility at this property where such uses are only permitted in the Industrial M-1 and M-2 Districts. He noted the same request appeared before the Board in September 2020, with the Board approving the request with conditions and commitments. He explained, since that time, the project has been going through the City's administrative review process, Technical Review. The variance expired as the Technical Review process has not yet been completed with a signed Zoning Clearance form. He explained the details of today's request are largely the same as the request in September 2020, now incorporating items that have been discussed in the Technical Review process. Mr. Deegan noted the existing building will be used for semi-repair which has 4 service bays on the south wall. The property owner will be expanding the driving aisle coming from Reliance Road, as well as adding close to an acre of new paving to the east side of the property for outside parking, for a combination of up to 18 semi-tractor and trailers. He notes the property owners have provided screening which includes a berm and large species trees, which were included in the approval in September 2020.

Staff recommends approval of the request with commitments, noting the subject property is in area of mixed uses, and the size of the property can appear to accommodate the use. Mr. Deegan reviewed, if approved, the following recommended conditions and commitments:

- 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 six (6) trees depicted on the landscape berm on "Eckco Transit LLC –Detailed Site Plan," dated November 2021, shall include three (3) shade trees and three (3) evergreen trees of large height at maturity; the proposed bed of landscaping approximately 70' long depicted in the center of said site plan shall include eleven (11) narrow-spread evergreen trees of medium to large height at maturity; the seven (7) proposed trees in the front yard shall be of large height at maturity and spaced according to Zoning Ordinance Requirements.

- 3. The number of semi-trucks and trailers parked or stored outside shall be limited to eighteen (18) semi-trucks or semi-trailers, including a combination of either, and ten (10) semi-trucks within the enclosed building.
- 4. Outdoor parking of semi-trucks and trailers shall be limited to the paved and screened area on the east side of the property.
- 5. Parking and storage of inoperable semi-tractors and trailers on the property, other than within the enclosed building, is prohibited.
- 6. Semi-truck repair shall be limited to within the four (4) bay doors on the south side of the building. The door and drive on the north side of the building shall not be used for auto repair, nor for ingress and egress to the property.
- 7. Semi-truck access to and from the property shall be restricted to the section of Reliance Road between the property and Elkhart Road/U.S. 33. Semi-truck access to and from County Road 17 shall not be by way of County Road 28.

Mr. Deegan noted the Planning Office has not been contacted by any members of the public regarding this request.

Petitioner Presentation:

Matt Schuster, Jones Petrie Rafinski, 300 Nibco Parkway, Ste. 250, Elkhart, spoke on behalf of the petitioner. He reviewed the history of the request and background, noting once the project got started again, Technical Review requirements were unable to be completed prior to the variance expiring. Mr. Schuster stated the existing building is approximately 12,000 sf with 4 services bays on the south side. It is proposed to utilize these 4 bays for truck service and repair, accommodating 2-3 vehicles at a time. He noted some of these might be total rebuilds which might take 5-6 months to complete. He states the owner commits to keeping all trucks being worked on inside the building and limiting the number to 10 semi-trucks within the building, as per Commitment #3.

Mr. Schuster states additional pavement is being proposed on the east side of the site to allow for semi-truck and trailer parking. A landscape berm, screening and fencing 6'in height are represented in the site plan. Mr. Schuster stated the proposed use of the site is a truck-repair facility, in which an anticipated 3-5 trucks are in and out each day. This could include a truck dropping off or picking up a trailer and a truck coming in for service. He explained there will be two employees, with normal working hours of 7:00 am - 5:00 pm. Mr. Shuster states the owner has no objections to the commitments within in the Staff report and recommendation of approval.

Mr. Holtzinger asked if trucks can be delivered to the facility outside of normal working hours.

Mr. Schuster said he did not know the answer to the question. He speculated trucks and trailers need to be delivered during working hours, but trucks can pick up trailers anytime.

Mr. Holtzinger noted this may be a concern for the nearby residents.

Mr. Rohn requested clarification only 3-5 trucks would be in and out each day.

Mr. Schuster affirmed this was correct, anticipate only 3-5 trucks in and out each day, though noting there could be times where a truck would leave outside the working hours.

Audience Comments:

Sam and Sue Perry, 1723 Reliance Road, spoke to the petition. They noted there are occasionally trucks that come after hours. They voiced concerns about semi-trucks backing up traffic when backing onto the site. They explained their concern that traffic build up would negatively impact the nearby fire station by hindering the ability of fire trucks and ambulances to exit as well as the homeowner's ability to pull out of their driveway.

Mr. Schuster replied to the concern by stating that part of the proposed plan includes widening the access drive to facilitate trucks entering the back portion of the property, and, once these improvements have been completed, the trucks will have room to maneuver on the property.

A suggestion was made to add a commitment of no backing onto or off of Reliance Road. There was brief discussion as to whether this would be a constructive addition given the proposed improvements should allow for space to do this on the property.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Holtzinger/Potuck, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 21-10UV with the 5 conditions and 7 commitments listed in the Staff Report, with the addition of Commitment #8 that the owners agree to not maneuver in the street or right-of way on Reliance Road. The motion passed unanimously by a vote of 5-0.

VI. Audience Items

None

VII. Staff Board Items

• 2022 Board of Zoning Appeals Calendar

Mr. Deegan advised Board members that the Plan Commission approved the 2022 Plan Commission/Board of Zoning Appeals calendar at their November meeting and a copy of the calendar is included in the packets.

• Form of Motion

Mr. Deegan explained the revised form of motion sheet included in the packets as a tool to help members formulate their motion, emphasizing instances in which the board may propose an alternative motion contrary to Staff recommendation. Mr. Deegan noted the statutory obligation to outline findings of fact that follow the criteria set forth by the State.

VIII.	Adjournment:	4:22pm	Potuck/Holtzinger
Respectfully Submitted:			
Meaghan Bylsma, Recording Secretary			
Appro	ved By:		
Aracel	ia Manriquez, Cl	hair	
Lee Ro	ohn, Secretary		

LOCATION: 1202-1204 W Pike Street **DATE**: January 25, 2022

CASE NUMBER: 22-01DV PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Ask3 Commercial, LLC (owner); Gabriel Lopez (agent)

REQUEST: The applicants request a developmental variance to allow a front building setback along N

Harrison Street of 6' where 25' is required for a 96 sf cooler addition

LOT SIZE: $\pm 20,350$ SF; ± 295 ' of frontage (92' on Pike Street & 203' on Harrison Street); ± 100 ' of depth

APPLICABLE ZONING: Commercial B-3/Residential R-2

NOTICES SENT: 26

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Commercial, residential

NEIGHBORHOOD: Adjacent to West Goshen neighborhood

THOROUGHFARES: Pike Street & Harrison Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

♦ Goshen Zoning Ordinance, *Article IV*, Establishment of Zoning Districts
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

Greg Miller of G & D Investments who owns numerous properties in the vicinity of the subject property called and said he was glad to hear that someone would be occupying the building; he said he supports the request.

ANALYSIS

The subject property is located on the southwest corner of Pike Street and Harrison Street, directly north of the West Goshen Neighborhood and along the Pike Street/U.S. 33 commercial corridor. The property includes multiple parcels zoned Commercial B-3 and Residential R-2, and is part of a larger zoning lot with additional parcels to the west that currently includes a restaurant. Residential properties and zoning are directly to the south.

The portion of the property in question includes a vacant building just over 5,500 SF in area. Planning records on the building are limited, but in recent decades it has been used as a café and then a pretzel restaurant. A mix of both asphalt and gravel paving on the south side of the building provides the parking and driving aisles for the building.

The petitioners are proposing to use the vacant building for a grocery store. The store will sell fresh produce and include a deli case. Most of the remodel will take place internally; however, the petitioners are proposing to add a cooler to the southeast corner of the building. The cooler is approximately 8'x12' and 8' in height and will be located 6' from the property line/right of way along Harrison Street where a minimum front building setback of 25' is required, so approval of a developmental variance is needed.

Approval is warranted. The proposed setback to the cooler will match the existing setback of the building along Harrison Street. The cooler will not interfere with vision clearance or traffic circulation. The petitioners have

22-01DV Page 2

explained that the proposed location of the cooler is optimal because the internal layout of the building, which includes a long glass front wall and minimal floor space for sales area, precludes placement of the cooler inside. At approximately 96 SF, the cooler is a negligible expansion of the building footprint, and approval will allow the use of the building for a grocery store, which will benefit nearby residents. All other developmental requirements will be met, including provision of ample parking for the grocery store use.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a front building setback along N Harrison Street of 6' where 25' is required for a 96 sf cooler addition, 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 cooler will not interfere with the vision clearance, parking, or traffic circulation. *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. At approximately 96 SF, the cooler is a negligible expansion of the building footprint, and approval will allow the use of the building for a grocery store, which will benefit nearby residents. *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. Finding an alternative location for the cooler on the property will be difficult, as there is already limited sales area within the building and a glass wall along the front of the building precludes placement of the cooler in much of the floor space. *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. Approval by the Engineering and Fire Departments through Technical Review is required.
- 4. Building Department approval is required.
- 5. An approved zoning clearance form is required.



Looking south-southwest across Pike Street

22-01DV Page 3



Looking south along east wall of building



Looking north-northwest along Harrison Street

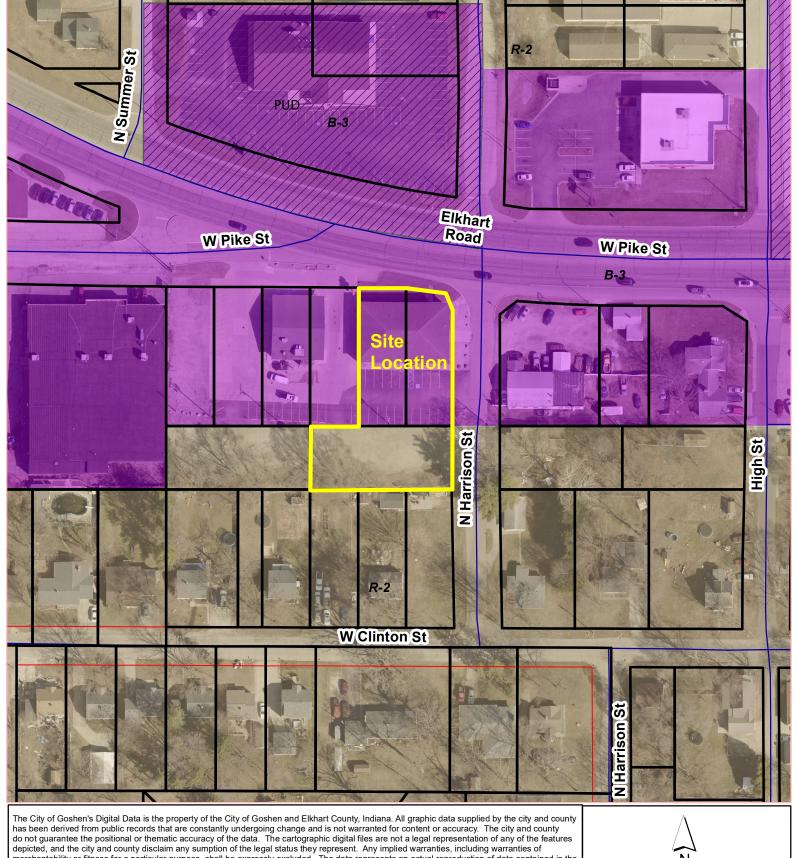
22-01DV Page 4



Looking northwest from Harrison Street



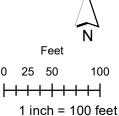
Looking north-northwest at proposed location of freezer



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1202-1204 W Pike St

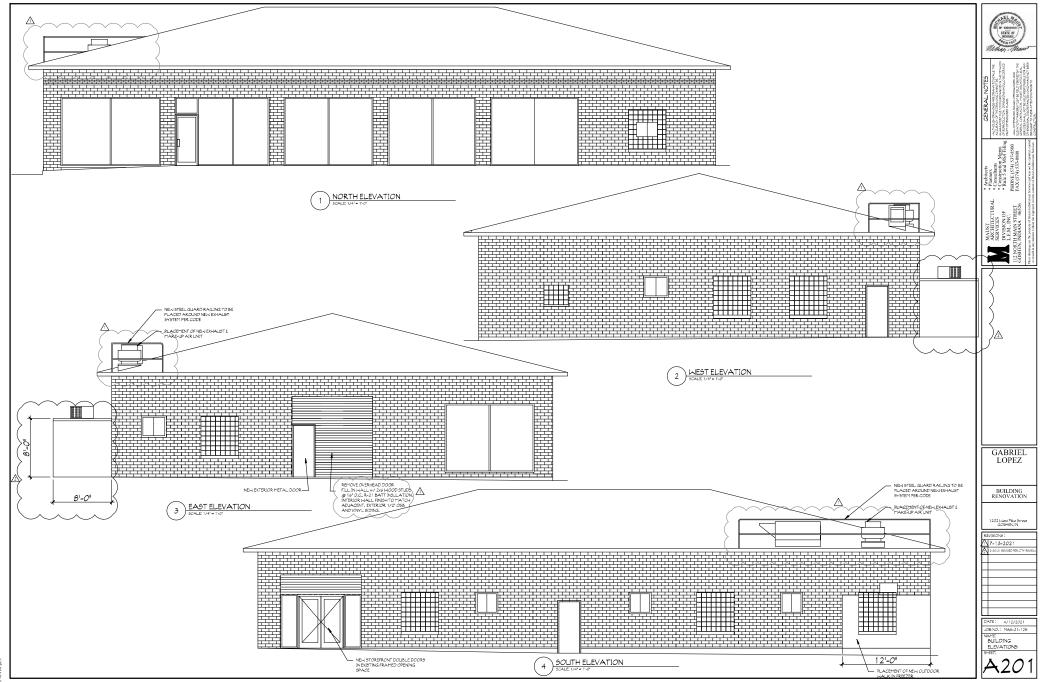
2021 Aerial Printed January 5, 2022



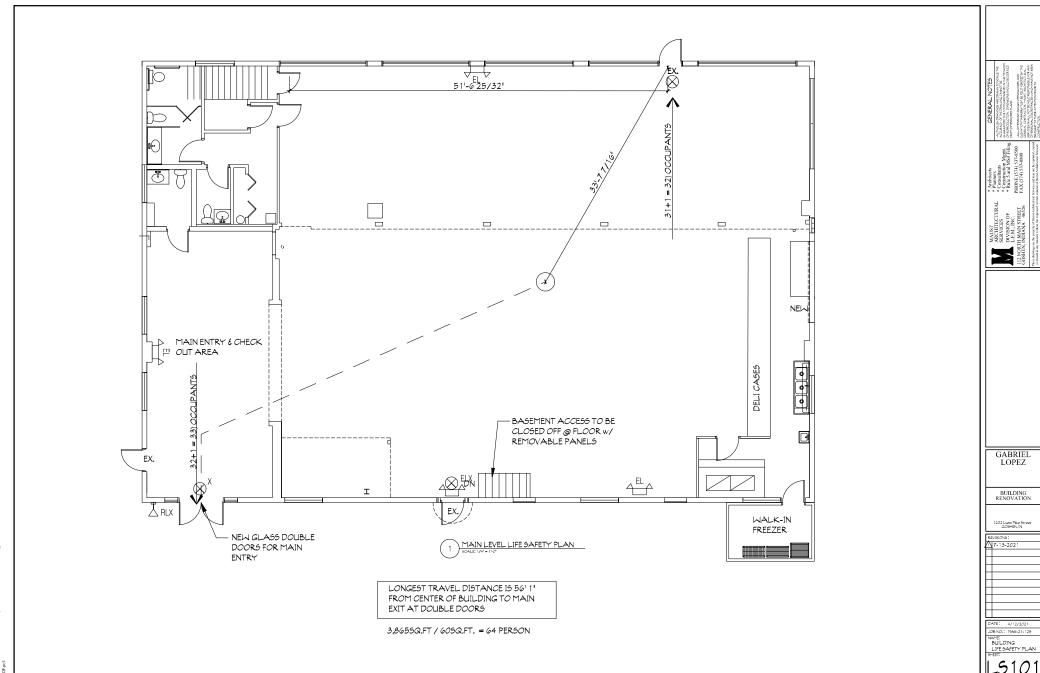
The City of Goshen Department of

Planning & Zoning
st Jefferson Street, Goshen, Indiana

204 East Jefferson Street, Goshen, Indiana 46528 Phone: 574-534-3600 Fax: 574-533-8626



Z:Waust Jobs 2021Wlas-21-125 Gabriel Lopez - Goshen, IN/21-125 A201.dwg, 12/30/202 DWG To PDF.pc3



Z://Maust Jobs 2021/Was-21-125 Gabriel Lopez - Goshen, IN/21-125 LS101.dwg, 7/13, DWG To PDE.pc3

LEGAL DESCRIPTION

LOTS 22, 23, 24 AND 25 IN WESTVIEW ADDITION TO THE CITY OF GOSHEN, ACCORDING TO THE RECORDED PLAT THEREOF

TOGETHER WITH ALL RIGHT IN AND TO THE NORTH HALF OF A VACATED ALLEYWAY WEST OF HARRISON STREET AND SOUTH OF PIKE STREET, IMMEDIATELY SOUTH OF LOTS 22-25 HEREIN. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

LOTS 12 AND 13 IN WEST VIEW ADDITION TO THE CITY OF GOSHEN, SAID PLAT BEING RECORDED IN RECORD 97, PAGE 149 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, ALONG WITH THE SOUTH HALF VACATED ALLEY LYING NORTH OF AND ADJACENT TO SAID LOTS.

LOTS 26 AND 27 IN WEST VIEW ADDITION TO THE CITY OF GOSHEN, SAID PLAT BEING RECORDED IN RECORD 97, PAGE 149 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, ALONG WITH THE NORTH HALF VACATED ALLEY LYING SOUTH OF AND ADJACENT TO SAID LOTS.

EXCEPT: A PART OF LOT 27 IN WEST VIEW ADDITION TO THE CITY OF GOSHEN, THE PLAT OF WHICH IS RECORDED IN RECORD 97, PAGE 149 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, AND BEING ALL THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT OF WAY LINES SHOWN IN THE RIGHT OF WAY PARCEL PLAT OF PARCEL 23 ON INDOT PROJECT NH-219-5(017), DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT SOUTH 0 DEGREES 13 MINUTES 22 SECONDS WEST 1.923 METERS (6.31 FEET) FROM THE NORTHEAST CORNER OF SAID LOT, WHICH POINT IS ON THE SOUTH BOUNDARY OF U.S.R. 33; THENCE SOUTH 0 DEGREES 13 MINUTES 22 SECONDS WEST 4.796 METERS (15.73 FEET) ALONG THE EAST LINE OF SAID LOT, TO POINT NO. 71 ON SAID PLAT; THENCE NORTH 20 DEGREES 41 MINUTES 33 SECONDS WEST 5.395 METERS (17.70 FEET) TO POINT NO. 66 AND THE SOUTH BOUNDARY OF SAID U.S.R. 33; THENCE EASTERLY 1.941 METERS (6.37 FEET) ALONG SAID BOUNDARY ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 449.133 METERS (1,473.53 FEET) AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 82 DEGREES 34 MINUTES 54 SECONDS EAST AND A LENGTH OF 1.941 METERS (6.37 FEET) TO THE POINT OF BEGINNING AND CONTAINING 4.6 SQUARE METERS (50 SQUARE FEET), MORE OR LESS.

LEGEND

O = SET 5/8" REBAR-FLUSH WITH FIRM I.D. CAP #0111

= FOUND IRON PIPE

= R/W MONUMENT

C = POWER POLE

C = FIRE HYDRANT - = OVERHEAD ELECTRIC

= OVERHEAD TELEPHONE

M = WATER VALVE

= MAILBOX

← = GUYWIRE

= EXISTING CONCRETE

.... = EXISTING GRAVEL

= EXISTING BUILDING

GRAPHIC SCALE (IN FEET) 1 inch = 20 ft.

BUILDING AND BOUNDARIES DERIVED FROM PROGRESS ENGINEERING SURVEY

PROJECT SITE

LOCATION MAP

THIS PROPERTY IS NOT LOCATED WITHIN THE FLOODPLAIN AS PER INFORMATION OBTAINED FROM FLOOD INSURANCE RATE MAP, NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NUMBER 180058 18039C0253D, EFFECTIVE MAP DATE: AUGUST 2, 2011

PARKING CALCULATIONS

3,875/2005Q.FT. = 19 SPACES 1 PER 2 EMPLOYEE'S (4/2) = 2 SPACE REQUIRED SPACES 21 SPACE

SUPPLIED SPACES 41 SPACE

CERTIFICATE OF SURVEY

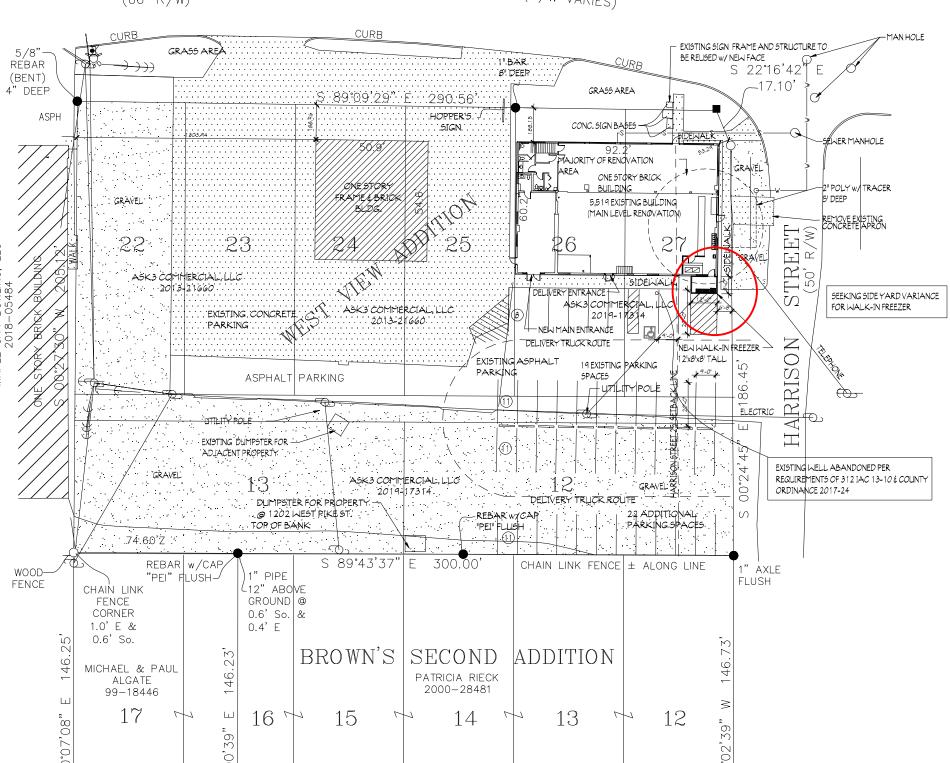
LOTS 12, 13 AND 22 THROUGH 27, INCLUSIVE; TOGETHER WITH THE NORTH HALF OF THE VACATED ALLEY IMMEDIATELY SOUTH OF LOTS 22 THROUGH 27, INCLUSIVE

ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA DWNER: ASK3 COMMERCIAL, LLC DEED RECORDS: 2013-21660 & 2019-17314 ADDRESS: 1202 & 1204 PIKE STREET, GOSHEN, IN 46526

W. PIKE STREET

(66' R/W)

U.S. 33 (R/W VARIES)





GABRIEL LOPEZ

BUILDING RENOVATION

1202 West Pike Street GOSHEN, IN REVISIONS:

DATE: 4/12/2021

JOB NO.: MA5-21-125 SITE PLAN

C101

LOCATION: 1778 Eisenhower Drive South **DATE**: January 25, 2022

CASE NUMBER: 22-02DV PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: 510 Apple, LLC & Beadle Huffman, LLC (owners); Abonmarche Consultants (agents)

REQUEST: The applicants request a developmental variance to allow a front parking/driving aisle setback

along Eisenhower Drive South of 20' where 30' is required for the construction of a new

manufacturing facility

LOT SIZE: ± 10.77 acres; $\pm 1,235$ ' of frontage (± 424 ' on Eisenhower Drive North & ± 330 ' on Kercher

Road, \pm 481' on Southside Park Court); depth varies

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 16

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer required

AREA DEVELOPMENT: Industrial, commercial

NEIGHBORHOOD: None

THOROUGHFARES: Eisenhower Drive North; Southside Park Drive; Kercher Road

TOPOGRAPHY: Located in the City's wellhead protection area

VARIANCE OF DEVELOPMENTAL STANDARDS

♦ Goshen Zoning Ordinance, Section 4230.3, Area, Width, and Yard Regulations of the M-1District B.1. On collector streets, the front yard shall be a minimum distance of 30 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 an approximately 10.77-acre tract of vacant parcels east of Messick Drive in the Goshen Industrial Park. The property has frontage on Eisenhower Drive South, Southside Park Drive, and Kercher Road, and is surrounded predominantly by industrial uses with commercial health offices also located to the southeast.

The petitioners are proposing to construct an approximately 73,000 SF manufacturing facility in the northern portion of the property along Eisenhower Drive South. Other improvements include loading docks and a canopy storage area on the west side of the building and 245 parking spaces. The site will drain to a new stormwater detention basin located in the southern portion of the property. A proposed parking and driving aisle will connect to the adjoining property at 1846 Eisenhower Drive South. It has a proposed front setback of 20' where 30' is required, so approval of a developmental variance is needed.

Approval is warranted. The setback will match what exists on the property to the east, which was granted a developmental variance in 2004 (04-19DV) to allow a parking setback of 20' where 30' is required. The proposed driving aisle will maintain continuity with the adjoining property's driving aisle, so that traffic flow is smoother and safer on the properties. There will remain room within the proposed 20' setback for greenspace and required street trees, and all other developmental requirements for the project will be met.

22-02DV Page 2

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a front parking/driving aisle setback along Eisenhower Drive South of 20' where 30' is required for the construction of a new manufacturing facility, 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 driving aisle will maintain continuity with the adjoining property's driving aisle, making traffic flow smoother and safer. *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. Numerous properties in the industrial park, including the adjoining property to the east, have a reduced front yard for parking and driving aisles. *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. Without approval, the parking and driving area along Eisenhower Drive will need to be moved southward or reduced in width, which will unnecessarily eliminate space for the facility or reduce available parking on the northside of the property. *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 Engineering and Fire Departments through Technical Review is required.
- 5. Building Department approval is required.



Looking east across proposed location of parking/driving aisle along Eisenhower Drive South

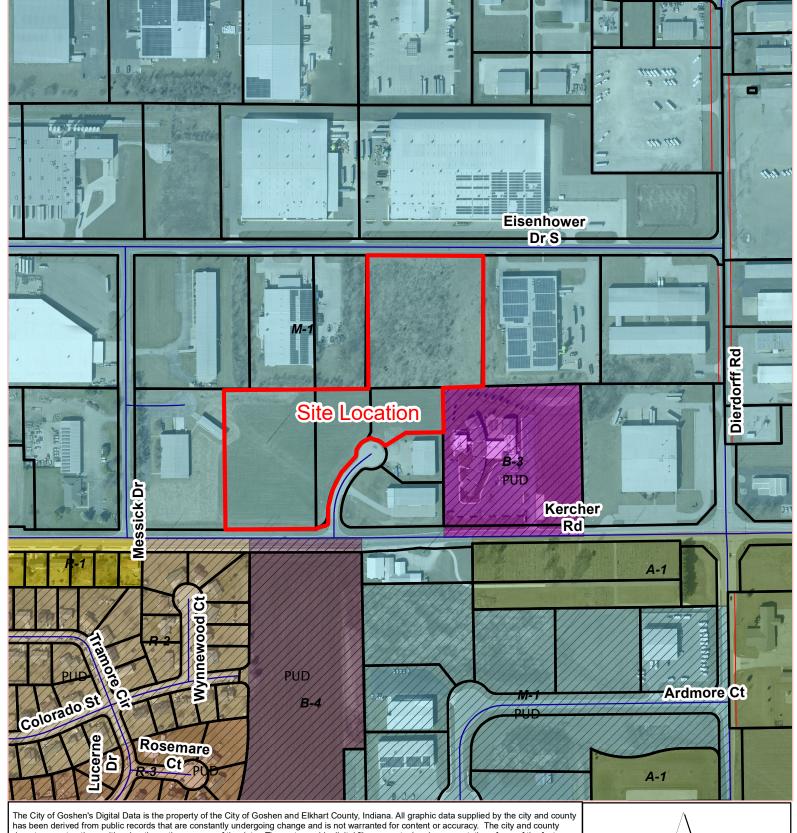
22-02DV Page 3



Looking west across proposed location of parking/driving aisle along Eisenhower Drive South



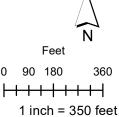
Looking east across the adjoining property (1846 EDS), which has a reduced parking/driving aisle approved by variance in 2004



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1778 Eisenhower Drive South

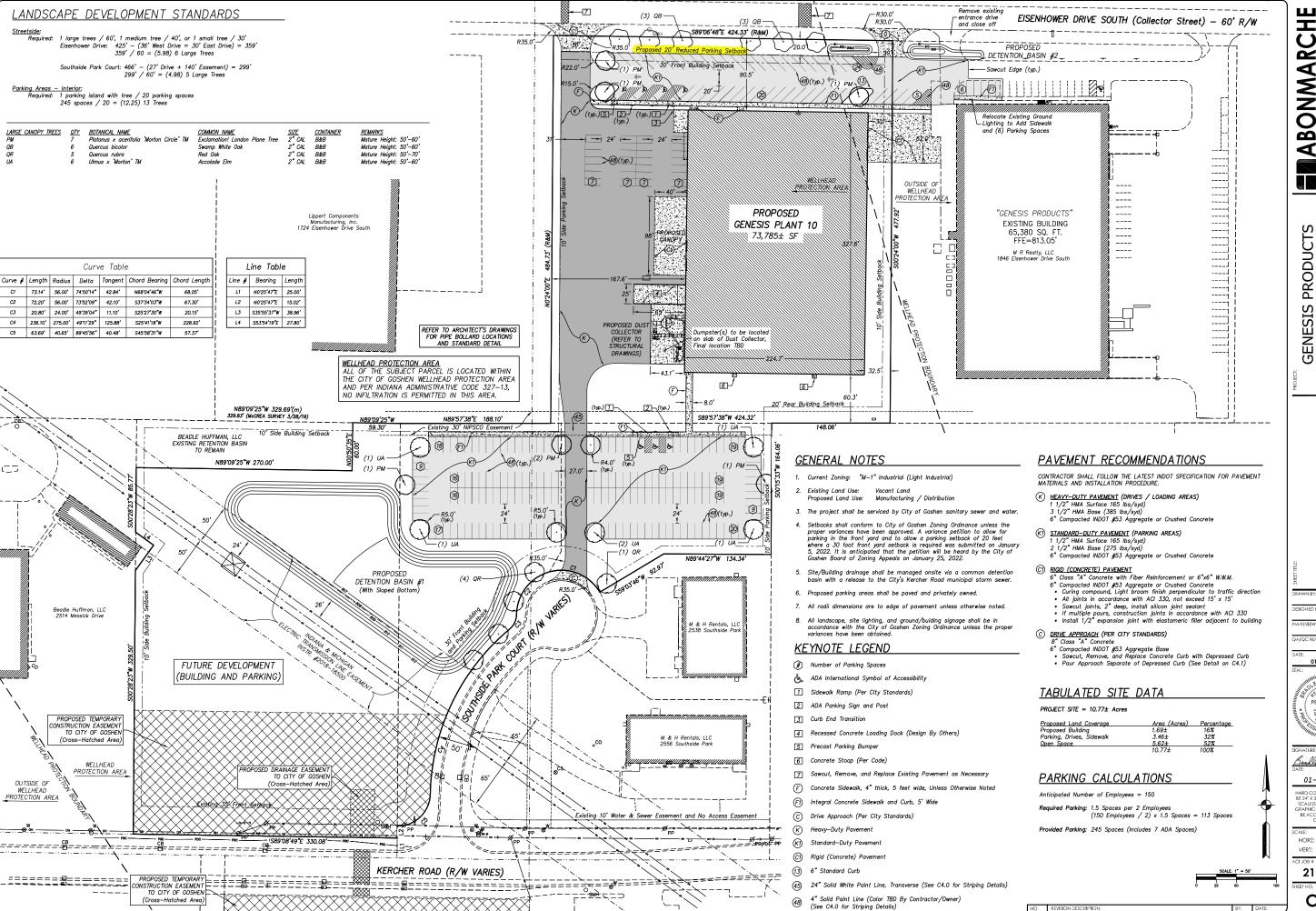
2021 Aerial Printed January 10, 2022



The City of Goshen Department of

Planning & Zoning 204 East Jefferson Street, Goshen, Indiana 46528

Phone: 574-534-3600 Fax: 574-533-8626



MABONMARCH
Roce Dive, Unil 206
Roce Dive, Unil 206
Roce Dive, Unil 206
Roce Diversity Construction
Roce Diversity

NESIS PRODUCTS
PLANT 10

TE DEVELOPMENT PLAN

DRAWN BY:

RDM
DESIGNED BY:

RDM
PM REVIEW:
BEM
QA/QC REVIEW:
KG

SIGNATURE:

Bradley 4. Morres

01-05-2022

01-05-2022 ARD COPY IS INTENDED TO

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NO BE ACCURATE FOR ANY OTHER SIZES

CALE: HORZ: **1" = 50'** VERT:

21-1203

C1.0

LOCATION: 801 W Wilkinson Street **DATE**: January 25, 2022

CASE NUMBER: 22-01UV PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Goshen Community Schools (owner); Goshen Interfaith Hospitality Network & Nuway

Construction (agents)

REQUEST: The applicants request a use variance to allow group housing quarters for temporary emergency

housing where the use is conditional in the Residential R-1S, R-3, and PUD Districts and

permitted in the Commercial B-3 District

LOT SIZE: ± 3.06 acres; $\pm 1,178$ ' of frontage (± 548 ' on Chicago Avenue; ± 168 ' on Denver Street; ± 462 '

on Wilkinson Street); \pm 462' of depth

APPLICABLE ZONING: Residential R-2

NOTICES SENT: 51

SPECIAL INFORMATION

PUBLIC UTILITIES: City water & sewer

AREA DEVELOPMENT: Residential, institutional

NEIGHBORHOOD: Riverdale

THOROUGHFARES: Chicago Avenue, Denver Street, Wilkinson Street

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

♦ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses Group housing quarters are listed as a permitted use in the Commercial B-3 District and a conditional use in the Residential R-1S & R-3 and PUD Districts

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning office received email inquiries from three adjacent property owners and one City Council member regarding the petition. The inquiries were related to the BZA process and schedule, and did not include any declarations of support or opposition.

ANALYSIS

The subject property is an approximately 3-acre lot located in the Riverdale neighborhood. The property fronts Chicago Avenue, Denver Street, and Wilkinson Street, and is surrounded entirely by residential properties and residential zoning. The Pike Street/U.S. 33 commercial corridor is a short distance to the south. Improvements on the property include an approximately 16,500 SF primary building, an approximately 1,800 SF accessory building, and 55 existing parking spaces. Large areas of greenspace are located on the north and east sides.

The property has been historically used as a school with the existing main building first built as Riverdale Elementary School and in more recent years used as an alternative high school. Additional related uses for portions of the school have included the Headstart program, before- and afterschool child care, and college level business classes. Variance approval for a mobile classroom was approved for temporary use on the property in 1992, 1995, and 1998, and a developmental variance was granted in 2000 to allow parking relief for the college classes.

Now, Goshen Interfaith Hospitality Network (GIHN) is proposing to use the north half of the building for group housing quarters serving as a temporary emergency shelter for women and families. Proposed improvements to the building include conversion of 3 classrooms to bedrooms and division of 1 classroom into 5 offices. Each bedroom will house up to 8 people, for a maximum shelter occupancy of 24. The existing community room will be used for dining. Goshen Schools will continue to use the south half of the building for classroom space with adult GED classes in one of the rooms. There are no planned changes to the size of the building and the exterior will remain the same. Because group housing quarters are not permitted in the R-2 District, the change of use requires use variance approval.

GIHN emergency housing services are currently provided at St. Mark's United Methodist Church at 502 N Main Street, zoned Residential R-1. Approval of group housing quarters use at that location was approved by use variance in February 2017 and a change to allow the shelter to operate 24 hours per day was granted by variance in January 2019. GIHN states they have outgrown that location and are partnering with Goshen Schools at the new proposed location. Prior to submitting the variance request, GIHN representatives met with adjacent property owners and residents in a public meeting to discuss their proposal.

Staff recommends approval of the request if approval is also accompanied by the following commitments:

- The use is limited to a 3-year trial basis with a new application and public hearing at the end of that time period. It's unclear if the use will adversely impact the use and values of nearby properties, so limiting the initial approval to 3 years allows the BZA to evaluate how the shelter has impacted the neighborhood before such impacts become permanent.
- The number of shelter occupants is limited to no more than 24. The petitioners have provided plans that the building can adequately house 24 occupants. Any number greater than that will need evaluation by City Staff and the BZA.

With the above commitments in place, approval is warranted based on the following:

- The proposed use requires minimal internal changes to the building and no visible exterior changes to the property. When the shelter use is established, it may even be difficult to tell that there was a change of use to the north portion of the building
- The residential component of the shelter use will be a first for this property, but the overall shelter program is closely aligned with the historic institutional use of the property. The school use, before- and afterschool childcare, and Headstart align with the services the shelter will offer.
- The shelter use has operated at 502 N Main Street (St. Mark's United Methodist Church) by variance since 2017, and Planning is unaware of any issues the use has created there for adjacent residential properties.
- The shelter use is in close proximity to the Pike Street/U.S. 33 commercial corridor, which includes a public transportation route, grocery and retail stores, and job opportunities that will benefit the residents at the facility. Such a location is difficult to find elsewhere in the City.
- The proposed use brings together several participating entities, including the school system, service agencies, and the City, which supports the Comprehensive Plan's goal to "encourage partnerships between service providers" (C-2.1) and to "address homelessness in the community" (C-2.4)

FINDINGS OF FACT

Staff recommends **approval with conditions and commitments** of a use variance to allow group housing quarters for temporary emergency housing where the use is conditional in the Residential R-1S, R-3, and PUD Districts and permitted in the Commercial B-3 District, 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 has existed for many years as an institutional use serving many members of the public on a routine basis. The group housing use will not proceed until it is approved by the Building and Fire Departments. *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. It's unclear if the shelter use will impact the use and value of adjacent properties, so approval of

the request with a commitment limiting the use to three years will allow the BZA to discontinue or modify the terms of the use so that possible adverse impacts of the use are not permanent. *The standard is confirmed*.

- 3. The need for the variance arises from a condition peculiar to the subject property. The property has historically been used as a school and related uses with programs similar to the temporary emergency shelter 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 subject property is conveniently located close to job opportunities, commercial retail that includes a large grocery store, and a public transportation route that will benefit occupants of a temporary emergency shelter. Such a use will be difficult to place in another location in the City. *The standard is confirmed*.
- **5.** The approval does not interfere substantially with the Comprehensive Plan. The proposed shelter is bringing together several participating entities, including the school system, service agencies, and the City, which supports the Comprehensive Plan's goal to "encourage partnerships between service providers" (C-2.1) and to "address homelessness in the community" (C-2.4) *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 Engineering and Fire Departments through Technical Review is required.
- 5. Building Department approval 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 variance allowing group housing quarters for a temporary emergency shelter is approved for a period of three (3) years from the date of approval; at the time the variance expires, it must be reheard by the City of Goshen Board of Zoning Appeals following a new application and a new public hearing.
- 3. The number of occupants of the temporary emergency shelter shall be limited to no more than 24.



Looking north across Wilkinson street at south portion of building to be retained for classroom use



Classrooms on north end of building to be converted to bedrooms and offices for group housing quarters use



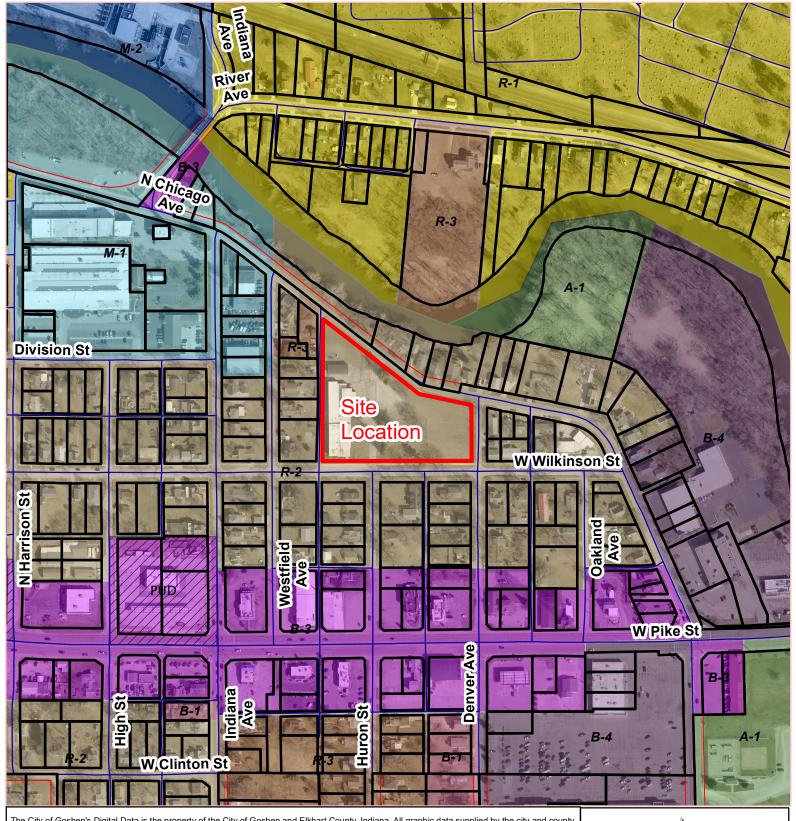
South entrance of building to be used for group housing entrance; community room to be used for dining hall



Looking west at available parking on east side of building



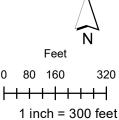
Looking northwest from Denver Street at greenspace on east side of property



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801 W Wilkinson

2021 Aerial Printed January 10, 2022



The City of Goshen Department of

Planning & Zoning

204 East Jefferson Street, Goshen, Indiana 46528 Phone: 574-534-3600 Fax: 574-533-8626



January 3, 2022

502 N Main St., Goshen, IN 46528 Phone:574-534-2300 Fax: 574-971-8463 mindy@goshenihn.org www.goshenihn.org

RE: Goshen Interfaith Moving into Riverdale location

To whom it may concern,

Goshen Interfaith Hospitality Network would like to move our shelter from St. Mark's United Methodist Church located at 502 N Main Street to the Riverdale School location located at 801 W. Wilkinson Street, Goshen, IN.

We have outgrown our space at St. Mark's, as well as we need a ground floor location that is handicap accessible. At our new location out of Riverdale we plan to be housing up to 8 women and 8 family units with a maximum of 24 guests.

We held a neighborhood meeting on Monday, January 3, 2022 and answered all questions and concerns that the neighborhood had. From this meeting we plan to help form a group that includes GIHN, GPD Officer, School representative along with a neighborhood representative. We heard concerns about drugs and loitering and let the neighborhood know we drug test upon arrival into our shelter and we do random drug test to our guests throughout their stay. We breathalyze any of our guests when they have been off our property and do not allow them to just be loitering outside.

We also plan to work with Officer Ballard and our builder on smart property landscaping for our shelter this includes fencing. This way we are not only aesthetically pleasing to the eye but smart for the neighborhood and our shelter.

Any further questions please email me at mindygihn@gmail.com, call me at 574-534-2300 or on my cell at 574-527-9981.

Mindy Morehead

GIHN Executive Director

Goshen Interfaith Hospitality Network is a tax-exempt organization under Code Section 501(c)(3) of the Internal Revenue Service. Federal ID # 35-1969470



Goshen Community Schools

Dr. Steven Hope, GCS Superintendent

January 3, 2022

Mindy Morehead **Executive Director** Goshen Interfaith Hospitality Network 502 N. Main St. Goshen, IN 46528

Dear Ms. Morehead.

I would like to offer Goshen Interfaith Hospitality Network (GIHN) my support and confidence for our new partnership around the use of the old Riverdale School, and I am providing this letter for any other GIHN partners who may need confirmation of our working partnership. Goshen Schools is prepared to lease the old Riverdale School, located at 801 W. Wilkinson St. Goshen, to GIHN for use as their Homeless Shelter.

We are excited that GIHN will bring new life to the aging school building with facility updates and renovations, which will be the responsibility of GIHN. GCS values our partnership with GIHN, and we look forward to further collaboration as we continue Night School in the Riverdale facility. GCS and GIHN may also form new programming in the future which meets the needs of both organizations, but that is still to be determined.

While Goshen Schools will not work directly with the people GIHN serves, we greatly appreciate that GIHN will be meeting the needs of homeless women and families in our community, many of whom also have ties to our schools.

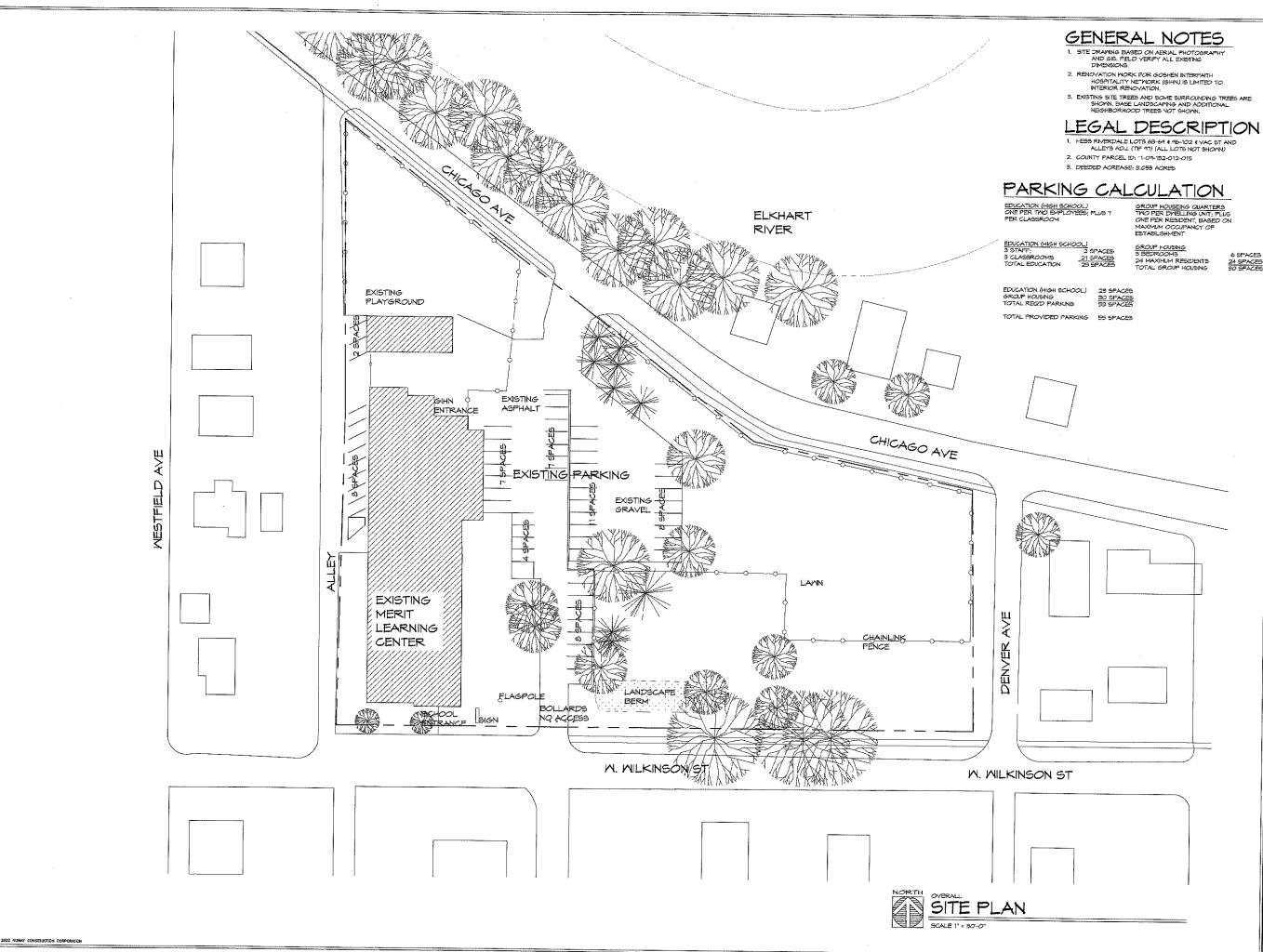
Goshen Schools is firmly in support of GIHN moving into Riverdale. If any GIHN partners have questions regarding our commitment or involvement, I invite them to contact me at shope@goshenschools.org

Sincerely,

Dr. Steven Hope

GCS Superintendent

Stewar Hope





6 SPACES

INTERIOR RENOVATION 605HEN INTERFAITH HOSPITALIT 801 M. WILKINSON 5: 605HEN,IN 46528

ONSTRUCTION



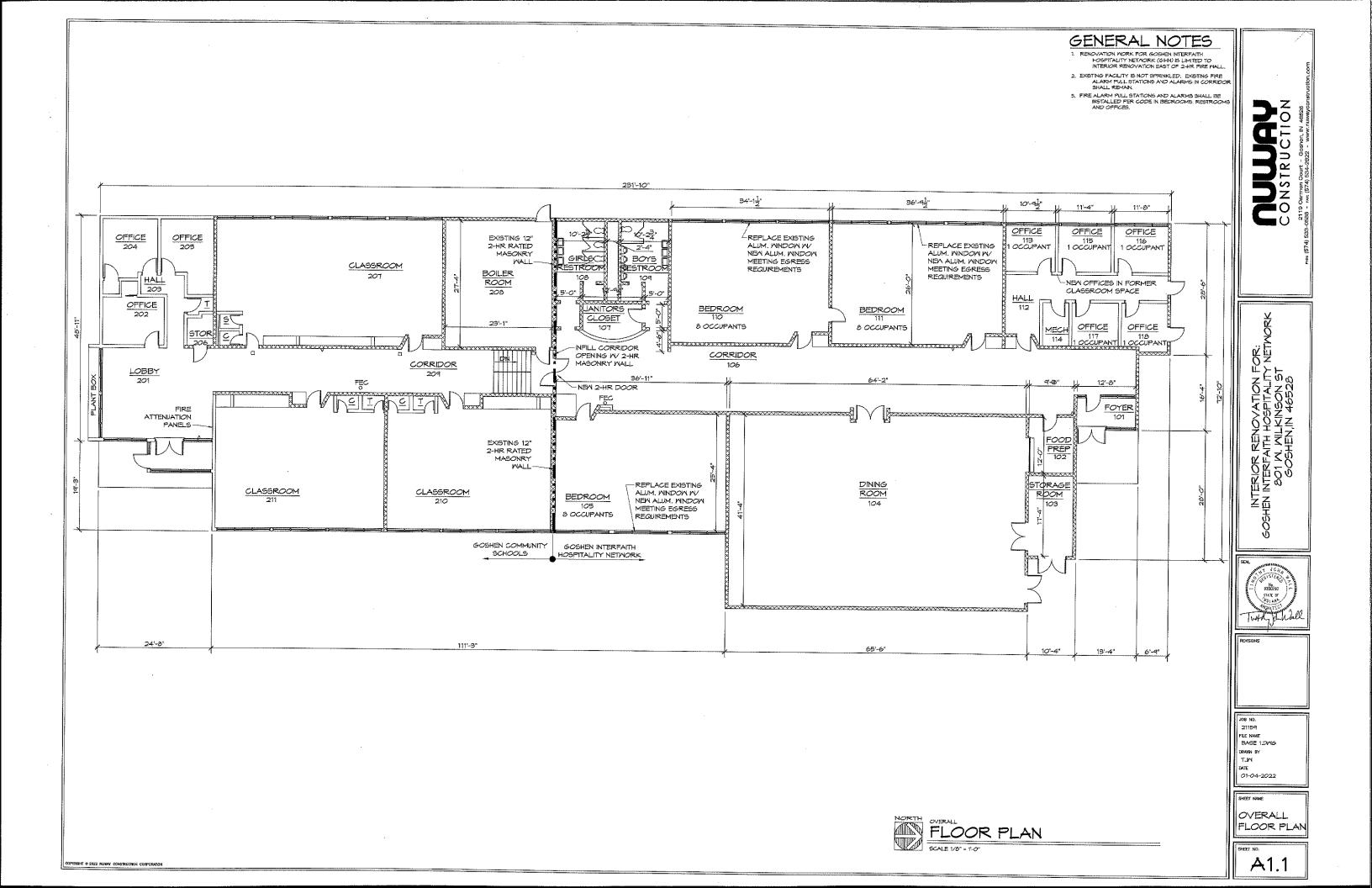
21159 FILE NAME SFTE PLAN.DWG DRAWN BY

01-04-2022

SHEET NAME OVERALL

SITE PLAN

C1.1



Deegan, Rossa

From: Tom Fisher <tfisher@goodoilcompany.com>

Sent: Monday, January 10, 2022 12:01 PM

To: Deegan, Rossa

Cc: Laurie Henry; Tony Singh; Yoder, Rhonda; Lipscomb, Lori

Subject: RE: 2611 Peddlers Village Rd - sign variance

Rossa,

We have started construction at the site and will need to apply for the 6 month extension. Are you available tomorrow for me to come in as I need to address some building signage also.
Look forward to hearing from you.

Tom Fisher Wholesale Representative Cell 574-595-0614

E-mail Tfisher@goodoilcompany.com

Good Oil Company, Inc.

From: Deegan, Rossa < rossadeegan@goshencity.com>

Sent: Monday, January 10, 2022 10:55 AM **To:** Tom Fisher <tfisher@goodoilcompany.com>

Cc: Laurie Henry < henry@goodoilcompany.com>; Tony Singh < sangha5352@gmail.com>; Yoder, Rhonda

<rhondayoder@goshencity.com>; Lipscomb, Lori <lorilipscomb@goshencity.com>

Subject: 2611 Peddlers Village Rd - sign variance

Hi Tom,

The developmental variance approved by the Board of Zoning Appeals on August 24, 2021 (attached) is good for six months and will expire on February 24, 2022 unless the zoning clearance has been issued by that date. You may request a one-time 6-month extension of the variance, and Staff can make that request on your behalf at the upcoming January 25 BZA. There is no fee.

If you're agreeable to requesting an extension, please respond to this email with the request. If you have any questions, please let me know.

Sincerely,

Rossa Deegan
Assistant Planning & Zoning Administrator
City of Goshen
204 E Jefferson St, Suite 4
Goshen, IN 46528
rossadeegan@goshencity.com

574-534-3505