

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, March 22, 2022, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 2/22/22
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV.** Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- V.** **Developmental Variances**– public hearing items
 - 22-05DV** – Heidi P McKee & Alton Brian McKee and Cut Cost Construction, Inc. request developmental variances to allow a front (east) building setback of 18’ along Winter Avenue where 25’ is required, a rear (north) setback of 23’ where 25’ is required, a lot area of 8,712 Sf where a minimum of 10,000 Sf is required, and 3 on-site parking spaces where 4 are required for the addition of a second dwelling unit to an existing single-family home. The subject property is generally located at 1301 Baker Avenue and is zoned Residential R-2 District.
 - 22-06DV** – Gordon K Prieb & Mary M Metzler request a developmental variance to allow a front (south) building setback of 6’ along Adams Street where a minimum of 25’ is required for the installation of a 129 Sf shed. The subject property is generally located at 1108 S 14th Street and is zoned Residential R-1 District.
 - 22-07DV** – Christopher E Watkins, Bell Indiana, LLC, Standard Goshen, LLC, and Hamilton Designs, LLC request developmental variances to allow a 4’ side (north) setback for a parking/driving aisle where 5’ is required and parking spaces 18’ in depth where a minimum of 20’ is required for a new restaurant. The subject property is generally located at 1822 Lincolnway East and is zoned Commercial B-3 District.
- VI.** Audience Items
- VII.** Staff/Board Items
- VIII.** Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, February 22, 2022, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Lee Rohn, Tom Holtzinger, Bethany Campbell, Hesston Lauver, and Michael Potuck. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. Approval of Minutes from 1/25/22: Potuck/Rohn 5-0

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

IV. Postponements/Withdrawals - None

V. Use & Developmental Variance – public hearing items

22-03DV – Philip E Waite & Elizabeth R Bontrager and Freedom Builders request a developmental variance to allow a 3' rear (east) building setback where 25' is required for the construction of a 296 sf attached garage. The subject property is generally located at 117 Canal Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan provided background information for this property and the neighborhood, noting that this property and surrounding properties are predominately single-family residences. The subject property is less than 6,000 sf and contains an approximately 1,350 sf home with open parking at the rear of the home. Today's request is to add a 296 sf attached garage with a 3' rear setback where 25' is required. He pointed out this is a good example of a small property creating the need for a variance. He explained the area at the rear of the property already contains hard surface and has access from an alley. He pointed out the proposed development also matches the density of the neighborhood.

He noted for the record that the Planning Office had an inquiry from the owner of 119 Canal Street who stated she had no objection to the request.

Petitioner Presentation:

Jeremiah Hochstetler, 54824 CR 33, Middlebury, spoke on behalf of the petitioner. He stated he is familiar with the Staff Report and has nothing to add.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Potuck/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-03DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-02UV – Berkey Avenue Mennonite Fellowship requests a use variance to allow a sitting wall for a memorial garden with a 14' setback from an adjacent residential property to the west where churches are a conditional use

permitting structures with a minimum 50' setback from all residential uses and residential zoning district boundaries. The subject property is generally located at 2509 & 2601 Berkey Avenue and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained that this property is over 6 acres in size; surrounded by mostly single-family homes. The property includes a 12,300 sf church, a single-family home, and a large parking area that was expanded in 2017. He went on to explain there is a large, undeveloped portion of the property north of the parking lot, which the petitioners would like to use for a memorial garden. This garden would include a pathway, sitting wall, pergola, and columbarium. He noted churches are a conditional use in all zoning districts, but one of the conditions is that all structures must be a minimum of 50' to an adjacent residential use or zoning district and a use variance is required because the proposed memorial garden has several structures which would be within that 50' setback.

When asked by Staff why the structures were not moved to the middle of the property, the church stated they wanted to leave room for an outside worship area. He stated this was a reasonable justification for moving these structures closer to the property line and that Staff recommends approval of the request. He also pointed out that the BZA approved a similar request in February 2021 for a shed on church property at 909 N 6th Street.

Mr. Deegan stated for the record that letters were received from two adjacent property owners and are included with the packets. The owners of 2605 Berkey voiced their support of the project and the owners of 50 Greenway Drive listed several concerns regarding the request and opposition to the request, based upon those concerns.

Concerning the letter in opposition, Mr. Deegan noted that the proposed tree planting and trails in the northern portion of the property are not under review by City staff or the BZA and Staff encourages discussion amongst property owners regarding such matters. He also recommended that the church privately research utility easements and noted that no screening is required for the memorial garden. He also explained that the proposed use does not match the definition of a cemetery.

Petitioner Presentation:

David Birky, 19680 Canyon Cove, Goshen, spoke on behalf of the petitioner. He stated this garden is designed to be quiet and peaceful, and a variance is required because of the narrow lot. He provided a photo (Exhibit 22-02UV #1) of what the columbarium will look like and pointed out having a columbarium is a way to avoid having a cemetery, assuring the audience there are no plans for a cemetery. He stated the niches are sealed and designed to remain that way forever. He noted the drainage plan has been approved by Goshen Stormwater with no changes to the retention. In order to maintain privacy, plantings are planned for screening behind the columbarium, the sitting wall, and the pergola. He pointed out that 700 saplings have been ordered and will be planted outside the NIPSCO easement.

Mr. Holtzinger asked if most of the activity here will take place during the daytime.

Mr. Birky acknowledged that it will. He went on to say that church events will be supervised, but the prayer labyrinth would be open as it is now, with no security or monitoring.

Audience Comments:

Sandra Schneider, 48 Greenway Drive, spoke to the petition. She stated her main concern is safety since the plans call for this to be open to the community and questioned if the proposed labyrinth will provide places where people can hide.

Mr. Holtzinger asked Ms. Schneider if she has observed any unusual activity that has her concerned.

Ms. Schneider stated that in the past, there have been kids that climbed her fence to get to the church property. She also explained that people sometimes walk their dogs in that area or sled in the wintertime and she has no issue with those activities. She also questioned how mowing and litter will be controlled at the site.

Bill Gangwer, 2509 Waneta Drive, also spoke to the petition. He stated there have been 3-wheelers and motorcycles a number of times over the past several years. He agreed with the previous speaker about children in the tree line near the field. He noted the church has been a good neighbor, but he does have a few concerns about the plans for the northern part of the property.

The public hearing was closed.

Staff Discussion:

Mr. Deegan reiterated that the proposed forest and trail areas to the north are not under consideration. Mr. Holtzinger commented that he feels greater use of the facility will help cut down on trespassers to the property.

Action:

A motion was made and seconded, Holtzinger/Campbell, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-02UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-04DV – Lippert Components Manufacturing, Inc. and Surveying And Mapping, LLC request developmental variances to allow 373 onsite parking spaces where 439 spaces are required and to allow vehicle maneuvering in the right of way where loading facilities shall be arranged so that all maneuvers shall be accomplished without entering the public right of way, for the addition of a new loading dock and changes to a parking and driving aisle. The subject property is generally located at 1206 Eisenhower Drive South and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property was brought before the Board in September 2021 to allow maneuvering in the right-of-way for four new truck docks. Today's petition is also to allow maneuvering in the right-of-way for one additional truck dock and a new access drive from Eisenhower Drive South. The petitioners state this will improve worker safety in the unloading process.

Parking has also been reevaluated and they have determined there are 373 onsite parking spaces, where based on the number of employees, 439 are required. As mentioned earlier, a similar request was approved last September and this request is for one loading dock and to increase safety. He noted that the new access drive has already been approved by the Board of Works and part of the justification was the fact that they are removing approximately 180' of the continuous curb cut along Eisenhower Drive South.

Mr. Deegan noted that the number of parking spaces is not ideal, but this project is not making any major changes to the parking and no additional employees will be added.

The Planning Office was not contacted by any neighboring property owners and recommends approval of the request.

Petitioner Presentation:

Debra Hughes, 3220 Southview Drive, Elkhart, spoke on behalf of the petitioner. She noted the driveway was approved last month, and as part of that approval, the company agreed to remove part of the continuous driveway. She explained access to the new dock requires pulling into the right-of-way and backing into the truck dock.

Regarding the parking, Ms. Hughes noted that the City calculates parking based upon the number of employees, and by using this calculation, parking is not sufficient. For that reason, reduced parking is also part of today's request. She noted that on any given day, the company reports approximately 40 absentees, and approximately 102 employees carpool. Based on these numbers, there is sufficient parking available.

Steve Jenkins, Lippert Components, also spoke to the petition. He agreed with Ms. Hughes that existing parking is sufficient and that this RV facility is running production at a maximum rate. He went on to say forecasts for the second and third quarters show these production numbers will likely drop. He also explained that they are looking at automation, which will likely reduce the number of employees at this facility.

Mr. Lauver pointed out that existing parking along Eisenhower appears to be helter-skelter with people parking in grassy areas and mud. He questioned how that will be controlled.

Mr. Jenkins stated Lippert has roped off some of those areas and some of the administrative employees have relocated to a plant on Century Drive.

Mr. Lauver stated he finds it concerning that when driving by the building today, the parking was erratic and nothing like what is shown on the site plan. He asked why parking isn't more organized if there is an adequate amount of parking.

Mr. Jenkins stated that there are a couple of issues, including snow piles and storage of materials because of a construction project.

Ms. Hughes pointed out when the construction project has been completed, the storage of materials will take place inside the building and out of the parking area.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Deegan pointed out that if approved, condition #6 in the Staff Report states that "All materials stored outside shall be in locations designated as outside storage areas per the final approved plans for this project being reviewed in Tech Review". This will ensure parking spaces are being used for parking and not the storage of materials.

Action:

A motion was made and seconded, Campbell/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-04DV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-03UV - Keystone RV Company and Jones Petrie Rafinski request a use variance to allow an office (marketing and personnel training) where business offices are a conditional use in the Commercial B-1 and PUD Districts and a permitted use in the Commercial B-2, B-3, and B-4 Districts. The subject property is generally located at 2313 & 2321 Eisenhower Drive North and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property, zoned Industrial M-1, contains two 6,000 sf buildings with a shared driving aisle. Today's request is for these buildings to be used strictly as business offices, with no industrial uses taking place. The west building houses a Marketing Office, and Human Resources is located in the east building. He explained that business offices are generally located in commercial and PUD districts, but not as a stand-alone office in industrial districts. For that reason, a use variance is required. Staff recommends approval of the request, noting that similar requests have been approved in the past. He also noted the Planning Office has had no inquiries regarding this request.

Petitioner Presentation:

Matt Schuster, 300 Nibco Parkway, Elkhart, spoke on behalf of the petitioner. He stated Keystone has acquired this property and moved their personnel training center to the eastern building. He explained there are two offices

in the building and the rear portion of the building is used as an administrative and training facility, explaining that training takes place two to three times per week. He noted the western building is currently being used by one to three people for RV photoshoots. He asked that the Board approve the request.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Potuck/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-03UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items

Mr. Holtzinger asked if there are any plans to change the ordinance to allow office uses in the M-1 zoning district.

Mr. Deegan stated the zoning administrator has a list of small changes that need to be made to the ordinance, but at this time, it's not a high priority. He verified that it is on her agenda and will be worked on as time allows.

VIII. Adjournment: 4:38 pm Potuck/Rohn

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Lee Rohn, Secretary

2509 & 2601 Berkeley Ave

EXHIBIT

22-0241V #1

2/22/22 B2A



LOCATION: 1301 Baker Avenue
CASE NUMBER: 22-05DV

DATE: March 22, 2022
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Heidi P McKee & Alton Brian McKee (owners); Cut Cost Construction, Inc (agent)

REQUEST: The applicants request developmental variances to allow a front (east) building setback of 18' along Winter Avenue where 25' is required, a rear (north) setback of 23' where 25' is required, a lot area of 8,712 Sf where a minimum of 10,000 Sf is required, and 3 on-site parking spaces where 4 are required for the addition of a second dwelling unit to an existing single-family home

LOT SIZE: ± 8,712 SF; ± 198' of frontage (± 66' on Baker Avenue & ±132' on Winter Avenue); ± 132' of depth

APPLICABLE ZONING: Residential R-2

NOTICES SENT: 47

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City sewer; City water is available

AREA DEVELOPMENT: Residential, institutional

NEIGHBORHOOD: West Goshen

THOROUGHFARES: Baker Avenue & Winter Avenue

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4160.3*, Area, Width, and Yard Regulations of the R-2 District
 - A. Minimum Lot Area
 - 3. All two-family dwelling units hereafter construction shall be on a lot having an area of not less than 10,000 square feet
 - B. Front Yard
 - 1. On residential or cul-de-sac streets, the front yard shall be a minimum distance of 25 feet
 - C. Rear Yard. There shall be a rear yard on each lot, the depth of which shall be not less than 25 feet.
- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
 - 2 onsite parking spaces are required per single family dwelling unit

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

A resident of the property across Winter Avenue at 1215 Baker Street called to inquire about the details of the petition; they did not oppose or support the request.

ANALYSIS

The subject property is a single-family home on the corner of Baker Avenue and Winter Avenue in the West Goshen neighborhood. The home has an approximate footprint of 2,000 SF and includes a 2-car attached garage, an approximately 200 SF deck, and a small detached shed. Surrounding zoning is Residential R-2, and most homes in the vicinity of the subject property are single-family. Bakersfield Park, a small neighborhood park and playground, is located directly to the south across Baker Avenue.

The petitioners are proposing to build an approximately 448 SF addition to the north side of the home for an additional dwelling unit. The petitioners have explained that the dwelling unit is for use by an aging parent. The second dwelling unit use is permitted on this property because it is located in the R-2 District. However, the proposed plans for the addition demonstrate the need for multiple developmental variances:

- The existing home and the proposed dwelling create the need for a total of 4 onsite parking spaces, but only 3 spaces will be provided (2 in the existing garage and 1 on the proposed concrete drive)
- The lot is 8,712 SF, and two-family homes in the R-2 District require a minimum lot size of 10,000 SF
- The front building setback from Winter Avenue to the overhang of the addition will be 18', and the minimum front setback is 25'
- The rear setback from the addition to the north property line will be 23' where 25' is required

Approval of the requests is warranted based on the following:

- The proposed 18' setback from Winter Avenue is in line with the eastern line of the existing building. Furthermore, as a corner lot in a relatively old subdivision (Baker's 3rd Addition appears to pre-date the current 1982 Zoning Ordinance), it is difficult to meet front setbacks on two streets. The proposed setback is from the Winter Avenue right of way, which is a narrower right of way and less frequently used than Baker Avenue. Adjacent properties on Winter Avenue have non-conforming setbacks, including a setback to the home at 1215 Baker Avenue and an approximate setback of 6' to the home at 1214 Prairie Avenue.
- In September 2012, the BZA approved a 1' front setback to the existing deck along Winter Avenue. That structure is far closer to Winter Avenue than the proposed addition.
- The differences between the developmental requirements and the proposed rear setback and lot size are negligible, and the proposed addition meets the characteristic of the neighborhood. Lots in the neighborhood are generally smaller than what is currently required by the Zoning Ordinance, and setbacks are often non-conforming. For example, the duplex located at 1213 Baker Avenue is on an approximately 9,256 SF lot.
- Relief from the parking standards to allow one fewer on-site parking spaces is reasonable given that the proposed dwelling unit will be less than 500 SF

This property is not currently connected to City water and will need to connect as part of the proposed project.

FINDINGS OF FACT

Staff recommends **approval** of developmental variances to allow a front (east) building setback of 18' along Winter Avenue where 25' is required, a rear (north) setback of 23' where 25' is required, a lot area of 8,712 Sf where a minimum of 10,000 Sf is required, and 3 on-site parking spaces where 4 are required for the addition of a second dwelling unit to an existing 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 addition maintains front, rear, and side yard setbacks adequate for safe ingress and egress to the building. The Building Department has indicated the addition meets Building Code. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The subject property is in a neighborhood with many small lots and buildings with non-conforming setbacks. The proposed addition is in character with the surrounding properties, and will maintain the same setback from Winter Avenue as the existing building. The property will have adequate parking for the existing single family home and a very small additional dwelling unit. *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 subject property is zoned Residential R-2 but is in a neighborhood where it and many other properties do not have adequate lot size to meet current Zoning Ordinance requirements for a two-family dwelling. As a small corner lot, it is very difficult to meet front building setbacks along both property lines, and the proposed addition will be located within the front setback of the least travelled of the two fronting streets. *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. Connection to City water is required.
5. A right of way permit is required.



Looking north across Baker Avenue at front of home



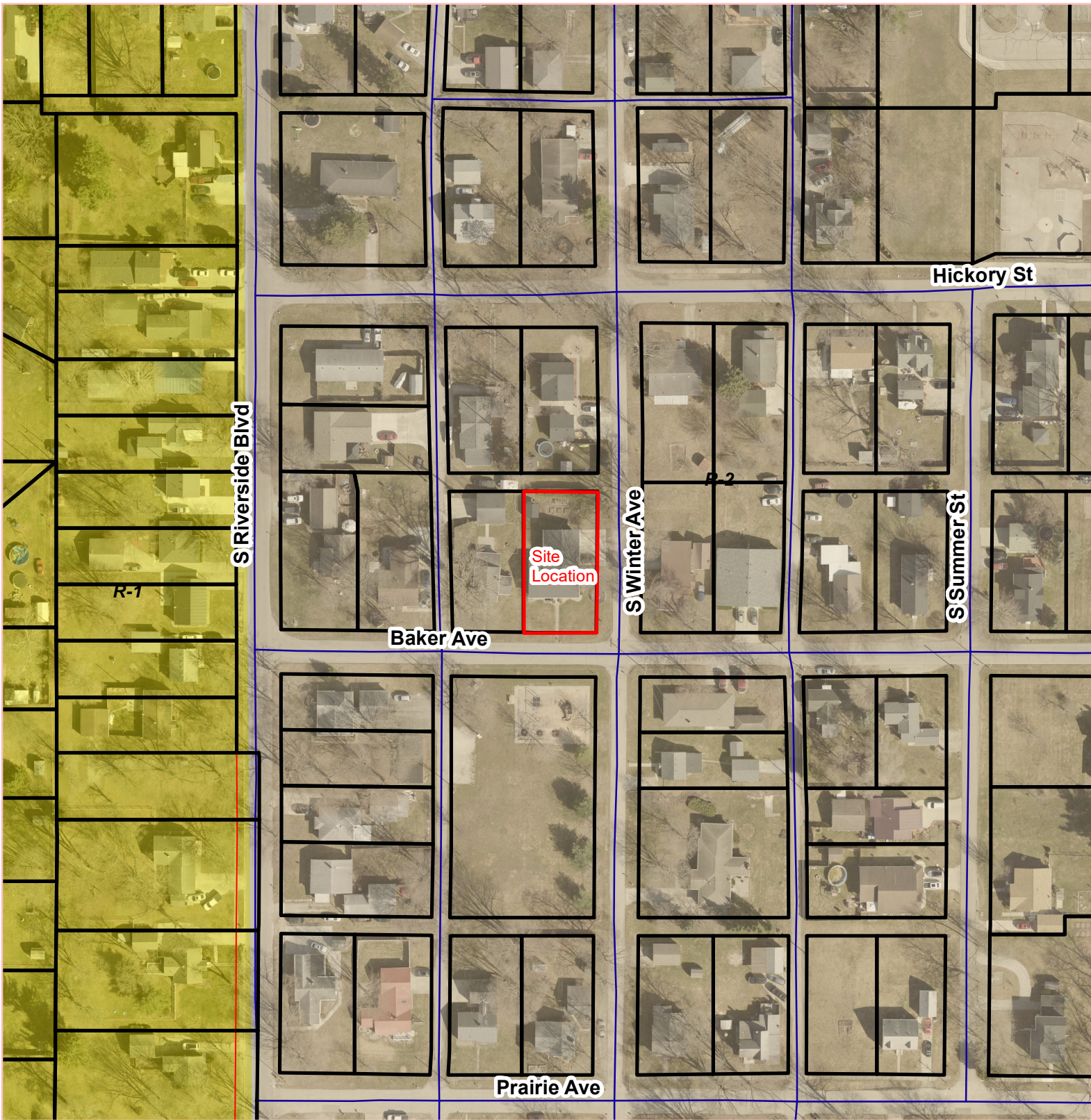
Looking north along Winter Avenue, with subject property on west side of street



Looking west from Winter Avenue at proposed location of addition



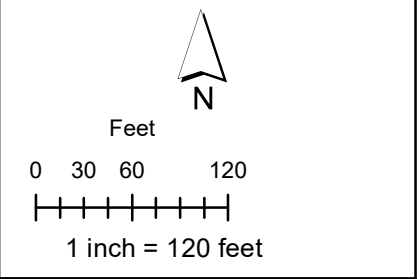
Looking southwest



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1301 Baker Avenue

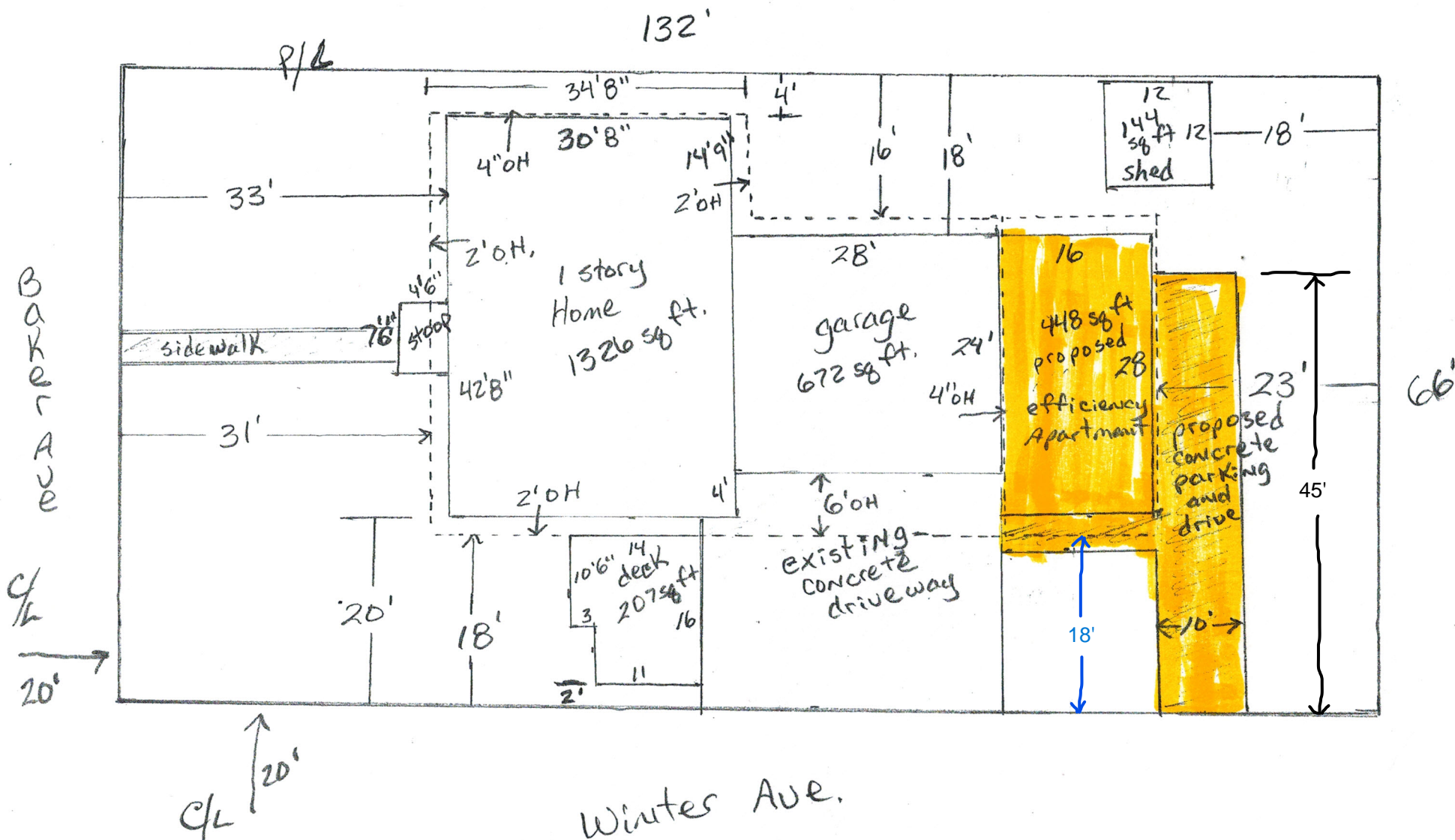
2021 Aerial
Printed February 22, 2022



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

$$1'' = 15'$$

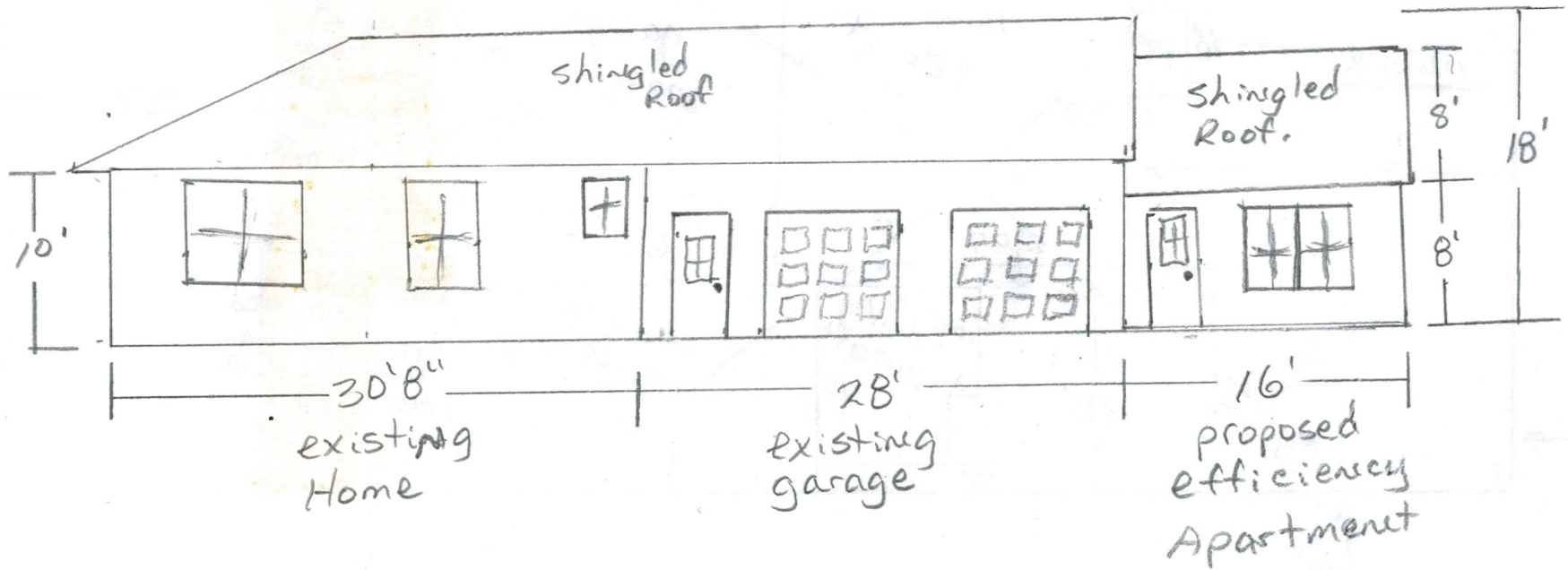
W
S + N
E



Brian + Heidi McKee
1301 Baker Ave.
Goshens, IN

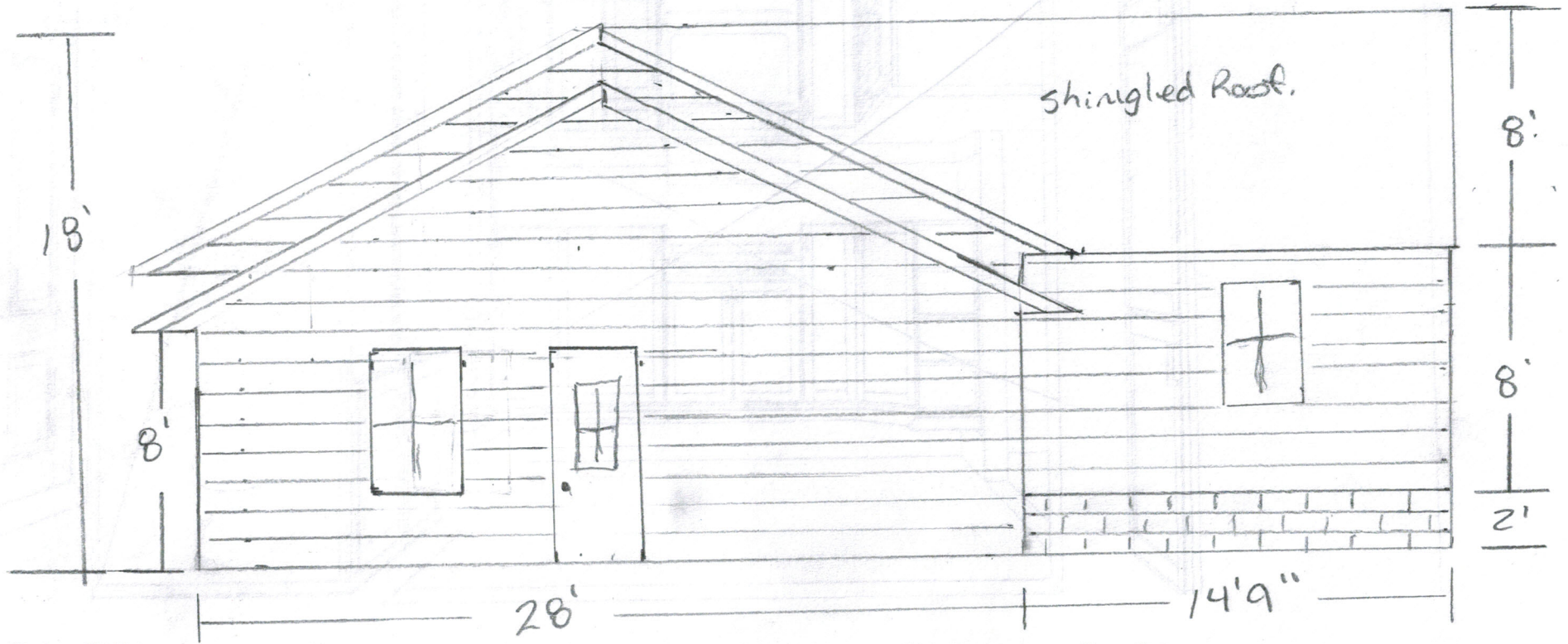
1" = 10'

East Elevation



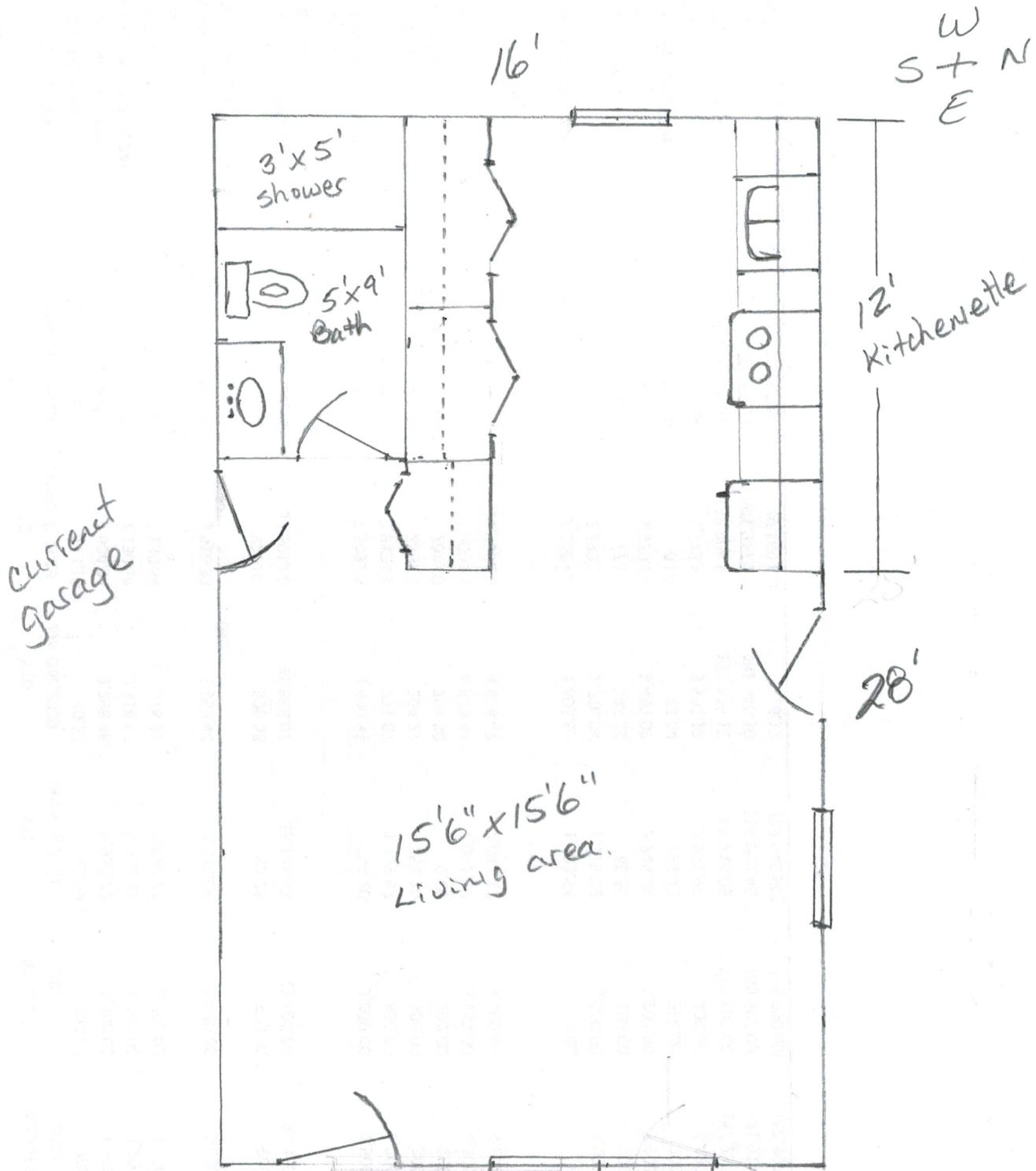
Brian + Heidi McKee
1301 Baker Ave
Goshen, IN 46526

3/16" scale
North elevation



Plan C

1/4" scale



Brian + Heidi McKee

1301 Baker Ave Goshen, IN

LOCATION: 1108 S 14th Street
CASE NUMBER: 22-06DV

DATE: March 22, 2022
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Gordon K Prieb & Mary M Metzler (owners)

REQUEST: The applicants request a developmental variance to allow a front (south) building setback of 6' along Adams Street where a minimum of 25' is required for the installation of a 129 Sf shed

LOT SIZE: ± 14,050 SF; ± 241' of frontage (± 100' on 14th Street & ± 141' on Adams Street); ± 141' depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 37

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City sewer; City water is available but not connected

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Eastern Core

THOROUGHFARES: 14th Street & Adams Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District
 - B. Front Yard
 - 1. On residential or cul-de-sac streets, the front yard shall be a minimum distance of 25 feet

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning Office received an inquiry from the owner of 1201 S 15th requesting an explanation of the request; she did not state any support or opposition.

ANALYSIS

The subject property is a single-family home located on the corner of 14th Street and Adams Street, surrounded completely by single-family homes, and located in the R-1 District. The home has an approximate footprint of 2,500 SF and includes an attached 2-car garage. A fence 5'4' in height is located in the front yard along Adams Street and was approved by the BZA in May 2017 where fences within the front yard cannot exceed 4' in height.

The petitioners are proposing to add an approximately 129 SF shed to the property. They state that the shed will be used to store personal hobby equipment. They are proposing to locate the shed in the front (south) setback along Adams Street in order to have access to the adjacent driveway. The proposed setback to the Adams Street property line is 6' where 25' is required, so a developmental variance is needed.

While relief from the minimum 25' setback requirement from Adams Street is warranted, Staff recommends an amended approval that will allow the shed to line up with the existing home. Staff's recommendation is based on the following:

- There is ample room elsewhere on the property to place the shed and meet all setback requirements, so strict adherence to Zoning Ordinance standards will not result in practical difficulties in the use of the property

- The south wall of the home is approximately 15' from the south property line. If the shed is placed flush with that line, it will match the visual character of the area.
- While the BZA approved a fence in the same front yard, it was approved at a height of 5'4", and the shed is likely to exceed that height by at least several feet
- Because the property is a corner lot, there is less available space to configure accessory structures, and some relief from the front setback requirement is warranted. Adams Street has a narrower right of way and pavement than 14th Street, so is more appropriate for such relief.
- The petitioner's desire to place the shed close to the existing driveway for access is reasonable, and locating the shed in line with the south wall of the home will allow a shorter distance between the shed and driveway than if the shed had to meet the Zoning Ordinance requirements

FINDINGS OF FACT

Staff recommends an **amended approval** of a developmental variance to allow a front (south) building setback of 16' along Adams Street where a minimum of 25' is required for the installation of a 129 Sf shed, based on the following:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** If the amended approval is granted, the shed will be located an ample distance from the property line and is unlikely to be the source of harm to health and safety. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** If the amended approval is granted, the shed will encroach no further into the front (south) setback than the existing home, maintaining the visual character of the street.
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** There is room on the property to place the shed in accordance with Zoning Ordinance requirements. Because the property is a corner lot, there is less available space to configure accessory structures, and some relief from the front setback requirement is warranted. Adams Street has a narrower right of way and pavement than 14th Street, so is a more appropriate location for such relief. *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.



Looking northeast from the intersection of 14th Street and Adams street



Looking east along Adams Street



Looking north from Adams Street



Looking west at proposed location of shed



Looking northeast from the intersection of 14th Street and Adams street



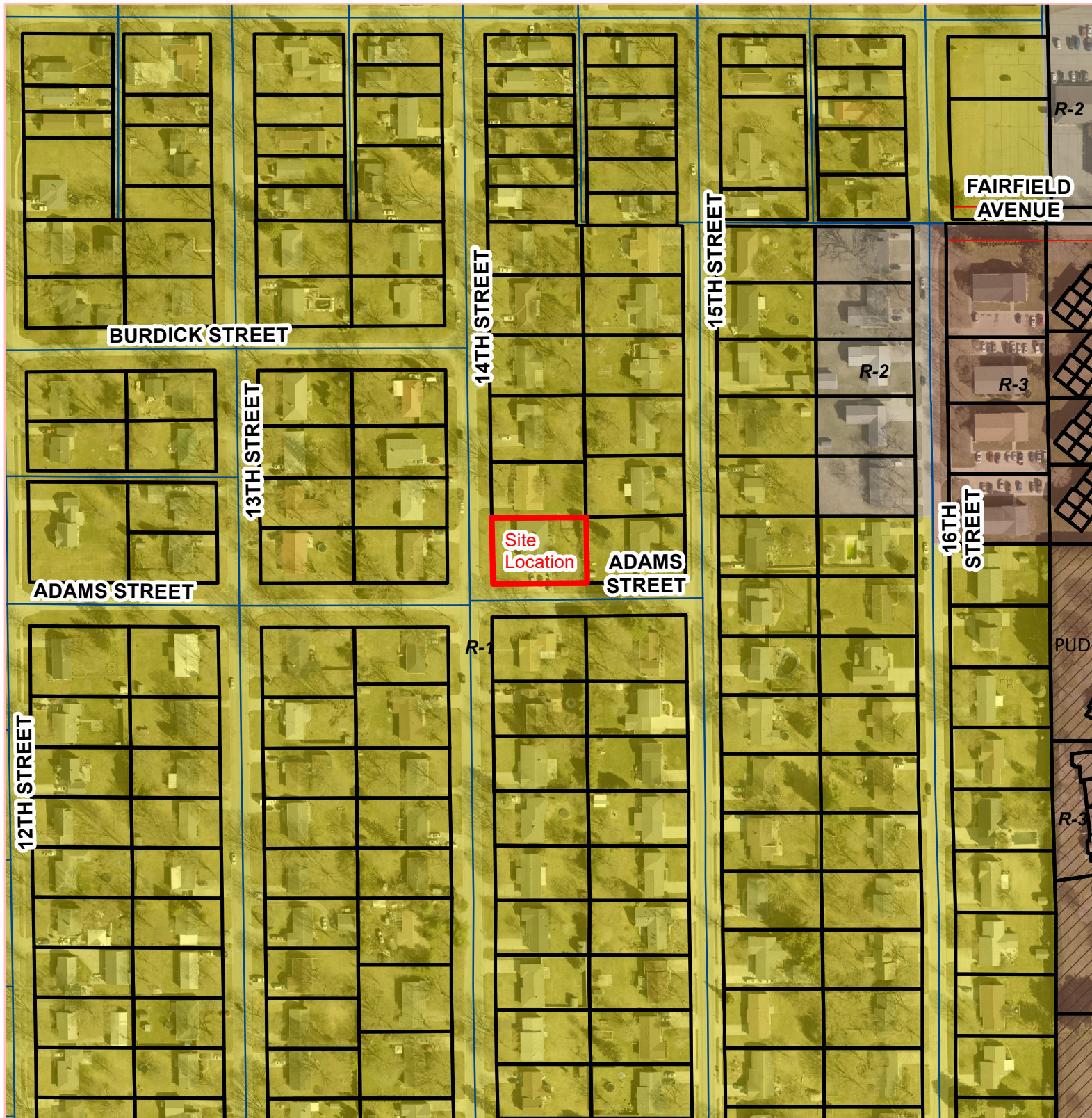
Looking east along Adams Street



Looking north from Adams Street



Looking west at proposed location of shed



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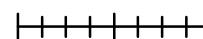
1108 S 14th Street

2021 Aerial
Printed March 7, 2022



Feet

0 50 100 200



1 inch = 200 feet

The City of Goshen
Department of
Planning & Zoning

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

March 3, 2022

Board of Zoning Appeals
City of Goshen

Please find, attached, the application and supporting documents for a variance to allow a 9'6" x 13' 6" x 11'6" h. shed (includes roof over hangs) to be placed within the 25' setback of the Front Yard (#2) on Adams Street of our home on 1108 S. 14th St. As proposed, the South side of the shed would be set back 6' from the property line.

The purpose of the shed is for general storage and to store off season hive boxes and equipment for my hobby of Beekeeping. Since my beehives are on small farms I bring home off season equipment with my truck. Placing the shed as proposed will put it close enough to the driveway and garage to reduce repetitive heavy lifting and moving which becomes more of an issue with each year of aging.

If the shed is placed outside the 25' setback, as the City Ordinance requires, it would be far enough from the driveway to create extra work handling storage items.

Sincerely,

Gordon Prieb



CENTER LINE OF 14TH STREET

CURB

W

14th St.
Curb

18' 4"

PROPERTY LINE

25'

PROPERTY LINE

10' 1"

N
140' 6"

10'

GARDEN

25'

58' 2 1/2"

25' SET
BACK

Trunks of shrubs

PROPERTY LINE

100'

30'

CURB

Man-
hole

Grate

Hydrant

PROPERTY LINE

25'

25' SET
BACK

CURB

CENTER LINE OF ADAMS STREET

1" = 20'

22'

Adams
St. Curb

Fence

Compost
bins

6'

13' 6"

9' 6"

SHED

12'

34' 5 1/2"

26'

7'

8'

11' 6" max
at peak

Tree

Tree

LOCATION: 1822 Lincolnway East
CASE NUMBER: 22-07DV

DATE: March 22, 2022
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Christopher E Watkins (owner); Bell Indiana, LLC, Standard Goshen, LLC, and Hamilton Designs, LLC (agents)

REQUEST: The applicants request developmental variances to allow a 4' side (north) setback for a parking/driving aisle where 5' is required and parking spaces 18' in depth where a minimum of 20' is required for a new restaurant

LOT SIZE: ± 0.9 acres; ± 131' of frontage; ± 300' of depth

APPLICABLE ZONING: Commercial B-3

NOTICES SENT: 17

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Commercial, residential

NEIGHBORHOOD: None

THOROUGHFARES: Lincolnway East/U.S. 33

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4210.3*, Area, Width, and Yard Regulations of the B-3 District
C. **Side Yards.** Each lot shall have two side yards measured from the building to the lot line and shall be as follows:
 - 3. Accessory buildings in a yard not abutting a street shall not be built closer than five feet from the lot line.
- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Design Standards for Parking Lots and Spaces
C. Land area dimensions of parking facilities shall follow these minimum standards:

Parking Angle	<u>Stall Width</u>	<u>Stall Depth</u>¹	<u>Aisle Width</u>
90 degrees	9'	20.0'	24'

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 automobile transmission and repair shop located on the Lincolnway East/U.S. 33 commercial corridor. Surrounding properties are predominantly commercial, with several residential properties located to the north along Lincolnway East and a health care facility located to the east that is zoned Residential R-3 PUD. Planning office records on the property date back to 1984, when the site appears to be vacant; the existing 5,000 SF transmission shop building appears to have been constructed in 1987.

The petitioners are proposing to redevelop the property, demolishing the existing building and parking areas, and building a drive-through restaurant with an approximately 2,240 SF building. The proposed restaurant will include 28 parking spaces and one drive through aisle. The majority of the B-3 developmental standards can be met for the restaurant, but the petitioners are requesting variances to allow a 4' (north) parking/driving aisle setback where 5' is required, and they are proposing that all parking spaces have a depth of 18' where the Zoning Ordinance design standards for parking spaces requires a minimum of 20' depth.

Staff believes approval is warranted. The property is approximately 133' wide, and it is this narrow width that causes the need to reduce the depth of the parking spaces and shorten the setback along the north property line. Other drive-through restaurants in the B-3 District with similar building and parking configurations and also on similarly narrow properties have one or more side parking/driving aisle setbacks below current Zoning Ordinance requirements. These include 701 W Pike Street (Taco Bell), 723 W Pike Street (Dairy Queen), 900 W Pike Street (Wendy's), and 921 W Pike Street (KFC).

Furthermore:

- The reduced side (north) setback falls short of the minimum 5' requirement by just 1'.
- Other than the two developmental variance requests, all other requirements for total redevelopment of the property will be met
- The northernmost portion of the development will include a driving aisle separate from the drive-through so that there is ample room for maneuvering around the property
- Some jurisdictions allow parking spaces 18' in depth by right. The City of Elkhart and Indianapolis-Marian County both allow parking spaces 18' deep, and Elkhart even allows them in conjunction with 22' wide driving aisles. The proposed driving aisle on this property adjacent to the parking spaces is 24' wide.
- Goshen Engineering has indicated that the 18' length of the parking spaces meets minimum Engineering design guidelines
- The distance between the front property line and the first parking space is approximately 55'. This distance allows maneuvering issues that may result from the shorter parking spaces to occur at an ample distance from the street
- In June 2021, the BZA approved a developmental variance (21-16DV) to allow parking spaces 18' in depth for a new parking lot at 2442 E Kercher Road. That request, unlike this one, however, did include a majority of the 328 new parking spaces meeting the 20' depth requirement. With the petition in question, there will be no spaces deeper than 18' for longer vehicles.

One note of caution: many vehicles, including cars, small SUVs, and single cab pick up trucks will likely fit within an 18' long space, whereas other popular vehicles like extended cab pick-up trucks appear to be slightly longer. The ample maneuvering room on the property will likely help compensate for longer vehicles.

FINDINGS OF FACT

Staff recommends **approval** of developmental variances to allow a 4' side (north) setback for a parking/driving aisle where 5' is required and parking spaces 18' in depth where a minimum of 20' is required for a new restaurant, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The driving aisle between parking space will maintain the minimum 24' width requirement and a driving aisle north of the proposed driveway will provide adequate room for vehicle maneuvering, reducing the likelihood that the variances requested will have adverse effects on safety. *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 configuration of the proposed drive-through restaurant is similar to others in the B-3 District, and the reduced side (north) setback falls short of the minimum 5' requirement by just 1', meeting the 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.** The need for these two variances arises from the narrow width of the property. The

proposed drive-through restaurant is a common use in the B-3 District and if the property were just 5' wider, the need for variances would not arise. *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.



Looking northeast across Lincolnway East/U.S. 33



Looking north across Lincolnway East/U.S. 33



Looking northeast along north property line



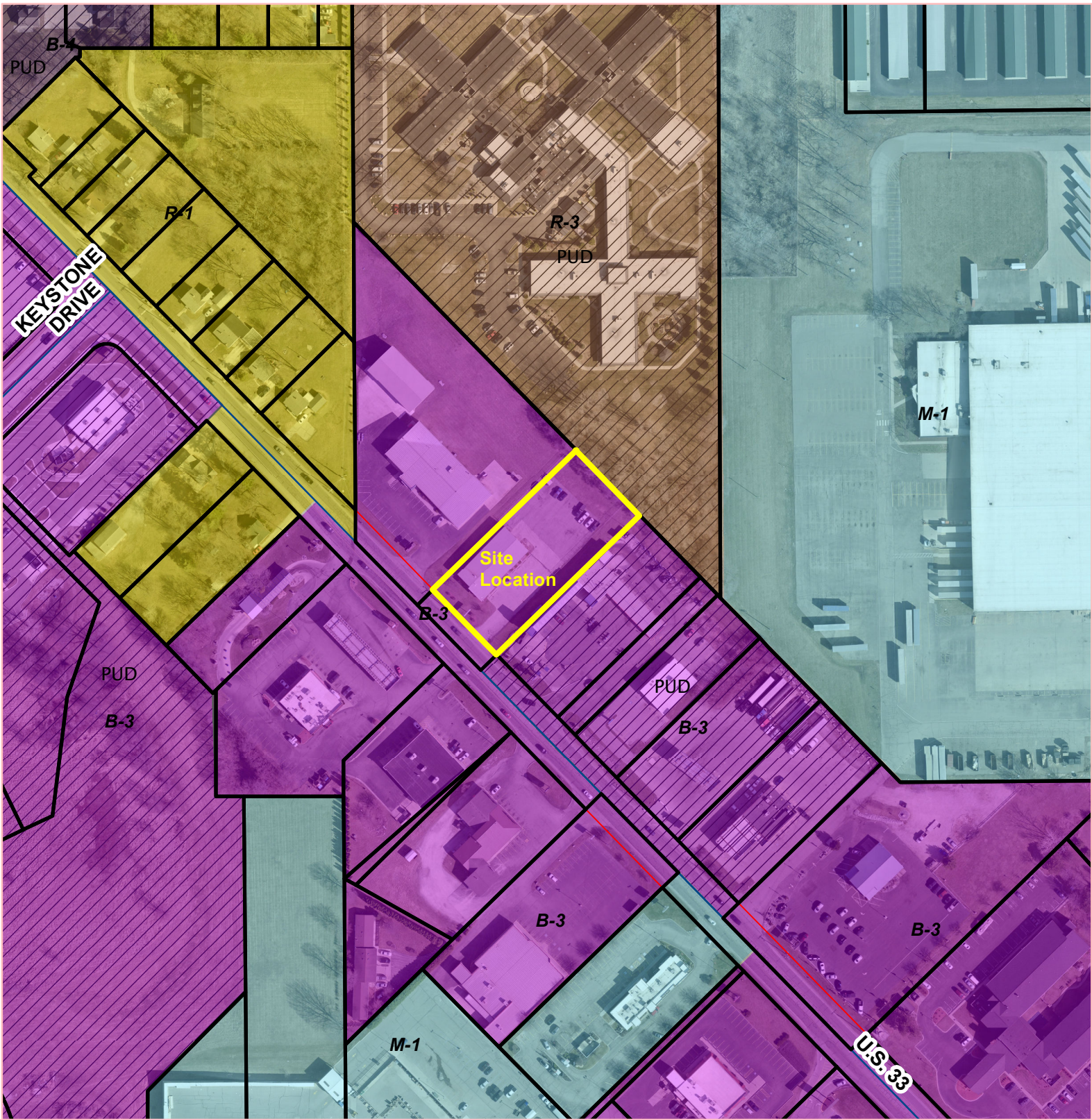
Looking southwest along north property line



Looking northeast



Looking southwest



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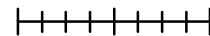
1822 Lincolnway East

2021 Aerial
Printed March 7, 2022



Feet

0 50 100 200



1 inch = 200 feet

The City of Goshen
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HAMILTON DESIGNS

11 Municipal Drive, Suite 300
Fishers, Indiana 46038

P. 317-570-8800 E. mathompson@cecinc.com

Taco Bell | Goshen, Indiana **Variance | Off-Street Parking**

Variance Criteria

1. *The granting of this variance will not be injurious to the public health, safety, morals and general welfare of the community because:*

This petition, if granted, would not be injurious to the public health, safety, morals and general welfare of the community. This project improves an under-utilized lot. All improvements to this location are in an attempt to improve the property. The decrease in parking length will add the required buffer to the adjacent property building. The variance will allow the property to be optimally developed in a functional way for the public. Approval of this petition will not be injurious to the public health, safety, morals, and general welfare of the community.

2. *The use and value of the area adjacent to the property included in the variance request will not be affected in a substantially adverse manner because:*

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner if the requested variance is granted. As indicated in the previous response, it is the full intent of this project to improve the property in a substantial manner, including the overall value. As a result, the value of the subject property is anticipated to substantially improve and adjacent property values similarly.

3. *The strict application of the terms of this Zoning Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain because:*

The strict application of the terms of the Zoning Ordinance would result in practical difficulties in the use of the property due to the configuration of the proposed development. The subject property has practical difficulties due to the size and functionality. Due to the restriction of the property size and bufferyard requirements, 20-foot parking spaces are not possible. The proposed parking length is 18 feet.

HAMILTON DESIGNS

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Taco Bell | Goshen, Indiana

Variance | Parking Setback

Variance Criteria

1. *The granting of this variance will not be injurious to the public health, safety, morals and general welfare of the community because:*

This petition, if granted, would not be injurious to the public health, safety, morals and general welfare of the community. This project improves an under-utilized lot. All improvements to this location are in an attempt to improve the property. The variance will allow the property to be optimally developed in a functional way for the public. Approval of this petition will not be injurious to the public health, safety, morals, and general welfare of the community.

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The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner if the requested variance is granted. As indicated in the previous response, it is the full intent of this project to improve the property in a substantial manner, including the overall value. As a result, the value of the subject property is anticipated to substantially improve and adjacent property values similarly.

3. *The strict application of the terms of this Zoning Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain because:*

The strict application of the terms of the Zoning Ordinance would result in practical difficulties in the use of the property due to the configuration of the proposed development. The subject property has practical difficulties due to the size and functionality. Due to the restriction of the property size, the required 5 foot parking setback is not possible. It is proposed to have the required 5 foot parking setback along the east property line and reduce the setback along the drive-thru to 4.6 feet.

of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) and the customary operation of the use(s) that adequate parking would be provided.

- b. When such a reduction is approved, an area of sufficient size to include the number of parking spaces necessary to meet the minimum requirements stated herein shall be designated on the site plan and no structure or paved surface shall be permitted within such designated area. Such area shall not be included in any required buffer yards. Such areas shall be reserved to accommodate additional parking so as to meet the otherwise applicable minimum requirements. In the event additional parking is required, a site plan shall be submitted to the Staff for approval. The additional parking shall be constructed within four (4) months thereafter.

6. Access

Driveway entrances and exits to parking lots shall be located as far away from street intersections as possible to prevent impeding the flow of traffic in the parking lot and prevent hazards in the street. Entrances shall be designed to allow vehicles entering the site to be stacked to prevent backup on the adjacent street. Parking lot entrances and exits shall be consolidated when possible to limit the number of access points to the site. In instances where parking areas are one hundred (100) feet or more wide, the parking lot entrance shall be a minimum of fifty (50) feet from the nearest existing access drive.

7. Parking Lot Design

- a. All off-street parking areas, driveways, loading areas, and maneuvering access thereto and outdoor display areas shall be surfaced with an all-weather, dustless, impervious, hard-surface pavement, including drainage which shall meet City specifications as prescribed by the Board of Public Works. This surface shall be maintained in good condition and free of weeds, dirt, trash, and debris.
- b. All parking areas and drives for commercial, manufacturing, institutional, and residential uses shall be paved with concrete, asphalt, or decorative concrete, brick, or asphalt pavers.
- c. In all "M" zoning districts, storage yards for construction equipment, raw materials, or partially or fully finished product, may be surfaced with gravel or slag when located in a rear yard. The storage yard shall be properly graded and maintained to insure proper drainage and shall be kept free of weeds, trash, and other debris.
- d. Required parking spaces for all uses shall be at least one hundred sixty-two (162) square feet in size, exclusive of access drives or aisles and have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet, except parallel parking spaces which shall have a minimum length of twenty-two (22) feet.

Sample of most popular selling cars in America (Source: Edmunds.com)



2022 Ford F-150
20.29' in length



2022 Honda CRV
15.18' in length



2022 Toyota Camry
16.06' in length



SITE NOTES:

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- BEARINGS, DIMENSIONS AND EASEMENTS ARE SHOWN FOR REFERENCE. REFER TO RECORDED PLATS AND SURVEYS FOR ADDITIONAL PROPERTY INFORMATION.
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- UNLESS OTHERWISE SHOWN, PERMANENT SIGNS SHALL BE MOUNTED ON A SINGLE U-CHANNEL DRIVE POST DRIVEN 42 INCHES BELOW GRADE. THE BOTTOM EDGE OF THE SIGN SHALL BE 6 FEET ABOVE THE NEAREST PAVEMENT EDGE ELEVATION.
- ALL EXCAVATED AREAS TO BE SEEDED AND/OR SODDED AFTER FINISH GRADING UNLESS OTHERWISE NOTED. ALL NEWLY SODDED/SEEDED AREAS SHALL HAVE A MINIMUM OF 4" OF TOPSOIL. HOLD SOIL DOWN 1" FROM PAVEMENT ELEVATION. CONTRACTOR TO SUPPLY STRAW MULCH WHERE GRASS SEED HAS BEEN PLANTED.
- RESURFACE OR RECONSTRUCT AT LEAST TO ORIGINAL CONDITIONS ALL AREAS WHERE TRAFFIC BY CONTRACTORS, SUBCONTRACTORS OR SUPPLIERS HAVE DAMAGED EXISTING PAVEMENT, LAWNS OR OTHER IMPROVEMENTS DURING CONSTRUCTION, AFTER CONSTRUCTION WORK IS COMPLETE.
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SITE INFORMATION

PARCEL NUMBER:	20-11-23-426-022.000-015
ZONING DISTRICT:	B-3, GENERAL COMMERCIAL DISTRICT
LOT AREA:	0.90 ACRES
BUILDING AREA:	2,240 SF
ADJOINER ZONING:	NORTH R-3 PUD MULTI FAMILY RESIDENTIAL DISTRICT SOUTH B-3, GENERAL COMMERCIAL DISTRICT EAST B-3, GENERAL COMMERCIAL DISTRICT WEST B-3, GENERAL COMMERCIAL DISTRICT
PROPOSED USE:	NEW QUICK-SERVE RESTAURANT (TACO BELL)
BUILDING SETBACKS	FRONT 35' REQUIRED 95' PROVIDED SIDE 10' REQUIRED 30' PROVIDED REAR 25' REQUIRED 125' PROVIDED
PARKING DATA	
REQUIRED SPACES	
(1) SPACE FOR EVERY (5) SEATS +	
(1) SPACES FOR EVERY (1) EMPLOYEES	
(40) SEATS + (6) EMPLOYEES	14 SPACES
PROVIDED SPACES	28 SPACES

LEGEND

	EXISTING PROPERTY LINE
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY
	EXISTING INDEX (MAJOR) CONTOUR
	EXISTING INTERMEDIATE (MINOR) CONTOUR
	EXISTING EDGE OF ASPHALT
	EXISTING STRUCTURE
	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
	EXISTING OVERHEAD WIRE
	EXISTING TELEPHONE LINE
	EXISTING FIBER OPTIC LINE
	EXISTING TREE LINE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER CLEANOUT
	EXISTING WATER VALVE
	EXISTING HYDRANT
	EXISTING POWER POLE
	PROPOSED SETBACK
	PROPOSED CURB & GUTTER
	PROPOSED ASPHALT
	PROPOSED HEAVY DUTY ASPHALT
	PROPOSED CONCRETE
	PROPOSED BLACK CONCRETE
	PROPOSED STRIPING
	PROPOSED SIDEWALK
	PROPOSED BUILDING
	PROPOSED PAVEMENT MARKING
	PROPOSED STORM SEWER LINE
	PROPOSED SANITARY LINE
	PROPOSED WATERLINE

KEY NOTES

	STANDARD DUTY ASPHALT PAVEMENT
	HEAVY DUTY ASPHALT PAVEMENT
	CONCRETE PAVEMENT
	BLACK CONCRETE PAVEMENT
	INDOT DRIVE WAY TYPE IV
	CONCRETE CURB
	CONCRETE CURB AND WALK
	ACCESSIBLE CURB RAMP
	ACCESSIBLE PARKING SIGNAGE
	ACCESSIBLE PARKING PAVEMENT MARKINGS
	PRECAST CONCRETE WHEELSTOP
	PAVEMENT STRIPING, 24" STOP BAR
	PAVEMENT STRIPING, 4" SOLID
	BOLLARD
	MOBILE ORDER PARKING SIGNAGE
	MENU BOARD, ORDER CONFIRMATION, AND CANOPY
	CLEARNACE BAR
	LIGHT POLE
	DUMPSTER ENCLOSURE

REFERENCE

- TOPOGRAPHIC SURVEY COMPLETED BY HAMILTON DESIGNS, LLC. PROJECT NUMBER 2021-0212 DATED 01/25/2022.



REVISION RECORD

NO.	DATE	DESCRIPTION

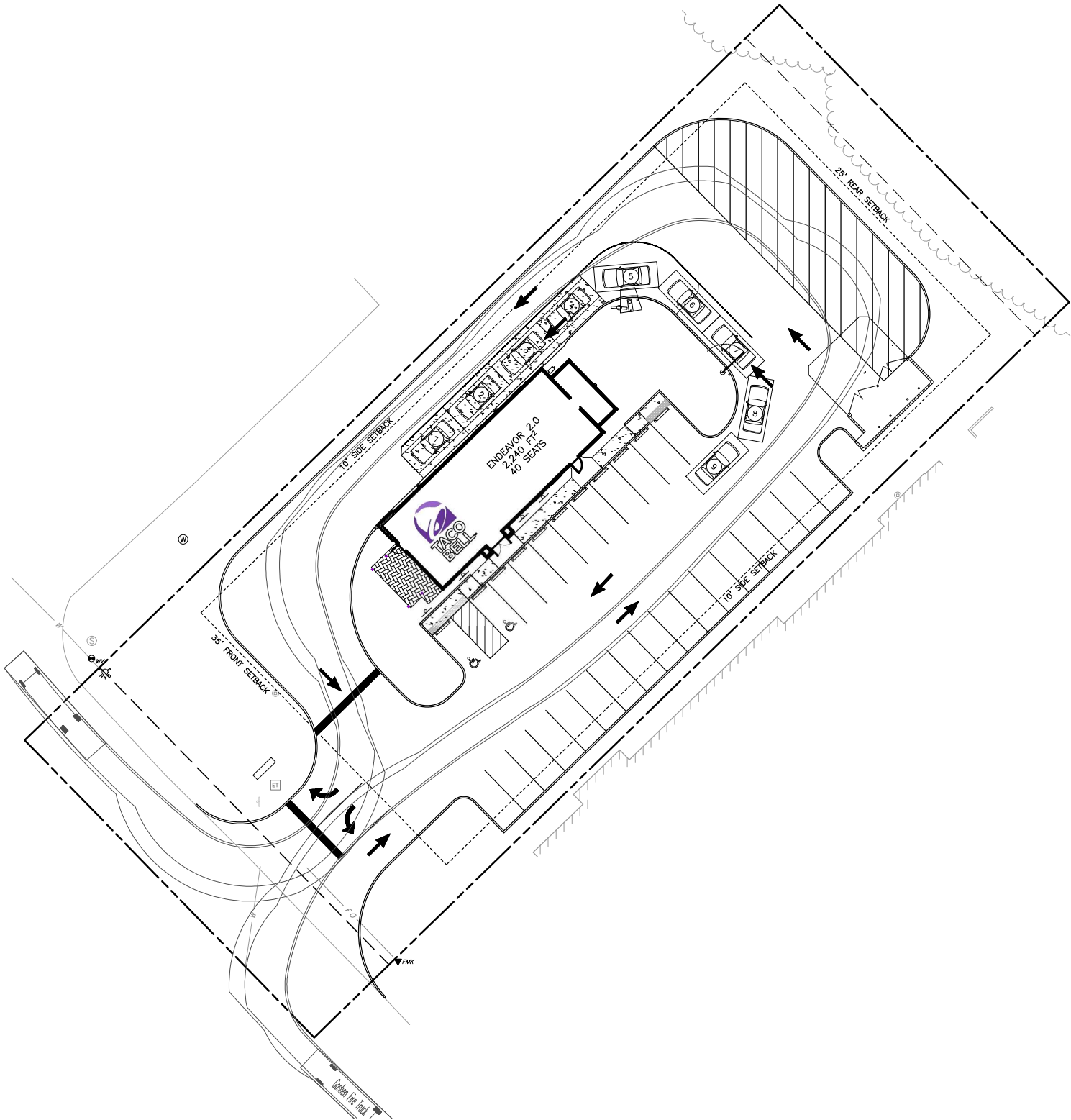
Civil & Environmental Consultants, Inc.
1230 East Diehl Road, Suite 200 - Naperville, IL 60563
630-963-6026 · 877-963-6026
www.civilinc.com

BELL AMERICAN GROUP, LLC.
TACO BELL
1822 LINCOLN WAY EAST
GOSHEN, INDIANA 46526

SITE PLAN

DATE:	03/02/2022	DRAWN BY:	MMS
DWG SCALE:	1"=20'	CHECKED BY:	DRAFT
PROJECT NO:	320-011.0001		
APPROVED BY:			DRAFT

DRAWING NO.:
C200
SHEET X OF X



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SITE INFORMATION

PARCEL NUMBER:	20-11-23-426-022.000-015
ZONING DISTRICT:	B-3, GENERAL COMMERCIAL DISTRICT
LOT AREA:	0.90 ACRES
BUILDING AREA:	2,240 SF
ADJOINER ZONING:	
NORTH	R-3 PUD MULTI FAMILY RESIDENTIAL DISTRICT
SOUTH	B-3, GENERAL COMMERCIAL DISTRICT
EAST	B-3, GENERAL COMMERCIAL DISTRICT
WEST	B-3, GENERAL COMMERCIAL DISTRICT
PROPOSED USE:	NEW QUICK-SERVE RESTAURANT (TACO BELL)
BUILDING SETBACKS	
FRONT	35' REQUIRED 95' PROVIDED
SIDE	10' REQUIRED 30' PROVIDED
REAR	25' REQUIRED 125' PROVIDED
PARKING DATA	
REQUIRED SPACES	
(1) SPACE FOR EVERY (5) SEATS +	
(1) SPACES FOR EVERY (1) EMPLOYEES	
(40) SEATS + (6) EMPLOYEES	14 SPACES
PROVIDED SPACES	28 SPACES

LEGEND

	EXISTING PROPERTY LINE
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY
	EXISTING INDEX (MAJOR) CONTOUR
	EXISTING INTERMEDIATE (MINOR) CONTOUR
	EXISTING EDGE OF ASPHALT
	EXISTING STRUCTURE
	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
	EXISTING OVERHEAD WIRE
	EXISTING TELEPHONE LINE
	EXISTING FIBER OPTIC LINE
	EXISTING TREE LINE
	EXISTING SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER CLEANOUT
	EXISTING WATER VALVE
	EXISTING HYDRANT
	EXISTING POWER POLE
	PROPOSED SETBACK
	PROPOSED CURB & GUTTER
	PROPOSED ASPHALT
	PROPOSED HEAVY DUTY ASPHALT
	PROPOSED CONCRETE
	PROPOSED BLACK CONCRETE
	PROPOSED STRIPING
	PROPOSED SIDEWALK
	PROPOSED BUILDING
	PROPOSED PAVEMENT MARKING
	PROPOSED STORM SEWER LINE
	PROPOSED SANITARY LINE
	PROPOSED WATERLINE

KEY NOTES

A	STANDARD DUTY ASPHALT PAVEMENT
B	HEAVY DUTY ASPHALT PAVEMENT
C	CONCRETE PAVEMENT
D	BLACK CONCRETE PAVEMENT
E	INDOT DRIVE WAY TYPE IV
F	CONCRETE CURB
G	CONCRETE CURB AND WALK
H	ACCESSIBLE CURB RAMP
I	ACCESSIBLE PARKING SIGNAGE
J	ACCESSIBLE PARKING PAVEMENT MARKINGS
K	PRECAST CONCRETE WHEELSTOP
L	PAVEMENT STRIPING, 24" STOP BAR
M	PAVEMENT STRIPING, 4" SOLID
N	BOLLARD
O	MOBILE ORDER PARKING SIGNAGE
P	MENU BOARD, ORDER CONFIRMATION, AND CANOPY
Q	CLEARNACE BAR
R	LIGHT POLE
S	DUMPSTER ENCLOSURE

- REFERENCE
- TOPOGRAPHIC SURVEY COMPLETED BY HAMILTON DESIGNS, LLC. PROJECT NUMBER 2021-0212 DATED 01/25/2022.



REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
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630-963-6026 · 877-963-6026
www.cecinc.com

BELL AMERICAN GROUP, LLC.
TACO BELL
1822 LINCOLN WAY EAST
GOSHEN, INDIANA 46526

FIRE TRUCK EXHIBIT

DATE:	JAN. 0000	DRAWN BY:	MMS
DWG SCALE:	1"=20'	CHECKED BY:	DRAFT
PROJECT NO:	320-011.0001		
APPROVED BY:			DRAFT

DRAWING NO.: **C201**

SHEET X OF X