

*Agenda*  
GOSHEN BOARD OF ZONING APPEALS  
Tuesday, January 24, 2023, 4:00 P.M.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I. Roll Call
- II. Election of 2023 Officers
  - Chair
  - Vice Chair
  - Secretary
- III. Approval of Minutes from 12/20/22
- IV. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- V. Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- VI. **Use & Developmental Variances**— public hearing items

**23-01UV & 23-01DV** – Goshen Community Schools, Goshen Interfaith Hospitality Network, and The City of Goshen request a use variance to amend variance 22-01UV to change the legal description of the property, reducing it in size from approximately 3.1 acres to approximately 1.6 acres, and developmental variances to allow a front parking/driving aisle setback along Wilkinson Street of 23’ where 25’ is required, a side (east) parking/driving aisle setback of 2’ where 5’ is required, and to allow 37 onsite parking spaces where 53 are required, and for the variance to valid for one year, for changes to the parking and driving area serving the existing group housing quarters and school. The subject property is generally located at 801 W Wilkinson Street and is zoned Residential R-2 District.

**23-02DV** – Jenna R Martin requests a developmental variance to allow a side (west) setback of 4’ where 6’ is required for the installation of two basement egress windows. The subject property is generally located at 1310 West Avenue and is zoned Residential R-2 District.

**23-03DV** – D & C Miller Holdings, LLC, Ice Express, LLC, and Abonmarche Consultants, Inc. request developmental variances to allow a sign area of 100-percent on three walls where sign area cannot exceed 40-percent of the signable wall area of each façade, three roof-mounted signs where roof-mounted signs are prohibited, and no sewer connection where connection to City sewer is required, for the installation of an ice and water vending structure. The subject property is generally located at 1501 Elkhart Road and is zoned Commercial B-3 District.
- VII. Audience Items
- VIII. Staff/Board Items
- IX. Adjournment

Minutes - Goshen Board of Zoning Appeals  
(Following the Goshen Plan Commission meeting)  
Tuesday, December 20, 2022, 4:20 p.m.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

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

**II.** Approval of Minutes from 11/22/22: Lauver/Campbell 5-0

**III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record:  
Campbell/McKenna 5-0

**IV.** Postponements/Withdrawals - None

**V. Developmental Variance** – public hearing item

**22-36DV** – Elks of Goshen 798, Inc. and Signtech Sign Services request a developmental variance to allow an approximately 24 Sf electronic message center (EMC) in addition to an existing wall sign where EMCs are not permitted in the core Historic District and where only one wall sign per street frontage per establishment is permitted. The subject property is generally located at 220 N Main Street and is zoned Commercial B-2 HD District.

*Staff Report*

Mr. Deegan explained this property is located in the downtown and has operated as an Elks Lodge since at least 1980. He referred to an aerial photo in the staff report, pointing out that this area is all zoned Commercial B-2 District and all of the developmental standards for the property follow the B-2 standards. He then pointed to the historic district map in the packets, noting this is an overlay zone which regulates signs and explained the historic district is made up of core and non-core districts, with Main Street and 5<sup>th</sup> Street both being in the core area.

The building currently has two wall signs on the front façade and today's request is for changes to those signs. One of the existing signs is a large rectangle sign in the center of the façade and the other is a changeable copy sign, located on the upper third of the façade. He explained the changeable copy sign has flashing lights, and more than one wall sign is not permitted by the current district standards.

In their application, the petitioner stated they have been having trouble changing the lettering on their changeable copy sign and they would like to replace it with a slightly smaller electronic message center (EMC) sign. He noted the EMC sign can be easily programmed, where changeable copy signs require climbing a ladder. Because two wall signs are not permitted in the historic district and because EMC signs are not permitted in the core district, a variance is required.

Although the petitioners have good reason to want to move away from the existing changeable copy sign, Staff recommends denial of this request. He pointed out an EMC is not appropriate in this location, noting the intentions of the district are to allow signage that is compatible with the historic downtown aesthetic, and brightly lit, programmable EMC signs are not compatible. He also pointed out there are no similar signs on

Main Street, although in 2020, the Goshen Theatre received approval for two TV monitors in their windows. During the approval process, the BZA explicitly prohibited placement on the exterior wall of the building. He noted a more appropriate solution would be to rethink the signage on the building, or rethink the messaging entirely.

He noted for the record that the Planning Office was not contacted by members of the public regarding this petition.

*Petitioner Presentation:*

Todd Lehman, Signtech Sign Services, spoke on behalf of the petitioner. He stated he was contacted by the Elks because it has become difficult to change their sign since an awning has been installed. They questioned if an EMC would be allowed and after looking at the ordinance, it was determined an EMC sign would not be permitted. He stated his clients are very flexible when using this sign and can be turned off when not needed. They are willing to have a static message and understand that usage would be very strict.

Mr. Holtzinger asked if the sign could be message sign and also advertise the Elks.

Mr. Lehman stated he would let the gentleman from the Elks answer this question.

Mr. Holtzinger noted this would be a new sign which would make it possible to incorporate something else into it.

Mr. Lehman stated this is not something that was considered. The existing Elks sign is there and paid for, and they would simply like to replace the existing changeable copy with an easier to use, EMC sign.

Bob Clark, Secretary for the Elks of Goshen, 1819 Bashor Road, also spoke to this request. He stated safety is the main reason for wanting to change this sign. He noted the changeable copy sign is old and not in good repair. He also noted that most of the members changing the sign are 60 plus years old and there are concerns about being on a ladder to change the message on the sign. They're trying to keep costs down and want to keep the Elks logo on the center of the building. The new EMC sign would allow them to promote community events. He stated that the EMC sign is more than they need, but presently there is nothing between a changeable copy sign and an EMC sign, so that's why they're asking for an EMC sign. He pointed out their messages would be static and changed out maybe once per week. He went on to say they don't need flashing lights, graphics, or multiple messages, they just want a way to reach the community.

Mr. Lauver asked what other marketing they do.

Mr. Clark stated they mostly advertise on Facebook. He explained they've tried putting notices in the local newspaper, but they haven't found it to be successful. He also noted they hope to get involved with the Chamber of Commerce.

*Audience Comments:*

Doug Nisley, 1929 W Lincoln Avenue, spoke in support of the request. He stated the Elks is a service club and the past few years have been difficult financially. He feels this might be one of the reasons they don't do a lot of promotions. He went on to say he doesn't feel this will set a precedent because anyone wanting to do this will have to come before this Board. He encouraged the Board to approve this request or table it to give them time to look at this again.

*The public hearing was closed.*

*Staff Discussion:*

Ms. McKenna asked if the second sign has been grandfathered in.

Mr. Deegan stated he feels that is a safe assumption because there is no record of approval for the signs.

Ms. McKenna asked if the changeable copy sign could be moved down to be more accessible and if so, would it require a variance?

Mr. Deegan stated if the sign was incorporated into the other sign it wouldn't need a variance.

Mr. Morris asked if the Board could approve an EMC sign, but add stipulations and regulations regarding the use.

Attorney Kolbus stated yes, and pointed out the petitioner suggested some of those. He went on to say that anything reasonably related to the request can be added as a condition of approval.

Mr. Holtzinger stated that he would like to see them come back to the Board with a plan to incorporate the two signs. He voiced concerns that allowing the EMC would set a precedent for future requests.

Ms. Campbell suggested adding their Facebook page information to the existing sign so people would know to check their Facebook for updates on community events.

Mr. Lauver agreed that an EMC sign doesn't seem reasonable considering the small amount of marketing they do.

Mr. Morris stated he's concerned about the potential impacts of allowing an EMC sign in the historic district, but noted that he's not totally against this request if there are enough stipulations put on this that it doesn't cause issues down the road. He asked if Mr. Deegan had any opinion on the use of an EMC with all the regulations he just mentioned.

Mr. Deegan stated that he would still recommend denial of the request.

Mr. Lauver asked for clarification between tabling the item or denying it. Would denying this prohibit them from coming back with a single sign proposal?

Mr. Deegan commented he didn't know of any reason to table this request because they would have to come back with a proposal meeting the parameters of the request before the Board today. If they came back with a new proposal that doesn't meet the zoning ordinance requirements, it would require a new application to the Board.

Mr. Morris asked if today's request is denied, could the petitioner move the existing changeable copy sign to a more accessible location.

Attorney Kolbus stated it wouldn't meet the standards and they would have to file for a new variance.

Mr. Holtzinger asked if this request is tabled, would the petitioner have to file a new variance.

Mr. Deegan asked what the Board wants them to do. Do they want the petitioner to return with an idea that might not meet the zoning ordinance requirements or does the Board want them to meet the ordinance requirements?

Mr. Holtzinger stated he'd like to see them come back with a request that would bring them closer into compliance.

Mr. Lauver pointed out denying the request wouldn't stop them from coming back with a new idea.

*Action:*

A motion was made and seconded, Lauver/Holtzinger, to adopt the Staff recommendations as the findings of the Board, and based on these findings, deny 22-36DV for the reasons listed in the Staff Report. The motion passed unanimously by a vote of 5-0.



**VI. Audience Items**  
None

**VII. Staff Board Items**

- 6-month extension for 924 E Plymouth Avenue (22-20DV) from 1/26/23 to 7/26/23

Mr. Deegan explained the BZA granted a variance in July, 2022 for a reduced setback for a parking space in the front yard at 924 E Plymouth Avenue. The petitioner has not started this project and asks for a 6-month extension.

*Action:*

A motion was made and seconded, Lauver/Campbell, to grant a 6-month extension for 22-20DV, from 1/26/23 to 7/26/23. The motion passed unanimously by a vote of 5-0.

- 6-month extension for 908 E Reynolds & 707 S 13<sup>th</sup> Street (22-23DV) from 1/26/23 to 7/26/23

Mr. Deegan explained that in July, 2022, the BZA granted relief for numerous setback and building coverage requirements for a new home at 707 S 13<sup>th</sup> Street which is currently part of 908 E Reynolds. Construction has not begun and they are asking for a 6-month extension.

*Action:*

A motion was made and seconded, Morris/McKenna to grant a 6-month extension for 22-23DV, from 1/26/23 to 7/26/23. The motion passed unanimously by a vote of 5-0.

**VIII. Adjournment:** 4:44 pm Morris/Campbell

Respectfully Submitted:

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Lori Lipscomb, Recording Secretary

Approved By:

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Tom Holtzinger, Chair

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Lee Rohn, Secretary

**LOCATION:** 801 W Wilkinson Street  
**CASE NUMBER:** 23-01UV & 23-01DV

**DATE:** January 24, 2023  
**PREPARED BY:** Rossa Deegan

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**GENERAL INFORMATION**

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**APPLICANT:** Goshen Community Schools (owner); Goshen Interfaith Hospitality Network & The City of Goshen (agents)

**REQUEST:** The applicant requests a use variance to amend variance 22-01UV to change the legal description of the property, reducing it in size from approximately 3.1 acres to approximately 1.6 acres, and developmental variances to allow a front parking/driving aisle setback along Wilkinson Street of 23' where 25' is required, a side (east) parking/driving aisle setback of 2' where 5' is required, and to allow 37 onsite parking spaces where 53 are required, and for the variance to be valid one year, for changes to the parking and driving area serving the existing group housing quarters and school

**LOT SIZE:** ± 3.1 acres; ±1,178' of frontage (±548' on Chicago Avenue; ±168' on Denver Street; ±462' on Wilkinson Street); ±462' of depth

**APPLICABLE ZONING:** Residential R-2

**NOTICES SENT:** 51

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**SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water & sewer

**AREA DEVELOPMENT:** Residential, institutional

**NEIGHBORHOOD:** Riverdale

**THOROUGHFARES:** Chicago Avenue, Denver Street, Wilkinson Street

**TOPOGRAPHY:** Level

**VARIANCE FROM PREVIOUS USE VARIANCE APPROVAL & DEVELOPMENTAL STANDARDS**

- ◇ 22-01UV – used variance approved by the BZA on January 25, 2022 allowing group housing quarters for temporary emergency housing; the legal description tied to this variance included property approximately 3.1 acres in size
- ◇ Goshen Zoning Ordinance, *Section 4160.3*, Area, Width, and Yard Regulations of the R-2 District
  - B.1. On residential or cul-de-sac streets, the front yard shall be a minimum distance of 25 feet
  - C.3. Accessory buildings on an interior lot shall not be located closer than five feet from the lot line.
- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
  - Group Housing Quarters – two onsite parking spaces per dwelling unit plus one per resident
  - High Schools – one onsite parking space per two employees plus seven per classroom

**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 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. In January 2021, the BZA approved a use variance allowing group housing quarters for a temporary emergency shelter use in the north side of the building. The use includes 3 rooms with up to 24 occupants. The variance is valid for 3 years from the date of approval, requiring new review at the time the variance expires.

During the approval process for the temporary emergency shelter use, Goshen Schools indicated that it would dedicate a portion of the property as use for a neighborhood park. A general layout of the proposed park is now in place, and variances are needed because of the following:

- Ownership of the east half of the property will be transferred to the City of Goshen, reducing the size of the subject property from approximately 3.1 acres to 1.6 acres. The variance approved in January 2021 (22-01UV) included a legal description for the entire 3.1 acres, so a use variance is now needed to alter the legal description of the variance.
- Modifications will be made to the parking and driving aisle in the center of the property so that all parking and driving areas will be located on the proposed school property. The modifications include removing an existing gravel area. While the parking spaces in the gravel area are undefined, removing it will reduce the number of available parking spaces from 55 to 37. A total of 53 parking spaces are required, so a developmental variance is needed.
- Slight alterations to the existing asphalt parking and driving aisle will also result in a 2' side (east) setback where 5' is required, and 23' front setback along Wilkinson Street where 25' is required. Developmental variances are needed for both.

Approval of the use and developmental variances is warranted for the following reasons:

- The group housing quarters and school uses are not expanding, and will remain in the building on the west side of the current property.
- The proposed amendment fulfills the property owner's pledge to establish a neighborhood park in the open green space portion of the property. This pledge was included in the petitioner's testimony during the January 2021 variance hearing.
- The subject property is a former elementary school, the greenspace in the eastern portion of the property is now under-utilized with the current uses. As a public park, the greenspace has ample room for neighborhood recreation and use by the tenants of the group housing quarters.
- The proposed park is surrounded by residential uses and is in a central location for residents of the Riverdale neighborhood. Approval supports the Comprehensive Plan's goal to provide and expand parks and recreational activities for all citizens (Community Services & Facilities 3).
- The proposed number of parking spaces that will result from removal of the gravel area is adequate to serve the school and group housing quarters uses. The minimum parking requirement for group housing quarters includes one space for each individual, despite many of the occupants of the existing temporary emergency shelter being children. Recent inspections of the property have shown very few parking spaces on the property in use, indicating the parking provided is ample. An additional five parking spaces not included in the 37 available onsite are in the public right of way on the south side of the building.
- The proposed setbacks represent very little change to the existing driving aisle, and the changes that do occur will improve the functionality of the central parking and driving area.

- On December 8, 2022, the petitioners held a public meeting explaining the proposed changes and soliciting input from neighbors on possible park amenities. The changes appeared to be received positively by those in attendance.

Note that approval will not change other conditions and commitments from variance 22-01UV. For example, a new public hearing for the group housing quarters will be required at the same three-year expiration date.

While the construction needed to reconfigure the parking area is anticipated to take place this year, the petitioners request the variance to be valid for one year in case there are changes to the schedule. The request is reasonable.

## **FINDINGS OF FACT**

Staff recommends **approval** of the use variance to amend variance 22-01UV to change the legal description of the property, reducing it in size from approximately 3.1 acres to approximately 1.6 acres, and developmental variances to allow a front parking/driving aisle setback along Wilkinson Street of 23' where 25' is required, a side (east) parking/driving aisle setback of 2' where 5' is required, and to allow 37 onsite parking spaces where 53 are required, and for the variance to be valid for one year, for changes to the parking and driving area serving the existing group housing quarters and school, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** Approval will not expand the number of people or types of uses already existing in the building on the west portion of the subject property. Approval will allow the creation of a neighborhood park, benefiting the general welfare. Changes to the driving aisle that create the need for developmental variances will improve the functionality of the parking and driving aisle. *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.** Approval will allow the creation of a neighborhood park, improving the use and value of the neighboring residential properties. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The subject property is a former elementary school that served a far larger number of people than it does with its current uses. The ample greenspace on the east side of the property is under-utilized, and approval will allow transfer of that portion of the property so it can be opened up for use as a public park. *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 applicants testified as part of a previous variance hearing allowing the current uses that they would open a portion of the property up for use as a public park. With plans in place, an amendment to the legal description of the previous variance is needed, along with minor changes to the configuration of the parking and driving area. Denial of the request would prohibit these desirable changes. *The standard is approved.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** The proposed park is surrounded by residential uses and is in a central location for residents of the Riverdale neighborhood. Approval supports the Comprehensive Plan's goal to provide and expand parks and recreational activities for all citizens (Community Services & Facilities 3). *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 one (1) year 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. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and when all conditions of approval have been met.
4. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and until all conditions of approval have been met.

5. Changes to the parking and driving area shall be reviewed by the Engineering and Fire departments through Technical Review.

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 until January 25, 2025; 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 residents and 5 staff, for a total of 29.
4. The temporary emergency housing shall be as represented in the testimony of Goshen Interfaith Hospitality Network representatives at the January 25, 2022 Board of Zoning Appeals meeting and as outlined in the Board of Zoning Appeals application letter by Goshen Interfaith Hospitality Network dated January 3, 2022.
5. It is recommended that Goshen Interfaith Hospitality Network hold quarterly meetings with the residents in the Riverdale neighborhood.



From the intersection of Wilkinson and Denver looking northwest at the greenspace to be dedicated as a park





From Wilkinson Street looking north at parking and driving area to be reconfigured



Looking north at location of proposed encroachments into front and side yards



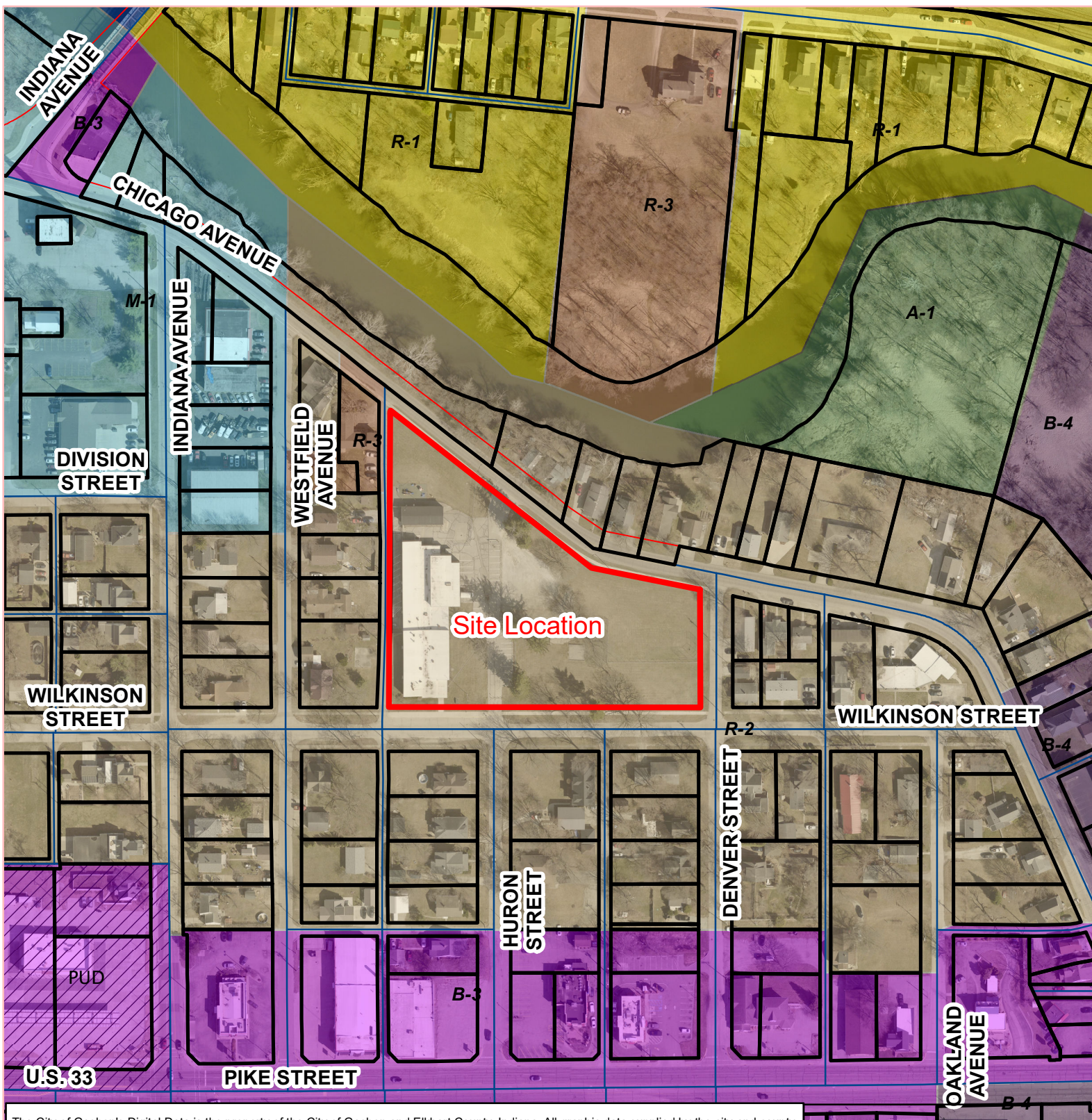


Looking south from Chicago Avenue



Looking southeast at gravel parking area to be removed and grassed





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801 W Wilkinson

2021 Aerial  
Printed December 20, 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



Use variance approved in January 2022

2022-02786

2022-02607

ELKHART COUNTY RECORDER  
JENNIFER L. DORIOT  
FILED FOR RECORD ON  
02/07/2022 12:21 PM  
AS PRESENTED

ELKHART COUNTY RECORDER  
JENNIFER L. DORIOT  
FILED FOR RECORD ON  
02/03/2022 10:18 AM  
AS PRESENTED



Result Letter/Commitment  
Case #: 22-01UV

Date: January 25, 2022

Grantor:  
Goshen Community Schools  
613 E Purl Street  
Goshen, IN 46526

The proposed  
amendment will change  
this legal description

Grantee:  
City of Goshen Board of Zoning Appeals  
204 E Jefferson Street, Suite 4  
Goshen, IN 46528

The following shall be referred to as "the Real Estate":

Common Address: 801 W Wilkinson Street

Current Tax Code #: 20-11-09-152-012.000-015

Legal Description: Lots Numbered 63-69 and 96-102, along with the adjacent internal vacated street and alley right of way, in Hess Riverdale Addition

The request for 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 for the Real Estate, zoned Residential R-2 District, was heard at the meeting of the City of Goshen Board of Zoning Appeals on January 25, 2022, and was acted upon as follows:

APPROVED XX DENIED \_\_\_\_\_ TABLED \_\_\_\_\_ WITHDRAWN \_\_\_\_\_

When the Board's action is one of approval, the authorization is granted contingent upon any conditions and commitments placed on the petition by the Board. Deviation from said conditions and commitments may result in the City of Goshen Board of Zoning Appeals rescinding the approval or permit.

The Grantors, jointly and severally, agree to abide by these conditions:

1. If a Building permit is required, the variance shall become null and void unless a Building permit has been issued and substantial progress has been made within six (6) months of the date of 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. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and when all conditions of approval have been met.
4. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and until all conditions of approval have been met.
5. An approved zoning clearance form is required.
6. Approval by the Engineering and Fire Departments through Technical Review is required.
7. Building Department approval is required

The Grantor, jointly and severally, agree to abide by these commitments concerning the use and/or development of the Real Estate:

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 residents and 5 staff, for a total of 29.
4. The temporary emergency housing shall be as represented in the testimony of Goshen Interfaith Hospitality Network representatives at the January 25, 2022 Board of Zoning Appeals meeting and as outlined in the Board of Zoning Appeals application letter by Goshen Interfaith Hospitality Network dated January 3, 2022.
5. It is recommended that Goshen Interfaith Hospitality Network hold quarterly meetings with the residents in the Riverdale neighborhood.

Further, the Grantor, jointly and severally, agree to the following concerning the procedures associated with maintenance and enforcement of this Commitment:

1. That this Commitment shall be recorded in the Elkhart County Recorder's Office.
2. That the Grantors shall give notice of this Commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate.
3. That any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate shall be bound by the terms of this Commitment even if it is unrecorded.

Re-recorded due to missing letter.  
JW







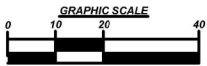
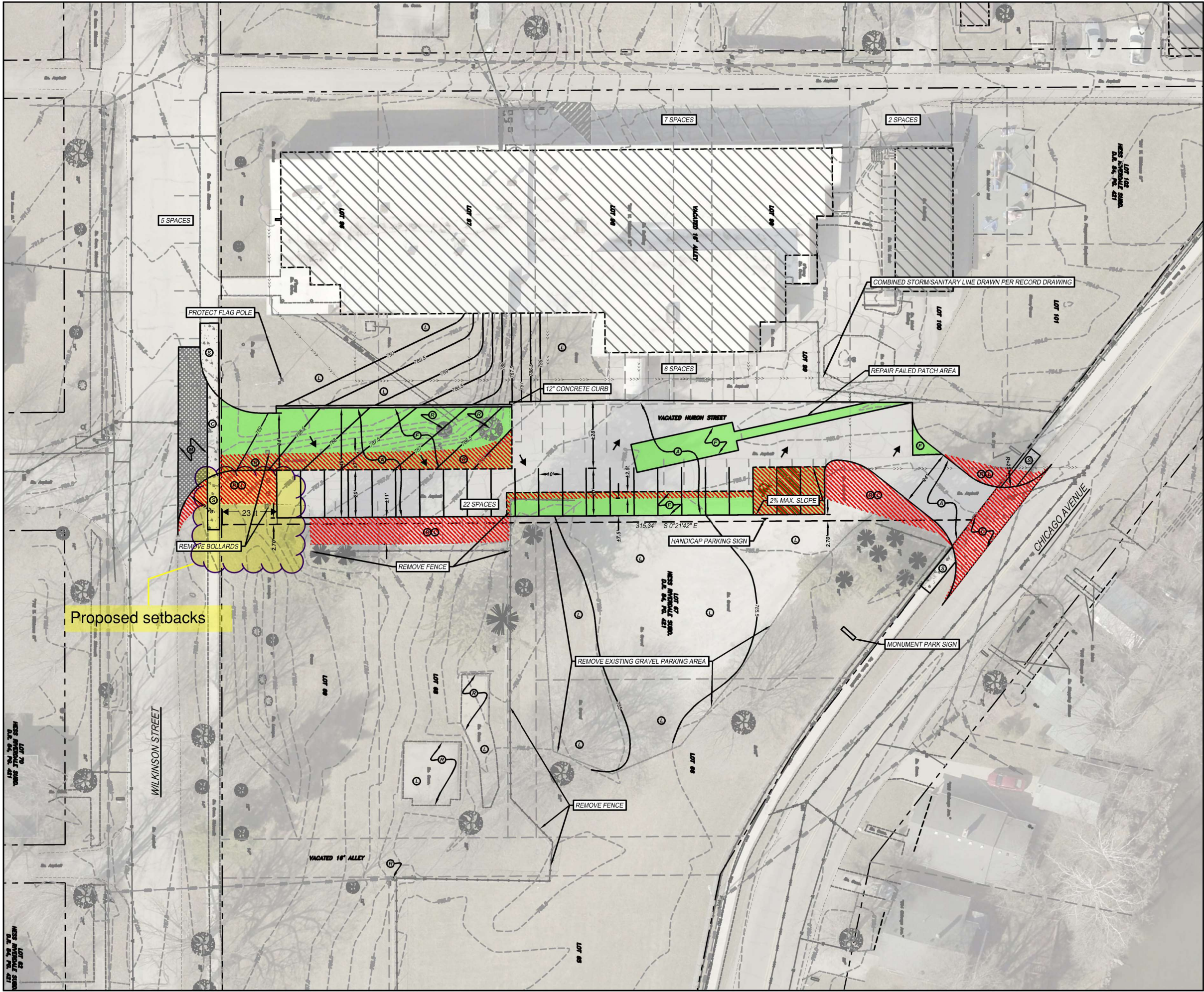
NOT FOR  
CONSTRUCTION

The City Of Goshen  
Department of Public Works & Safety  
Office of Engineering  
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-2201 Fax: 574-533-8626

HESS RIVERDALE PARK  
DIVISION OF PROPERTY

Project Number: 2022-0018  
Designed By: J. Hoffman  
Approved By: D. Sailer, P.E.  
Drafted By: J. Hoffman  
Date: 09.06.2022  
Scale: NOT TO SCALE





(IN FEET)  
1 INCH = 20 FT

PARKING SPACES	
EXISTING	PROPOSED
33	37
DIFFERENCE = +4 SPACES	

GENERAL NOTES:

PARKING

- REQUIRED PARKING SPACES FOR THE EDUCATION AND GROUP HOUSING PER ORIGINAL SITE PLAN IS 53 SPACES WITH 55 SPACES PROVIDED ON ORIGINAL SITE PLAN. REQUIRED SPACES BELOW.

EDUCATION		GROUP HOUSING	
3 STAFF	2 SPACES	3 BEDROOMS	6 SPACES
3 CLASSROOMS	21 SPACES	24 MAX. RESIDENTS	24 SPACES
	23 SPACES		30 SPACES

- 22 PARKING SPACES WITHIN THE GRAVEL PARKING AREA WILL BE ELIMINATED WITH NEW LAYOUT LEAVING 33 SPACES
- A TOTAL OF 37 PARKING SPACES WILL BE PROVIDED WITH NEW LAYOUT WITHIN THE ASPHALT PARKING AREAS
- 5 OF THE 7 ON-STREET PARKING SPACES ALONG SOUTH SIDE OF THE BUILDING WILL REMAIN

DRAINAGE

- SURFACE RUNOFF FROM THE ASPHALT PARKING AREAS WILL RUN TO THE EXISTING GRASS AREAS TO THE EAST AND WEST. NO CHANGES TO THE ORIGINAL CONDITIONS WILL BE MADE TO THE ON-SITE DRAINAGE PATTERN

LEGEND

(A)	1.5" HMA SURFACE OVERLAY
(C)	6" CONCRETE APPROACH OVER 6" No. 53 RECYCLED CONCRETE
(F)	FULL DEPTH, 4.0" HMA BASE OVER 6" No. 53 RECYCLED CONCRETE
(L)	4" TOPSOIL W/ TYPE 'L' SEED (NO CLOVER) AND STRAW W/ TACIFIER
(M)	1.5" MILL W/ 1.5" HMA SURFACE
(R)	REMOVE
(S)	4" CONCRETE SIDEWALK OVER 4" No. 53 RECYCLED CONCRETE
(Hatched)	FULL DEPTH PAVEMENT REMOVAL
(Green)	FULL DEPTH PAVEMENT, NEW

NOT FOR  
CONSTRUCTION

The City Of Goshen  
Department of Public Works & Safety  
Office of Engineering  
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-2201 Fax: 574-533-8626

HESS RIVERDALE PARK  
CONCEPT 4

Project Number: 2022-0018	
Designed By: J. Hoffman	Approved By: D. Sailor, P.E.
Drafted By: J. Hoffman	Date: 09.06.2022
Scale:	



**LOCATION:** 1310 West Avenue  
**CASE NUMBER:** 23-02DV

**DATE:** January 24, 2023  
**PREPARED BY:** Rossa Deegan

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**GENERAL INFORMATION**

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**APPLICANT:** Jenna R. Martin (owner)

**REQUEST:** The applicant requests a developmental variance to allow a side (west) setback of 4' where 6' is required for the installation of two basement egress windows

**LOT SIZE:** ±8,712SF; ±66' of frontage; ±132' of depth

**APPLICABLE ZONING:** Residential R-2

**NOTICES SENT:** 42

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**SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential

**NEIGHBORHOOD:** West Goshen

**THOROUGHFARES:** West Avenue

**TOPOGRAPHY:** Level

**VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4160.3*, Area, Width, and Yard Regulations of the R-2 District  
C.2 Interior yards shall have two side yards; each side yard shall have a width of not less than six 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.

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**ANALYSIS**

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The subject property is a single-family home located in the West Goshen neighborhood, a short distance west of West Goshen Elementary School. Improvements on the property include a one-story home with an approximate footprint of 1,544 SF and a detached single-stall garage with driveway access from an adjacent side alley. Planning records indicate that the home was built in 1987 and at that time was granted a developmental variance to allow a 15' building setback from the front property line where 25' was required.

The petitioner is proposing to renovate the basement level of the home, adding living space and bedrooms. Three new egress windows are proposed, and two of the windows include wells that will encroach in the side (west) building setback. The proposed setback in this area is 4' where a minimum of 6' is required, so a variance is needed. The third proposed egress window is located on the east side of the basement and does not encroach in a side yard.

Approval is warranted. The locations along the basement walls where the egress windows can be located are limited, with the west wall being the longest and most open. Obstructions along other portions of the basement wall, including a gas line, electrical service, and front porch, preclude placement of the windows elsewhere. The egress windows will satisfy Building Code and the overall renovation is a reasonable use of a residential property. In October 2022, the BZA approved a very similar request (22-32DV), allowing one egress window to encroach in the side yard of 1006 S 12<sup>th</sup> at a distance of 4' from the property line.

**FINDINGS OF FACT**

Staff recommends **approval** of a developmental variance to allow a side (west) setback of 4' where 6' is required for the installation of two basement egress windows, 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 windows will allow safe egress from the basement level of the home in the event of an emergency. Egress windows are required by Building Code for basement bedrooms. *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.** With approval, a 4' setback side will be maintained, which is typical in older subdivisions and neighborhoods. The approved setbacks are for two relatively small egress windows; the rest of the building along the west property line is located at 8' from the side property line. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** The proposed renovation will add an entire level of bedroom and living space to what is currently a one-story home. There is limited space along the basement walls to locate the needed egress windows. Denying the request will limit reasonable use and development of the residential 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 Building Department is required.



From West Avenue looking south





Looking north





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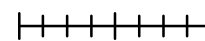
1310 West Avenue

2021 Aerial  
Printed December 16, 2022



Feet

0 25 50 100



1 inch = 100 feet

**The City of Goshen**  
Department of  
Planning & Zoning

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

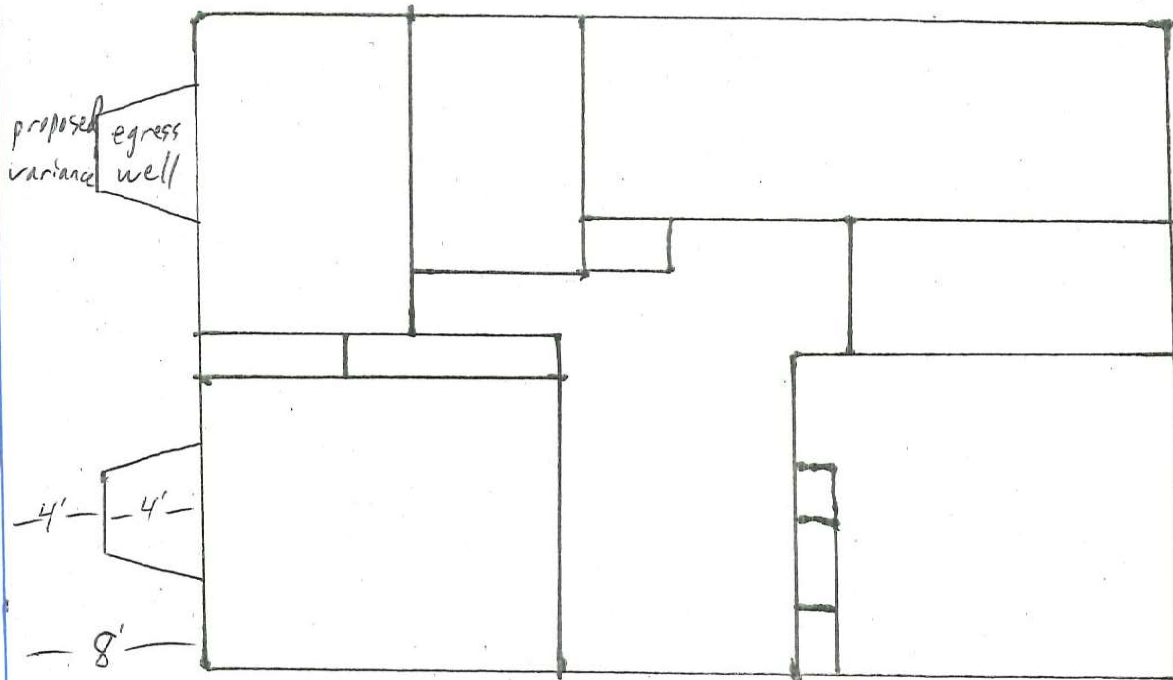


1310 West Ave.

$$\frac{1}{8}'' = 1'$$



Property line





**LOCATION:** 1501 Elkhart Road  
**CASE NUMBER:** 23-03DV

**DATE:** January 24, 2023  
**PREPARED BY:** Rossa Deegan

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**GENERAL INFORMATION**

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**APPLICANT:** D & C Miller Holdings, LLC (owner); Ice Express LLC & Abonmarche Consultants, Inc. (agents)

**REQUEST:** The applicants request developmental variances to allow a sign area of 100-percent on three walls where sign area cannot exceed 40-percent of the signable wall area of each façade, three roof-mounted signs where roof-mounted signs are prohibited, and no sewer connection where connection to City sewer is required, for the installation of an ice and water vending structure

**LOT SIZE:** ± 1.84 acres; ±502' of frontage; depth varies

**APPLICABLE ZONING:** Commercial B-3

**NOTICES SENT:** 52

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**SPECIAL INFORMATION**

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

**AREA DEVELOPMENT:** Commercial, residential

**NEIGHBORHOOD:** None

**THOROUGHFARES:** Elkhart Road (U.S. 33)

**TOPOGRAPHY:** Level

**VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4205.9*, Miscellaneous Requirements of the B-3 District  
All uses in this district must be served by city sewer and water.
- ◇ Goshen Zoning Ordinance, *Section 5100.3.C*, Signs permitted in the B-3 District  
3. Wall signs following this Ordinance, with sign area not exceeding forty percent (40%) of the signable wall area of the façade on which the wall sign is located
- ◇ Goshen Zoning Ordinance, *Section 5100.10*, Prohibited Signs  
The following signs are prohibited in any district within the City of Goshen:  
I. Roof-mounted signs

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

Michael Landis, owner of 503 N Riverside Boulevard, inquired about the request and stated that he supports it so long as approval of the signage does not set a precedent for similar signage to be used elsewhere.

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**ANALYSIS**

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The subject property is approximately 1.8 acres in size and located on the Elkhart Road (U.S. 33) commercial corridor. The property is made up of four tax parcels and includes an appliance store and four additional storage buildings. The property was previously a tractor sales business. A food truck has operated with a conditional use permit on the property since 2020. The five existing buildings have a footprint of less than half an acre and large portions of the property are improved with gravel and concrete parking and driving surfaces.

The petitioners are proposing to add an approximately 104 SF structure to the property that will provide automated ice and water vending without the need for onsite personnel. The structure is a pre-built machine that will be installed on a concrete pad and protected by steel bollards. It will be located on the northwest side of the property, just outside the front yard along Elkhart Road, and will need developmental variances for the following:

- All visible exterior walls of the structure will be covered with illuminated signage which includes product information and graphics. In the Commercial B-3 District, wall signs cannot cover more than 40% of the signable wall area, so 100% coverage requires a developmental variance.
- Section 5100 of the Zoning Ordinance prohibits roof-mounted signs in all zoning districts. The proposed structure has a “top hat” with three separate illuminated signs
- In lieu of connecting the structure to City sewer, the petitioners propose to discharge excess fluids into a French drain. All uses in the B-3 District must be served by City sewer.

Given that the structure is pre-manufactured and has many qualities similar to a non-structural vending machine, Staff believes approval of relief from the sign requirements is warranted. Staff typically recommends against any sign requests that exceed what is permitted by the Zoning Ordinance, but the proposed structure is not a typical building. At just over 100 SF, it is smaller than many sheds Planning regularly approves on residential properties and is designed in such a way that it can be transferred to other sites. Furthermore, it meets all other Zoning Ordinance requirements, including setbacks, building coverage, and minimum parking. Because Elkhart Road is a busy commercial corridor, signs on the structure will not be out of character with surrounding development. The structure will be located behind the front walls of the main appliance sales building on the subject property and the main building directly to the north.

For the same reasons, foregoing connection to City sewer is reasonable. The petitioners say that discharge from the machine, which includes condensation and clear water from reverse osmosis equipment, is in such low volume that it can be drained to a small structure such as a french drain. City sewer is available along Elkhart Road, and the Engineering Department is only comfortable with such a drain if it can meet Building Code and the requirements of the Elkhart County Health Department, so approval should be granted on condition that the Building and County Health departments provide written authorization.

### **FINDINGS OF FACT**

Staff recommends **approval** of developmental variances to allow a sign area of 100-percent on three walls where sign area cannot exceed 40-percent of the signable wall area of each façade, three roof-mounted signs where roof-mounted signs are prohibited, and no sewer connection where connection to City sewer is required, for the installation of an ice and water vending structure, 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 structure is relatively small, will not interfere with traffic and vehicle circulation, and will produce very little discharge. *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.** Because Elkhart Road is a busy commercial corridor, signs on the structure will not be out of character with surrounding development. The low volume of discharge from the structure will be captured by a drain so that it does not flow freely onto adjacent properties. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** The proposed structure is not a typical building for which Zoning Ordinance requirements should strictly apply. The volume of discharge from the structure is so low it can be captured by a simple drain without the need to be discharged into the sewer. *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. Approval by the Building Department is required.
6. The zoning clearance shall not be issued until the Building Department and the Elkhart County Health Department authorize in writing the discharge methods of the structure. Connecting the structure to City sewer shall nullify this requirement.



Looking northwest along Elkhart Road



Looking north across Elkhart Road



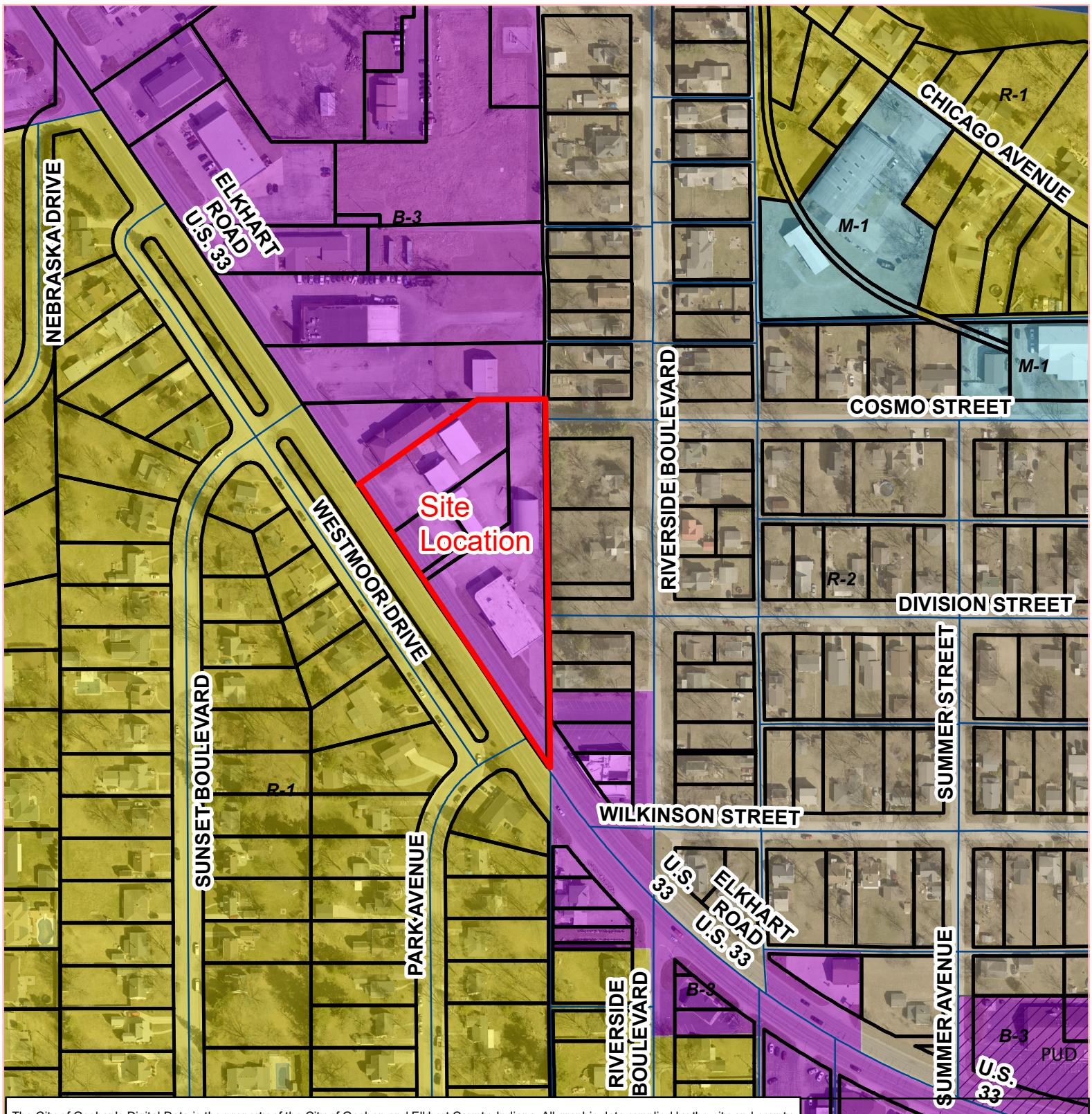


Looking northeast across Elkhart Road



Looking southeast





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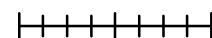
1501 Elkhart Road

2021 Aerial  
Printed January 6, 2023



Feet

0 55 110 220



1 inch = 220 feet

**The City of Goshen**  
Department of  
Planning & Zoning

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



**TWICE**  
PURE WATER

**ICE**

10 LB BAG

**\$1.50**

**\$2.50**

20 LB BAG

**PURE  
WATER**

1 GALLON

**25¢**

**\$1.00**

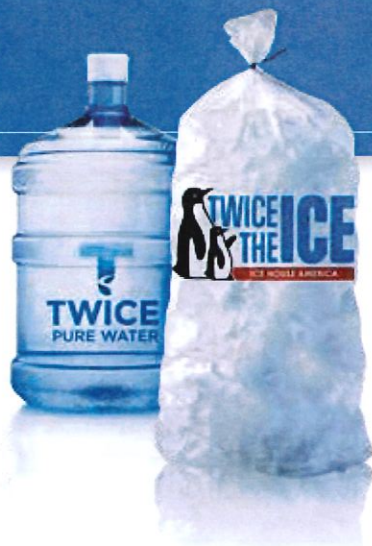
5 GALLONS







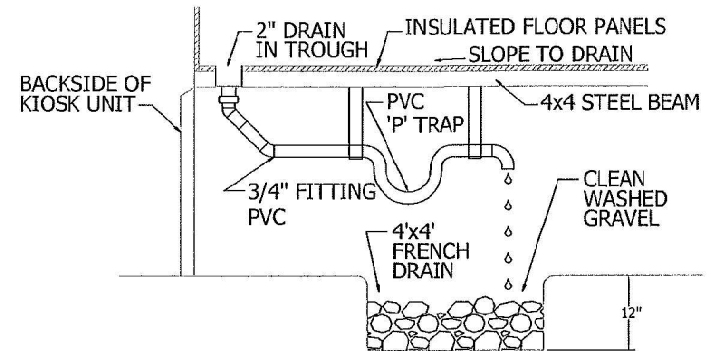
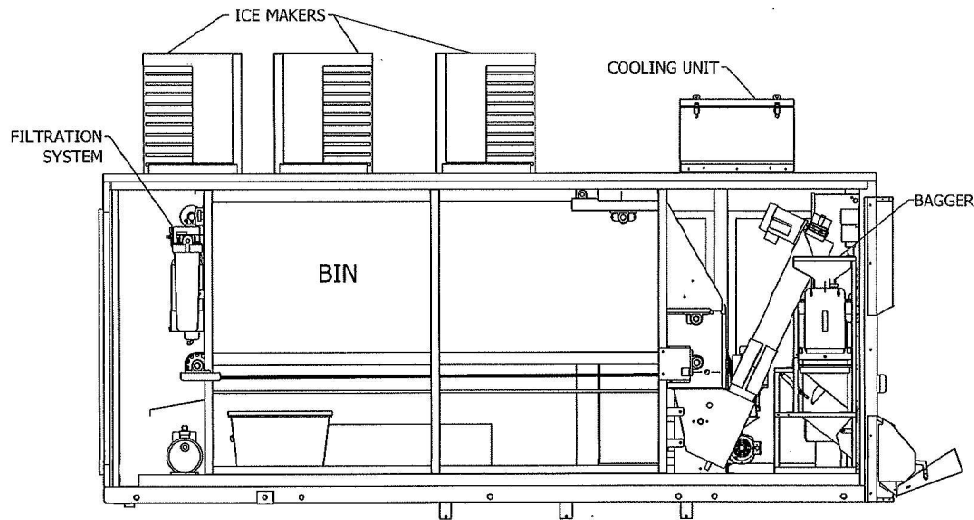
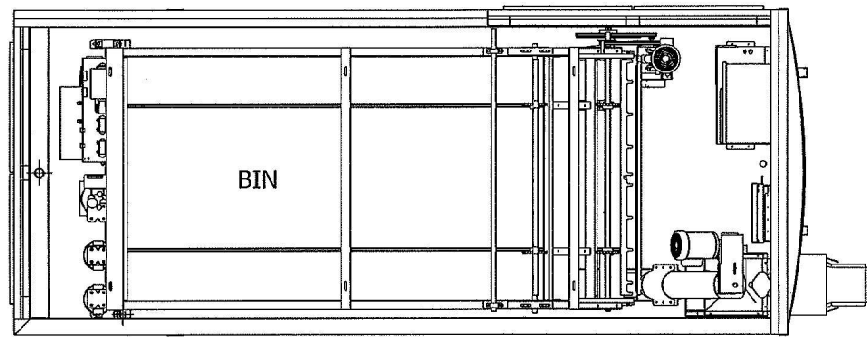
3,500+  
ICE VENDING  
MACHINES AROUND THE WORLD



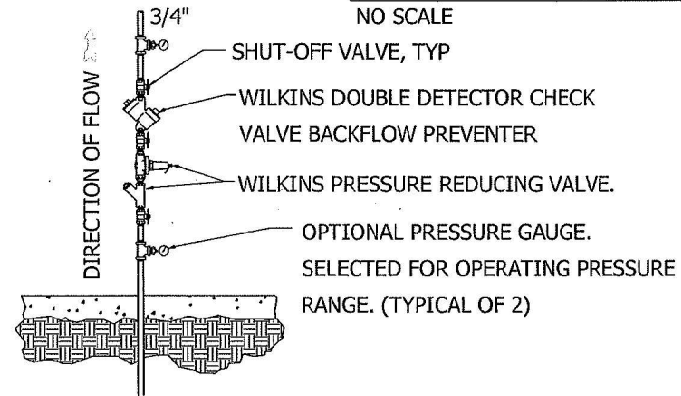
## MID-SIZED FOOTPRINT DESTINATION DRIVER

The Ice Kiosk is our mid-size ice and water vending machine; engineered to incorporate the Ice Merchants' small footprint appeal with the patented internal components of the popular Ice House. This mid-size model has size options at 12 ft and 16 ft. With a footprint of 100 ft<sup>2</sup>, the Ice Kiosk has the versatility to fit into tight locations and still maximize on a similar curbside marketability to the Ice House. With the Ice Kiosk, every market has the opportunity for a destination ice and water vending machine.





**FRENCH DRAIN / 'P' TRAP DIAGRAM**  
NO SCALE



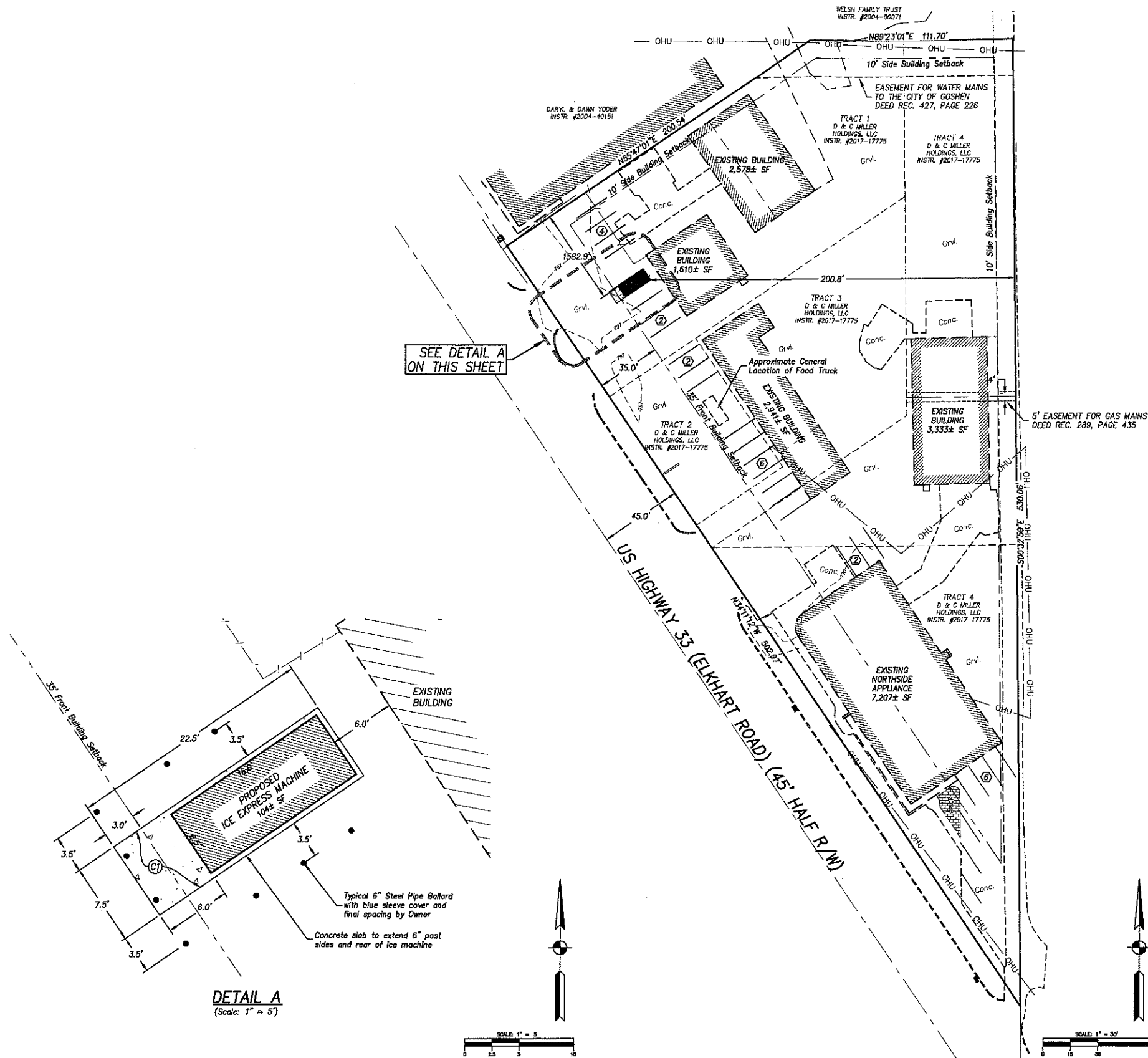
3/4" DOMESTIC WATER SERVICE LINE  
FROM METER  
**WATER SERVICE DETAIL**  
NO SCALE

<b>March Adams &amp; Associates</b> Consulting Engineers	310 Dodds Ave. P.O. Box 3689 Chattanooga, Tennessee 37404 PH: (423)698-6675 MAA #: 16-313
	<b>ICE HOUSE AMERICA</b> 1597 The Greens Way Jacksonville Beach, Florida 32250 904-241-7535
	TITLE: <b>EQUIPMENT INFORMATION</b> 15' KIOSK DATE: 08/29/2016 REVISION/DATE:
Indiana <b>EQ-1</b>	



BOARD OF ZONING APPEALS (BZA)  
PRELIMINARY SITE PLAN

A PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 6 EAST,  
ELKHART TOWNSHIP, CITY OF GOSHEN, ELKHART COUNTY, INDIANA



GENERAL NOTES

- The property is currently zoned "B-3" Service Business District.
- Existing Use: Northside Appliance, Storage Buildings, Non-Permanent Food Truck Vendor  
Proposed Use: Ice Express Bagged Ice and Water Vending Machine (Proposed Building)  
(Use Drive-in Establishment, Conditional Use per City of Goshen Planning Department)
- The proposed building shall be serviced by the City of Goshen municipal water by means of a new private connection to the existing water service of Northside Appliance after the City meter with a private meter to record water usage.
- Proposed Building and Parking Setbacks shall conform to the City of Goshen Zoning Ordinance unless the proper variances have been granted.
- All existing drives and parking onsite are a combination of privately owned compacted stone and paved areas.
- All landscaping, lighting, and signage shall be in accordance with the City of Goshen Zoning Ordinance unless the proper variances have been obtained.

TABULATED SITE DATA

Site Area = 1.84± Acres

Proposed Land Coverage	Area (Acres)	Percentage
Proposed Building (Ice Vending Machine)	0.01	0.5%
Proposed Hard Surface	0.01	0.5%
Existing Buildings	0.41	22.3%
Existing Gravel Surface	1.30	70.7%
Open Space / Landscaping	0.11	6.0%
	1.84±	100%

PARKING CALCULATIONS

Parking Required (Non-Permanent Food Truck Vendor):

- 1 Space per 2 Employees and 3 Spaces per Food Truck
- 1 Space (per 2 Employees) + 3 Spaces = 4 Spaces

Parking Required (Ice Vending Machine):

- 1 Space per 5 Persons at Maximum Capacity
- 5 Persons at Maximum Capacity = 1 Space

Parking Required (Northside Appliance):

- Per City of Goshen = 11 Spaces
- Total Required = 16 Spaces

Parking Provided: 22 Spaces \*\*

\*\* Proposed spaces identified on the site plan are 9 ft. x 20 ft. but are not marked onsite due to existing parking surface materials.

KEYNOTE LEGEND

- ⑦ Number of Parking Spaces (Not Stripped)
- ③ Concrete Pavement
- Grvl. Existing Gravel
- Conc. Existing Concrete

PROPERTY OWNER  
D & C MILLER HOLDINGS, LLC  
1501 ELKHART ROAD  
GOSHEN, IN 46528

DEVELOPER / OWNER OF ICE MACHINE  
ICE EXPRESS, LLC  
6057B COUNTY ROAD 9  
ELKHART, IN 46517  
(574) 849-6230

CIVIL ENGINEER / SURVEYOR  
ABONMARCHÉ CONSULTANTS, INC.  
303 RIVER RACE DRIVE, UNIT 206  
GOSHEN, IN 46526  
(574) 533-9913

ABONMARCHÉ  
303 River Race Drive, Unit 206  
Goshen, IN 46526  
(574) 533-9913  
abonmarche.com

ICE EXPRESS  
ELKHART ROAD VENDING MACHINE  
1501 ELKHART ROAD  
GOSHEN, IN 46528

PRELIMINARY SITE PLAN

SHEET TITLE  
DRAWN BY: RDM  
DESIGNED BY: RDM  
PM REVIEW: RDM  
QA/QC REVIEW: RDM  
DATE: 01-04-2023  
SEAL:

SIGNATURE:  
DATE:

HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.

SCALE:  
HORIZ: NOTED  
VERT:

ACI JOB #  
22-1562  
SHEET NO.

C1.0

NO. REVISION DESCRIPTION BY: DATE