

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, February 27, 2024, 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I. Roll Call
- II. 2024 Board of Zoning Appeals Appointments
 - *Matthew Fisher – Appointed by Mayor, 1/31/24 – 12/31/27*
 - *James Loewen – Appointed by Mayor, 1/31/24 – 12/31/27*
 - *Craig Yoder – Alternate Appointed by Mayor, 1/31/24 – 12/31/27*
- III. Approval of Minutes from 1/23/24
- 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. **Developmental Variances**– public hearing items

24-05DV – Keith & Kimberly Yoder request a developmental variance to allow a duplex on a lot 50’ in width at the established front lot line where a minimum of 60’ is required. The subject property is generally located at 412 & 414 N Riverside Blvd and is zoned Residential R-2 District.

24-06DV – Pumpkinvine Properties, LLC and Dyksen and Sons Builders request developmental variances to allow alterations to the visible exterior walls of the building that lack compatibility to the historical and architectural style, general design, size, texture and materials of the existing pre-1910s buildings on Main Street between Clinton Street and Jefferson Street, including replacing a portion of the north façade with wood bead board, covering portions of the north and east facades of the building with stucco, adding three fixed aluminum framed windows to the second story of the north façade, and maintaining the existing projections above the parapet walls on the east and west facades where no part of the roof shall project visibly above the parapet. The subject property is generally located at 206 & 206 ½ N Main Street and is zoned Commercial B-2 HD DD.

24-07DV – Best One Goshen Realty, LLC and Signtech Sign Services request developmental variances to allow the reconfiguration of a sign cabinet on an existing illuminated freestanding sign where structural modifications to nonconforming signs are not permitted and to allow an approximately 30 Sf electronic message center to replace the changeable copy portion of the sign where electronic message centers are not permitted to be added to nonconforming signs. The subject property is generally located at 1021 N Greene Road and is zoned Commercial B-3 District.

24-08DV – The Life Center, Inc. and Garry Anglemyer request a developmental variance to allow an approximately 19 Sf electronic message center to replace the changeable copy portion of an existing freestanding sign where electronic message centers are not permitted to be added to nonconforming signs. The subject property is generally located at 1212 W Plymouth Avenue and is zoned Residential R-1 District.
- VII. Audience Items
- VIII. Staff/Board Items
 - *Residency Form for Matthew Fisher*
 - *Residency Form for James Loewen*
 - *Residency Form for Craig Yoder*
- IX. Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 23, 2024, 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, and Hesston Lauver. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. 2024 Board of Zoning Appeals Appointments

Mr. Holtzinger asked if there is any update on appointments. Mr. Deegan replied there is not.

III. Election of 2024 Officers

- *Chair*
- *Vice Chair*
- *Secretary*

Action:

A motion was made and seconded, Rohn/Lauver, to appoint Tom Holtzinger as Chair. The motion passed unanimously by a vote of 3-0.

Action:

A motion was made and seconded, Holtzinger/Lauver, to appoint Lee Rohn as Vice Chair. The motion passed unanimously by a vote of 3-0.

Action:

A motion was made and seconded, Holtzinger/Rohn, to appoint Hesston Lauver as Secretary. The motion passed unanimously by a vote of 3-0.

IV. Approval of Minutes from 11/28/23: Lauver/Rohn 3-0

V. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Lauver/Rohn 3-0

VI. Postponements/Withdrawals - None

VII. Developmental Variance – public hearing items

24-01DV – AG Holdings, LLC, and Abonmarche Consultants request developmental variances for the proposed two-lot major commercial subdivision, Red Oak, to allow a lot with no street frontage and no direct street access. The subject property is generally located on the south side of Eisenhower Drive North, west of Caragana Court, with a common address of 2312 Eisenhower Drive North, containing ±1.8 acres, zoned Commercial B-3.

Staff Report

Mr. Deegan explained this is a commercial property, with surrounding properties a mix of commercial and industrial uses and zoning, and with a church located immediately west. The petitioners are in the process of subdividing the 1.8 acre parcel into two separate lots in order to create a tree preserve on the proposed second lot. Developmental variances are required because the second lot will have no street frontage or access, both of which are required by the zoning ordinance. The request is reasonable since the tree preserve will require no routine vehicle or pedestrian access. Approval will not upset the character of the area and is in line with the City's comprehensive plan promoting tree canopy.

The Planning Office was not contacted by any member of the public regarding this request.

Petitioner Presentation:

Andrea Milne, Abonmarche Consultants, 303 River Race Drive, spoke on behalf of the petitioner. She stated this program seeks to maintain, grow, and promote Goshen’s urban forest program. The intent of the subdivision is to separate the tree preserve from the commercial use so it can be purchased and managed by an appropriate organization.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Lauver noted the retention area will be located on the new lot, leaving lot one without a retention area. He asked if that will become a problem.

Mr. Deegan stated it’s his understanding that Lot 1 will have access to the retention area via a drainage easement.

Action:

A motion was made and seconded, Lauver/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-01DV with the 2 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

24-02DV – Dennis M Landis, Susan Mark Landis, and Abonmarche Consultants request developmental variances for the proposed two-lot major residential subdivision, Double Oak, to allow both lots with no street frontage, no direct access to a street, and to be developed with no connection to City water. The subject property is generally located north of Lincoln Avenue and east of Steury Avenue, with a common address of 820 Steury Avenue, containing ±26.77 acres, zoned Residential R-2.

Staff Report

Mr. Deegan explained this approximately 27 acre property, located a short distance north of Lincoln Avenue and east of Steury Avenue, is quite secluded. The R-2 property contains one single family home, a detached garage, and a gravel drive. Surrounding uses and zoning are a mix of agricultural, residential, and industrial. He explained the petitioners are in the process of subdividing the property to create an additional lot for a new single family home. Developmental variances will be necessary because this property will not have frontage or direct street access as required by the ordinance, but access is available through an easement on an adjacent private property. Additionally, City water service is not available in the area so a request to forgo connection to City water is also requested.

The Planning Office was not contacted by any member of the public regarding this request.

Petitioner Presentation:

Andrea Milne, Abonmarche, 303 River Race Drive spoke on behalf of the petitioner. She stated these variances are needed in order to subdivide and develop the property.

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, Rohn/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-02DV with the 2 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

24-03DV – LaCasa Real Estate Holdings, LLC, requests developmental variances to allow a residential building lot with 33’ of frontage where an established front lot line of not less than 66’ is required, 3’ (north and south) side building setbacks where a minimum of 8’ is required, and for the variance to be valid for 18 months, for the construction of a new single family home. The subject property is generally located at 317 S 10th Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this is a small vacant lot located in the R-1 District. Surrounding uses are a mix of residential, with some commercial properties along the Madison Street corridor. The request is for a new one-story, single family home, noting developmental variances are required because the home will have 3’ north and south side yard setbacks, where 8’ is required. Additionally, lot frontage is 33’ where a minimum of 60’ is required. The proposed home is approximately 1,200 sf in area, with a two-car parking pad at the rear of the property. If approved, building codes will be met.

He explained that the previous home on the property was destroyed by fire several years ago. It was a multi-family home which encroached further into the setbacks than what is proposed today.

He also noted this same project came before the BZA in 2020, but because the build timeline and funding timeline didn’t match up it never proceeded. Today’s request asks that the variance be valid for 18 months instead of 6 months and Staff feels is reasonable to allow the project to move forward.

No public comments were received by the Planning Office.

Petitioner Presentation:

Aaron Lehman, 202 N Cottage Avenue, spoke on behalf of the petitioner. He stated they look forward to improving this property with a new residence. They hope to use modular construction to eliminate some of the problems with the narrow lot. He noted they also own the lot to the south so they have no interest in destroying that lot with the construction. It’s felt a modular home would provide less disruption to the neighborhood.

Mr. Holtzinger asked if this house will be set on a foundation or basement.

Mr. Lehman stated it will be set on a basement.

Mr. Rohn questioned if the dirt removal for the basement would impact the neighbors on both sides.

Mr. Lehman stated the houses on both sides are approximately 8 ft from the property line so it shouldn’t present a problem when digging the basement. He admitted this will be incredibly tight, but explained that the 3 ft setback being requested is from the eaves, not the foundation. He went on to say there is actually 4.5 feet to the foundation on both sides.

Mr. Deegan explained that the setback is actually 3.5 ft from the eaves, but it was advertised as 3 ft, so there is a little more room than advertised.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Holtzinger/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-03DV with the 6 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

24-04DV – Mark Linn, heir of Steve & Debra Linn, requests developmental variances to allow an 8’ front building setback along Plymouth Avenue where 35’ is required for an approximately 261 SF porch addition, and to allow a fence 6’ in height in the front yard along Plymouth Avenue where fences cannot exceed 4’ in height. The subject property is generally located at 821 S 14th Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this property has frontage on 14th Street as well as Plymouth Avenue. The property contains a single family home, approximately 780 sf in area, with surrounding use and zoning being R-1 and single family. The petitioner recently added a covered back porch to the house without Planning approval and the porch is 8 ft from the Plymouth Avenue property line, where the minimum setback is 35’. The petitioner would also like to install a 6’ tall fence along the Plymouth Avenue property line, where the maximum height is 4 ft. Developmental variances are required for both requests.

Mr. Deegan stated both of these requests are reasonable and Staff recommends approval. He noted the home directly across 14th Street has a closer setback to Plymouth Avenue than this home will have. He noted that many homes in this area are closer to setback lines than what is permitted by the ordinance. The privacy fence along the busy road is also reasonable.

Mr. Deegan also noted that there have been ongoing compliance issues with this property. He stated condition #5 in the recommended approval states: *“The existing parking space in the front yard along 14th Street shall be properly defined by the use of landscape timbers or other materials that hold gravel and prevent its spread. Gravel shall be removed from areas where it has spread without approval and areas of bare soil shall be re-seeded with grass no later than June 1, 2024.”* He noted there is no record of more than one parking space being approved along the 14th Street side. There should only be one space, returned to that condition and kept that way.

The Planning Office was not contacted by the public regarding this request.

Mr. Holtzinger asked where the fence will be located.

Mr. Deegan explained it’s a perimeter fence around the back yard and referred to the site sketch included in the packet.

Petitioner Presentation:

Mark Linn, 821 S 14th Street spoke to the petition. He stated he’d like to install a fence to give them privacy from the road and surrounding areas. The porch is so he and his family can enjoy the outdoors.

Mr. Holtzinger asked if he can take care of the gravel out front as recommended in the Staff Report.

Mr. Linn stated that yes, he can take care of that.

Audience Comments:

Dustin Sailor, Director of Public Works and Utilities, spoke to the petition, explaining he’s also the responsible party for issuing driveway permits. He agrees with Staff’s condition #5 about defining the parking space and pointed out that the Board of Public Works (BOW) is the group that identifies if the surface can be gravel or not, so the hard surface material needs to be approved by the BOW.

Becky Hausbach, 65656 US 33, Goshen, spoke to the petition. She stated she owns the property next door at 819 S 14th Street and is concerned that a furnace installed on the property was not done correctly and that it could be a fire hazard affecting her property next door. She also noted the property is an eyesore with several vehicles, trailers, boats, etc. stored on the property.

The public hearing was closed.

Staff Discussion:

Mr. Deegan pointed out that condition #4 in his Staff report requires a building permit. He noted that the Planning Office had Mr. Linn speak with the Building Department and obtain a pre-inspection prior to this meeting, to determine if this is feasible. A building permit and inspection is required as part of this process. He went on to say that everything in the Staff report is a zoning issue that the Board can address. Everything else discussed by the neighboring property owner may be able to be addressed by other departments, but not this Board.

Mr. Lauver questioned if the building permit would be for the covered deck at the rear of the property.

Mr. Deegan responded yes.

Mr. Holtzinger asked if another agency would handle the remainder, such as the gravel in front.

Attorney Kolbus noted that yes, any gravel would be reviewed by the BOW.

Mr. Lauver asked if they will be required to have the front drive inspected.

Mr. Deegan explained that Planning will look at the location of the driveway and that it's returned to what was there before. Aerials from 2003 show there was gravel parking in the area.

Attorney Kolbus added that the BOW would look at what type of material is being used.

Mr. Holtzinger commented that obtaining a building permit would likely address some of the neighbor's concerns.

Mr. Rohn commented that the ordinance would likely take care of the remaining issues.

Action:

A motion was made and seconded, Rohn/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-04DV with the 5 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

VIII. Audience Items

None

IX. Staff Board Items

None

X. Adjournment: 4:29 pm Rohn/Holtzinger

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 412 & 414 N Riverside Blvd
CASE NUMBER: 24-05DV

DATE: February 27, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Keith & Kimberly Yoder (owners)

REQUEST: The applicants request a developmental variance to allow a duplex on a lot 50' in width at the established front lot line where a minimum of 60' is required

LOT SIZE: ±6,600 SF; ±50' of frontage; ±132' of depth

APPLICABLE ZONING: Residential R-2

NOTICES SENT: 35

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer are available

AREA DEVELOPMENT: Residential, commercial

NEIGHBORHOOD: Riverdale

THOROUGHFARES: Riverside Boulevard

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4160.3*, Area, Width, and Yard Regulations of the R-2 District A.3. All two-family dwelling units hereafter constructed shall be on a lot having... a width at the established front lot line of not less than 60 feet.

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning office has not been contacted by any adjacent property owners regarding this variance. However, the Planning office may still be contacted with questions and statements of support or opposition to the variance between the time of this report's delivery and the public hearing.

ANALYSIS

The subject property is located in the Riverdale Neighborhood on Riverside Boulevard, a short distance north of Elkhart Road. Zoning is R-2, and surrounding properties are a mix of residential uses and commercial uses along the Elkhart Road commercial corridor. The property in question is currently the south half of a zoning lot that includes the single-family home at 416 N Riverside. It is vacant save for several mature trees and a large gravel parking area that serves the home at 416 N Riverside.

The petitioners are proposing to separate this tract of land from the zoning lot that includes the existing home, with separation along the existing tax parcel line. The proposed development is a two-story residential duplex with an approximately 1,074 SF footprint and served by a four-stall concrete parking area with access from the rear alley. All developmental requirements will be met except that the 50' of street frontage falls short of the minimum 60' required for a duplex in the R-2 District. A developmental variance will be required in order to proceed.

Staff recommends approval of the request based on the following:

- Duplexes are a permitted use in the R-2 District

- All other developmental requirements will be met, including minimum lot size and setbacks and maximum building coverage. There is also adequate space to meet the minimum parking requirements of the Zoning Ordinance for a duplex.
- Emergency access to and around the proposed building appears to be adequate, and it will be built to current building code
- The size of the proposed lot is in character with other residential lots in the neighborhood. The lot includes an underlying subdivision lot and half of a vacated alley. Numerous homes on the same block (400, 413, 415, & 418 N Riverside) have lot lines fronting Riverside of 50' or less.
- The proposed duplex is residential infill: it will increase the housing supply without the need to extend public infrastructure.
- A 10' deficiency in the minimum frontage requirement is negligible given all other requirements can be met

The north 5' of the subject property is half of a vacated alley, and improvements have been made in this vacation that include a sidewalk and gravel parking area. It is assumed that a utility easement is in place over the vacated land, so approval should be conditioned so that these improvements are removed. The south-facing door of the existing garage at 416 N Riverside should also be walled-off and onsite parking added to that property so that it meets Zoning Ordinance requirements.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a duplex on a lot 50' in width at the established front lot line where a minimum of 60' is required, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Emergency access to and around the proposed building appears to be adequate, and it will be built to current building code. *The standard is conformed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The size of the proposed lot is in character with other residential lots in the neighborhood. The lot includes an underlying subdivision lot and half of a vacated alley. Numerous homes on the same block (400, 413, 415, & 418 N Riverside) have lot lines fronting Riverside of 50' or less. *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.** Given that duplexes are a permitted use in the R-2 District, all other developmental requirements can be met, and the request to allow a 10' deficiency in frontage is relatively negligible, denial of the request would create practical difficulties in the use of the property. *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. Building permits are required.
5. A right of way permit is required for the parking area.
6. All portions of sidewalk and parking surface encroaching in the vacated alley and south side yard as shown on "Improvements to be removed from 412-414-416 N Riverside" shall be removed as part of construction and replaced with a vegetative cover.
7. The onsite parking area shall be durable hard surface.
8. Two on-site parking spaces shall be provided for the home at 416 N Riverside.
9. If the detached garage at 416 N Riverside remains, the south-facing door shall be replaced by a wall.
10. The petitioner shall coordinate with the City forester on the preservation or replacement of the two existing trees in the right of way along Riverside Boulevard.



Looking east across Riverside Boulevard



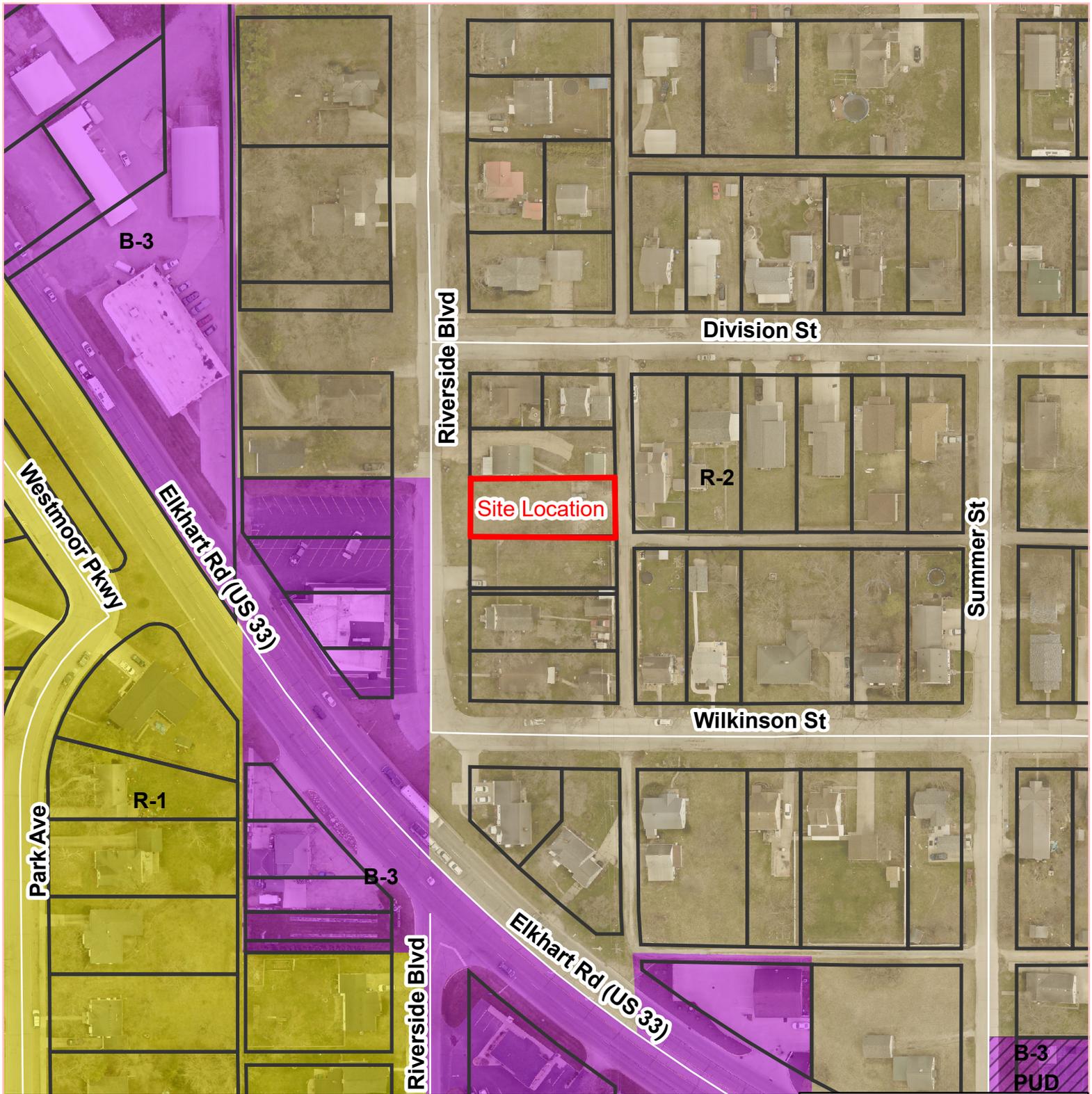
Looking north along Riverside Boulevard



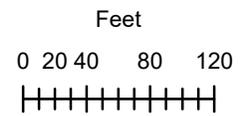
Looking northwest across alley rear of property



From alley looking west along north property line



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1 inch = 120 feet

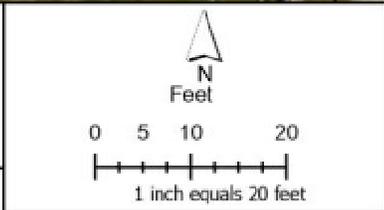
412 & 414 N Riverside
Parcel #20-11-08-254-004.000-015

2021 Aerial
Printed January 30, 2024

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



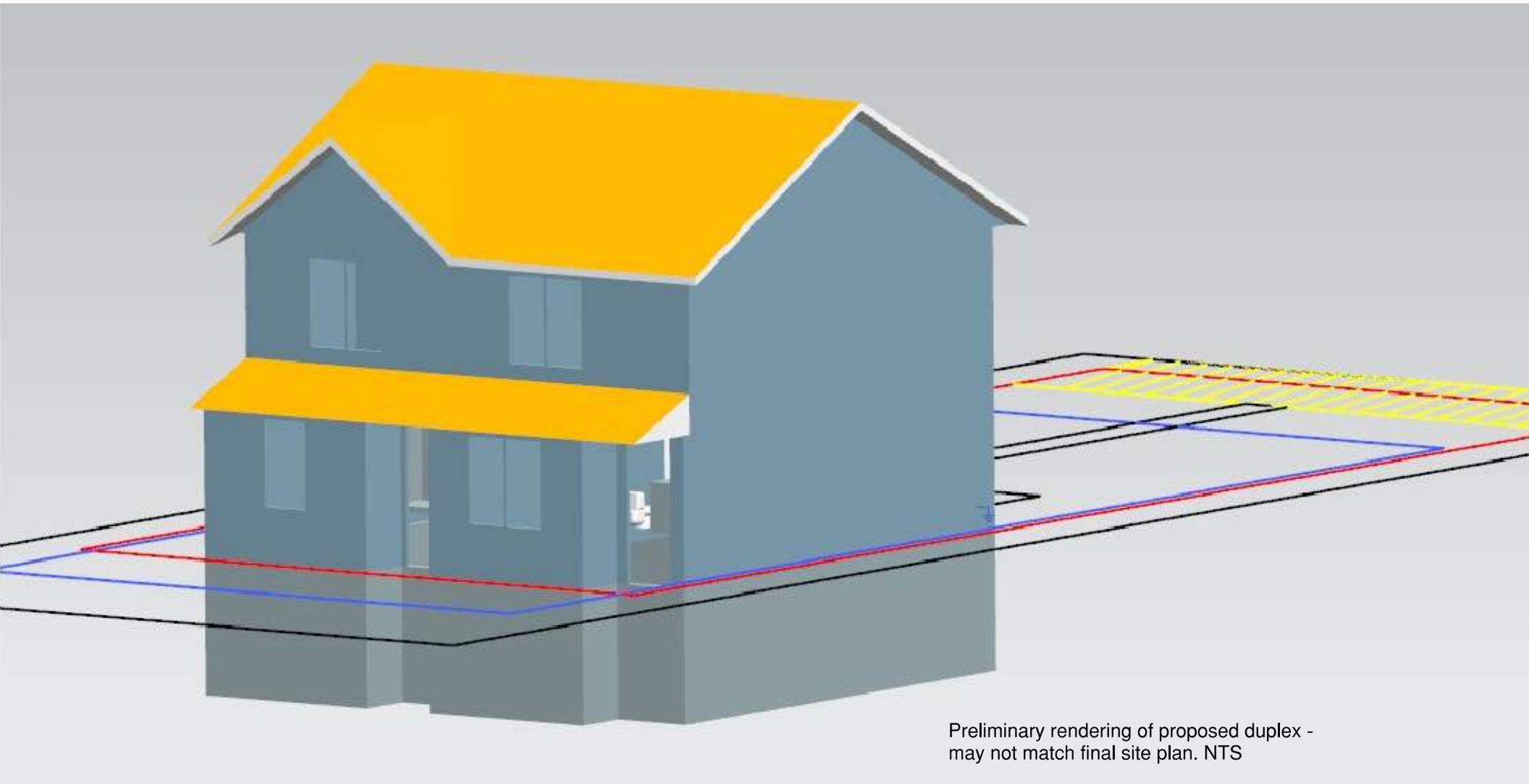
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Improvements to be removed from 412-414-416 N Riverside

2023 Aerial
 Printed on 2/1/2024

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



Preliminary rendering of proposed duplex -
may not match final site plan. NTS

N. RIVERSIDE

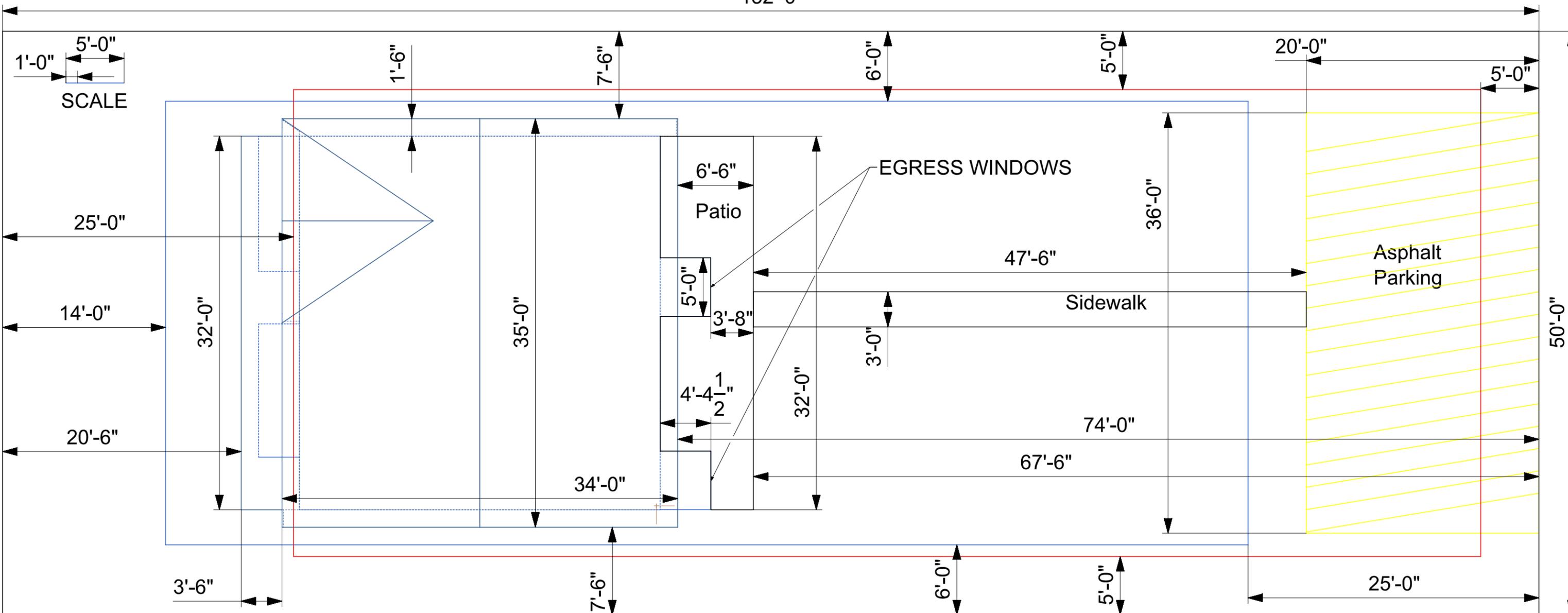
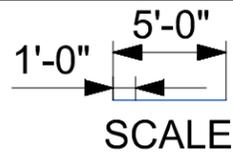
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Parking Setback (Red)

Structure Setback (Blue)

Parking (Yellow)

132'-0"



REV. C
Yoder Duplex
412 N Riverside Blvd.
1/11/24

LOCATION: 206 & 206 ½ N Main Street
CASE NUMBER: 24-06DV

DATE: February 27, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Pumpkinvine Properties, LLC (owner); Dyksen and Sons Builders (agent)

REQUEST: The applicants request developmental variances to allow alterations to the visible exterior walls of the building that lack compatibility to the historical and architectural style, general design, size, texture and materials of the existing pre-1910s buildings on Main Street between Clinton Street and Jefferson Street, including replacing a portion of the north façade with wood bead board, covering portions of the north and east facades of the building with stucco, adding three fixed aluminum framed windows to the second story of the north façade, and maintaining the existing projections above the parapet walls on the east and west facades where no part of the roof shall project visibly above the parapet

LOT SIZE: ±3,630 SF; ±22' of frontage; ±165' of depth

APPLICABLE ZONING: Commercial B-2 HD DD

NOTICES SENT: 30

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Commercial, institutional

NEIGHBORHOOD: Downtown

THOROUGHFARES: Main Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4205.6*, Architectural Requirements of the Downtown District
 - A. All visible exterior walls of new, rebuilt or altered buildings shall be visually compatible to the historical and architectural style, general design, arrangement, size, texture and materials of the existing pre-1910 buildings on Main Street between Clinton Street and Jefferson Street. A list of said buildings is incorporated herein and set forth in Appendix L of this Ordinance.
 - C. New, rebuilt or altered buildings shall have a symmetrically shaped parapet extending above the roof line. No part of the roof shall project visibly above the parapet.
 - D. New, rebuilt or altered buildings shall have windows in stories above the first floor visually compatible to the style, design, and size of windows in existing pre-1910 buildings on Main Street between Clinton Street and Jefferson Street.

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 a two-story building on Main Street in Downtown Goshen. The first story is vacant former commercial space and the second story is a residential apartment. The building covers the entire lot, which is approximately 3,795 SF. The property is in the Commercial B-2 (Central Business) District as well as the Historic District (signs) and Downtown District overlay districts. The Spohn Building, a multi-use commercial building, is

located to the south and shares a common party wall with the subject building, and a City parking lot is located to the north. The subject building is known historically as the Democrat Building.

The petitioners are currently renovating the entire building with a phased approach. Renovation of the second story apartment has already begun, and future work includes renovation of the first-floor commercial space and rehabilitation of the façade. The Downtown District includes architectural standards regulating work done to the facades of buildings along Main Street between Jefferson Street and the half block north of Clinton Street. The intention of these standards is to promote restoration of buildings along the corridor to the pre-1910s style common on many Downtown buildings. Altered building facades must follow these standards, and a number of the proposed changes will require developmental variances as outlined below.

West facade

- Remove awning (won't be replaced)
- Install new trim, entry door, and windows to first story in the historic style
- Paint a metal projection above the parapet wall; maintaining this projection requires a variance because the standards prohibit any part of the roof from projecting above the parapet

North façade

- Add new trim and window to northwest corner of building in place of wood cover
- Replace deteriorating wood siding on second story with wood bead board; this material is not in the pre-1910s style and requires a variance
- Add three fixed windows for second story apartment which are not consistent with comparable pre-1910s windows, requiring a variance
- Add stucco surface to segments of deteriorating brick, requiring a variance for material type
- Paint the majority of the façade, including wood, stucco, and existing brick, a single color
- Maintaining and adding skylights to rear portions of roof

East façade

- Add new windows to three blocked off window openings
- Replace additional window and doors
- Add stucco to deteriorating brick on first and second stories and replace third story siding with stucco, requiring variance for material type
- Paint all stucco single color

Staff recommends an amended approval of the request. A number of the proposed changes and requests will go a long way towards bringing the building closer to the intended historic style. On the first story façade along Main Street, the window display area will be expanded to 81%, exceeding the minimum 75% of the architectural standards. Numerous windows which have been blocked off will be replaced with new windows, giving the rear (east) façade a more inviting appearance while maintaining the historic transoms.

The proposed beadboard and painted projections above the parapet are cosmetic improvements over the non-historic materials and features that are existing on the building, and will not constitute a loss of historic appearance. Similarly, the three fixed windows on the north façade are embedded within the existing non-conforming vertical siding; deviation from historic double hung style windows in this location is reasonable, particularly because the façade here doesn't face a street.

The variance approval should be amended to prohibit use of the proposed stucco. The petitioners point out correctly that much of the brick on the north and east sides of the building is in poor condition. However, brick is one of the most important building materials in the pre-1910s style; it should be repaired or replaced where it exists rather than removed and replaced with a non-historic material. Stucco, in particular, is a material that the architectural standards attempt to counter. Denying the request to use stucco will not result in practical difficulties for the petitioner; the existing brick can remain as it is and be repaired and replaced over time as resource become available.

A condition should be added to approval that the windows on the first story along Main Street will be done in un-tinted glazing so that they are clear display windows as intended by the Downtown District regulations.

FINDINGS OF FACT

Staff recommends **an amended approval** of the request for developmental variances to allow alterations to the visible exterior walls of the building that lack compatibility to the historical and architectural style, general design, size, texture and materials of the existing pre-1910s buildings on Main Street between Clinton Street and Jefferson Street, including replacing a portion of the north façade with wood bead board, adding three fixed aluminum framed windows to the second story of the north façade, and maintaining the existing projections above the parapet walls on the east and west facades where no part of the roof shall project visibly above the parapet, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The footprint of the existing building is not changing, the work being done is largely cosmetic, and all work will be done pursuant to 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.** If approved as amended, the proposed changes will benefit the use and value of properties in the vicinity. The changes will improve the visual appeal of the building and add to the number of buildings in the Downtown that have been restored based on historic design. *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.** As amended, the proposed changes include substantial updates to the facades of the building that will bring them closer to the historical and architectural design, style, texture, and materials of pre-1910s buildings in the Downtown. *The standard is approved.*

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. The proposed stucco on the north and east façades shall be prohibited.
5. Windows in the first story of the west side of the building shall be glazed with un-tinted class.



Looking northeast across Main Street and Clinton Street



Looking east across Main Street



Looking east



Looking southeast



Looking southwest



Looking east from alley at first story facade



Looking east at second story facade

Pike St (US 33)

Pike St (US 33)

M-1

Lincolnway East (US 33)

B-1

B-2

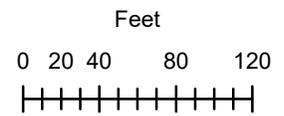
N Main St

Site Location

N 5th St

Clinton St

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1 inch = 100 feet

206 & 206 1/2 N Main Street

2021 Aerial
Printed January 30, 2024

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

Photos of existing brick provided by petitioner

1



2



3



4



5



6



Photos of existing brick provided by petitioner

7



8



9

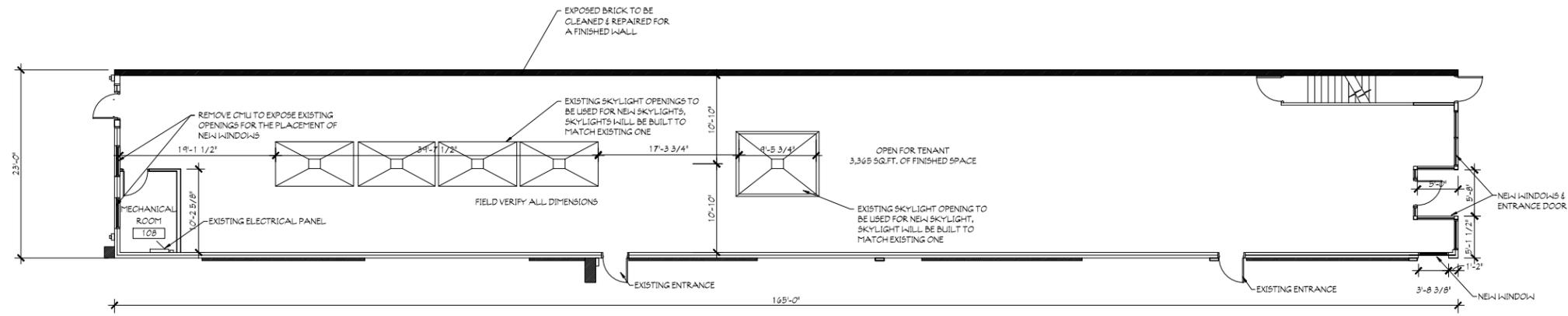


10



11






1
MAIN LEVEL PLAN
 SCALE: 1/8" = 1'-0"

3 UNIT
OPTION

GENERAL NOTES

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. THE ACCURACY OF THE DIMENSIONS CANNOT BE GUARANTEED DUE TO DISCREPANCIES IN THE METHODS OF MEASUREMENT. DIMENSIONS SHALL BE VERIFIED BY THE ARCHITECT PRIOR TO CONSTRUCTION. ALL DIMENSIONS SHALL BE VERIFIED BY THE ARCHITECT PRIOR TO CONSTRUCTION. ALL DIMENSIONS SHALL BE VERIFIED BY THE ARCHITECT PRIOR TO CONSTRUCTION. ALL DIMENSIONS SHALL BE VERIFIED BY THE ARCHITECT PRIOR TO CONSTRUCTION.

M
 MALIST ARCHITECTURAL SERVICES, L.L.C.
 DIVISION OF L.E.M., INC.
 112 NORTH MAIN STREET
 GOSHEN, INDIANA 46526
 * Architects
 * Planners
 * Construction Mgmt.
 * Rule 5 and MS4 Filing
 PHONE (574) 537-8500
 FAX (574) 537-0808

DEMOCRATIC BUILDING RENOVATION

206 NORTH MAIN ST. GOSHEN, IN. 46526

REVISIONS:

DATE:
 JOB NO.: MAS-22-170
 NAME:
 FIRST FLOOR PLAN
 SHEET:
A101

LOCATION: 1021 N Greene Road
CASE NUMBER: 24-07DV

DATE: February 27, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Best One Goshen Realty, LLC (owner); Signtech Sign Services (agent)

REQUEST: The applicants request developmental variances to allow the reconfiguration of a sign cabinet on an existing illuminated freestanding sign where structural modifications to nonconforming signs are not permitted and to allow an approximately 30 Sf electronic message center to replace the changeable copy portion of the sign where electronic message centers are not permitted to be added to nonconforming signs

LOT SIZE: ±2.9 Acres; 662' of frontage (±130' on Greene Road & ±532' on Elkhart Road); ±412' of depth

APPLICABLE ZONING: Commercial B-3

NOTICES SENT: 21

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Commercial, residential

NEIGHBORHOOD: None

THOROUGHFARES: Elkhart Road (U.S. 33) & Greene Road

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5100.4*, Lawful Non-Conforming Signs
Any sign lawfully existing at the time of the passage of this Ordinance may be continued or maintained subject to the following:
 - A. The sign structure shall not be changed or altered in any manner, except for normal day-to-day maintenance.

- ◇ Goshen Zoning Ordinance, *Section 5100.2*, Permitted Sign Types
 - B. Changeable Copy and Electronic message Center Signs
 - 2.g. An electronic message center shall not be added to any non-conforming signs.

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 located on the southwest corner of the intersection of Elkhart Road (U.S. 33) and Greene Road. Zoning is B-3 and the property is part of the Elkhart Road commercial corridor that includes a gas station to the east across Green Road, a business office to the west, and three lines of railway across Elkhart Road to the north. Residential use and zoning (single family) is located to the south and east. The property is just under three acres in size, includes three tax parcels, and three addresses (1021 N Greene Road and 2310 & 2390 Elkhart Road). Current use of the property is an auto repair, which Planning records date back to at least 1971, when it

included a tire store and service station. The property is mostly hard surface, including a mix of paved parking and driving areas and buildings with a total approximate footprint of 18,200 SF.

The property currently has a freestanding sign located along the Elkhart Road property line and a short distance west of Greene Road. The sign has four separate cabinets totaling 291 SF in area; these include a top cabinet of 180 SF, two cabinets the middle 45 SF and 36 SF in area, and a bottom changeable copy sign 30 SF in area. The sign is 25' in height. The Zoning Ordinance permits one freestanding sign per zoning lot in the B-3 District and at this property, allows such signs up to 22' in height and 90 SF in area. A variance (93-22DV) approved in 1993 allowed a second freestanding sign on the subject property with the stipulation that neither sign can exceed 20' in height and the combined area of both signs cannot exceed 150 SF. It is not clear how the existing sign came to be 25' in height and 291 SF in area; regardless, it is considered non-conforming.

The petitioners are proposing to make changes to the freestanding sign that include the following:

- Replace the approximately 30 SF changeable copy sign with an electronic message center of the same size
- Move the location of the existing 36 SF sign cabinet to the lowest position on the sign and place the proposed EMC in its position

Developmental variances are required because structural modifications cannot be made to nonconforming signs and because EMCs cannot be added to nonconforming signs.

Staff recommends an amended approval of the request so that the proposed 30 SF EMC can be added to the sign in place of the existing changeable copy sign while the existing sign cabinets in the middle are removed from the sign. Such an approval is justifiable based on the following:

- The existing top cabinet can remain in place as part of this project. At approximately 180 SF, this cabinet is twice the area of what is permitted. The property is also permitted to have wall signs in addition to the freestanding sign.
- While adding an EMC to a nonconforming sign—especially one so large—is less than ideal, the overall area of the sign will be reduced by approximately 81 SF
- As evidenced by the large number of changeable copy signs replaced by EMCs in Goshen in recent years, EMCs are becoming a common and reasonable use for commercial properties
- The Zoning Ordinance regulations for EMC signs limit their programming so that display is not distracting to drivers. Those programming requirements should be reiterated as a condition of this approval

With the amended approval, the variance allowing a second freestanding sign should be voided. It's unclear if the second sign was ever installed, so voiding the variance will not eliminate a second sign.

FINDINGS OF FACT

Staff recommends **an amended approval** of a developmental variance to allow replacement of a changeable copy sign with an approximately 30 SF electronic message center where electronic message centers are not permitted to be added to nonconforming signs, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The Zoning Ordinance regulations for EMC signs limit their programming so that they are less likely to distract drivers. The amended approval will reduce the area of the sign. *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 an amended approval, the overall area of the sign will be reduced by approximately 81 SF. *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.** As evidenced by the large number of changeable copy signs replaced by EMCs in Goshen in recent, EMCs are becoming a common and reasonable use for commercial properties. *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. The EMC shall be subject to all other EMC requirements of the Zoning Ordinance.
5. As part of the proposed changes to the freestanding sign, the existing top cabinet approximately 180 SF in area may remain in place; the existing two middle cabinets approximately 45 SF in area and 36 SF in area shall be permanently removed from the sign; the changeable copy sign shall be permanently removed from the sign.
6. Variance 93-22DV shall be null and void.
7. The nonconforming status of the sign due to excess area and height does not change with this approval.



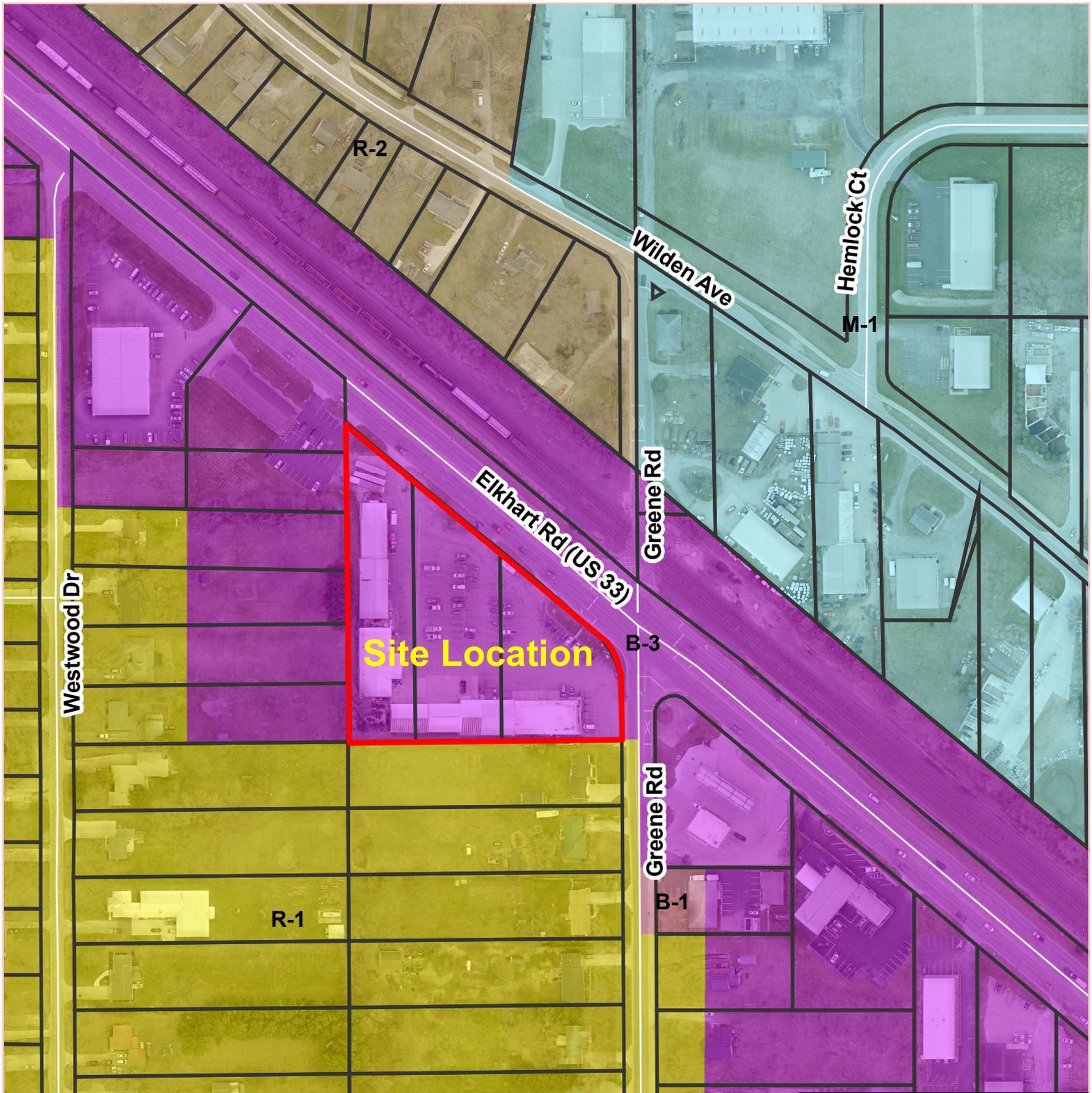
Looking northwest



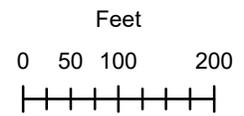
From 2220 Elkhart Road (gas station) looking northwest



Looking southeast along Elkhart Road



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1 inch = 200 feet

1021 N Greene Rd

2021 Aerial
Printed February 2, 2024

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

CITY OF GOSHEN BZA DEVELOPMENTAL VARIANCE PRESENTATION

- A. THE APPROVAL WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY:

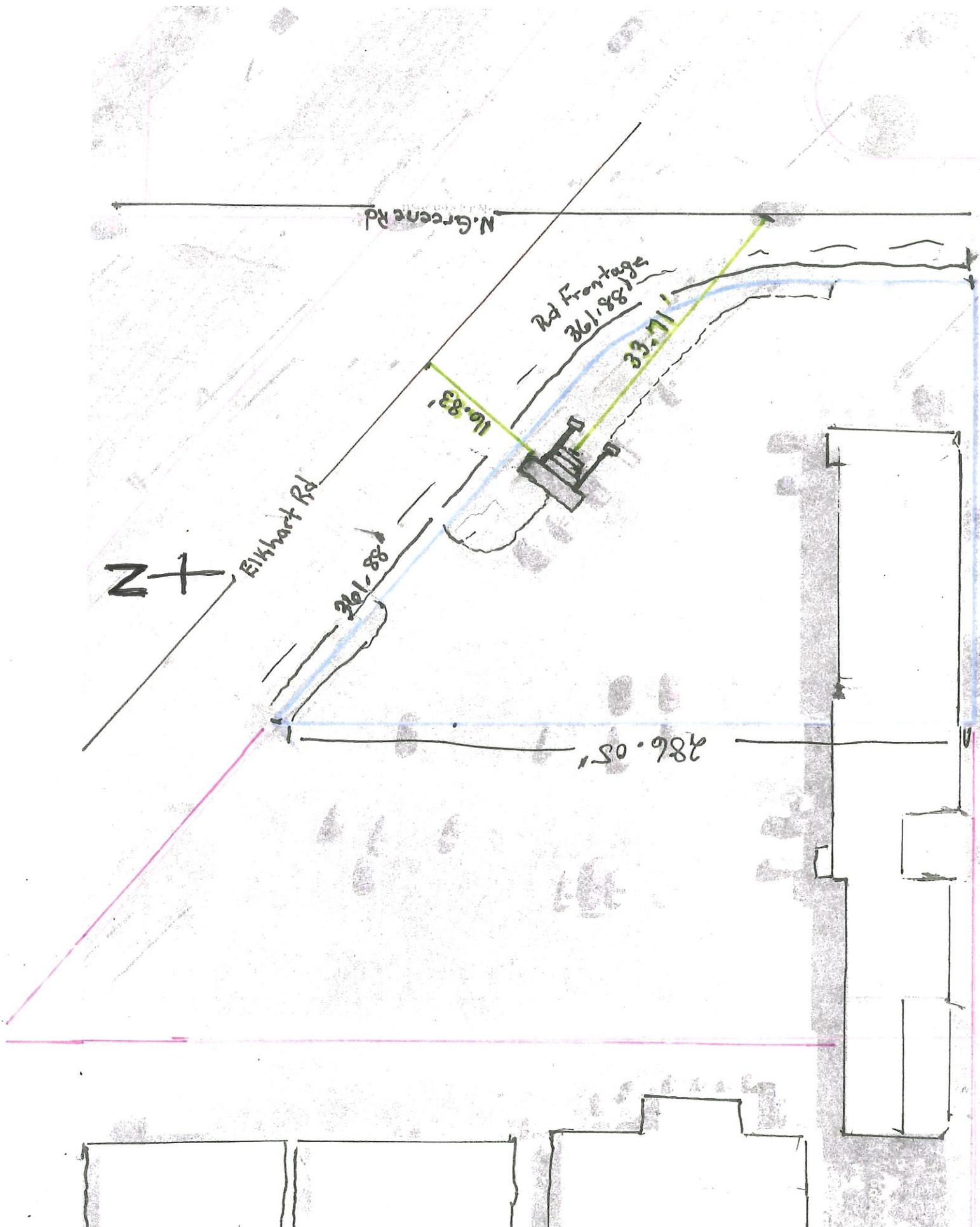
The sign has been in place for many years and the owners have maintained and serviced the sign for the safety and welfare of the community all these years.

- B. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIAL ADVERSE MANNER:

The sign is structurally sound and made of quality materials. The updates to the sign structure will only add to the value of the property and adjacent properties.

- C. STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE SUBJECT PROPERTY:

Business owners should be allowed to improve on their properties and structures on their properties to increase public awareness and benefit the community.



N. Greene Rd

Elkhart Rd

Red Frontage
361.88'

16.83'

33.71'

361.88'

286.05'



Existing design

6'h x 30'w



3'h x 15'w



3'h x 12'w



3'h x 10'w



25 ft

16.83' C.O.R.

Monteith	6'	x
	30'	=
	180.00	*
000.....		
	0.00	*
Best One	3'	x
	15'	=
	45.00	*
000.....		
	0.00	*
Valvoline	3'	x
	12'	=
	36.00	*
000.....		
	0.00	*
Changeable Copy	5'	x
	10'	=
	30.00	*

33.71' C.O.R.
Greene Rd

291 sqft

Proposed updates

6'h x 30'w



3'h x 15'w



3'h x 10'w



3'h x 12'w



25 ft

16.83' C.O.R

	6•	x
	30•	=
Monteith	180•00	
000•	0•00	*
	3•	x
	15•	=
Best One	45•00	
000•	0•00	*
	3•	x
	10•	=
Watch Fire	30•00	
000•	0•00	*
	3•	x
	12•	=
Valvoline	36•00	
<hr/>		
	291	sqft

33.71' C.O.R
Greene Rd

LOCATION: 1212 W Plymouth Avenue
CASE NUMBER: 24-08DV

DATE: February 27, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: The Life Center, Inc. (owner); Garry Anglemyer (agent)

REQUEST: The applicants request a developmental variance to allow an approximately 19 Sf electronic message center to replace the changeable copy portion of an existing freestanding sign where electronic message centers are not permitted to be added to nonconforming signs

LOT SIZE: ±13.24 acres; ±594' of frontage; ±971' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 55

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, commercial

NEIGHBORHOOD: None; directly adjacent to Clover Trails subdivision

THOROUGHFARES: Plymouth Avenue

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5100.2*, Permitted Sign Types
 - B. Changeable Copy and Electronic message Center Signs
 - 2.g. An electronic message center shall not be added to any non-conforming signs.

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 a church located on the south side of Plymouth Avenue and a short distance west of Indiana Avenue. Zoning is R-1, and surrounding properties are a mix of residential and commercial uses that include a large number of single family homes to the west, condominiums to the north across Plymouth Avenue, and health care offices to the east. At over 13 acres in size, the subject property is large, and includes two large church buildings and close to 200 parking spaces. Planning records indicate the church was approved for construction in 1999.

In 2000, the Planning office issued approval for a freestanding sign on the property along the Plymouth Avenue frontage. The sign was approved at 32 SF in area and 7' in height and included a changeable copy cabinet. The petitioner is proposing replace the existing changeable copy portion of the sign with an electronic message center (EMC). Churches are a conditional use in the R-1 District; as conditional uses, they are permitted one freestanding sign up to 5' in height and 32 Sf in area. Because the existing sign is 8' in height (it's unclear how it became 8' in height after the original approval of 7'), the EMC will require a developmental variance because the Zoning Ordinance prohibits EMC additions to nonconforming signs.

Approval is warranted. The Zoning Ordinance permits EMCs to be added to church signs when all requirements are met. While a freestanding sign on a church property exceeding 5' in height is less than ideal, the sign in question is not out of scale with the property, which has almost 600' of frontage and is over 13 acres in size. The sign has a 10' setback where 5' is required and does not interfere with the adjacent pedestrian bike path/trail or street. Residential properties to the north are buffered by the width of Plymouth Avenue and a dense evergreen tree cover. Given that the sign is located approximately 400' from the entrance to the church building, the request to alter the sign so that copy can be changed remotely is reasonable.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow an approximately 19 Sf electronic message center to replace the changeable copy portion of an existing freestanding where electronic message centers are not permitted to be added to nonconforming signs, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The sign has a 10' setback where 5' is required and does not interfere with the adjacent pedestrian bike path/trail or street. *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.** While a freestanding sign on a church property exceeding 5' in height is less than ideal, the sign in question is not out of scale with the property, which has almost 600' of frontage and is over 13 acres in size. Residential properties to the north are buffered by the width of the Plymouth Avenue right of way and a dense evergreen tree cover. *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.** Given that the sign is located approximately 400' from the entrance to the church building, the request to alter the sign so that copy can be changed from the building is reasonable. *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. The EMC shall be subject to all other EMC requirements of the Zoning Ordinance.
5. The nonconforming status of the sign due to excess height does not change with this approval.



Looking west



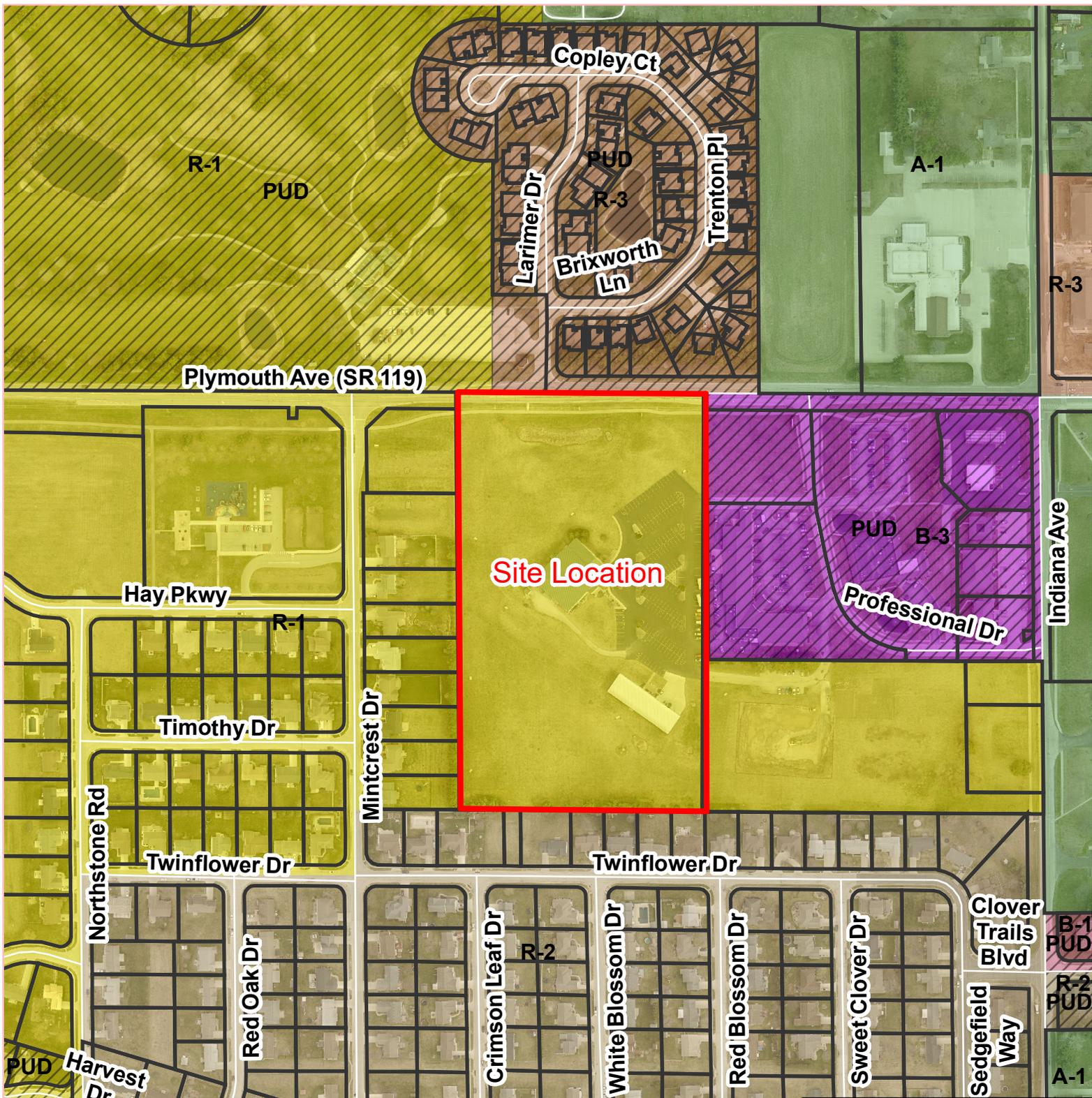
Looking east



Looking west

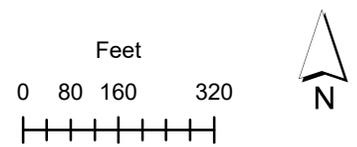


Looking northwest



Site Location

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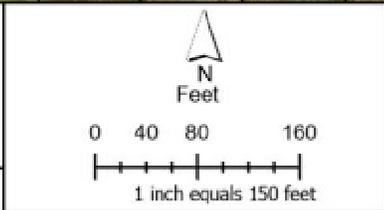
1212 W Plymouth Ave

2021 Aerial
Printed February 7, 2024

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



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1212 W Plymouth Ave

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

2023 Aerial
 Printed on 2/6/2024

Height = 8'

Top Panel = 12 SF
(16" x 8')

EMC = 19 SF
(28" x 8')

Total Area = 31 SF

EMC = 59% of sign area
(19/31)

