

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, May 28, 2024, 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 4/23/24
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV.** Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- V.** **Use & Developmental Variances**— public hearing items
 - 24-03UV** –David & Sara Stump and Judith Inchrauregi request a use variance to amend variance 16-13UV to permanently allow a barbershop in the Residential R-1 District and allow up to four employees where the previous variance permitted the barbershop use until June 24, 2024 and limited the number of employees to two. The subject property is generally located at 211 E Madison Street and is zoned Residential R-1 District.
 - 24-15DV** – Steven & Sherri Deranek, request developmental variances to allow a 10’ front yard setback where 25’ is required and a 2’ side (north) setback where 5’ is required for a parking and driving aisle, and to allow a boat and boat trailer to be parked in the front yard where boats and boat trailers shall be parked behind the front line of the primary structure. The subject property is generally located at 306 Hawthorne Drive and is zoned Residential R-1PUD District.
 - 24-04UV & 24-16DV** – Lorrie A Miller requests a use variance to allow single family dwelling in the Industrial M-1 District where single family homes are permitted in the Agricultural A-1, Residential R-1, R-1S, R-2, R-3, & R-4 districts and are a conditional use in the Commercial B-2 District, and developmental variances to allow no street frontage where a minimum of 70’ is required, lot size of approximately 2,492 SF where a minimum of 8,000 SF is required, no direct access to a public street, building coverage of approximately 55% where 50% is allowed, and no onsite parking spaces where a minimum of two are required for the conversion of an existing commercial building to a residence. The subject property is generally located at 1100 Chicago Avenue (cabin) and is zoned Industrial M-1 District.
 - 24-05UV & 24-17DV** – Lorrie A Miller & Patricia Snyder request a use variance to allow Commercial B-3 District uses where Industrial M-1 District uses are permitted, and developmental variances to allow no street frontage where a minimum of 70’ is required, lot size of approximately 3,691 SF where a minimum of 8,000 SF is required, and no direct access to a public street. The subject property is generally located at 1100 Chicago Avenue (Carriage Barn Antiques) and is zoned Industrial M-1 District.
- VI.** Audience Items
- VII.** Staff/Board Items
- VIII.** Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, April 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, Hesston Lauver, Matthew Fisher, and James Loewen. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. Approval of Minutes from 3/26/24: Rohn/Lauver 5-0

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

IV. Postponements/Withdrawals – none

- *Mayor Leichty swore in alternate Board of Zoning Appeals member, Craig Yoder.*

V. Developmental Variances – public hearing items

24-012DV –Angela M Moore requests a developmental variance to allow a fence 6’ in height in the front yard along Winter Avenue where fences cannot exceed 4’ in height. The subject property is generally located at 1301 West Avenue and is zoned Residential R-2 District.

Staff Report

Mr. Deegan explained the petitioner would like to install a 6’ fence around the perimeter of the property. Because a portion of the fence will be located in the front yard setback along Winter Street a developmental variance is required. He explained the home fronts West Avenue and the fence will be out of the front yard in that location. Staff feels this request is warranted and recommends approval.

Petitioner Presentation:

Angela Moore, 1301 West Avenue, spoke on behalf of the petitioner. She stated the 6’ fence is to allow privacy and extra security for her family.

Mr. Lauver questioned how close the fence would be from the neighboring property at 1305 West Ave. Mr. Deegan stated it appears to be between 10’ and 15’, but advised this is not something we would review when approving a fence. He explained that portion could be approved administratively, but the section of fence north of the home, along Winter Street is why the variance is required.

Audience Comments:

None

The public hearing was closed.

Staff Discussion

None

Action:

A motion was made and seconded, Rohn/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-12DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

24-13DV – Heidi P McKee & Alton Brian McKee (owners) and Cut Cost Construction, Inc (agent), request developmental variances to allow a front building setback of 22’ along Winter Avenue where 25’ is required and a rear (north) setback of 12’ where 25’ is required for the addition of a an approximately 189 Sf carport. The subject property is generally located at 1301 Baker Avenue and is zoned Residential R-2 District.

Staff Report

Mr. Deegan explained this property had been a single family home until March, 2022 when the BZA approved a small one bedroom addition to the north side of the home. At that time a separate driveway was installed for an open parking pad. He explained that developmental variances included reduced setbacks to the home addition. Today’s request is for a carport over the existing parking space. Variances are required because the carport will be 22’ from the Winter Avenue property line where 25’ is required and a rear setback will be 12’ where 25’ is required. He pointed out that the carport will be behind the existing front wall along Winter Avenue and also noted that the 2022 BZA approval was for an 18’ setback.

Petitioner Presentation:

Chuck Hochstetler, 20100 County Road 146, New Paris, spoke on behalf of the petitioner. He stated he is familiar with the Staff Report and has nothing to add.

Mr. Fisher asked for clarification on the location of the carport.

Mr. Hochstetler explained that it will be placed along the side of the house.

Audience Comments:

None

The public hearing was closed.

Staff Discussion

There was no discussion amongst Board members.

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, approve 24-13DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

24-14DV – Sun The Willows LLC (owner); Bill Walters, (resident), and Next Step Builders, LLC (agent) request a developmental variance to allow a 10’ front building setback where a minimum of 15’ is required for the construction of an approximately 135 Sf roof over an existing porch. The subject property is generally located at #25 The Willows and is zoned Residential R-4 District.

Staff Report

Mr. Deegan explained this home has a small uncovered porch, which the applicants would like to cover with an approximately 135 SF roof. He stated the front setback for this lot is 15’ and a setback of 10’ is proposed. Staff recommends approval because the covered porch will match the existing porch and nearby homes have similar setbacks.

Petitioner Presentation:

Sam Shultz, 2706 Berkey Avenue, spoke on behalf of the petitioner. He stated he’s familiar with the Staff Report and has nothing to add.

Audience Comments:

None

The public hearing was closed.

Staff Discussion

Mr. Fisher asked if there was a variance for the original porch.

Mr. Deegan stated he's not aware of any approval and none is on file.

Action:

A motion was made and seconded, Fisher/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-14DV with the 4 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items
None

VIII. Adjournment: 4:17 pm Rohn/Lauver

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 211 E Madison Street
CASE NUMBER: 24-03UV

DATE: May 28, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: David T. & Sara Stump (owners); Judith Inchauregui (land contract holder)

REQUEST: The applicants request a use variance to amend variance 16-13UV to permanently allow a barbershop in the Residential R-1 District and allow up to four employees where the previous variance permitted the barbershop use until June 24, 2024 and limited the number of employees to two

LOT SIZE: ±3,960 SF; ±60' of frontage; ±66' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 38

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water & sewer

AREA DEVELOPMENT: Residential & commercial

NEIGHBORHOOD: East Lincoln Crossroads

THOROUGHFARES: Madison Street

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS & PREVIOUS VARIANCE APPROVALS

- ◇ Variance 16-13UV, Commitments
 2. There shall be a maximum of two (2) employees, including the business owner.
 4. Approval of the use variance is granted through June 24, 2024.
- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses
Barber shops are listed as a permitted use in the Commercial B-1, B-2, B-3, & B-4 districts

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 3,960 SF lot on the north side of Madison Street between 5th Street and 6th Street. Zoning is R-1, and a mix of uses surround the property that includes residential properties, a business office to the west, and church and church parking lot to the south across Madison Street. Improvements include an approximately 1,676 SF single story building and one parking space with access from the adjacent alley.

Planning records indicate that the property was developed in the early 1960s as a dental office. Subsequent uses have included offices, screen printing, and a barber shop. The City of Goshen took possession of the property in 2005 in anticipation of widening Madison Street; those plans fell through and in 2015 the petitioners purchased the property from the Goshen Redevelopment Commission. The purchase agreement stipulated that the building be demolished within eight years and the property combined with the single-family property to the east. A use variance was then approved (16-13UV) in 2016 allowing a barbershop on the property. The variance approved the

use through June 24, 2024 to coincide with the end of the eight-year period allowed by the Redevelopment Commission.

In September 2022, the purchase agreement was amended removing the stipulation that the building be demolished; the new agreement does not require that the property be combined with the parcel to the east. As a result, the petitioners are requesting a use variance to amend the previous use variance, removing the end date on the use variance to permanently allow the barbershop and increase the permitted number of employees from two to four. The current variance application details include the following:

- Floor plans that include reception area, waiting room, four stations and two shampoo rooms
- Letter dated May 3, 2024 from Restor Church granting permission to the applicant to use nine parking spaces in the church parking lot.
- Continued use of a 12 SF non-illuminated wall sign that approved by variance 16-13UV

Staff recommends approval of the request based on the following:

- While zoned R-1, the property is in a mixed-use area that includes commercial offices, a church, a bed and breakfast, and multi-family residential properties. The mixed-use nature of development in the vicinity is in keeping with the transition between the Downtown and adjacent residential neighborhoods.
- No physical changes are being made to the property with approval of the request. The property has existed as a commercial use since the 1960s.
- A total of 10 parking spaces are required based on four employees and four stations. One parking space is provided on the property and the adjacent church has granted permission to use up to nine parking spaces in its lot; the lot is within 300 feet of the property, satisfying Zoning Ordinance parking requirements.
- The increase in the number of employees from two to four is reasonable given that there have been no noted issues with the barbershop since the 2016 variance was granted, and because sufficient parking is being provided for the increase
- The daytime hours of operation compliment the evening and weekend hours of the adjacent church and church parking lot, maximizing use of the lot without the need to expand parking.
- The property is accessed by Madison Street, an arterial (non-residential) thoroughfare
- The use supports the Comprehensive Plan's goal of encouraging small-scale, neighborhood commercial development

The Planning Department has noticed vehicle parking occurring on the unimproved area on the south side of the on-site parking area space. A condition should be included in approval requiring the grass to be re-stabilized and a commitment should be added requiring employees to park in the off-site parking spaces to alleviate congestion in this area.

FINDINGS OF FACT

Staff recommends **approval with conditions and commitments** of a use variance to amend variance 16-13UV to permanently allow a barbershop in the Residential R-1 District and allow up to four employees where the previous variance permitted the barbershop use until June 24, 2024 and limited the number of employees to two, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** No physical changes are being made to the property with approval of the request. The property has existed as a commercial use since the 1960s. The property is accessed by Madison Street, an arterial (non-residential) thoroughfare. *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 zoned R-1, the property is in a mixed-use area that includes commercial offices, a church, a bed and breakfast, and multi-family residential properties. The mixed-use nature of development in the vicinity is in keeping with the transition between the Downtown and adjacent residential neighborhoods. *The standard is confirmed.*

3. The need for the variance arises from a condition peculiar to the subject property. The subject property is located in the R-1 District, but has operated as a non-residential use for more than a half century. It is located in a mixed-use area, where non-residential uses are not out of character. *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 building on the subject property is non-residential, so use and development of the site as a residential property would create a different set of zoning issues. *The standard is confirmed.*

5. The approval does not interfere substantially with the Comprehensive Plan. Goal 7 of Goshen's Comprehensive Plan is to encourage small-scale, neighborhood commercial development, which includes identifying "areas that are appropriate for neighborhood commercial development" and ensuring "appropriate transitions between commercial and residential uses." This property matches those objectives because it is located in a transition area and uses church parking that often goes unused. *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 unimproved surface on the south side of the property, in the public right of way, where vehicles appear to have been parking, shall re-stabilized with grass no later than June 15, 2024.

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. Hours of operation are limited to Monday through Saturday, 8:00am to 6:00pm. No Sunday hours are permitted.
3. One (1) non-illuminated, flush-mounted wall sign on the south elevation of the building is permitted, not exceeding 12 square feet in area.
4. On site parking shall be reserved for customers. Owners and employees shall use off site parking.



From sidewalk on Madison Street looking northeast



Looking northwest across Madison Street



Looking northeast along Madison Street



Looking southeast from adjacent alley



From church parking lot looking north-northwest



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211 E Madison Street

2023 Aerial
Printed May 13, 2024

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



Result Letter/Commitment
Case #: **16-13UV**

Date: July 26, 2016

Grantors:
David T Stump & Sara Stump,
husband and wife
319 S Sixth Street
Goshen, IN 46528

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: 211 E Madison

Current Tax Code #: 20-11-09-476-015.000-015

Legal Description: Sixty feet (60') off and from the West end of Lot Numbered Thirty-eight (38) as said lot is known and designated on the recorded Plat of Second South Addition, sometimes known as Barnes Second South Addition to Goshen; said Plat being recorded in Deed Record 15, page 489 in the Office of the Recorder of Elkhart County, Indiana.

The request for use variances to allow a barbershop in a Residential R-1 zoning district where the use is permitted in the Commercial B-1, B-2, B-3, B-4 and PUD zoning districts and to allow a wall sign on the south elevation, for the Real Estate zoned Residential R-1 District, was heard at the meeting of the City of Goshen Board of Zoning Appeals on **July 26, 2016**, and was acted upon as follows:

APPROVED XX DENIED _____ TABLED _____ WITHDRAWN _____

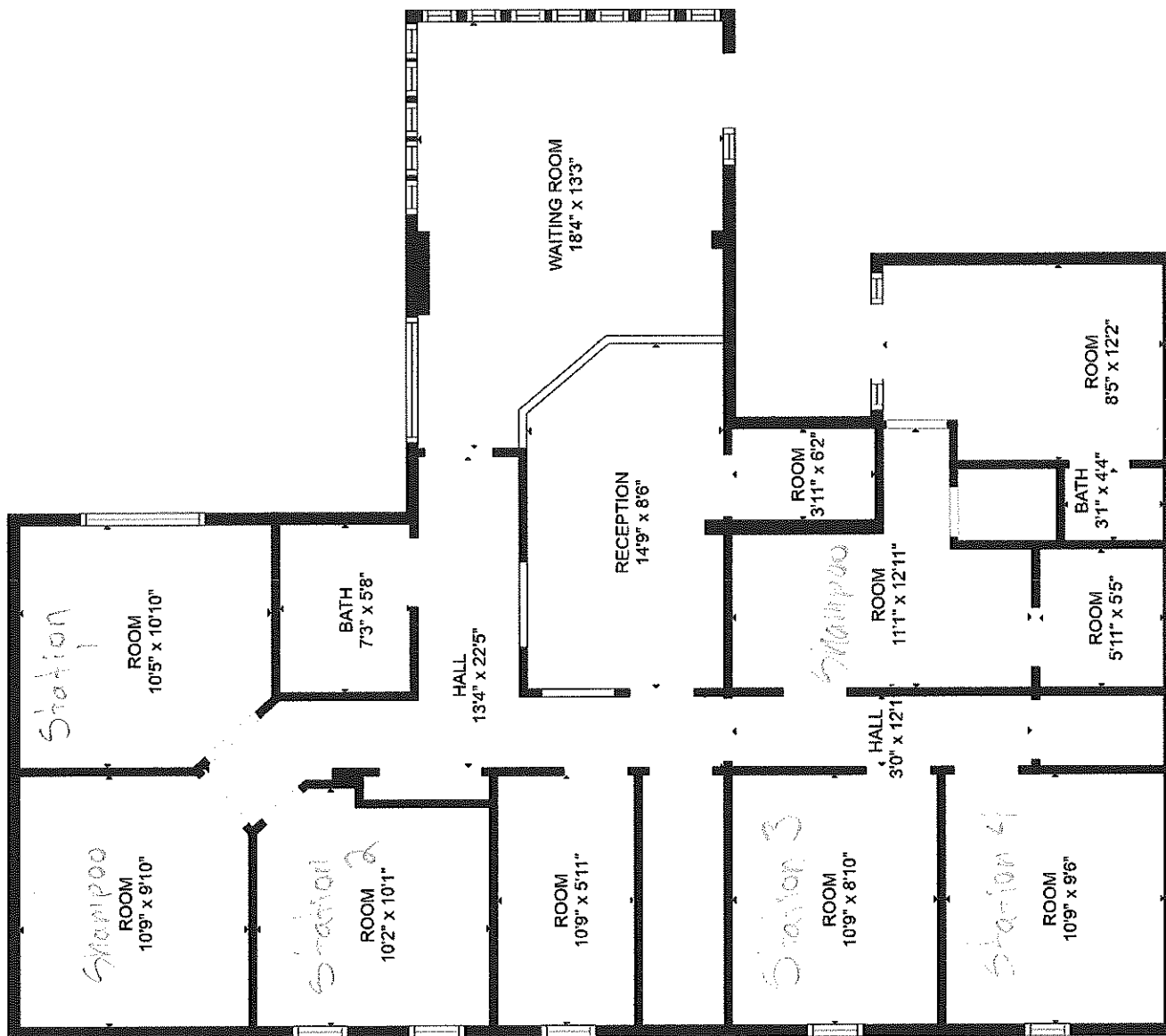
When the Board's action is one of approval, the authorization is granted contingent upon any conditions and commitments placed on the petition by the Board. Deviation from said conditions and commitments may result in the City of Goshen Board of Zoning Appeals rescinding the approval or permit.

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

1. A completed zoning clearance form and artwork (with dimensions) of the wall sign must be approved by the Planning Office.
2. Deviation from the requirements and conditions of the variance may result in the cancellation or termination of the approval or permit.
3. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment has been returned to the City of Goshen BZA 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 has been returned to the City of Goshen BZA staff and until all conditions of approval have been met.

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

1. Hours of operation are limited to Monday through Saturday, 8:00 am to 6:00 pm. No Sunday hours are permitted.
2. **There shall be a maximum of two (2) employees, including the business owner.**
3. One (1) non-illuminated, flush-mounted wall sign on the south elevation of the building is permitted, not exceeding 12 square feet in area.
4. **Approval of the use variance is granted through June 24, 2024.**



TOTAL: 1509 sq. ft
FLOOR 1: 1509 sq. ft

Restor Church

May 03, 2024

To Whom It May Concern:

Judith Inchauregui, owner of Patron Man Salon located at 211 East Madison Street has access to nine parking spots at 406 South 5th Street in the Restor Church parking lot. These spots are available indefinitely with no end date attached.

If you have any additional questions, please don't hesitate to reach out.

Gene Troyer

Lead Pastor

574.387.2311

LOCATION: 306 Hawthorne Drive
CASE NUMBER: 24-15DV

DATE: May 28, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Steven G & Sherri A Deranek (owners)

REQUEST: The applicants request developmental variances to allow a 10' front yard setback where 25' is required and a 2' side (north) setback where 5' is required for a parking and driving aisle, and to allow a boat and boat trailer to be parked in the front yard where boats and boat trailers shall be parked behind the front line of the primary structure

LOT SIZE: ±13, 373 SF; ±87' of frontage; depth varies

APPLICABLE ZONING: Residential R-1 PUD

NOTICES SENT: 36

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Colonial Farms

THOROUGHFARES: Hawthorne Drive

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District
 - B.1 On residential and 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, *Section 5110*, Parking Requirements
 - 1.G. Recreational vehicles, boats, and boat trailers shall be parked or stored behind the front line of the primary structure on a zoning lot use for residential purposes or located in a residential zoning district, and shall be on an improved surface, and shall meet setback requirements

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 single-family home on Hawthorne Drive in the Colonial Farms neighborhood. Zoning is R-1PUD, and surrounding properties are entirely single family. The home on the property has an approximate footprint of 1,794 SF and includes a two-stall attached garage; the rear yard includes an inground pool, pergola, and small utility shed.

The petitioner is proposing to add a parking space to the north side of the existing driveway in order to park a boat and boat trailer from May to October each year. The proposed parking area will be located 10' from the front property line and 2' from the side (north) property line, and be configured so that it tapers away from the existing driveway to allow maneuvering. Parking and driving aisles on local streets in the R-1 District include a minimum

25' front setback and minimum 5' side setback, so developmental variances are needed. An additional developmental variance is needed because the Zoning Ordinance prohibits boat trailers from being parked in front of the front line of the home. The petitioner states that the variances are needed because there is not enough distance between the building and the north property line to maneuver a trailer into a parking space.

Boat, RV, and trailer parking in the front yard is one of the most frequent zoning compliance matters, so approval of the current request is less than ideal. Trailers of any type parked in the front yards of residential properties disrupt the visual field of a street and have the potential to adversely impact the character of a neighborhood. With that in mind, staff recommends approval with limitations that include the following:

- Use of the parking area is restricted to the months of May through October
- The parking area must be removed and the variance null and void when no longer needed for a boat/boat trailer.
- The parking area is limited to one boat/boat trailer not exceeding 21' in length, 9' in width, and 8' in height
- The parking space cannot be used for campers, RVs, or utility trailers

If such limitations are in place, approval is warranted. Because there is inadequate space to maneuver a boat trailer into a space behind the front wall of the home, the front yard is the only place to park such a vehicle. The proposed setbacks are warranted for the same reason: the dimensions of the property are creating the need for the variance. Seasonal parking of a boat trailer is reasonable use of a residential property and a very common use within the City of Goshen, so should not be denied now with the appropriate limitations.

In 2019, the BZA made a similar decision (19-08DV) on a request to store a pop-up camper in the front yard on the existing driveway at 404 Maple Court. The property was similarly configured to prevent parking and maneuvering a camper behind the front line of the home. Commitments of the approval included restrictions on the months of the year it can be parked on the property and limitations on the size of the camper.

FINDINGS OF FACT

Staff recommends **approval with conditions and commitments** of developmental variances to allow a 10' front yard setback where 25' is required and a 2' side (north) setback where 5' is required for a parking and driving aisle, and to allow a boat and boat trailer to be parked in the front yard where boats and boat trailers shall be parked behind the front line of the primary 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 parking area is a non-structural addition to the property. While it encroaches in the front and side yards, it maintains adequate distance from property lines so that ingress and egress on the subject and adjacent property to the north is not impeded. *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.** Trailers of any type parked in the front yards of residential properties disrupt the visual field of a street and have the potential to adversely impact the character of a neighborhood. Approval with the recommended conditions and commitments limits the size of such trailer and duration of parking so that any adverse impacts on adjacent properties will not be substantial. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** The need for the variances arises from the lack of space on the property to create a parking and driving aisle to park the boat trailer behind the front wall of the home. Boat parking is a reasonable residential use. *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.

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. Use of the parking area approved by this variance shall be limited to May 1st through October 31st of each year.
3. The approved parking area shall be removed and re-stabilized with a vegetative cover when no longer needed to park a boat/boat trailer; at such a time, the variance shall become null and void.
4. Parking in the approved parking area shall be limited to one boat/boat trailer not exceeding 21' in length, 9' in width, and 8' in height.
5. The parking area shall not be used for campers, recreational vehicles, or utility trailers.



From Hawthorne Drive, looking east



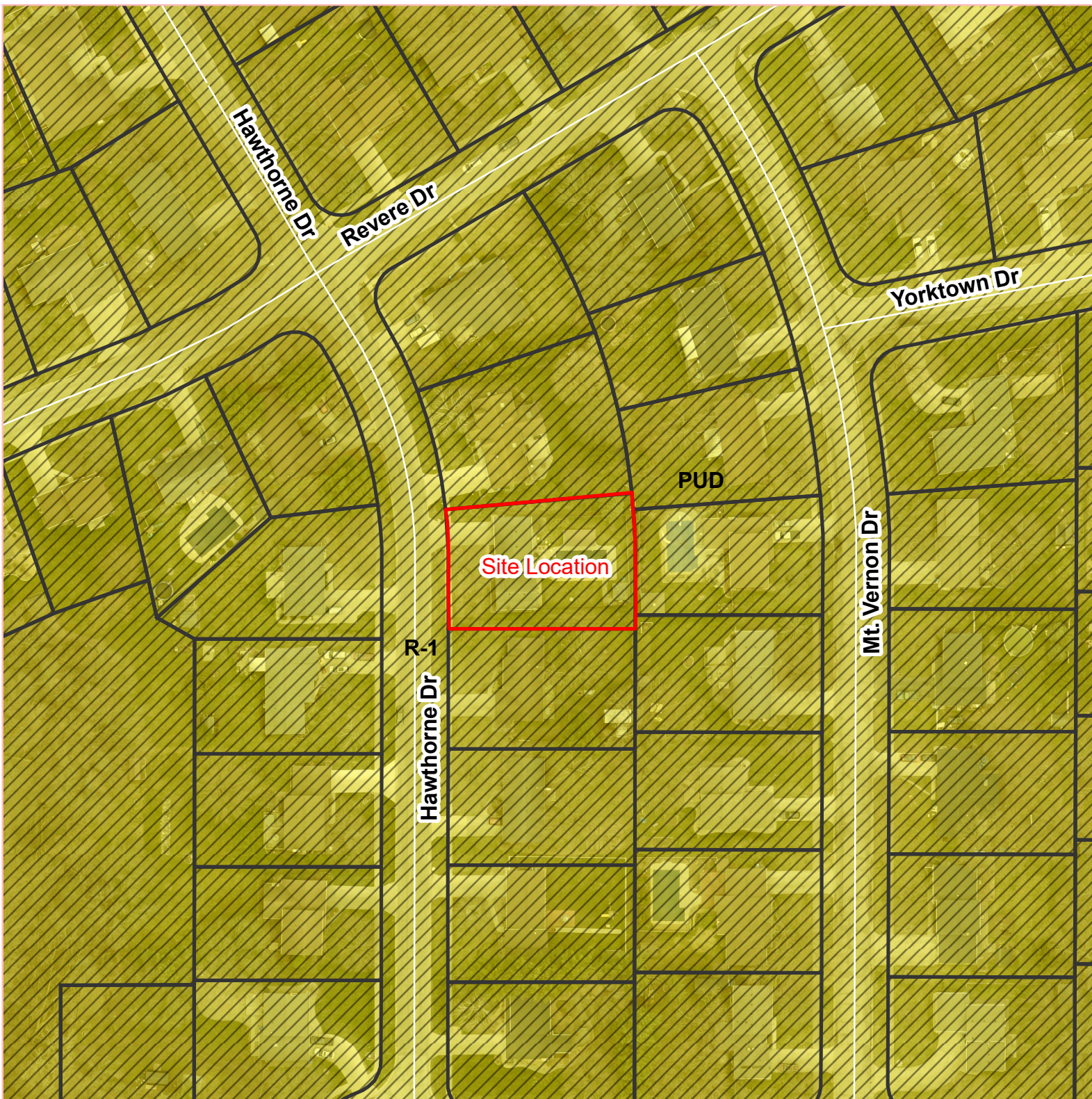
Looking southeast



Looking south from sidewalk in front of 308 Hawthorne Drive



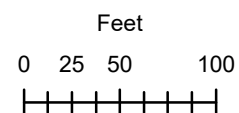
On Hawthorne Drive looking north



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306 Hawthorne Drive

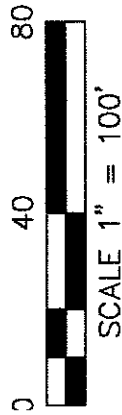
2023 Aerial
Printed May 13, 2024



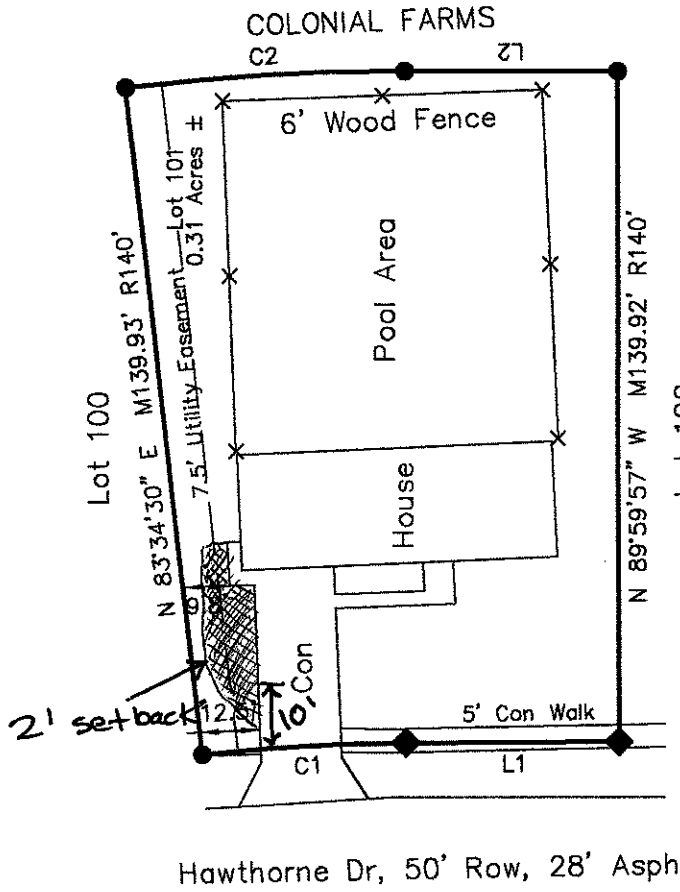
1 inch = 100 feet

The City of Goshen
Department of
Planning & Zoning

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



width 12'
length 34'



PLAT NOTES

LEGEND:

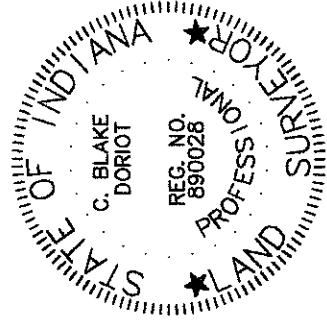
- = Iron Rebar
- ◆ = X-Cut in Concrete

GENERAL:

- All irons set were #5 rebar capped (DORIOT 890028) and set flush, unless noted.
- Mag nails set with aluminum washer (DORIOT 890028) and set flush, unless noted.
- All corners and monuments that were found are flush and in good condition, unless noted.
- No information is intentionally left out, unless noted.
- All bearings are Indiana State Planes, unless noted.
- All distances and bearings on this plat are noted as follows:
M=Measured, R=Recorded, C=Calculated.
- Call 811 before digging.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	373.50'	42.72'	M42.70'	R42.65'	N 03°12'26" W 6°33'14"
C2	513.50'	58.43'	M58.39'	R58.63'	S 03°24'46" E 6°31'08"

LINE	BEARING	DISTANCE
L1	N 00°13'48" W	M44.61' R44.70'
L2	S 00°02'33" W	M44.61' R44.70'



I, C. Blake Doriot, affirm, under the penalties for perjury, that I have taken reasonable care to reflect each Serial Security Number in this document unless required by law

LOCATION: 1100 Chicago Avenue (Cabin) **DATE:** May 28, 2024
CASE NUMBER: 24-04UV & 24-16DV **PREPARED BY:** Rossa Deegan

GENERAL INFORMATION

APPLICANT: Lorrie A. Miller (owner)

REQUEST: The applicant requests a use variance to allow single family dwelling in the Industrial M-1 District where single family homes are permitted in the Agricultural A-1, Residential R-1, R-1S, R-2, R-3, & R-4 districts and are a conditional use in the Commercial B-2 District, and developmental variances to allow no street frontage where a minimum of 70' is required, lot size of approximately 2,492 SF where a minimum of 8,000 SF is required, no direct access to a public street, building coverage of approximately 55% where 50% is allowed, and no onsite parking spaces where a minimum of two are required for the conversion of an existing commercial building to a residence

LOT SIZE: ±2,492 SF (±40'x62'); no frontage

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 12

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water & sewer

AREA DEVELOPMENT: Commercial, residential

NEIGHBORHOOD: Riverdale

THOROUGHFARES: No street frontage; south of Chicago Avenue & west of Indiana Avenue

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◇ Goshen City Ordinance, *Section 4230.3*, Area, Width, and Yard Regulations of the M-1 District
A. Minimum Lot Area and Width. All uses developed in this district shall be on a lot having an area of not less than 8,000 square feet and a width at the established front lot line of not less than 70 feet.
- ◇ Goshen City Ordinance, *Section 4230.4*, Building Coverage in the M-1 District
No building shall hereafter be erected, reconstructed, or altered so that more than 50 percent of the area of the lot is covered. This shall include a primary commercial use and/or accessory building or structures, combined.
- ◇ Goshen Zoning Ordinance, *Section 5160*, Street Access – Primary Structures or Buildings
Every primary building or structure shall have direct access to a public street, or to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, emergency vehicles, and required off-street parking.
- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
2 onsite parking spaces are required per single family dwelling unit

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

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 2,492 SF tax parcel (20-11-08-234-007.000-015) located a short distance west of Indiana Avenue and south of Chicago Avenue inside the Old Bag Factory complex. A log cabin with an approximate footprint of 1,350 SF covers the majority of the parcel, and the building is currently used as a photography business. Zoning is Industrial M-1, and directly adjacent properties include commercial uses, a church, and an auto repair on the east side of Indiana Avenue.

There is no record of approval of the construction of the log cabin, its current commercial use, or the creation of the subject tax parcel. The parcel appears to have occurred by an illegal subdivision. The petitioner states that the cabin previously existed elsewhere, and was brought to the site and erected in 1986. Because the parcel was not created under Goshen's Subdivision and Zoning ordinances, a number of use and developmental requirements are not met.

The petitioner is proposing to use the building as a single family residence. Floor plans include a basement level with kitchen and living room; ground floor with bedroom and living room, and top floor with two bedrooms and a living room. Single family homes are not permitted in the M-1 District, so a use variance is required. Note that the petitioner's application includes details about use of the residence as a short term rental, but the Zoning Ordinance has no such classification. This review is based solely on its use as a single family home.

Developmental variances are also required to address outstanding issues from the illegal subdivision. These variances are needed to allow the following:

- The property has no frontage along a street, and the M-1 District requires a minimum of 70' of frontage
- The lot size is approximately 2,492 SF where the M-1 District requires a minimum of 8,000 SF
- The footprint of the cabin covers 55% of the lot where building coverage cannot exceed 50%
- The property is isolated within other private properties; it does not have direct access to a public street
- There is no onsite parking where single family homes require a minimum of two onsite parking spaces

Staff recommends approval with conditions and commitments. The Old Bag Factory complex includes two other parcels that appear to have been illegally subdivided in the same manor as the subject parcel. Ideally, the use and subdivision of these properties would have been dealt with through the correct subdivision process and Planned Unit Development (PUD) zoning. That process requires applications made by all interested property owners, however, so the proposed request by the petitioner is a sufficient alternative.

Major concerns about the proposed single family home include whether the industrial zoning and commercial nature of the site warrant residential use and whether there is adequate parking. On the first concern, the site will likely be appropriate for residential use. While zoned M-1, the most intense nearby use is the auto repair across Indiana Avenue. The adjacent commercial uses are largely shops and restaurants, and the complex is located in the Riverdale neighborhood, which is a mix of residential uses.

Another concern is that once residential use of the site is established, future development of adjacent properties will be curtailed because there are higher Zoning Ordinance standards for properties next to residential uses. Staff therefore recommends a commitment that residential use of this property will have no impact on the developmental requirements placed on adjacent properties.

The petitioner is proposing to use parking within the Old Bag Factory lot as an alternative to an onsite parking area. An agreement is in place for the petitioner to do so. The Old Bag Factory has a variance allowing reduced parking for the complex so that it can operate with a minimum of 114 parking spaces. A recent review of the available parking shows there are a total of 132 on site spaces, so there is adequate parking to accommodate the two required for the home and the 114 required for the complex. The petitioner has a parking agreement in place to allow use of the Old Bag Factory parking lot.

The following points also support approval:

- No exterior changes are being made to the subject property and the footprint and character of the building will remain the same.
- Easements have been established allowing connection to City water and sewer, gas and electric utilities; and access to the site from Chicago Avenue.
- The parcel has operated independently as a use and business for several decades without any apparent incidents
- The site is too small and inappropriately located for industrial uses permitted in the M-1 District
- The City needs to increase its housing supply. Residential use in this location does not require extension of infrastructure to new development and is in a mixed use area so that it will support the Comprehensive Plan.
- The property is in close proximity to Indiana Avenue, where a future bike and pedestrian trail is planned connecting Wilden Avenue to Lincoln Avenue. Mixed commercial and residential uses such as those at this site will compliment the trail.

FINDINGS OF FACT

Staff recommends **approval with conditions and commitments** of a use variance to allow single family dwelling in the Industrial M-1 District where single family homes are permitted in the Agricultural A-1, Residential R-1, R-1S, R-2, R-3, & R-4 districts and are a conditional use in the Commercial B-2 District, and developmental variances to allow no street frontage where a minimum of 70' is required, lot size of approximately 2,492 SF where a minimum of 8,000 SF is required, no direct access to a public street, building coverage of approximately 55% where 50% is allowed, and no onsite parking spaces where a minimum of two are required for the conversion of an existing commercial building to a residence, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** No improvements are being made to the property with this approval. The change of use must satisfy Building and Fire code before it can occur. *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.** No exterior changes are being made to the subject property and the footprint and character of the building will remain the same. The parcel has operated independently as a use and business for several decades without any apparent incidents, so it's unlikely that the less intense residential use will adversely impact surrounding properties. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The subject property is too small and inappropriately located for industrial uses permitted in the M-1 District. Single family residential use is more appropriate for the site based on its size. *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 dimensions and location of subject property make it difficult to use and develop for any use, especially industrial uses. The proposed use variance is one of the least intense uses of the small property, and the proposed developmental requirements are covered by easements and a private agreement with neighboring properties. *The standard is confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** Goal 7 of Goshen's Comprehensive Plan is to encourage small-scale, neighborhood commercial development, which includes ensuring "appropriate transitions between commercial and residential uses." Use of the subject property as a residence compliments the commercial uses on the surrounding properties and the larger Riverdale Neighborhood, aiding in such a transition. *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 and Fire Departments is required.

If approved, the following Commitments shall apply:

1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. Any future use other than single family residential shall be reviewed by the Board of Zoning Appeals with an application and public hearing.
3. Use of property shall be permitted only while a current parking agreement is in place providing a minimum of two (2) parking spaces on private property within 200 feet of the subject property.
4. Residential use of the subject property shall have no impact on the developmental requirements of adjacent properties.



Looking north at south face of cabin from Old Bag Factory property



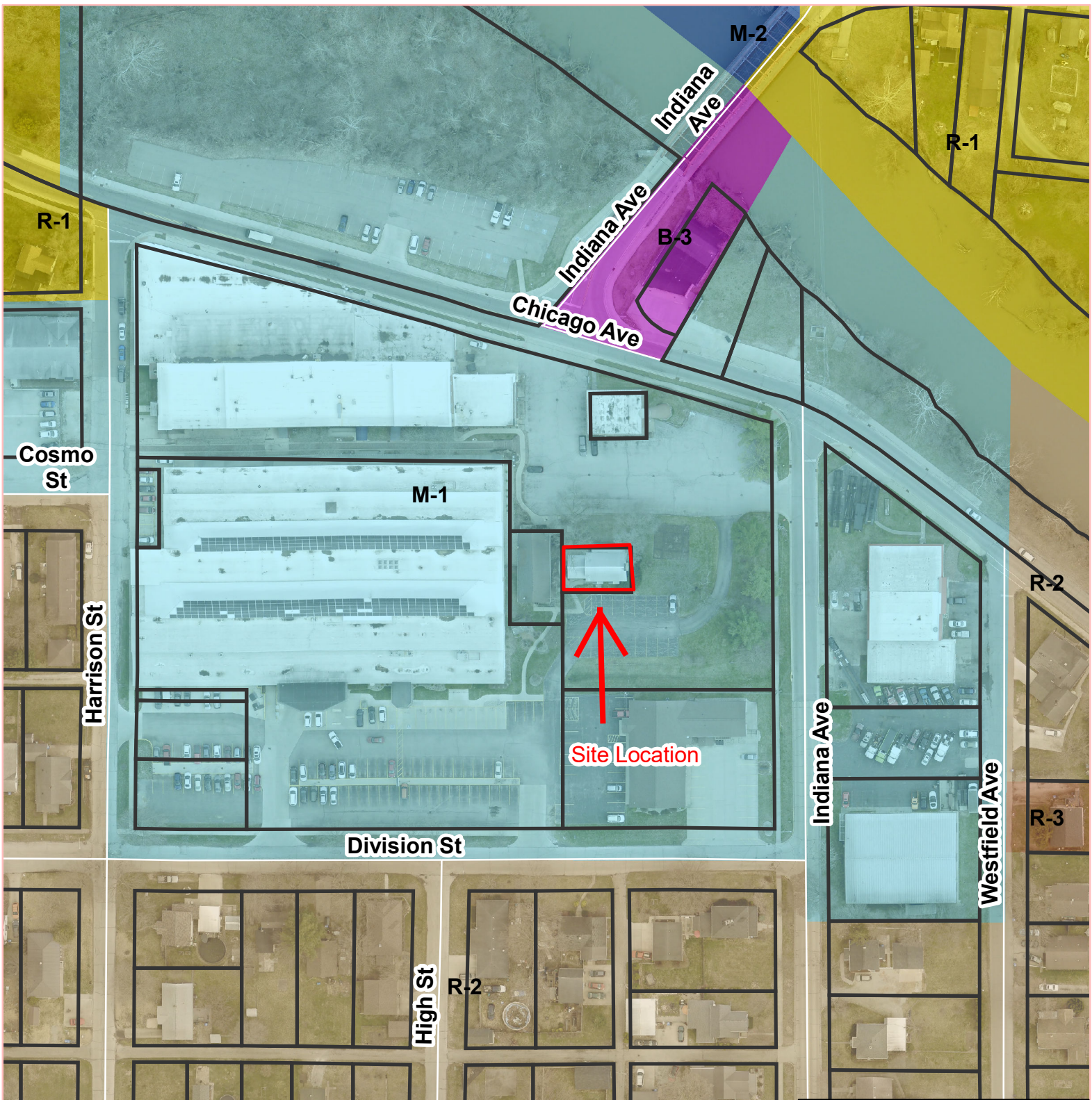
Looking west



Looking northwest



Looking south



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1100 Chicago (Cabin)

2023 Aerial
Printed May 13, 2024

Feet
0 30 60 120
|-----|

1 inch = 120 feet



The City of Goshen
Department of

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

To Whom It May Concern and City of Goshen, IN Zoning,

My name is Lorrie Miller. I have been a small business owner and entrepreneur in the arts in Goshen for 10 years. I have built a successful photography studio from the ground up that specializes in maternity, newborn and family portraits.

I am currently applying for a use variance of R-1 for the Log Cabin on shared lots 153 and 154 of 1100 N. Chicago Ave, Goshen, IN 46526 as well as requesting the property be given a unique address separate from the Old Bag Factory complex.

In addition, I am currently applying for a rezoning of the Carriage Barn, the building on Lot 152 from M-1 Industrial - Antique Sales to Commercial B3, the same operating request as made by the adjacent property, the Old Bag Factory, which operates as B-3 on a use variance. I am requesting that this building also receive a unique address separate from the Old Bag Factory.

Both of these requests fully embody the spirit behind Goshen's Comprehensive Plan. Promoting entrepreneurship and artists where Goshen promises to "retain and grow small, locally-owned businesses and encourage residents to shop locally", "Support and promote the development of small business and entrepreneurship networks" and "Facilitate creative opportunities for business and industry to be active in the community".

The way these businesses will benefit the surrounding businesses is a shining example of what Goshen is trying to achieve in all facets of the Plan. It fully demonstrates the underlying goal of N-6 item 2, "Promote mixed-use residential and commercial development". These requests also support positioning downtown as "a hub of small business and entrepreneurship" because the buildings being referenced are less than 5 minutes from downtown. The specific request for the Log Cabin abundantly supports E-8 of the Plan in promoting travel and tourism in Goshen.

The Log Cabin: Tax ID 20-11-08-234-007.000-015

The Cabin sits on top of a hill overlooking the Old Bag Factory lower parking lot. The property that comes along with the building extends 5 feet from the base perimeter of the building. The Cabin is made entirely out of genuine hewn logs from the 1800's. It has a full front porch that can accommodate an outside table and seating areas. In 2018 a new silver metal roof was installed. The inside has original hardwood floors and ceiling beams that run the width of the Cabin's main floor ceiling along with a large beam in the center extending from floor to ceiling.. The original log walls are as visible on the interior as they are on the exterior. The main level has a huge stone fireplace and a second, smaller fireplace is on the upper level, both on the East side. It is fully equipped with central heating and air and a hot water heater. This cabin is quaint and darling and everything you could hope for functionally, artistically and aesthetically.

The Cabin was originally built in 1837 and was standing in New Paris as a home. It stood for several generations for families who called it home and passed on while in its original location. After some time, the Cabin was dismantled and put in storage with all of its supporting logs and beams painstakingly labeled if it should ever be reassembled.

In 1986 it was taken out of storage and reconstructed where it stands now. It was equipped with a basement, a full bathroom and laundry area, as well as a laundry chute from the top floor to

the basement. It continued to be a space that looked like and could operate as a home, but was zoned industrial.

Since purchasing the Cabin in 2017, I have added a kitchen space to the basement. At this time, the Cabin can fully and immediately accommodate operating as a Dwelling.

If I am granted the use variance for which I am applying, I would amplify the kitchen space by adding an additional cabinet and counter space and an electric stove. The basement would also house a sitting area as well as a gaming area with board games, possibly a pool table, air hockey, etc. It would have a locked storage room that would house cleaning supplies and extra necessities for the cleaning crew to use. No structural changes would be made in the basement. The basement is 959sf.

On the main level I would utilize the existing bathroom's plumbing and install a bathroom facility directly above the one in the basement. Having a bathroom on the main level would benefit those with special needs. It would also be a necessity as most homes of this size require more than one bathroom facility. The room in which the bathroom would be installed would then become the master bedroom. It would hold a king size bed, a claw foot tub and a sitting area. The main floor would also have a large dining room table, a coat and shoe area, and a large family room equipped with oversized sofas and a large television on the fireplace mantle. No other structural changes would need to be made other than the bathroom on the main floor. The main floor is 999sf.

The top floor is currently a very large open space. It could easily be transitioned into 2-3 adequately sized bedrooms. I would add one wall splitting the space in half from East to West, and then an additional wall down the main beam to split the new space in half North to South. This would make 2 bedrooms of 10x13 size. One bedroom would have bunk beds and one would have a queen size bed. An open space of 320sf would be left for a sofa bed, stocked book shelves and a quiet area near the fireplace. Because the top floor is often difficult to keep a comfortable temperature, we would look to add a split unit to accommodate both the fluctuation in temperature and the fact that we would be adding spaces that would not be adequately heated and cooled with the current supply and return vents. No other structural changes would be made on the top floor. The top floor is 600sf.

In speaking with the surrounding business owners and having been with the Old Bag Factory complex for a good amount of time, I fully believe having an AirBnB in this specific building on the property will enhance all the businesses around it. I believe it will become a destination location. It will enhance Bread and Chocolate, a massively successful wedding and reception venue located on the entire top floor of the Old Bag Factory. We would look forward to housing their wedding parties, out of town guests and being the first place the new husband and wife stay using our grand master bedroom. I believe our guests would be patrons to the restaurants, coffee shop and boutiques in the Factory as well as visit the downtown restaurants and business, being so close. I believe it has the potential to grow each surrounding business and create an avenue of marketing a brand new experience and level of service not often seen in a smaller town. This supports E-1 number 4 of the Comprehensive Plan to "Develop and implement coordinated marketing to promote the community's assets and opportunities" It will capture attention and only aid in sustaining the current upward trajectory of both the Old bag Factory complex and the city itself.

There are countless examples of Dwelling units being thoroughly mixed in with industrial or commercial zoned structures. Driving down Main Street in Goshen you can have an apartment on top of a business and a family home next to a restaurant. You can have a multi-family home next to a police station and a neighborhood full of downtown houses next to churches, metal scrap yards, libraries, banks, breweries and more. Similarly, a dwelling in a stand-alone structure that already looks like and operates as a home, in a location that is surrounded by both industrial, commercial and residential properties, that will greatly benefit and enhance the surrounding community would not be something that would be deemed out of the ordinary or create a disturbance in any functionality aspect of the space as it currently exists. With there already being consistent and constant vehicle traffic, the vehicles that arrive and stay in the parking spaces allotted through agreement with the Old Bag Factory, LLC will also not create any new or out of the ordinary disruptions, eye sores or view obstructions for the residential areas located 2 parking lots to the South.

Hours of Operation:

The Cabin would operate all day everyday. Check in for guests would be at 3pm the day of their arrival and check out would be at 10am the morning of their departure. The hours in between would be for the cleaning crew.

The Carriage Barn Tax ID 20-11-08-234-009.000-015

The Carriage Barn was built in 1890 and originally used for fixing horse drawn carriages on the top floor and had a blacksmith's quarters on the lower floor. You can still see the large brick fireplace used for heating metal on the lower floor to this day.

Since the 1990's it housed an antique store and consignment shop. About 5-7 years ago it began to sit unused for long periods of time and eventually never reopened to the public. It maintains much of its original charm and beauty with its brick structure, cedar shake roof and original hardwood floors. You can see where old windows and entryways were bricked over as new ownerships and uses came along throughout the years. However, the longer it stays empty, the more this beautiful historical structure falls in disrepair.

Since the top floor is a large, completely open space with 20' ceilings, it is perfect for a photography studio. I use large lights and stands to create the best lighting scenarios and creative photo sets. The tall ceilings would allow me to get my lights up high enough to do creative lighting techniques. The already artistic look to this space with the white washed brick walls, wood floor, natural light and open ceiling concept is the perfect backdrop to a creative photography studio. This floor already has a completely functional bathroom and there would be no structural changes needed. In the future, I would likely install a split unit for more efficient heating and cooling as it only has a single window air conditioner and a large ceiling heating unit, and not central air. This floor is 1560sf.

The lower floor is split into 2 large spaces. The back space (South), which is 23x25sf and is connected by a staircase to the upper floor, I would simply use for photo prop storage and a break area for myself and my assistant.

The front most North portion, which is 33x25sf I would like to rent to some sort of boutique or creative small business and support a new or expanding entrepreneur. I would love to see someone selling candles, coffees, soaps, paintings, etc. In this front portion there are 2

“floating” walls (walls not connected to the ceiling). They serve no purpose and will be removed. The carpet will also be removed. We will paint the entire front portion a clean white, install laminate flooring and fix a concrete patch on the floor. There are no other structural changes that would need to occur. We would likely install a split unit for heating and cooling on this floor, in the future, as well. This floor is also 1560sf and has a working bathroom facility. I am asking for this building to be re-zoned Commercial B3 District. This would allow the smaller boutique or store a much easier onboarding for renting the lower space and any subsequent owners for the whole building a smoother process for purchasing. Since the Old Bag Factory has a variance for commercial use, the two can easily go hand in hand and compliment each other for shopping experiences.

Hours of operation:

The top floor, which will be the photography studio, will usually operate from 8:30am-2:30pm on Tuesdays and Thursdays, and 5pm-7:30pm on Wednesdays, along with a handful of Saturdays throughout the year. There are times where we would be open on other days and hours, but we will operate by appointment only and will not be open to the general public.

The bottom floor would likely be open the same hours as the Old Bag Factory. Anyone shopping here would likely have already shopped in the Factory or The Depot or would do so afterwards. The factory is open from 9-5 Monday Through Friday and 9-12 on Saturdays. Some shops have exceptions, like Chocolate’ and El Zocola, who are open earlier and later.

In closing, I would like to stress how beneficial both the use variance and the rezoning would be for these properties and the surrounding properties.

Having the Carriage Barn sit empty and unused again for years because the process of purchasing and using the building in compliance, or applying for an additional variance, has so many steps that most aren’t willing to take, would be a disservice to the surrounding businesses. An empty building doesn’t support a thriving complex and doesn’t align with the Comprehensive Plan in facilitating economic growth. Like other complexes with multiple buildings and businesses on site, rezoning to B-3 would allow a business owner to more easily transition into their newly purchased building and remain compliant with the city.

Allowing the Cabin to be transitioned back to a dwelling, as it was when it was originally built, would enhance the business of Bread and Chocolate, mainly, as there is a significant and immediate need for lodging and short term rentals closer to the wedding and reception venue. As a photographer, I personally have photographed weddings at this beautiful venue, and have had to race to a hotel in South Goshen to grab a forgotten veil! This same wedding party expressed their concerns about not having a place to stay closer to the venue. Out of town guests, wedding parties and the bride and groom would likely routinely use this space in conjunction with the venue. Guests would shop and eat in downtown Goshen or at the Factory itself and at the same time have a unique experience you can’t find in a hotel - the closest of which is a Best Western which will certainly not leave them with the same experience as a charming, quaint and cozy log cabin. As a dwelling, the Cabin can be realized as a Goshen Indiana asset and opportunity.

Thank you for your consideration.

Lorrie A Miller

PARTIES

This SHARED PARKING AGREEMENT ("Agreement") created on 3/25/2024, is executed between Bagfactory LLC at 1100 Chicago Ave, Goshen IN 46528 ("Lessor") and Lorrie Ann Photography LLC ("Lessee").

The Lessor and the Lessee, each referred to as a "Party" and, collectively, as the "Parties", agree to the following:

NATURE OF AGREEMENT

The Lessee wishes to share a portion of the parking space with the Lessor and the Lessor agrees to share the parking spaces and its facilities ("Parking Space") with the Lessee for the Parking Space located at the principal address of the Lessor set forth above.

CONSIDERATION & PAYMENTS

- In consideration of the covenants expressed herein, the Lessee shall pay a monthly lease of one hundred and fifty dollars (\$150.00) to the Lessor for the Parking Space starting April 1st, 2024 through the tenant portal, Venmo, check or Intera Bank.
- The Parking Space shall not be subject to any covenants or contract for use which could interfere with the parking use of the Lessee

SIGNATURE

IN WITNESS WHEREOF, each of the Parties has executed this agreement as of the day and year set forth above.



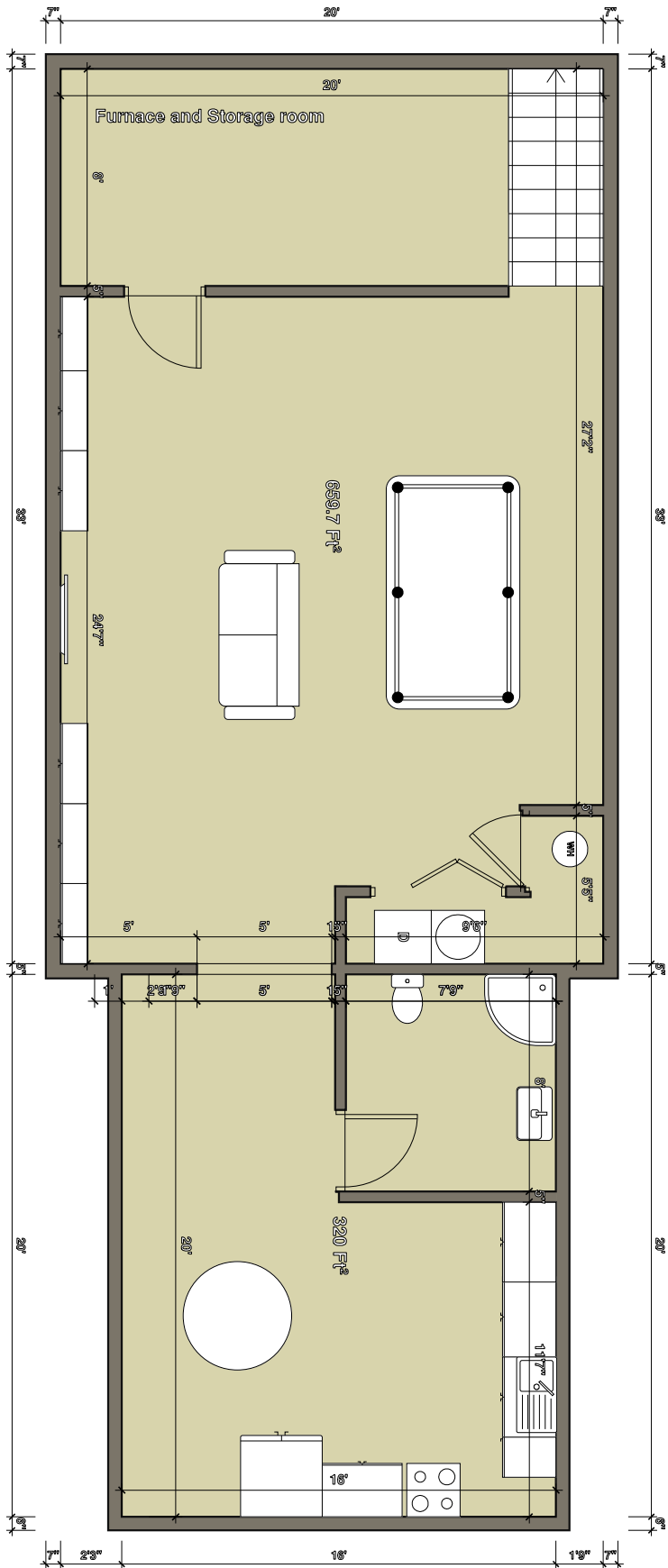
Signature

Michelle Bordeau- agent

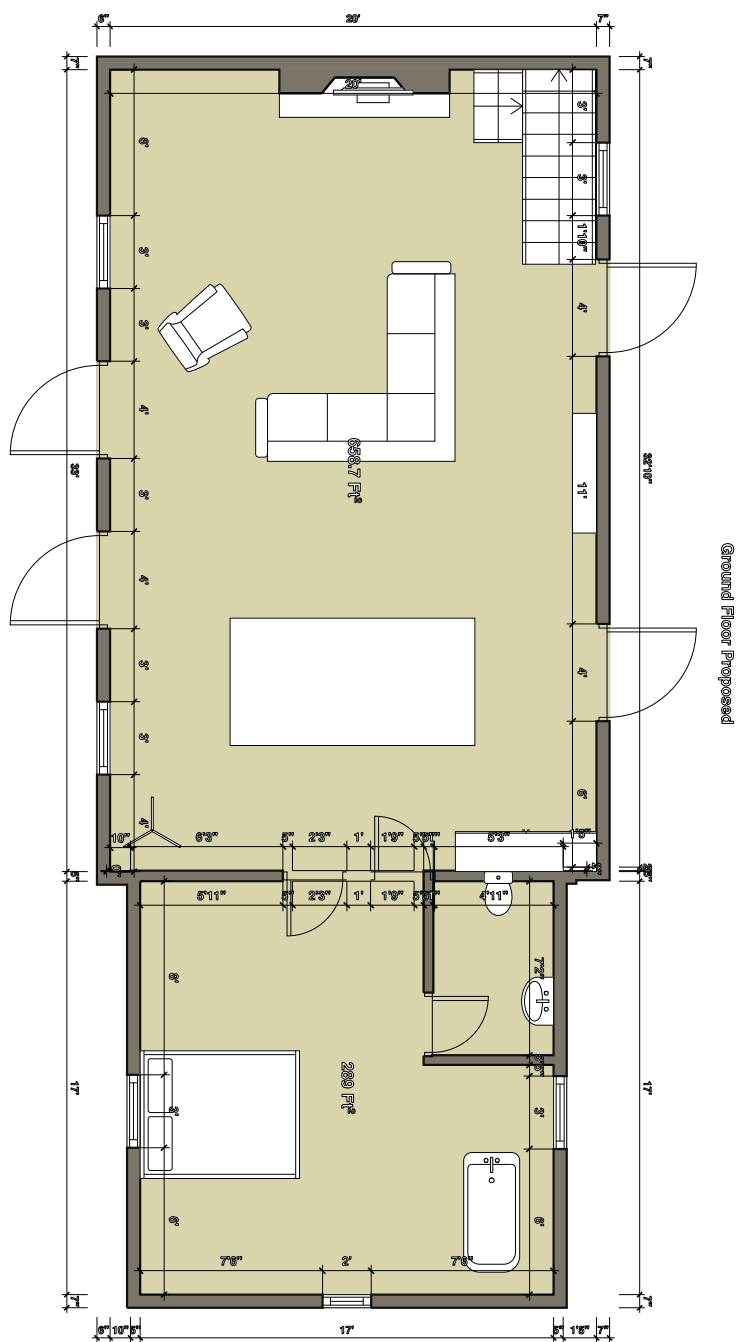
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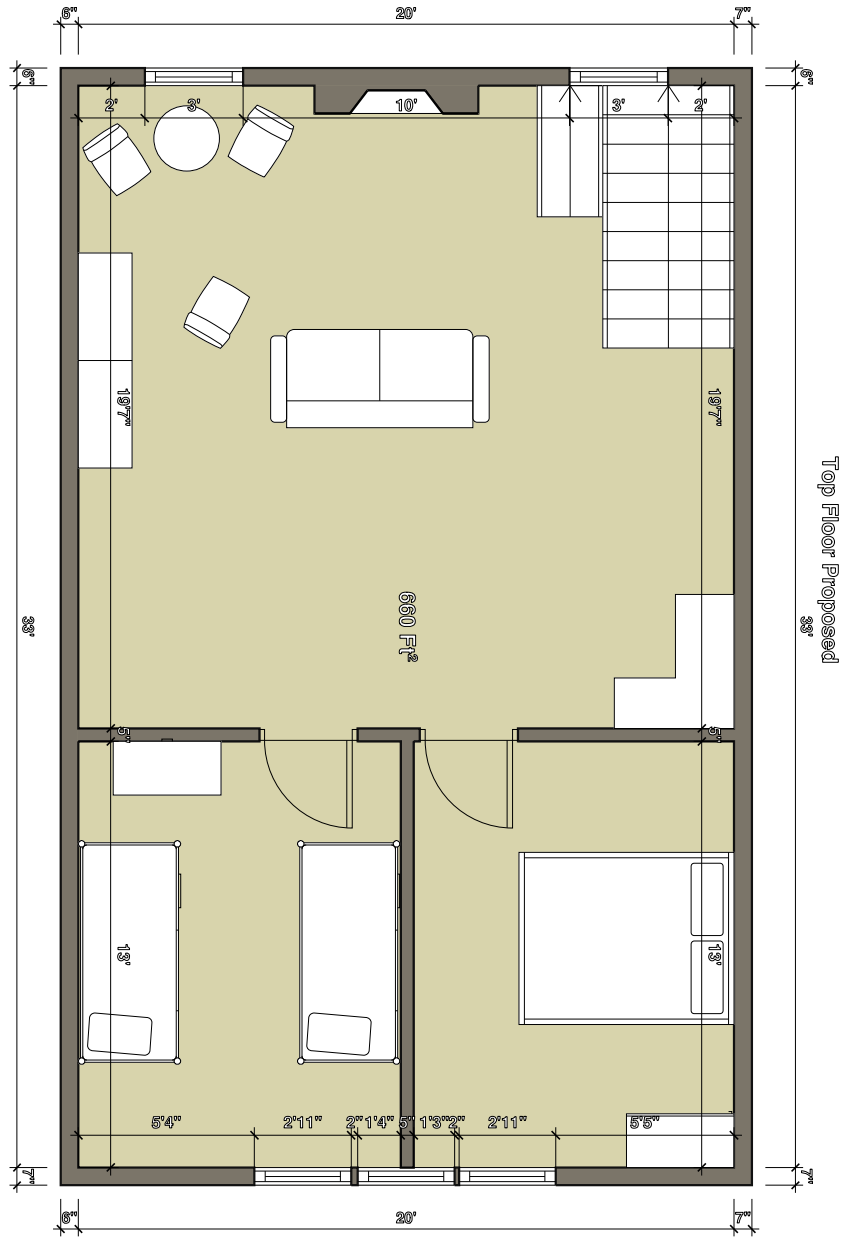
Signature

Name



Basement Proposed





Top Floor Proposed

LOCATION: 1100 Chicago (Carriage Barn Antiques) **DATE:** May 28, 2024
CASE NUMBER: 24-05UV & 24-17DV **PREPARED BY:** Rossa Deegan

GENERAL INFORMATION

APPLICANT: Patricia A. Snyder (owner); Lorrie A. Miller (agent)

REQUEST: The applicants request a use variance to allow Commercial B-3 District uses where Industrial M-1 District uses are permitted, and developmental variances to allow no street frontage where a minimum of 70' is required, lot size of approximately 3,691 SF where a minimum of 8,000 SF is required, and no direct access to a public street

LOT SIZE: ±3,691 SF (±45'x83'); no frontage

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 14

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water & sewer

AREA DEVELOPMENT: Commercial, residential

NEIGHBORHOOD: Riverdale

THOROUGHFARES: No street frontage; south of Chicago Avenue & west of Indiana Avenue

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◇ Goshen City Ordinance, *Section 4230.3*, Area, Width, and Yard Regulations of the M-1 District
A. Minimum Lot Area and Width. All uses developed in this district shall be on a lot having an area of not less than 8,000 square feet and a width at the established front lot line of not less than 70 feet.
- ◇ Goshen Zoning Ordinance, *Section 5160*, Street Access – Primary Structures or Buildings
Every primary building or structure shall have direct access to a public street, or to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, emergency vehicles, and required off-street parking.

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 2,492 SF tax parcel (20-11-08-234-009.000-015) located a short distance west of Indiana Avenue and south of Chicago Avenue. An existing two-story brick building on the property has an approximate footprint of 1,756 SF. Planning records indicate that the building was originally the machine shop for the Chase Bag Company, now operating as the Old Bag Factory commercial complex. The building has recently had numerous commercial uses, including antique sales. Zoning is Industrial M-1, and directly adjacent properties include commercial uses, a church, and an auto repair on the east side of Indiana Avenue.

There is no record of approval of the current commercial use of for the creation of the subject tax parcel. The parcel appears to have occurred by an illegal subdivision. Because the parcel was not created under Goshen's Subdivision and Zoning ordinances, a number of use and developmental requirements are not conforming.

The petitioner is requesting approval to allow the property to be used for all uses permitted in the B-3 District. Immediate intentions are to use the upper level for a photography studio and to lease the lower level for a retail store or a comparable commercial use. Developmental variances are also requested to address outstanding development issues of the illegal subdivision, and include the following:

- The property has no frontage along a street, and the M-1 District requires a minimum of 70' of frontage
- The lot size is approximately 3,691 SF where the M-1 District requires a minimum of 8,000 SF
- The property is isolated within other private properties; it does not have direct access to a public street

Staff recommends an amended approval with conditions and commitments. The Old Bag Factory complex includes two other parcels that appear to have been illegally subdivided in the same manner as the subject parcel. Ideally, continued commercial use and a subdivision of these properties would have been dealt with through the correct subdivision process and Planned Unit Development (PUD) zoning. That process requires applications made by all interested property owners, however, so the proposed request by the petitioner is a sufficient alternative.

Not all Commercial B-3 uses are appropriate for the subject property, so approval should be amended by including a commitment limiting the uses. Blanket approval of B-3 use could lead to auto-related uses or drive-through restaurants, among other uses, on the property. Appropriate uses include studios and galleries, stores, salons, and restaurants such as cafes. Outside storage should also be prohibited.

If such limitations of use are in place, approval can be justified based on the following:

- No physical changes are proposed to the property other than cosmetic updates
- The property has existed as a commercial building for many years and without any apparent incidents or adverse impacts on surrounding properties; in fact, the commercial use appears to have complimented nearby commercial properties
- Easements have been established allowing connection to City water and sewer, gas and electric utilities; and access to the site from Chicago Avenue.
- Off site parking, which is allowed for many commercial uses by the Zoning Ordinance, will be provided by a private agreement in the current Old Bag Factory parking lot. A commitment should be included as part of approval requiring that such an agreement remain in place for all uses of the site.

FINDINGS OF FACT

Staff recommends **an amended approval with conditions and commitments** of request a use variance to allow Commercial B-3 District uses where Industrial M-1 District uses are permitted, and developmental variances to allow no street frontage where a minimum of 70' is required, lot size of approximately 3,691 SF where a minimum of 8,000 SF is required, and no direct access to a public street, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The subject property has operated as a commercial property for at least several decades without any apparent incidents. All uses of the property will need to comply with Building and Fire Code. Utilities, including City water and sewer, are available to the property via existing easements. *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.** No changes are being made to the exterior appearance or footprint of the subject building and property. Commercial use of the property has occurred for at least several decades without any apparent adverse effects on neighboring properties. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The subject property is too small and inappropriately located for industrial uses permitted in the M-1 District. It is located next to a commercial complex and has operated with commercial uses for many years. *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 dimensions and location of the subject property make it difficult to use and develop for any use, especially industrial uses. Allowing a limited number of low-intensity commercial uses matches the nature of the subject property and the character of the area better than any other possible uses. The proposed developmental requirements are covered by easements and a private agreement with neighboring properties. *The standard is confirmed.*

5. The approval does not interfere substantially with the Comprehensive Plan. Approval of limited commercial use of the property will support Goshen's Comprehensive Plan of promoting "the development of small business and entrepreneurship networks" (Economic Development 3-5).

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 and Fire Departments is required.

If approved, the following Commitments shall apply:

1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. Permitted uses of the subject property shall be limited to galleries, art and photography studios, fitness studios, offices, beauty and hair salons, retail sales, secondhand stores, grocery stores, variety stores, and restaurants (without drive throughs).
3. Outside storage shall be prohibited.
4. Use of subject property shall be permitted only while a current parking agreement is in place providing an adequate number of parking spaces on private property within 300 feet of the subject property. Adequate parking shall be determined by the minimum number of spaces required by the Zoning Ordinance for all uses of the property.



Looking south



Looking south



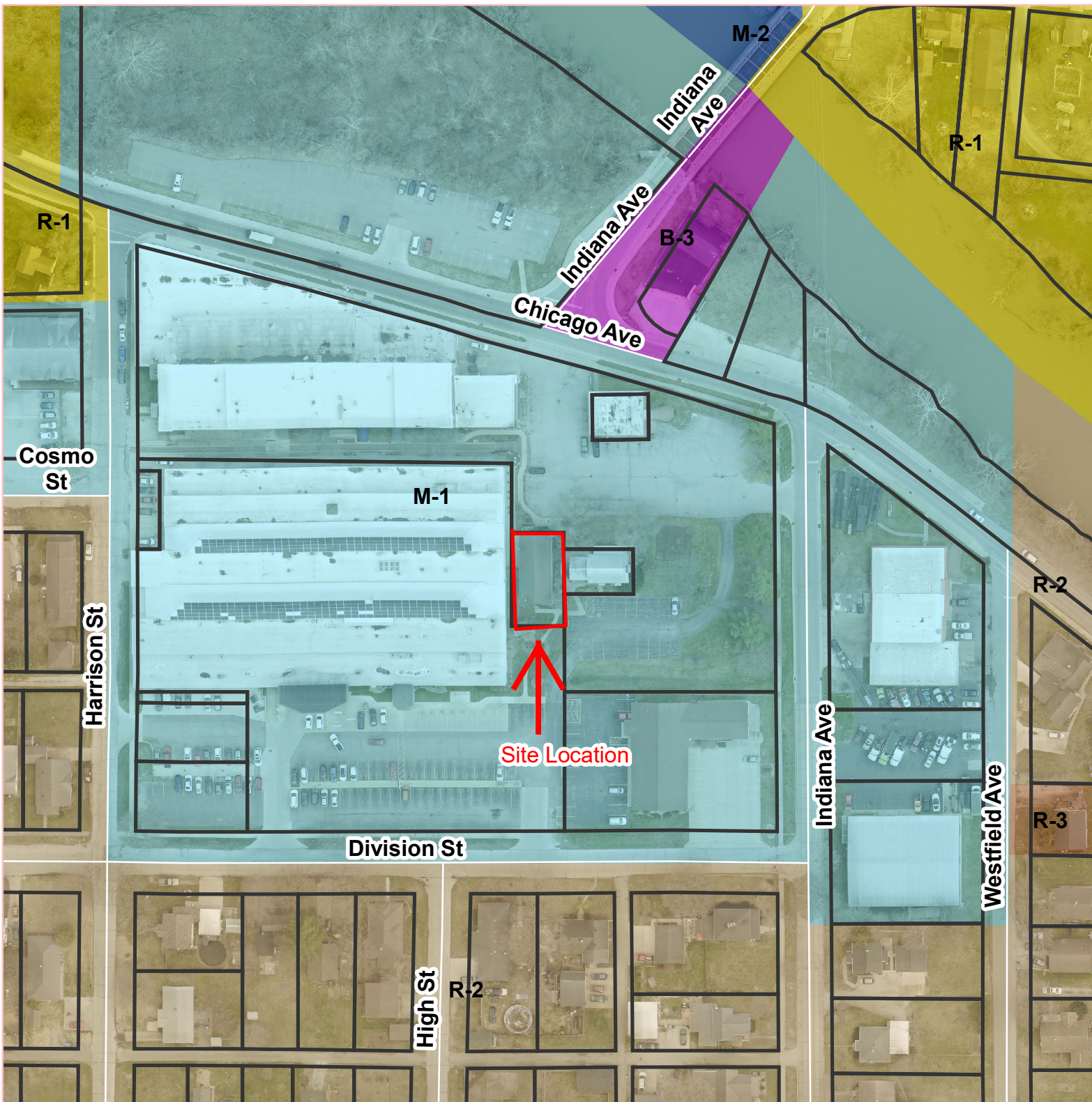
Looking north



Looking north



Looking northwest



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1100 Chicago (Carriage Barn Antiques)

2023 Aerial
Printed May 13, 2024

Feet
0 30 60 120
|-----|-----|-----|-----|

1 inch = 120 feet



The City of Goshen
Department of
Planning & Zoning

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

To Whom It May Concern and City of Goshen, IN Zoning,

My name is Lorrie Miller. I have been a small business owner and entrepreneur in the arts in Goshen for 10 years. I have built a successful photography studio from the ground up that specializes in maternity, newborn and family portraits.

I am currently applying for a use variance of R-1 for the Log Cabin on shared lots 153 and 154 of 1100 N. Chicago Ave, Goshen, IN 46526 as well as requesting the property be given a unique address separate from the Old Bag Factory complex.

In addition, I am currently applying for a rezoning of the Carriage Barn, the building on Lot 152 from M-1 Industrial - Antique Sales to Commercial B3, the same operating request as made by the adjacent property, the Old Bag Factory, which operates as B-3 on a use variance. I am requesting that this building also receive a unique address separate from the Old Bag Factory.

Both of these requests fully embody the spirit behind Goshen's Comprehensive Plan. Promoting entrepreneurship and artists where Goshen promises to "retain and grow small, locally-owned businesses and encourage residents to shop locally", "Support and promote the development of small business and entrepreneurship networks" and "Facilitate creative opportunities for business and industry to be active in the community".

The way these businesses will benefit the surrounding businesses is a shining example of what Goshen is trying to achieve in all facets of the Plan. It fully demonstrates the underlying goal of N-6 item 2, "Promote mixed-use residential and commercial development". These requests also support positioning downtown as "a hub of small business and entrepreneurship" because the buildings being referenced are less than 5 minutes from downtown. The specific request for the Log Cabin abundantly supports E-8 of the Plan in promoting travel and tourism in Goshen.

The Log Cabin: Tax ID 20-11-08-234-007.000-015

The Cabin sits on top of a hill overlooking the Old Bag Factory lower parking lot. The property that comes along with the building extends 5 feet from the base perimeter of the building. The Cabin is made entirely out of genuine hewn logs from the 1800's. It has a full front porch that can accommodate an outside table and seating areas. In 2018 a new silver metal roof was installed. The inside has original hardwood floors and ceiling beams that run the width of the Cabin's main floor ceiling along with a large beam in the center extending from floor to ceiling.. The original log walls are as visible on the interior as they are on the exterior. The main level has a huge stone fireplace and a second, smaller fireplace is on the upper level, both on the East side. It is fully equipped with central heating and air and a hot water heater. This cabin is quaint and darling and everything you could hope for functionally, artistically and aesthetically.

The Cabin was originally built in 1837 and was standing in New Paris as a home. It stood for several generations for families who called it home and passed on while in its original location. After some time, the Cabin was dismantled and put in storage with all of its supporting logs and beams painstakingly labeled if it should ever be reassembled.

In 1986 it was taken out of storage and reconstructed where it stands now. It was equipped with a basement, a full bathroom and laundry area, as well as a laundry chute from the top floor to

the basement. It continued to be a space that looked like and could operate as a home, but was zoned industrial.

Since purchasing the Cabin in 2017, I have added a kitchen space to the basement. At this time, the Cabin can fully and immediately accommodate operating as a Dwelling.

If I am granted the use variance for which I am applying, I would amplify the kitchen space by adding an additional cabinet and counter space and an electric stove. The basement would also house a sitting area as well as a gaming area with board games, possibly a pool table, air hockey, etc. It would have a locked storage room that would house cleaning supplies and extra necessities for the cleaning crew to use. No structural changes would be made in the basement. The basement is 959sf.

On the main level I would utilize the existing bathroom's plumbing and install a bathroom facility directly above the one in the basement. Having a bathroom on the main level would benefit those with special needs. It would also be a necessity as most homes of this size require more than one bathroom facility. The room in which the bathroom would be installed would then become the master bedroom. It would hold a king size bed, a claw foot tub and a sitting area. The main floor would also have a large dining room table, a coat and shoe area, and a large family room equipped with oversized sofas and a large television on the fireplace mantle. No other structural changes would need to be made other than the bathroom on the main floor. The main floor is 999sf.

The top floor is currently a very large open space. It could easily be transitioned into 2-3 adequately sized bedrooms. I would add one wall splitting the space in half from East to West, and then an additional wall down the main beam to split the new space in half North to South. This would make 2 bedrooms of 10x13 size. One bedroom would have bunk beds and one would have a queen size bed. An open space of 320sf would be left for a sofa bed, stocked book shelves and a quiet area near the fireplace. Because the top floor is often difficult to keep a comfortable temperature, we would look to add a split unit to accommodate both the fluctuation in temperature and the fact that we would be adding spaces that would not be adequately heated and cooled with the current supply and return vents. No other structural changes would be made on the top floor. The top floor is 600sf.

In speaking with the surrounding business owners and having been with the Old Bag Factory complex for a good amount of time, I fully believe having an AirBnB in this specific building on the property will enhance all the businesses around it. I believe it will become a destination location. It will enhance Bread and Chocolate, a massively successful wedding and reception venue located on the entire top floor of the Old Bag Factory. We would look forward to housing their wedding parties, out of town guests and being the first place the new husband and wife stay using our grand master bedroom. I believe our guests would be patrons to the restaurants, coffee shop and boutiques in the Factory as well as visit the downtown restaurants and business, being so close. I believe it has the potential to grow each surrounding business and create an avenue of marketing a brand new experience and level of service not often seen in a smaller town. This supports E-1 number 4 of the Comprehensive Plan to "Develop and implement coordinated marketing to promote the community's assets and opportunities" It will capture attention and only aid in sustaining the current upward trajectory of both the Old bag Factory complex and the city itself.

There are countless examples of Dwelling units being thoroughly mixed in with industrial or commercial zoned structures. Driving down Main Street in Goshen you can have an apartment on top of a business and a family home next to a restaurant. You can have a multi-family home next to a police station and a neighborhood full of downtown houses next to churches, metal scrap yards, libraries, banks, breweries and more. Similarly, a dwelling in a stand-alone structure that already looks like and operates as a home, in a location that is surrounded by both industrial, commercial and residential properties, that will greatly benefit and enhance the surrounding community would not be something that would be deemed out of the ordinary or create a disturbance in any functionality aspect of the space as it currently exists. With there already being consistent and constant vehicle traffic, the vehicles that arrive and stay in the parking spaces allotted through agreement with the Old Bag Factory, LLC will also not create any new or out of the ordinary disruptions, eye sores or view obstructions for the residential areas located 2 parking lots to the South.

Hours of Operation:

The Cabin would operate all day everyday. Check in for guests would be at 3pm the day of their arrival and check out would be at 10am the morning of their departure. The hours in between would be for the cleaning crew.

The Carriage Barn Tax ID 20-11-08-234-009.000-015

The Carriage Barn was built in 1890 and originally used for fixing horse drawn carriages on the top floor and had a blacksmith's quarters on the lower floor. You can still see the large brick fireplace used for heating metal on the lower floor to this day.

Since the 1990's it housed an antique store and consignment shop. About 5-7 years ago it began to sit unused for long periods of time and eventually never reopened to the public. It maintains much of its original charm and beauty with its brick structure, cedar shake roof and original hardwood floors. You can see where old windows and entryways were bricked over as new ownerships and uses came along throughout the years. However, the longer it stays empty, the more this beautiful historical structure falls in disrepair.

Since the top floor is a large, completely open space with 20' ceilings, it is perfect for a photography studio. I use large lights and stands to create the best lighting scenarios and creative photo sets. The tall ceilings would allow me to get my lights up high enough to do creative lighting techniques. The already artistic look to this space with the white washed brick walls, wood floor, natural light and open ceiling concept is the perfect backdrop to a creative photography studio. This floor already has a completely functional bathroom and there would be no structural changes needed. In the future, I would likely install a split unit for more efficient heating and cooling as it only has a single window air conditioner and a large ceiling heating unit, and not central air. This floor is 1560sf.

The lower floor is split into 2 large spaces. The back space (South), which is 23x25sf and is connected by a staircase to the upper floor, I would simply use for photo prop storage and a break area for myself and my assistant.

The front most North portion, which is 33x25sf I would like to rent to some sort of boutique or creative small business and support a new or expanding entrepreneur. I would love to see someone selling candles, coffees, soaps, paintings, etc. In this front portion there are 2

“floating” walls (walls not connected to the ceiling). They serve no purpose and will be removed. The carpet will also be removed. We will paint the entire front portion a clean white, install laminate flooring and fix a concrete patch on the floor. There are no other structural changes that would need to occur. We would likely install a split unit for heating and cooling on this floor, in the future, as well. This floor is also 1560sf and has a working bathroom facility. I am asking for this building to be re-zoned Commercial B3 District. This would allow the smaller boutique or store a much easier onboarding for renting the lower space and any subsequent owners for the whole building a smoother process for purchasing. Since the Old Bag Factory has a variance for commercial use, the two can easily go hand in hand and compliment each other for shopping experiences.

Hours of operation:

The top floor, which will be the photography studio, will usually operate from 8:30am-2:30pm on Tuesdays and Thursdays, and 5pm-7:30pm on Wednesdays, along with a handful of Saturdays throughout the year. There are times where we would be open on other days and hours, but we will operate by appointment only and will not be open to the general public.

The bottom floor would likely be open the same hours as the Old Bag Factory. Anyone shopping here would likely have already shopped in the Factory or The Depot or would do so afterwards. The factory is open from 9-5 Monday Through Friday and 9-12 on Saturdays. Some shops have exceptions, like Chocolate’ and El Zocola, who are open earlier and later.

In closing, I would like to stress how beneficial both the use variance and the rezoning would be for these properties and the surrounding properties.

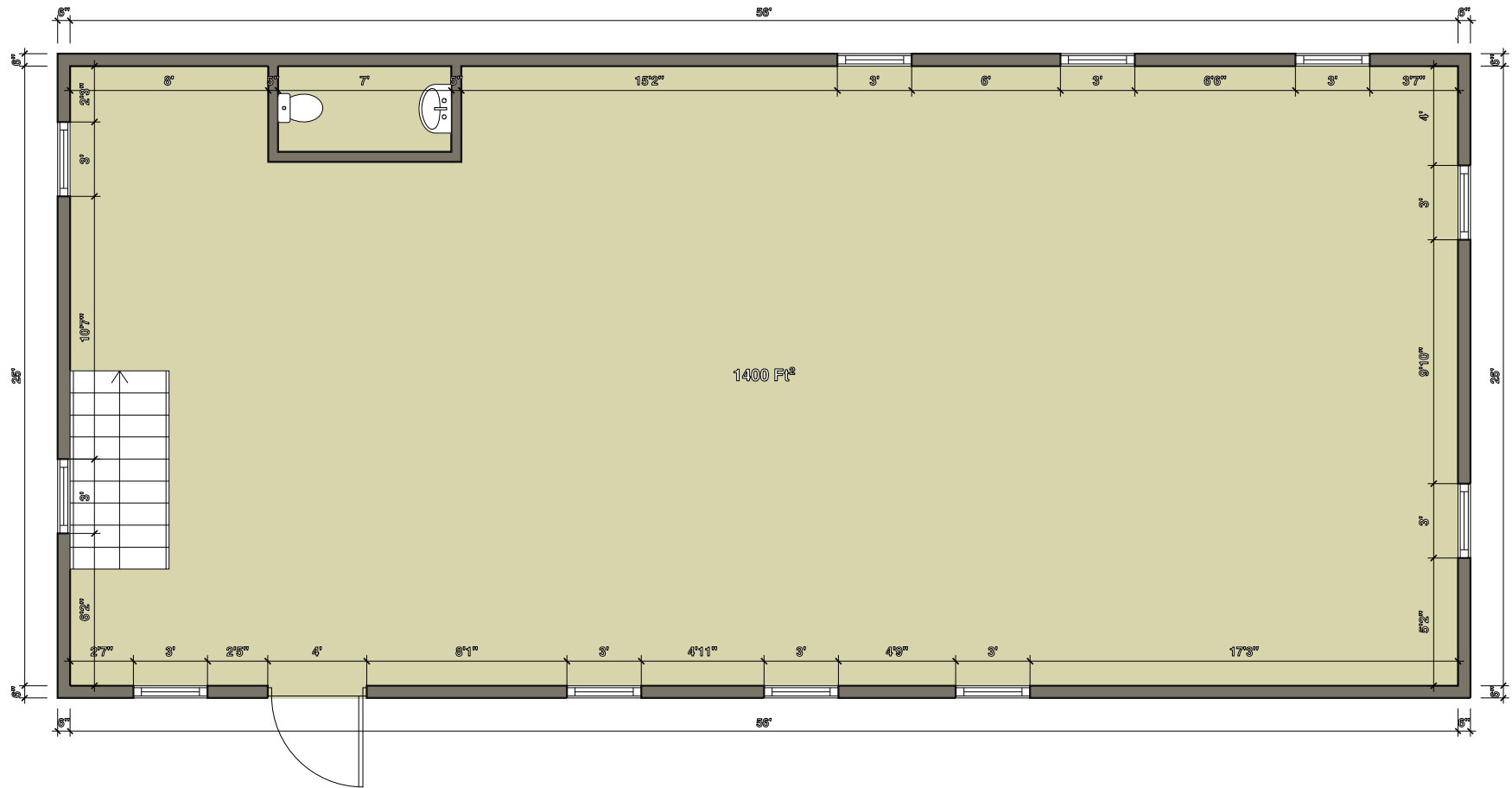
Having the Carriage Barn sit empty and unused again for years because the process of purchasing and using the building in compliance, or applying for an additional variance, has so many steps that most aren’t willing to take, would be a disservice to the surrounding businesses. An empty building doesn’t support a thriving complex and doesn’t align with the Comprehensive Plan in facilitating economic growth. Like other complexes with multiple buildings and businesses on site, rezoning to B-3 would allow a business owner to more easily transition into their newly purchased building and remain compliant with the city.

Allowing the Cabin to be transitioned back to a dwelling, as it was when it was originally built, would enhance the business of Bread and Chocolate, mainly, as there is a significant and immediate need for lodging and short term rentals closer to the wedding and reception venue. As a photographer, I personally have photographed weddings at this beautiful venue, and have had to race to a hotel in South Goshen to grab a forgotten veil! This same wedding party expressed their concerns about not having a place to stay closer to the venue. Out of town guests, wedding parties and the bride and groom would likely routinely use this space in conjunction with the venue. Guests would shop and eat in downtown Goshen or at the Factory itself and at the same time have a unique experience you can’t find in a hotel - the closest of which is a Best Western which will certainly not leave them with the same experience as a charming, quaint and cozy log cabin. As a dwelling, the Cabin can be realized as a Goshen Indiana asset and opportunity.

Thank you for your consideration.

Lorrie A Miller

Upper Level Current - No Changes



PARTIES

This SHARED PARKING AGREEMENT ("Agreement") created on 3/25/2024, is executed between Bagfactory LLC at 1100 Chicago Ave, Goshen IN 46528 ("Lessor") and Lorrie Ann Photography LLC ("Lessee").

The Lessor and the Lessee, each referred to as a "Party" and, collectively, as the "Parties", agree to the following:

NATURE OF AGREEMENT

The Lessee wishes to share a portion of the parking space with the Lessor and the Lessor agrees to share the parking spaces and its facilities ("Parking Space") with the Lessee for the Parking Space located at the principal address of the Lessor set forth above.

CONSIDERATION & PAYMENTS

- In consideration of the covenants expressed herein, the Lessee shall pay a monthly lease of one hundred and fifty dollars (\$150.00) to the Lessor for the Parking Space starting April 1st, 2024 through the tenant portal, Venmo, check or Intera Bank.
- The Parking Space shall not be subject to any covenants or contract for use which could interfere with the parking use of the Lessee

SIGNATURE

IN WITNESS WHEREOF, each of the Parties has executed this agreement as of the day and year set forth above.



Signature

Michelle Bordeau- agent

Name

Signature

Name