

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:

/s/ Lori Lipscomb  
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger  
Tom Holtzinger, Chair

/s/ Hesston Lauver  
Hesston Lauver, Secretary