

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, June 25, 2024, 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 5/28/24
- 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
- 24-18DV** –Philip D & Virginia M Leichty request developmental variances to allow 41% building coverage where a previous variance (19-23DV) permitted 36.6% and a rear building setback of 20’ where a minimum of 25’ is required to cover an existing concrete patio with an approximately 168 SF porch roof. The subject property is generally located at 1616 Clover Creek Lane and is zoned Residential R-3 District.
- 24-19DV** – Judith Gibson and Glenn Dyksen request a developmental variance to allow a rear setback of 20’ where a minimum of 25’ is required for the construction of an approximately 420 SF attached two-stall garage. The subject property is generally located at 803 Arehart Street and is zoned Residential R-1 District.
- 24-06UV** – Goshen Community Schools and Warrick & Boyn, LLP request a use variance to amend a previous variance (24-02UV) to allow two illuminated archway freestanding signs 18’ in height and 32 SF in area and one illuminated wall sign 16 SF in area where the previous variance allowed two non-illuminated archway signs 14’ in height and 36 SF in area and one non-illuminated wall sign 40 SF in area. The subject property is generally located at 1730 Regent Street and is zoned Residential R-3 PUD District.
- 24-20DV** – Goshen Stamping and Ziolkowski Construction, Inc. request a developmental variance to allow an 18’ front building setback along Burdick Street where 25’ is required for the reconstruction of and second story addition to a portion of a fire-damaged industrial building. The subject property is generally located at 1025 S 10th Street and is zoned Industrial M-1 District.
- 24-21DV** – Goshen Public Library and Ratio Architects, LLC request developmental variances for changes to the south parking area of the library to allow:
- A 19’ front building setback along Main Street where 35’ is required for an approximately 1,023 SF chiller building
 - A 10’ front building setback along 5th Street where 35’ is required for a an approximately 410 SF pavilion
 - A wall 8’ in height where fences and walls cannot exceed 4’ in height for a dumpster enclosure in the front yard setbacks along Main Street and 5th Street
 - Parking spaces 18’ in depth where a minimum of 20’ is required
 - Garbage truck maneuvering up to 20’ into the 5th Street right of way where maneuvering shall be accomplished without entering a public right-of-way
 - One existing non-illuminated four-sided freestanding sign 51” in height with 15 SF sign faces and three existing non-illuminated wall signs approximately 16 SF in area where only ground signs are permitted
 - For the variance to be valid for up to one year before the zoning clearance is issued
- The subject property is generally located at 601 S 5th Street and is zoned Residential R-1 and Residential R-3 District.
- VI.** Audience Items
- VII.** Staff/Board Items
- 214 S 5th Street – request to allow a variance application to be heard by the BZA within a period of six months from the date of a previous decision.
 - BZA Youth advisor
- VIII.** Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, May 28, 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 4/23/24: Loewen/Lauver 5-0
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Fisher/Lauver 5-0
- IV. Postponements/Withdrawals – none
- 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.

Staff Report

Mr. Deegan explained this property is in a transition area between the downtown and residential areas. The property has been a commercial use since the 1960's, with a use variance granted by the BZA in 2016 allowing a barber shop. The variance limited the use to two employees and stipulated the variance would expire on June 24, 2024. The property had been purchased from the Redevelopment Commission with an agreement that the commercial building would be removed and the land incorporated into the adjacent parcel when the variance expired.

In 2022 the Redevelopment Department dropped that requirement and because the variance is set to expire, the petitioners would like to amend it so they can permanently allow the barber shop use. They are also requesting an increase to the number of employees, allowing four where two were permitted by the previous variance.

Staff supports this request, noting the mixed use in the neighborhood as well as an agreement for parking at a nearby church. He also noted the Planning Office is not aware of any issues or concerns with the barber shop so it's reasonable to allow it to continue.

He did note that Staff has witnessed vehicles parked on the grass along the south side of the parking area so this approval also recommends a commitment that employees park in the church parking lot to free up onsite parking for customers. A condition is also included to re-stabilize the grass in this location.

The Planning Office received no public inquiries or comments regarding this request.

Petitioner Presentation:

Judith Inchrauregi, 58076 Hidden Meadow Trail, Goshen, spoke on behalf of the petitioner. She stated she's familiar with the Staff Report and has nothing to add.

Mr. Loewen asked for clarification if the existing concrete pad will remain.

Mr. Deegan stated the original variance listed this area as one space because the dimensions don't quite meet the zoning ordinance requirements for two spaces.

Audience Comments:

Gina Leichty, spoke to the petition. She stated she owns the property at 324 S 5th Street and she supports this request, but asks that the new stylists and customers are reminded to park across the street at the church and not at the Eyedart property.

The public hearing was closed.

Staff Discussion

None.

Action:

A motion was made and seconded, Rohn/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-03UV with the 6 conditions and 4 commitments listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

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.

Staff Report

Mr. Deegan explained this single family home has a two-stall garage with a concrete driveway and today's request is to allow a parking area on the north side of the existing driveway. He explained it will be located in the front-yard setback and will have a 2' setback to the north property line. It will be used for seasonal parking of a boat and boat trailer. Developmental variances are required for the front and side setbacks and also because the zoning ordinance requires that boats, RVs, campers, small trailers, etc. must be parked behind the front line of the home.

Staff recommends approval with conditions and commitments. The petitioner states there is not enough space between the home and the north property line to maneuver the boat into a parking space behind the front wall of the home. He went on to say that boat parking is a common use in residential districts and providing a variance to allow it is warranted. He also explained that boat and trailer parking in the front yard setback is a frequent compliance issue, so Staff recommends placing a time limit on this approval. He discussed the recommendations of approval from the Staff Report and also recommended that this parking space be eliminated when no longer needed for the boat parking.

Mr. Deegan also noted that the petitioner appeared before the Board of Works (BOW) last week to ask that gravel be permitted for the driveway expansion. The proposed expansion is in a utility easement and access to buried utilities would be easier. The request was rejected by the BOW, commenting that Staff could approve pavers as an alternate surface type. As part of this approval, Staff recommends an additional commitment be included requiring pavers, not concrete or asphalt. He also pointed out that pavers would be easier to remove if the area is no longer needed for boat parking.

No public comments were received by the Planning Office.

Petitioner Presentation:

Steve Deranek, 306 Hawthorne Drive, spoke on behalf of the petitioners. He stated he has checked Goshen and Elkhart storage facilities, looking for one that has an electrical outlet so he has a way to keep the batteries charged, but has not been successful. Because he couldn't find a facility that offered this, he began looking at the north side of his property as an option, and discovered the easement. He stated the BOW recommended pavers and he's fine with installing them. He stated he's also in agreement with Staff's recommendations.

Mr. Fisher asked if he has somewhere else to store his boat in the winter and Mr. Deranek acknowledged that he does.

Mr. Loewen asked if he has discussed this with his neighbor to the north.

Mr. Deranek stated they first discussed this last fall and again when he had a boundary survey done. He stated the neighbor expressed no concerns. He also commented that he had spoken with several nearby neighbors and none have voiced any concern.

Audience Comments:

None

The public hearing was closed.

Staff Discussion

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Lauer/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-15DV with the following conditions and commitments:

Conditions:

1. If a Building permit is required, the variance shall become null and void unless a Building permit has been issued and substantial progress has been made within six (6) months of the date of BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and when all conditions of approval have been met.
4. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and until all conditions of approval have been met.

Commitments:

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.
6. The parking shall be paving bricks; not concrete or asphalt.

The motion passed unanimously by a vote of 5-0.

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.

Staff Report

Mr. Deegan explained that this petition and the one following are for the same petitioner, for adjoining properties in the Old Bag Factory complex. Because they are separate properties, they require separate applications.

This parcel is approximately 2500 sf and contains a cabin with basement and second story, currently being used for a photography studio. It appears the cabin was built in the 1980's, around the time that an illegal subdivision was created. The Old Bag Factory has a variance allowing it to operate with commercial uses. It also has a variance for parking relief, but this particular property is not included in that variance. The petitioner proposes moving the photography studio to the property to the west, which is the subject of the next hearing. This cabin would then become a single family home. He pointed out the packets contain plans for the basement and two stories and a letter from the petitioner, explaining her plans for the building which she plans to use for a short-term rental. He cautioned Board members that it will be reviewed as a single family home and that short-term rentals are not something we review or regulate.

Additionally a developmental variance will be required because the property has no street frontage or access. It will be below the minimum lot size for the M-1 district, the building footprint exceeds 50% as permitted by the M-1 District, and there are no onsite parking spaces where 2 spaces are required for a single family home.

Staff recommends approval if a number of conditions and commitments are included. He pointed out that this site is too small for an industrial use and a mix of commercial and residential uses in the area might make the single family home more appropriate than other commercial or industrial uses. There are several easements in place which allow access to the site and several of the developmental variances are covered by those easements. He discussed the conditions and commitments recommended in the Staff Report.

He noted a letter was provided to Board members from Councilman Brett Weddell supporting this request. The Planning Office also received one phone call from Councilwoman Linda Gerber, also stating support for the request with Staff's recommended conditions and commitments.

Petitioner Presentation:

Lorrie Miller, 21948 Shirley Drive, spoke on behalf of the petitioner. She stated she agrees with the conditions and

commitments recommended by Staff. She also stated she feels this will be beneficial to the surrounding businesses, especially Bread and Chocolate’s nearby wedding venue.

Mr. Loewen stated he observed “For Sale” signs on the property and asked what was for sale.

Ms. Miller responded it was for the Carriage Barn. She also went on to say the sale is contingent on approvals from the BZA to use the building for more than selling antiques.

Audience Comments:

Doug Nisley, 1929 W Lincoln Avenue, spoke in support of the request. He stated he feels this is a very good use for the building. He anticipates it will fit in well with Bread and Chocolate, allowing a close location for guests. He encouraged the Board to pass this request.

Gina Leichty, 412 E Purl Street also spoke in support of the request. She feels it brings economic revitalization and renewed energy to the area. Allowing people to stay there overnight is a benefit to the area by allowing eyes and ears on the site during evenings and weekends.

The public hearing was closed.

Staff Discussion

None.

Action:

A motion was made and seconded, Fisher/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-04UV & 24-16DV with the following conditions and commitments:

Conditions:

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

Commitments:

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 the 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.

The motion passed unanimously by a vote of 5-0.

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.

Staff Report

Mr. Deegan stated this is a single tax parcel, adjacent to the parcel in the previous discussion. The building in question appears to be an old machine shop for the Old Bag Factory and has been used recently for commercial uses. It also appears to be an illegal subdivision, similar to the parcel previously discussed. The parcel is zoned M-1 facing similar use and developmental issues as the previous request.

The petitioner would like to use the second story of the building for a photography business and lease the first floor for a

commercial use, such as a store or café. This request is to allow B-3 uses in general for the building. Developmental variances are required for no street frontage, no access, and inadequate lot size. Staff recommends an amended approval with conditions and commitments limiting the types of B-3 uses which would be allowed. He pointed out the property is very small and would not be appropriate for industrial uses, so low intensity commercial uses are more appropriate for this location. Existing easements allow access and utility connections.

He discussed several conditions and commitments recommended in the Staff Report which include that inspections by the building and fire departments is required. He also discussed Commitment #2 which spelled out what uses should be permitted; that no outside storage should be permitted, and that use of the subject property shall be permitted as long as the parking agreement is in place.

Mr. Deegan noted for the record that a letter of support for this request was received from Councilman Weddell and he also received a phone call of support from Councilwoman Linda Gerber.

Petitioner Presentation:

Lorrie Miller, 21948 Shirley Drive, spoke on behalf of the petitioner. She stated she is in agreement with Staff's amended recommendation, including all conditions and commitments.

Attorney Kolbus advised Ms. Miller that even though Staff is limiting the type of uses, if a use comes up that is not on the approved list, she can petition the Board once again for that particular use.

Audience Comments:

Doug Nisley, 1929 W Lincoln Avenue, spoke to the petition. He encouraged the Board to approve this request noting that he feels this will be a great opportunity.

Dustin Sailor, Director of Public Works, spoke to the request. He stated this property shares a water service with the log cabin and he asked for a commitment that the water service be separated from the log cabin.

Mr. Rohn asked if the sanitary was also shared.

Mr. Sailor stated they believe the sanitary is also connected, but that is a bigger issue.

Gina Leichty, 412 W Purl Street also spoke to the petition. She feels this is a positive step forward and asks that the Board approve the request.

Mr. Nisley questioned if the water should be separated even though Ms. Miller owns both buildings.

Mr. Sailor states the way the ordinance reads, because these services are on separate properties, they need separate services.

The public hearing was closed.

Staff Discussion

Mr. Rohn asked if the Board should discuss this with the petitioner or just make it part of the approval.

Attorney Kolbus stated it will be required by the ordinance so he doesn't know anyway around it. He noted it would be added as an additional condition.

Mr. Deegan restated that the condition would be that the water service shall be separate from the cabin.

Ms. Miller stated that during her previous meetings with Planning and Mr. Sailor, it was mentioned that in 2025, Indiana Avenue would be torn up and they might be able to give her the hookup she needs to run the line to the Carriage Barn. She stated they also discussed that if the variances were approved, she could wait until 2025 to run the lines because once the road was torn up, they would be able to give her the new access point.

Mr. Deegan asked Mr. Sailor if it would be acceptable to add a condition that the water service shall be separated no later than 2026 or when the Indiana Avenue project commences.

Mr. Sailor stated that would be acceptable to him and he would like to include that if there is an ownership change it should be reevaluated.

Mr. Loewen pointed out there's always a chance that the 2025 project is cancelled or delayed and what would that mean for this project?

Attorney Kolbus advised it can be added as a commitment that it must be done on or before January 1, 2026. He went on to say if the project is delayed for some reason, she can petition the Board to modify the commitment.

Mr. Fisher asked if the water has to be separated prior to selling one of the properties?

Attorney Kolbus stated his recommendation is that the water be separated prior to January 1, 2026 or upon sale to a third party, whichever occurs first.

Ms. Miller asked for clarification if she would be able to move forward with her plans even though the water will not have to be separated immediately.

Attorney Kolbus stated that the condition will be changed to a commitment allowing her to move forward.

Action:

A motion was made and seconded, Rohn/Lauver, to adopt the Staff recommendations as the findings of the Board with amended conditions and commitments, and based on these findings, approve 24-05UV & 24-17DV with the following conditions and commitments:

1. If a Building permit is required, the variance shall become null and void unless a Building permit has been issued and substantial progress has been made within six (6) months of the date of BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and when all conditions of approval have been met.
4. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and until all conditions of approval have been met.
5. An approved zoning clearance form is required.
6. Approval by the 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 the 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.
5. The subject property shall have separate water service from the adjoining property no later than January 1, 2026, or upon sale to a third party, whichever comes first.

The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff/Board Items
None

VIII. Adjournment: 4:48 pm Lauver/Rohn

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 1616 Clover Creek Lane
CASE NUMBER: 24-18DV

DATE: June 25, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Philip D and Virginia M Leichthy (owners)

REQUEST: The applicants request developmental variances to allow 41% building coverage where a previous variance (19-23DV) permitted 36.6% and a rear building setback of 20' where a minimum of 25' is required to cover an existing concrete patio with an approximately 168 SF porch roof

LOT SIZE: ±4,680 SF; ±39' of frontage; ±120' of depth

APPLICABLE ZONING: Residential R-3

NOTICES SENT: 42

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, commercial

NEIGHBORHOOD: Maplewood Estates (in Clover Trails)

THOROUGHFARES: Clover Creek Lane

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS & PREVIOUS VARIANCES

- ◇ Goshen Zoning Ordinance, *Section 4170.3*, Area, Width, and Yard Regulations of the R-3 District D. Rear Yard. There shall be a rear yard on each lot, the depth of which shall be not less than 25 feet.
- ◇ Goshen Zoning Ordinance, *Section 4170.4*, Building Coverage Regulations of the R-3 District No building shall hereafter be erected, reconstructed or altered so that more than 35 percent of the area of the lot is covered by a primary residential use and/or accessory building or structure, combined.
- ◇ Variance 19-23DV, Approved August 27, 2019 by the BZA Allows building coverage of 36.6% where a maximum of 35% is allowed

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 attached home in Maplewood Estates of the Clover Trails neighborhood. Surrounding properties are a mix of single family attached and detached homes, along with commercial assisted living facilities. The home on the subject property is a single story with an attached two-stall garage and approximate footprint of 1,715 SF. The rear (south side) of the home opens out to an uncovered concrete patio.

When the home was approved for construction in 2019, the BZA granted approval of a developmental variance allowing building coverage of 36.6% where a maximum of 35% is allowed. Similar approvals had been granted for neighboring properties, with the need for the variances arising from the typically small lot sizes (less than 5,000SF where single family detached homes require lot sizes of 8,000SF).

The petitioners are now proposing to build a porch roof over the existing 12'x14' concrete patio. They state that conditions including excessive winds and sunshine make the patio area difficult to use, and a roof would help counter those conditions. The existing concrete patio does not count towards building coverage and does not need to meet the minimum 25' rear setback for a primary structure, but adding a roof over it will trigger those requirements. The proposed building coverage is 41% and the proposed rear setback is 20', both requiring new developmental variances.

In this instance, both excessive building coverage and encroachment in the rear setback are symptoms of platting small subdivision lots. The original intentions of the subdivision—to provide small lots for small homes, is not being realized. Regardless, the proposed covered rear porch is reasonable development of the residential property, especially considering the climatic conditions at the site.

The petitioner has provided photos of similar rear porch roofs and coverings on adjacent properties which demonstrate that the proposed roof will not be out of character with the area. The proposed 168 SF roof is moderate in size, won't prevent access to the rear retention and common area, so is unlikely to adversely impact safety or the general welfare. For those reasons, the variance is justified, and staff recommends approval.

FINDINGS OF FACT

Staff recommends **approval** of developmental variances to allow 41% building coverage where a previous variance (19-23DV) permitted 36.6% and a rear building setback of 20' where a minimum of 25' is required to cover an existing concrete patio with an approximately 168 SF porch roof, 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 168 SF roof is moderate in size, won't prevent access to the rear retention and common area, so is unlikely to adversely impact safety or the general welfare. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The proposed covered rear porch is a reasonable and common type of residential development. At least two nearby properties (1622 Clover Creek Lane & 1516 Firestar Drive) have similar covered rear porches. *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 petitioners have explained that the rear patio of the home is difficult to use because of elevated wind conditions and abundant direct sunlight at the location. The moderately sized roof will help alleviate the adverse effects of those conditions. *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.



From Clover Creek Lane looking at front of home



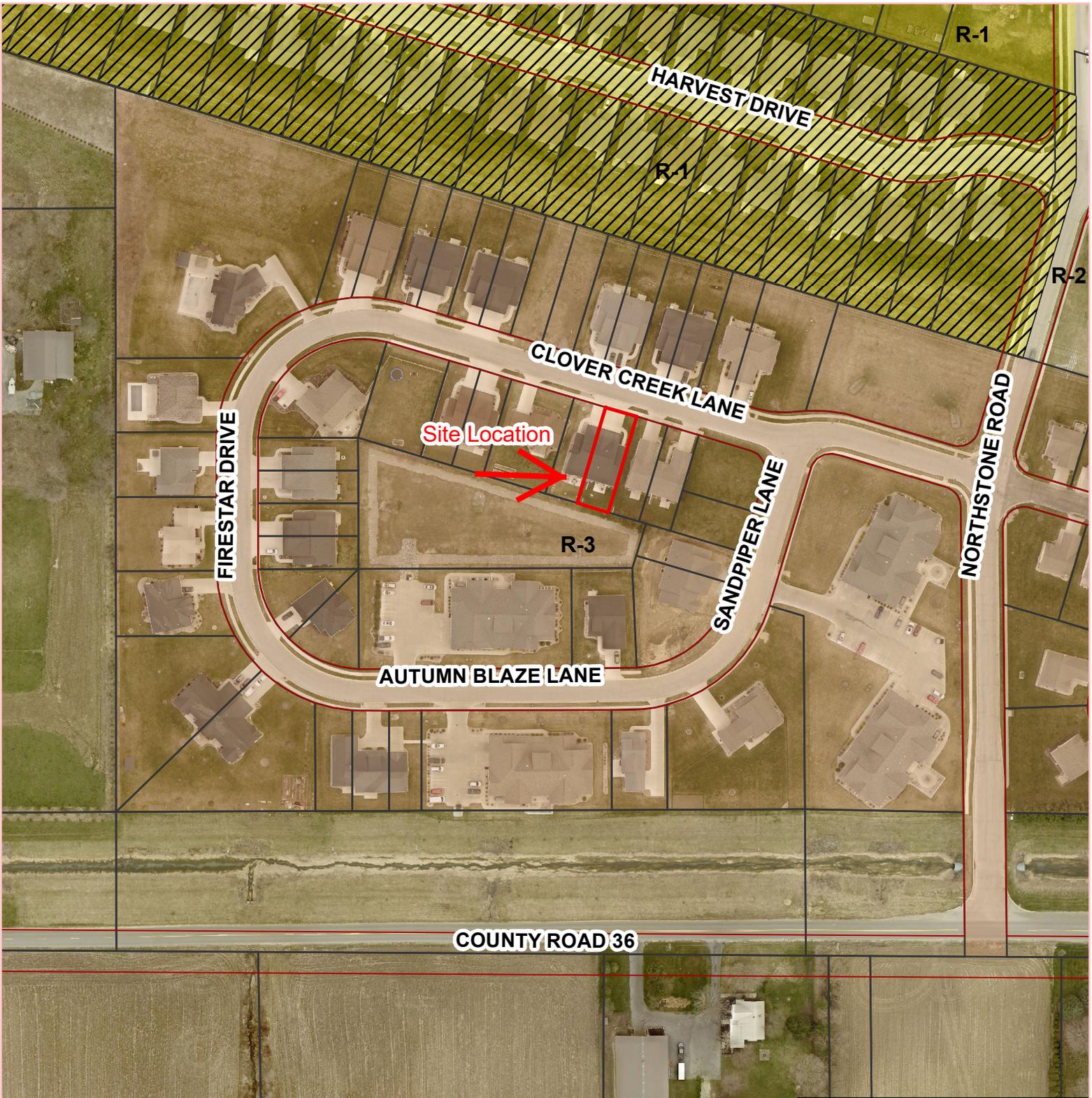
Looking north at rear of home and proposed location of porch roof



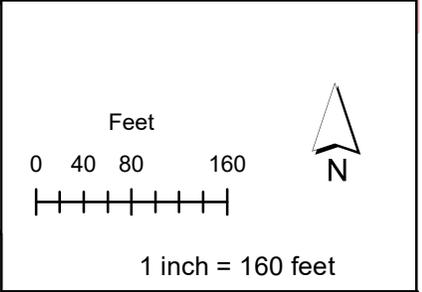
Looking northeast



Looking west



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.



1616 Clover Creek Ln

2023 Aerial
 Printed June 4, 2024

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

Leichty

1616 Clover Creek Ln, Goshen IN 46526 | 219.819.8404 | philip.leichty@gmail.com

May 23, 2024

Board of Zoning Appeals of the City of Goshen IN
204 E. Jefferson St, Suite 4
Goshen IN 46528

To Whom It May Concern:

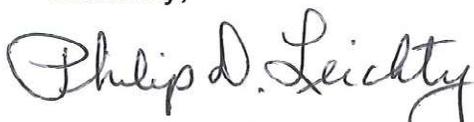
We moved to Goshen in June 2019. In early 2020, we moved into a newly developed area of town known as the Maplewood Estates.

It became quickly apparent that sitting on our south facing patio on warm sunny or windy days was a challenge. We have tried various strategies to remedy these challenges. We planted a Sunburst Locust tree and a Serviceberry tree on the south side of the patio and a dogwood tree on the east side of the patio. That will possibly in five years offer some shade for the patio. In light of the fact that we both turn 75 this year, waiting for trees to shade the patio seems like a slim glimmer of hope. In the meantime, we purchased a patio table with an umbrella and an additional stand-alone umbrella to offer some shade.

Because the neighborhood is new, there are not mature trees to soften the strength of the wind that blows across the retention pond, the area behind our home. We have had our metal patio chairs blown into the neighbor's yard, our patio table was overturned when the umbrella was up and it was a bit windy, and our grill was blown from the west side of the patio to the east side of the patio on its side. We learned that when there is a brisk wind, we had to keep the umbrellas tightly secured, the chairs stacked, and we had to anchor the grill in place with a spiral dog stake that can hold 125 lb.

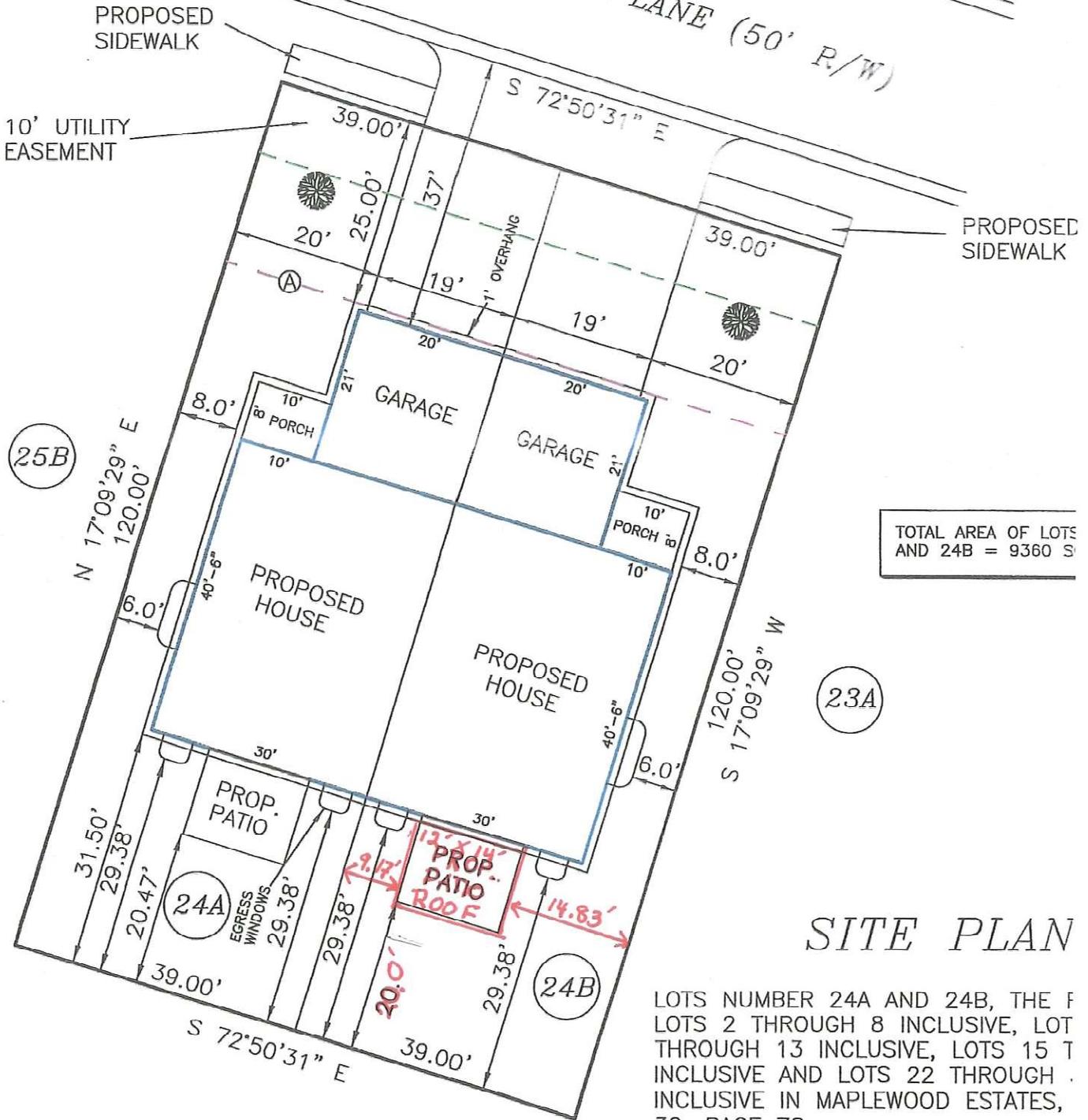
Our desire is to use our patio more frequently. We love being outdoors and enjoy inviting family and friends to our patio. A roof over our patio will provide needed shade and not having an umbrella on the table will make it less likely that a brisk wind will upend the table. For these reasons, we would like the Board to grant variances allowing 41% building coverage where 36.6% was allowed by a previous variance. Thank you for considering this request.

Sincerely,


Philip Leichty | Virginia Leichty



CLOVER CREEK LANE (50' R/W)



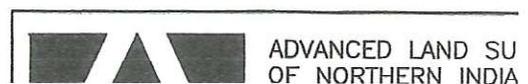
TOTAL AREA OF LOTS AND 24B = 9360 S

SITE PLAN

LOTS NUMBER 24A AND 24B, THE F LOTS 2 THROUGH 8 INCLUSIVE, LOT THROUGH 13 INCLUSIVE, LOTS 15 T INCLUSIVE AND LOTS 22 THROUGH . INCLUSIVE IN MAPLEWOOD ESTATES, 32, PAGE 78.

PROPERTY ADDRESS: 1616 & 1618 CLOV GOSHEN, INDIANA 4 REQUESTED BY: FREEDOM BUILDERS

LEGEND



ADDITIONAL INFORMATION:



Above is a picture of our current patio. The back yard of our home borders a swale. There are a circle of homes bordering this same swale. There are two other homes surrounding this swale that have a covering over their patio (*see below*). The porch style on the white house is similar to what we were hoping to have over our patio.



There are other examples in the Clover Trail neighborhood of homes that have some kind of protection over their patio. At least a dozen homes within a 10 minute walk of our home that have either a pergola, a pavilion, or a porch that is attached to the house.

Philip & Virginia Leichty

LOCATION: 803 Arehart Street
CASE NUMBER: 24-19DV

DATE: June 25, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Judith Gibson (owner); Glenn Dyksen (agent)

REQUEST: The applicants request a developmental variance to allow a rear setback of 20' where a minimum of 25' is required for the construction of an approximately 420 SF attached two-stall garage

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

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 34

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Chamberlain

THOROUGHFARES: Arehart Street

TOPOGRAPHY: Relatively level on south side; ground elevation declines northward on north side of home

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District D. Rear Yard. There shall be a rear yard on each lot, the depth of which shall be not less than 25 feet. An accessory building may be erected within the rear quarter of the lot, observing the above side yard requirements and located no closer than five feet from the rear lot line.

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 Arehart Street on the north side of the City. Zoning is R-1, and adjacent properties are predominantly single- and multi-family homes. The home is one story with an approximate footprint of 1,392 SF with a parking pad accessed from the rear alley. The home was built in 2023 following demolition of the previous residence.

When the new home was built, a foundation was constructed around the parking pad so that a future garage could be built in that location. The petitioners are now proposing to build an attached two stall garage over the parking pad. At its closest point to the rear property line, it will have a 20' setback where a minimum of 25' is required.

Staff recommends approval of the request. The need for the variance is a result of the lack of depth to the property. At less than 1,400 sf, the single story home is moderate to small in size and was constructed to the minimum front building setback along Arehart Street, so the encroachment in the rear setback is justifiable. The majority of the garage will be built outside the rear setback; it will meet minimum side setbacks of 8' with plenty of room to spare; and if the garage were detached, it would be permitted to be constructed as close as 5' from the rear property line.

Lots along the subject street are similarly small in size and setback encroachments are common in the same neighborhood, so the encroachment will be in character with the area. Open space to move around the proposed garage and existing home will remain ample, so no threats to safety and general welfare are posed.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a rear setback of 20' where a minimum of 25' is required for the construction of an approximately 420 SF attached two-stall garage, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Open space to move around the proposed garage and existing home will remain ample, so no threats to safety and general welfare are posed. *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.** Lots along the subject street are similarly small in size and setback encroachments are common in the same neighborhood, so the encroachment will be in character with the area. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** The need for the variance is a result of the lack of depth to the property. At less than 1,400SF, the single story home is moderate to small in size and was constructed to the minimum front building setback along Arehart Street, so the encroachment in the rear setback is justifiable. The majority of the garage will be built outside the rear setback; it will meet minimum side setbacks of 8' with plenty of room to spare; and if the garage were detached, it would be permitted to be constructed as close as 5' from the rear property line. *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 freestanding sign in the front yard/right of way shall be removed by July 12, 2024.



Looking west from Arehart Street from front of home



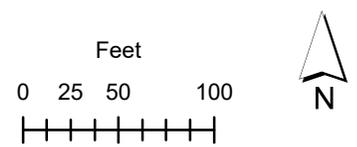
Looking southeast from rear alley



Looking northeast from rear alley



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803 Arehart

2023 Aerial
Printed June 4, 2024

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

Board of Zoning Appeals

City of Goshen, IN

Glenn A. Dyksen (representing Annie Gibson)

59604 CR 33

Middlebury, IN 46540

This petition is for a Developmental Variance for the residential property of Annie Gibson. She owns the property at the address of 803 Arehart Street, Goshen, IN 46528. The plot # is 42. Her house was built last year by Habitat for Humanity. As part of the construction project, the Habitat team provided a concrete parking pad on the West side of the house. This included a concrete footer and a concrete wall that surrounds the pad. The concrete wall extends out of the ground for the purpose of building a future attached garage. It is my understanding that Habitat received permission to place the parking pad in its present location.

Annie's property is unusual in that it borders Arehart Street on the East side and an Alley on the West side. The reason for the variance is the fact that the Northwest corner of the existing garage foundation encroaches on the 25' set back required by Goshen City's building codes by +/- 4.5 feet on the alley side of the property. The proposed garage addition will include a 1' overhang on the North side of the roof. This will result in an additional 6 inches of encroachment (21' set back instead of the required 25 feet).

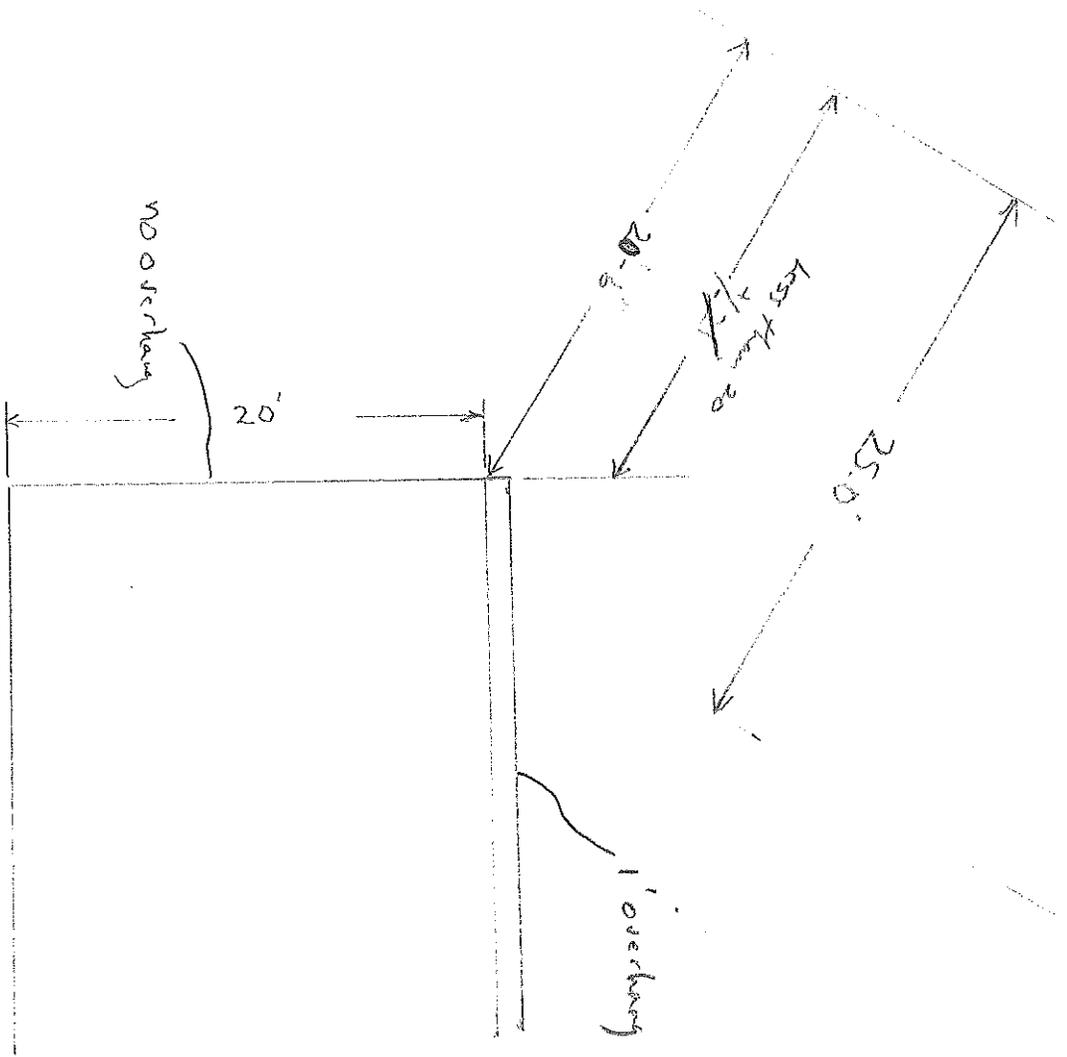
Annie is requesting this variance so that she can take advantage of the existing foundation to provide a secure place for her to park her car and store her outdoor tools and accessories.

I want to thank the commission for the opportunity to present this petition and for your consideration of Annie's request.

Sincerely,



Glenn A. Dyksen



Annie Gibson
proposed
garage

LOT 42 WILDEN'S FIRST ADDITION

LEGAL DESCRIPTION

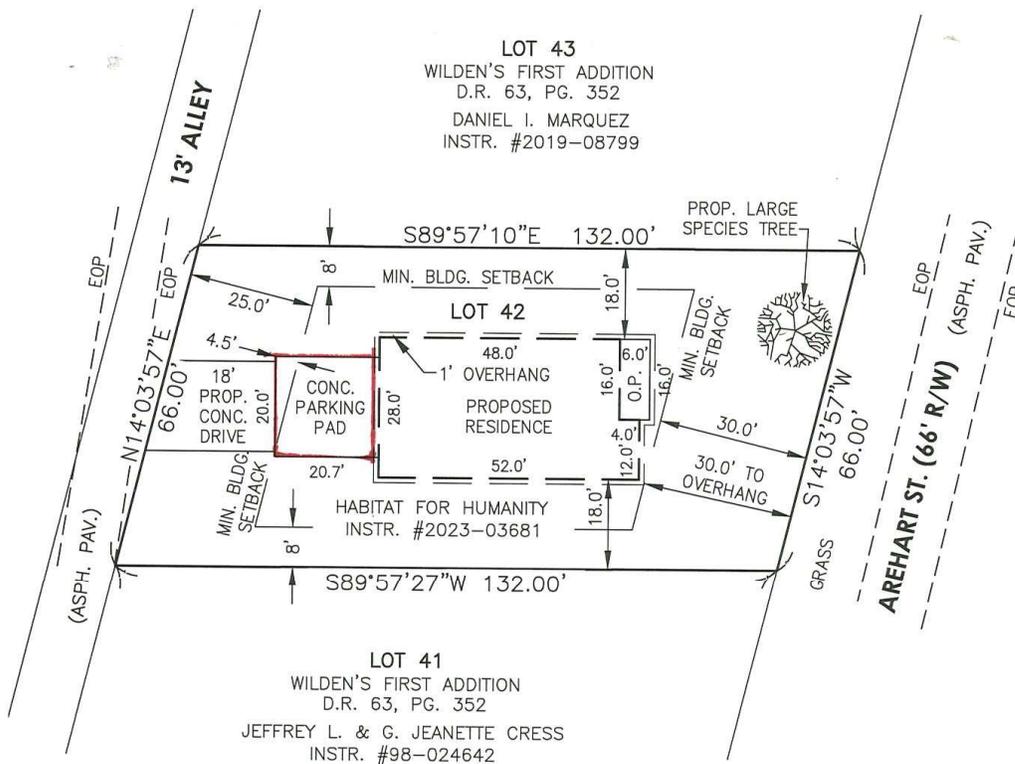
LOT NUMBER FORTY-TWO (42) AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WILDEN'S FIRST ADDITION TO THE CITY OF GOSHEN; SAID PLAT BEING RECORDED IN DEED RECORD 63, PAGE 352, IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

PARCEL NUMBER: 20-11-04-482-010.000-015

ADDRESS: 803 AREHART AVENUE, GOSHEN, INDIANA 46528



AREA:
0.19 AC.±

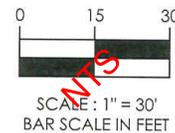


NOTES:

- CONTRACTOR SHALL NOT PROCEED WITH ANY EXCAVATION OR CONSTRUCTION ACTIVITY UNTIL ALL PERMITS ARE OBTAINED.
- THIS DRAWING DEPICTS THE APPROXIMATE LAYOUT OF THE LOT. FOR ACTUAL DIMENSIONS, SEE THE RECORDED PLAT.
- WHEN BUILDING A STRUCTURE BELOW GRADE, SPECIAL CONSIDERATION SHOULD BE GIVEN TO SOIL CONDITIONS, FOUNDATION DESIGN, ETC. SUCH CONSIDERATION IS BEYOND, AND NOT PART OF, THE SCOPE OF THIS PLAN.

LEGEND

- O.P. OPEN PORCH
 EOP EDGE OF PAVEMENT (±)



DRAWING FOR: BUILDING PERMITS ONLY
 PREPARED FOR: HABITAT FOR HUMANITY
 OF ELKHART COUNTY
 THE FACE OF THE RESIDENCE IS APPROX. 47.9'
 FROM THE EDGE OF PAVEMENT

COPYRIGHT 2023 - ABONMARCHE CONSULTANTS, INC.

DATE OF FIELDWORK:

FIELDBOOK:

REVIEWED BY: CSB

SCALE: 1"=30'

DATE: 07-17-2023

ZONING: R-1

DRAWN BY: TRM

SHEET 1 OF 1

JOB NO. 23-0899-04A

LOCATION: 1730 Regent Street
CASE NUMBER: 24-06UV

DATE: June 25, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Goshen Community Schools (owner); Warrick & Boyn, LLP (agents)

REQUEST: The applicant requests a use variance to amend a previous variance (24-02UV) to allow two illuminated archway freestanding signs 18' in height and 32 SF in area and one illuminated wall sign 16 SF in area where the previous variance allowed two non-illuminated archway signs 14' in height and 36 SF in area and one non-illuminated wall sign 40 SF in area

LOT SIZE: ± 33 acres; ±828' of frontage; depth varies

APPLICABLE ZONING: R-3 PUD

NOTICES SENT: 31

SPECIAL INFORMATION

PUBLIC UTILITIES: Existing building connected to City water & sewer; City water not available to rear parcel

AREA DEVELOPMENT: Residential, institutional

NEIGHBORHOOD: Waterford Commons

THOROUGHFARES: Regent Street

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5200, Conditional Uses, Schools (Elementary, Middle, and High)*
Said uses shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential District, and the PUD District, provided that they meet the following requirements:
 - D. Schools meeting the Conditional Use requirements are permitted the following signs:
 1. One monument style freestanding sign meeting the following requirements:
 - a. Maximum permitted area of 36 square feet.
 - b. Maximum permitted height of five feet (5').
 2. One non-illuminated wall sign meeting the following requirements:
 - a. Maximum permitted area of 36 square feet.

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

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

ANALYSIS

The subject property is Prairieview Elementary School, an approximately 33-acre site on the south side of the City along Regent Street. The property is zoned Residential R-3 PUD (part of Waterford Commons PUD). Surrounding uses and zoning are predominantly residential; the parcel to the west along Regent Street is zoned Commercial B-4. Improvements to the site include an approximately 90,000 school building; parking lots on the north and south sides of the building; a playground and walking area; and a ground mounted solar array approximately 26,000 SF in area. The property is two tax parcels, and with the exception of the solar array, the southernmost parcel approximately 16 acres in size is vacant land.

In March of this year, the petitioners received approval to develop the vacant portion of the southern parcel as an athletic complex for the school corporation that will combine the high school's baseball and softball facilities. Variances were approved for reduced setbacks, structure heights, fence height, water service by well, alternative landscaping, and signs in excess of what are allowed by the conditional use requirements for schools. Among the signs approved by the variance were two non-illuminated archway signs and one non-illuminated wall sign on the concession building.

The petitioners are proposing to amend the approved signs in the variance as follows:

- The originally approved non-illuminated archway signs at 14' in height and 36 SF in area will be illuminated archway signs 18' in height and 32 SF in area
- The 40 SF non-illuminated wall sign will be a 16 SF illuminated wall sign

The petitioners explain that the proposed illuminated signs are too distant from adjacent residential properties to adversely impact them, and that they will not add an appreciable amount of illumination to the photovoltaic output of the athletic complex.

Staff recommends denial of the request. The previously approved variance allowed internal illumination for two large freestanding signs that will serve as scoreboards—that illumination was reasonable. However, the illumination of the proposed archway and wall sign is not appropriate at this location. The property is surrounded by residential uses and zoning. Moreover, the Waterford Commons PUD is an area for a mix of residential and commercial uses where sign illumination is uncommon and protecting the residential character of the area is paramount.

There is no need for the signs to be illuminated. The facility is used primarily for sports that occur in the spring and summer, when daylight lasts longer. Per the previously approved variance, all activities must be finished and athletic lighting turned off by 10pm. The signs will not be visible from the street, so illuminating them will not improve wayfinding.

In February 2023, the BZA approved an illuminated archway sign for the alumni plaza on the campus at Goshen High School, and the petitioners point out that the proposed archway signs will be similar. In hindsight, approval of that illuminated sign may have been a mistake. At night, the illumination from the sign can be seen approximately one-half mile away on Main Street, through a residential neighborhood.

FINDINGS OF FACT

Staff recommends **denial** of the request for a use variance to amend a previous variance (24-02UV) to allow two illuminated archway freestanding signs 18' in height and 32 SF in area and one illuminated wall sign 16 SF in area where the previous variance allowed two non-illuminated archway signs 14' in height and 36 SF in area and one non-illuminated wall sign 40 SF in area, based on the following:

- 1. The approval will be injurious to the public health, safety, morals, and general welfare of the community.** Waterford Commons is a largely residential planned unit development where sign illumination is minimal on account of the residences. Additional illuminated signs will not benefit the general welfare in such a neighborhood. *The standard is not confirmed.*
- 2. The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner.** The illumination of the proposed archway and wall sign is not appropriate at this location. The property is surrounded by residential uses and zoning. Moreover, the Waterford Commons PUD is an area for a mix of residential and commercial uses where sign illumination is uncommon and protecting the residential character of the area is paramount. *The standard is not confirmed.*
- 3. The need for the variance does not arise from a condition peculiar to the subject property.** The signs will not be visible from the street, so illuminating them will not improve wayfinding. *The standard is not confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the subject property.** There is no need for the signs to be illuminated. The facility is used primarily for sports that occur in the spring and summer, when daylight lasts longer. Per the previously approved variance, all activities must be finished and athletic lighting turned off by 10pm. *The standard is not confirmed.*

5. The approval does interfere substantially with the Comprehensive Plan. Goshen's Comprehensive Plan seeks to enhance neighborhood sense of place, which includes development that is sensitive to the residential characteristics of neighborhoods. While the athletic facility in general will benefit the subject neighborhood's sense of place, unnecessary sign illumination will not. *The standard is not confirmed.*



From sidewalk on Main Street looking east through library parking lot and along Purl Street at illuminated archway sign on GHS campus. Staff photo.

May 29, 2024

Admitted in Indiana
and Michigan

Thomas E. Warrick
Retired

Gary D. Boyn*
James V. Woodsmall*
Cynthia S. Gillard
Randall G. Hesser
Timothy S. Shelly
Andrew M. Hicks
Dean E. Leazenby
Christopher T. Pottratz
Rachel A. Schnetzler
Jamie R. Richardson**

*Of Counsel

**Admitted in Indiana and Illinois

City of Goshen Planning & Zoning
Attn: Rossa Deegan
1204 E. Jefferson Street
Goshen, IN 46528

RE: Goshen Community Schools Zoning Variance

Rossa:

Please find enclosed Goshen Community Schools Petition for a use variance for Goshen Schools' new baseball/softball facility. This Petition is to correct an error on the previously approved variance, which stated that the archway sign above the entrance to the facility would be non-illuminated. That sign is planned to be internally illuminated. Also enclosed is a 3D rendering of what the archway sign will look like and a photo of the sign above Goshen High School's Alumni Plaza, which is the same type of internally illuminated archway sign.

The illumination from this sign will be negligible compared to the parking lot lights. Goshen Schools' architects and engineers are not able to create a photometric drawing showing the light from the sign because it is so minimal. The archway will face the parking lot and the Prairie View Elementary School building, and it is located approximately 450 feet from the property line. Because of the sign's location and the significant landscape screening included in Goshen Schools' original variance, the illumination of this sign will have no impact on any neighboring property and will not be visible from the street.

We regret the mistake in the previous petition. We believe this to be a minor correction and hope that it can be approved without opposition.

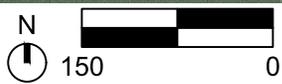
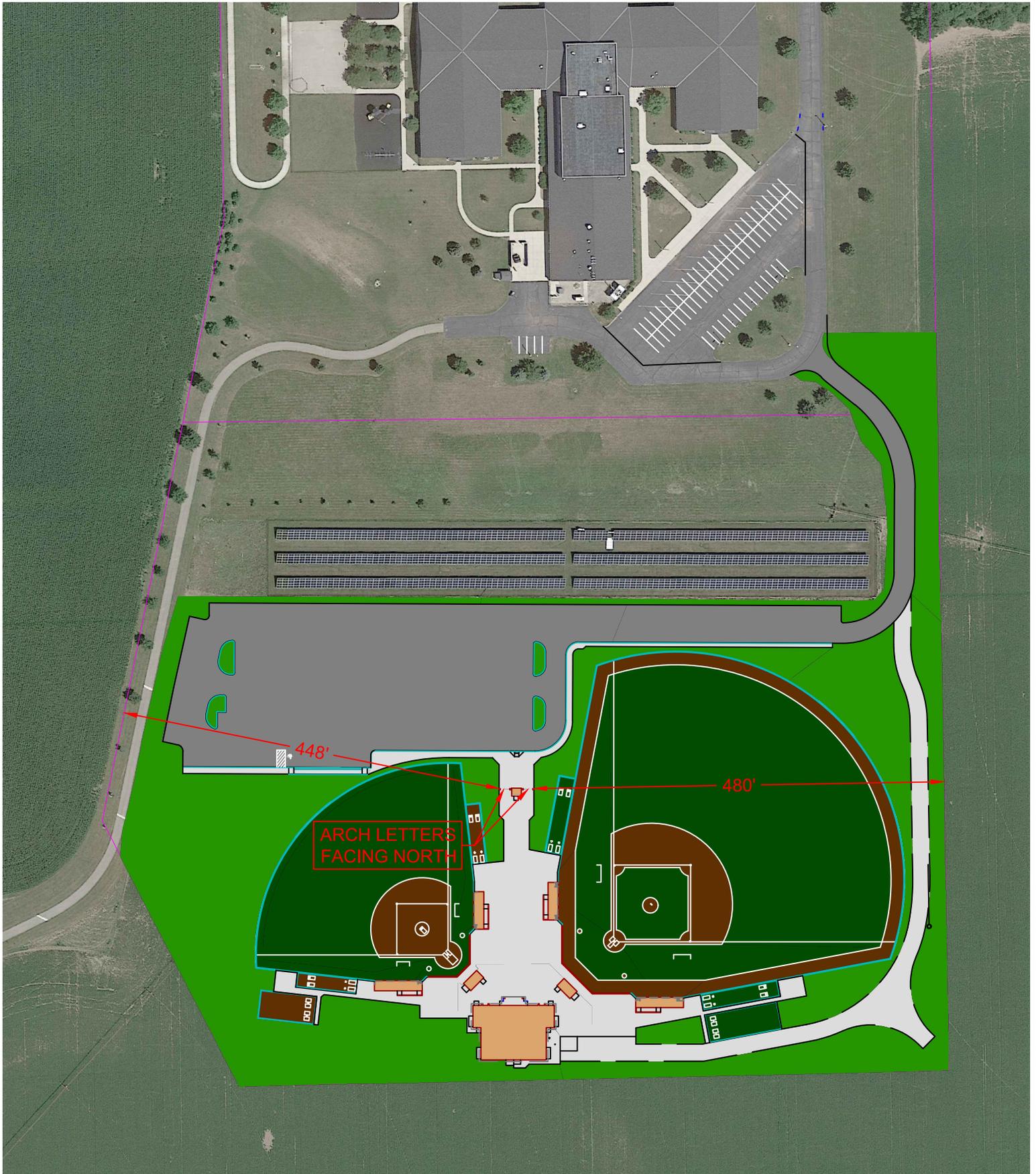
Sincerely,



Christopher T. Pottratz

CTP/aml

Enclosure







GOSHEN

ALUMNI PLAZA



LOCATION: 1025 S 10th Street
CASE NUMBER: 24-20DV

DATE: June 25, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: GS Acquisition Real Estate, LLC (owner); Ziolkowski Construction, Inc. (agent)

REQUEST: The applicants request a developmental variance to allow an 18' front building setback along Burdick Street where 25' is required for the reconstruction of and second story addition to a portion of a fire-damaged industrial building

LOT SIZE: ±3.35 Acres; ±812' of frontage (±457' on 10th Street & 355' on Burdick Street); depth varies

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 51

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Industrial, residential

NEIGHBORHOOD: 9th Street Industrial Corridor

THOROUGHFARES: 10th Street & Burdick Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Article IV*, Establishment of Zoning Districts
On residential or cul-de-sac streets, the front yard shall be a minimum distance of 25 feet

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning office 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 metal stamping facility located on an approximately 3.35-acre site on the north side of Burdick Street between 9th Street and 10th Street. The facility has a footprint of over 80,000 SF. Zoning is M-1, and industrial uses are present to the south, north and east; a single family home is located directly to the north of the facility and several residential properties are located to the west across the railroad tracks and 9th Street.

Company history dates the industrial stamping use of the property back approximately 100 years. Past approvals by the BZA include the following:

- 1979 –reduced rear yard setback and building coverage exceeding 50% for an addition
- 1985 – 30' front setback (from center of 10th Street) for a loading dock
- 1994 – 3' setback from west property line and 57% building coverage for building addition

In November 2022, a fire damaged portions of the internal area of the building. The petitioners have been restoring the damaged portions of the building in phases, and are currently seeking approval for the third phase. An approximately 4,200 SF area on the south side of the building will be rebuilt, including a stairway from the first to second story. Rebuilding the stairway to comply with building code includes increasing the height of the lower header, and the petitioners are proposing to accomplish this by expanding the building upward so that it

becomes two stories where it had been one story. The front setback to the rebuilt southern wall is approximately 18' where a minimum of 25' is required, and the increase in height of the building requires approval of a developmental variance to allow the setback encroachment.

Staff recommends approval of the request. While the building is being expanded upwards, its footprint is not changing, and the setback will match the setback of the existing southern-most wall. The upward expansion to two stories will match the existing two-story portion to the east on the same building. Safety will be improved with the project because the stairway is being brought into compliance with building code requirements.

Approval will not be detrimental to adjacent properties because surrounding properties are largely industrial. The subject property is located in a historic industrial corridor where many current Zoning Ordinance developmental standards are not met, particularly setbacks. Two other properties—a dairy processing facility and a rubber parts plant—are also located on Burdick Street and have buildings between 0' and 8' from the front property line.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow an 18' front building setback along Burdick Street where 25' is required for the reconstruction of and second story addition to a portion of a fire-damaged industrial building, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Safety will be improved with the project because the stairway is being brought into compliance with building code requirements. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** Approval will not be detrimental to adjacent properties because surrounding properties are largely industrial. The subject property is located in a historic industrial corridor where many current Zoning Ordinance developmental standards are not met, particularly setbacks. Two other properties—a dairy processing facility and a rubber parts plant—are also located on Burdick Street and have buildings between 0' and 8' from the front property line. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** Upward expansion of the building is allowing improved safety in a stairway for a building that was recently damaged by fire. *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. Technical Review is required.
5. Approval by the Engineering, Building, and Fire Departments is required.



Looking north across Burdick Street at location of two story project



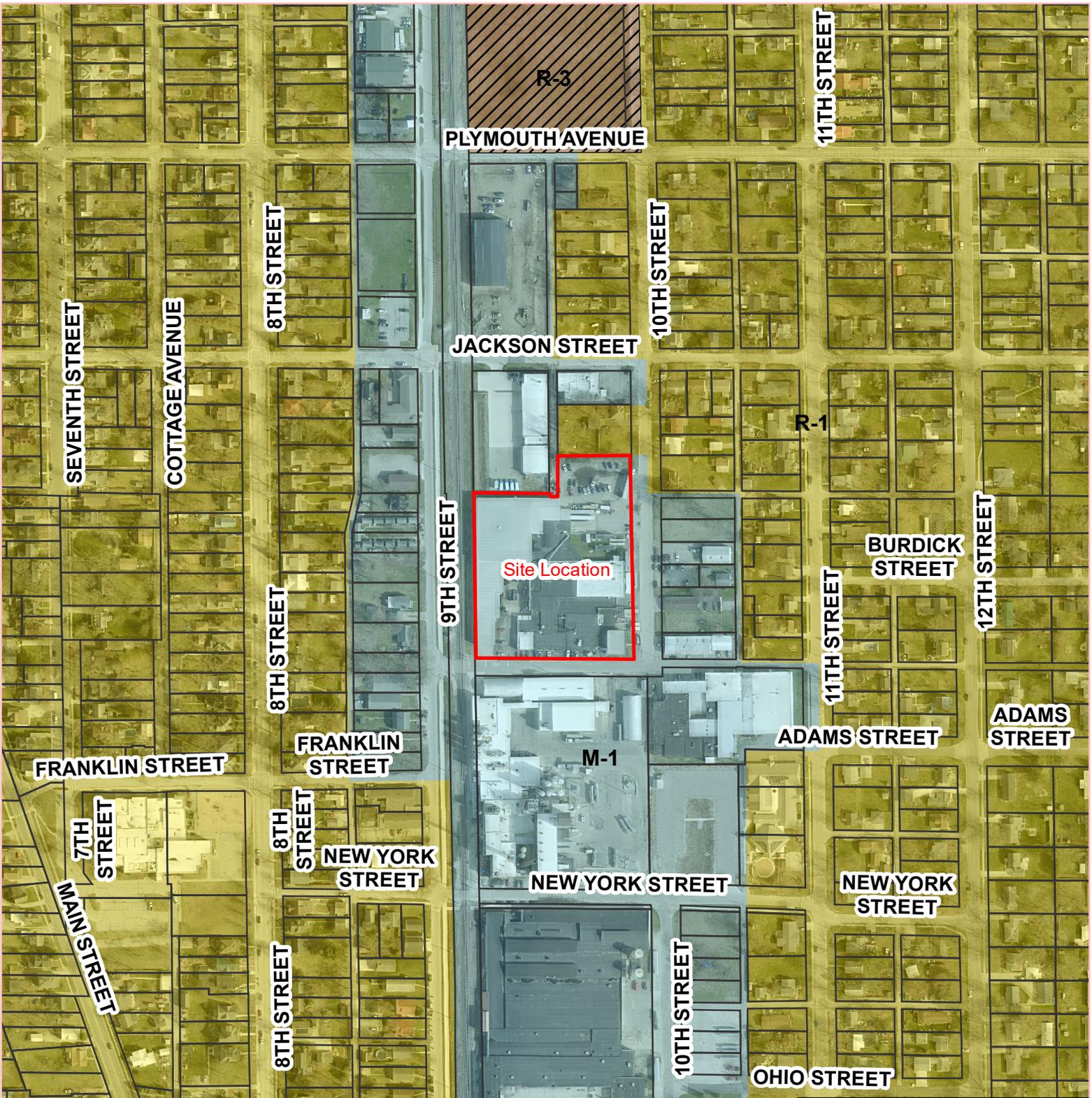
Looking northwest along Burdick Street



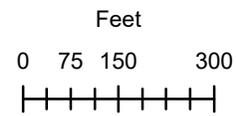
Looking northeast along Burdick Street



Looking east along Burdick Street



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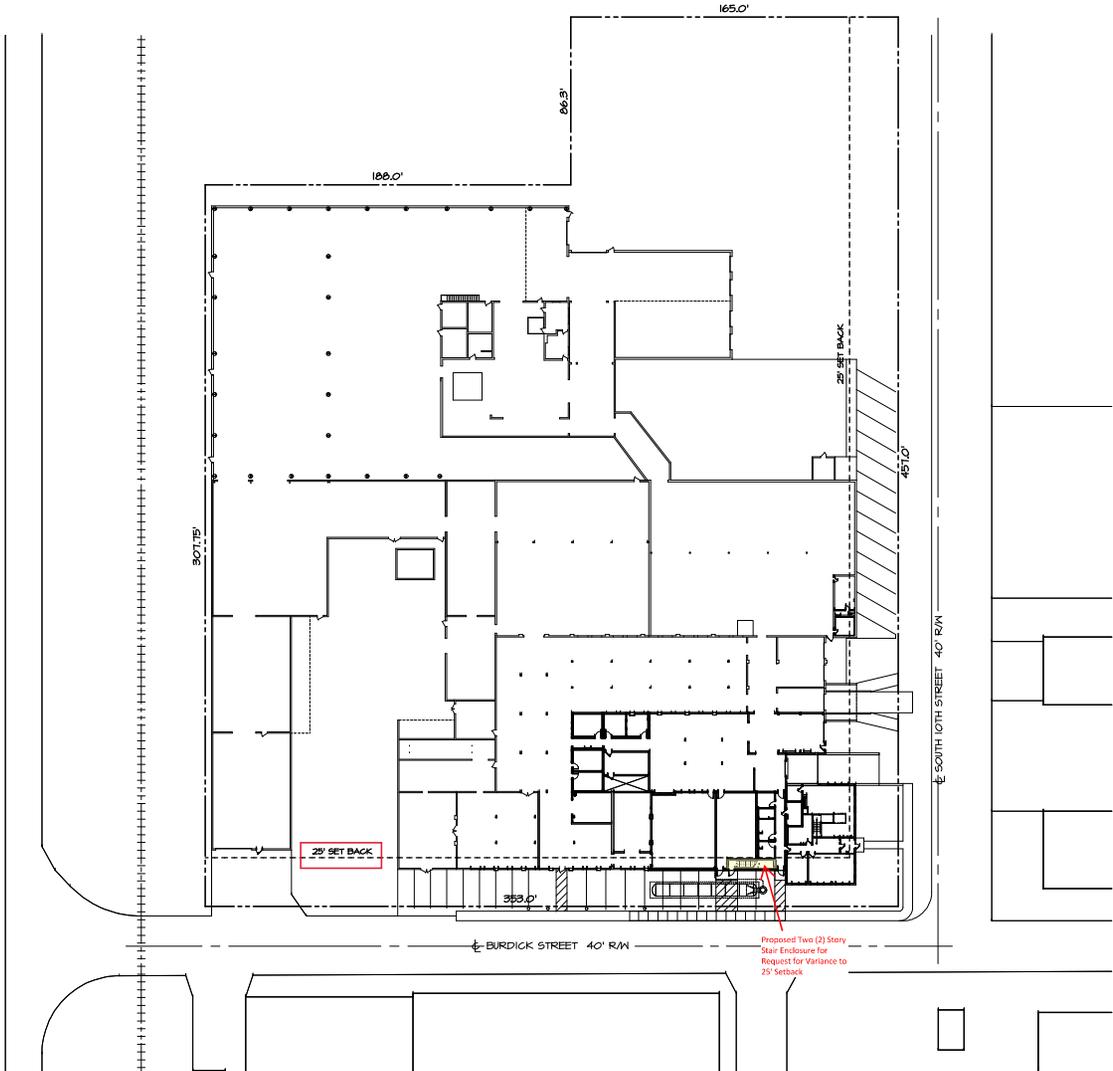


1 inch = 300 feet

1025 S 10th Street

2023 Aerial
Printed June 6, 2024

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



PLOT PLAN
SCALE: 1" = 20'-0"

LEGAL DESCRIPTION

TRACT I: Lots Numbered 4, 5, 6, 7 and the South 1/2 of Lot Numbered 3 as the said Lots are known and designated on the recorded Plat of Culp's First Addition to the City of Goshen, said Plat being recorded in Plat Book 3, page 40 in the Office of the Recorder of Elkhart County, Indiana.

TRACT II: Commencing at a stone marking the Northwest corner of the Southwest Quarter of Section 15, Township 36 North, Range 9 East, Elkhart County, Indiana; thence East along the North line of said Southwest Quarter, 682.4 feet to an iron stake on the East right of way line of the C.C.C. & St. L. Railroad, said iron stake being the place of beginning of this description; thence South 1 degree 13 minutes East, along said railroad right of way 300.7 feet; thence South 89 degrees 59 minutes East, 171 feet; thence North 1 degree 13 minutes West, 360.7 feet to the North line of said Southwest Quarter; thence West along said North line of the Southwest Quarter, 171 feet to the place of beginning.

TRACT III: Lots Numbered 1, 2 and the North 1/2 of Lot Numbered 3 as the said Lots are known and designated on the recorded Plat of Culp's First Addition to the City of Goshen, said Plat being recorded in Plat Book 3, page 40 in the Office of the Recorder of Elkhart County, Indiana.

ALSO: Lots Numbered 15 and 16 as the said Lots are known and designated on the recorded Plat of Paul & Hopes East Addition to the City of Goshen, said Plat being recorded in Deed Record 114, page 33 in the Office of the Recorder of Elkhart County, Indiana. ALSO the vacated alley lying adjacent to the South line of Lot Numbered 16.

ALSO: All that part of the Southwest Quarter of Section 15, Township 36 North, Range 9 East, lying West of the West line and the Northern extension thereof, of Lots 1, 2 & the North 1/2 of Lot 3 in Culp's Addition, above described; North of the Western extension of the South line of said Lots 1, 2 & North 1/2 Lot 3; and East of the right of way of the CCC & St. Louis Railway Co.

ALSO all of the vacated alley lying between Lots 1 - 7 of Culp's 1st Addition and Tract II above mentioned.

FIRM MAP NUMBER - 1803400254D

ZIOLKOWSKI
CONSTRUCTION, INC.
General Construction & Design/Build
Building Strong Relationships Since 1974

DATE	ISSUE
11-17-24	CONSTRUCTION DOCUMENT REVISION
11-17-24	LOCAL PERMIT DRAWINGS
11-17-24	LOCAL PERMIT DRAWINGS
11-17-24	STATE PERMIT SUBMITTAL

FIRE RESTORATION - PHASE 3
GOSHEN STAMPING
1025 S. 10TH ST.
GOSHEN, INDIANA 46526

PLOT PLAN

SHEET
G-3

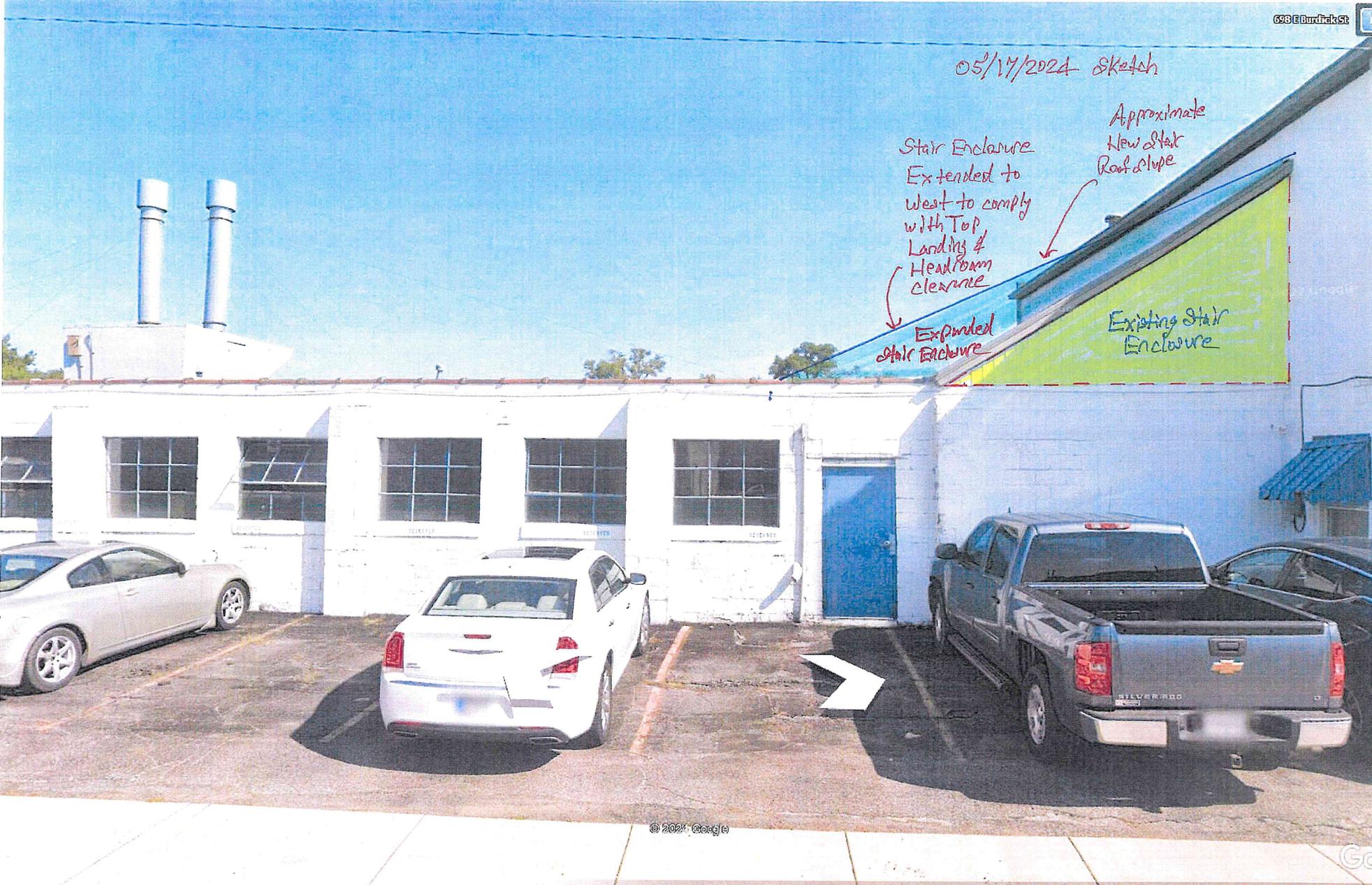
05/17/2024 sketch

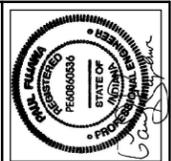
Stair Enclosure
Extended to
west to comply
with Top
Landing &
Headroom
clearance

Approximate
New stair
Roof slope

Expanded
stair Enclosure

Existing Stair
Enclosure





ZIOLKOWSKI
Construction, Inc.
General Construction & Design/Build
Building Strong Relationships Since 1974

DATE	ISSUE
1-17-24	CONSTRUCTION DOCUMENT REVIEW
2-12-24	FINAL ARCHITECTURAL DRAWINGS
3-15-24	REVIEW SET FOR MEP
4-4-24	LOCAL PERMIT DRAWINGS
5-2-24	STATE REVIEW SUBMITTAL

FIRE RESTORATION - PHASE 3
GOSHEN STAMPING
1025 S. 10TH ST.
GOSHEN, INDIANA 46526

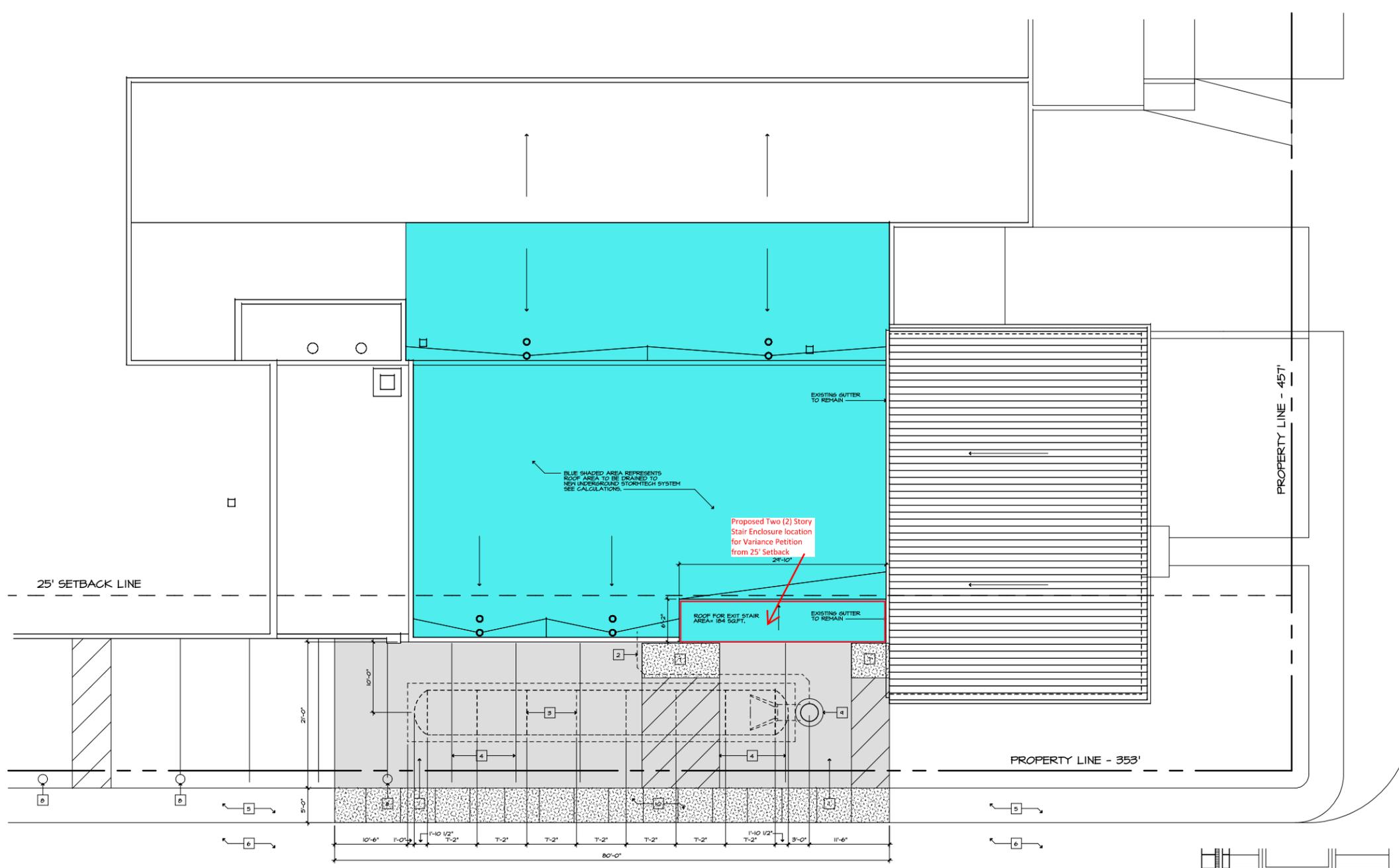
SITE DEVELOPMENT PLAN

SHEET
C-1

- ### CONSTRUCTION NOTES
- REMOVE EXISTING ASPHALT. INSTALL NEW ASPHALT PAVEMENT, 6" AGGREGATE BASE, 2 1/2" BASE LAYER, 1 1/2" TOP LAYER.
 - 6" DIAMETER SDR PIPE TO STORMTECH SYSTEM
 - NEW ADS STORMTECH MC-3500 STORM WATER CHAMBERS
 - STRIPED PARKING LOT AS SHOWN
 - EXISTING CONCRETE SIDEWALK TO REMAIN
 - EXISTING STREET TO REMAIN
 - CONCRETE LANDING
 - EXISTING POWER POLE WITH OVERHEAD POWER LINES
 - 48" DIA. CONCRETE CATCH BASIN. SEE DETAIL UC-1
 - REMOVE EXISTING CONCRETE SIDEWALK. INSTALL NEW 6" CONCRETE SIDEWALK.

SITE DRAINAGE CALCULATIONS

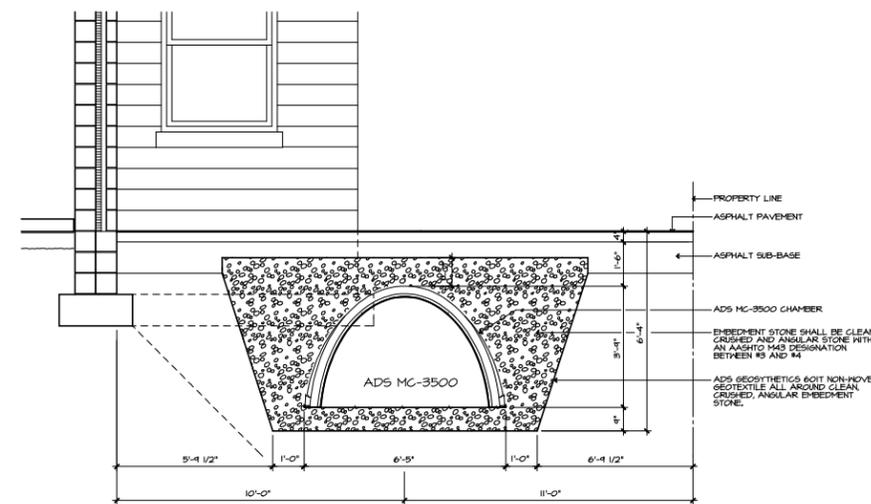
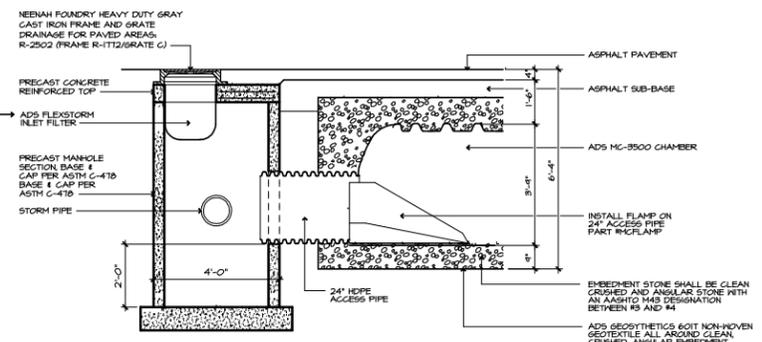
ROOF AREA:	436 SQ.FT.	ADS - CHAMBER MODEL MC-3500
PARKING AREA:	1304 SQ.FT.	REQUIRED STORAGE VOLUME: 1305 CUBIC FEET
TOTAL AREA:	5420 SQ.FT.	STONE POROSITY: 40%
		STONE DEPTH: 1'
		STONE ABOVE CHAMBERS: 12"
		AVERAGE COVER OVER CHAMBERS: 18"
C = 1		INSTALLED STORAGE VOLUME: 1305 CUBIC FEET
T = 20'		STORAGE VOLUME PER CHAMBER: 104.1 CUBIC FEET
A = 5420		NUMBER OF CHAMBERS INSTALLED: 7
(1) X (25) X (5420)		NUMBER OF END CAPS INSTALLED: 2
Q = 1305 CUBIC FEET		CHAMBER ROWS: 1
		LENGTH: 50.42 FT.
		WIDTH: 6.42 FT.
		BED SIZE REQUIRED: 410.65 SQ.FT.
		AMOUNT OF STONE REQUIRED: 67 CUBIC YARDS
		VOLUME OF EXCAVATION: 90 CUBIC YARDS
		TOTAL NON-WOVEN GEOTEXTILE REQUIRED: 220 SQ.YDS.
		TOTAL WOVEN GEOTEXTILE REQUIRED: 65 SQ.YDS.



ADS FLEXSTORM PURE INLET FILTER

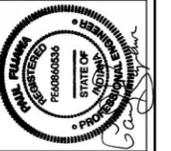
MATERIAL AND PERFORMANCE
THE 1/2" FILTER IS COMPOSED OF A STAINLESS STEEL FRAME AND A REPLACEABLE GEOTEXTILE FILTER BAG ATTACHED TO THE FRAME WITH A STAINLESS STEEL LOCKING BAND. THE FILTER BAG MANIPULATED BEFORE THE GRATE THAT SHALL ALLOW FLOW BYPASS FLOW INTO THE DRAINAGE STRUCTURE IF THE BAG IS COMPLETELY FILLED WITH SEDIMENT. THE STANDARD 1/2" FILTER BAGS ARE RATED FOR 200 GPM/INCH (2.0 LITERS/MINUTE/INCH) FLOW WITH A REMOVAL EFFICIENCY OF 80%. THE POST CONSTRUCTION 1/2" FILTER BAGS ARE RATED FOR 100 GPM/INCH (1.0 LITERS/MINUTE/INCH) FLOW AND HAVE A REMOVAL EFFICIENCY OF 40% ADDITIONAL OIL SKIMMER POUCH AND LINER FOR MODERATE HYDROCARBON REDUCTION.

FREQUENCY OF INSPECTIONS
INSPECTION SHOULD OCCURE FOLLOWING RAIN EVENTS GREATER THAN 1/2".
FILTER INSPECTIONS SHOULD OCCURE A MINIMUM OF THREE TIMES PER YEAR, AND IN SNOWFALL AFFECTED REGIONS, INSPECTIONS PRIOR TO AND AFTER SNOWFALL SEASON.



48" DIA. SHALLOW MANHOLE DETAIL 1
SCALE: 3/8" = 1'-0"

STORMTECH MC-3500 - CROSS SECTION 2
SCALE: 3/8" = 1'-0"



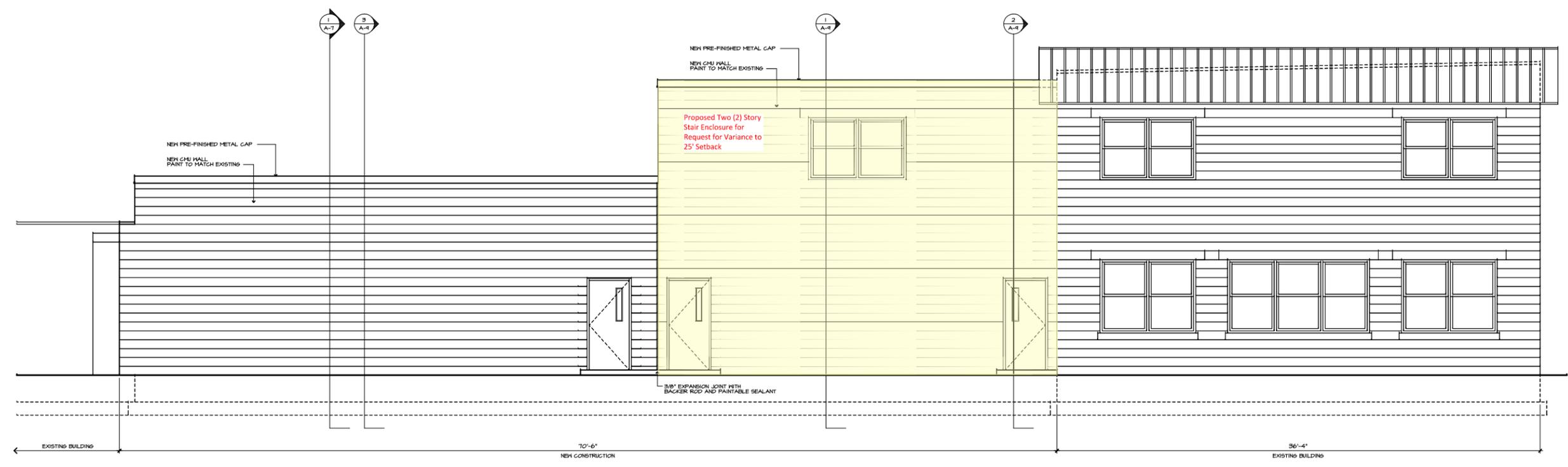
ZIOLKOWSKI
Construction, Inc.
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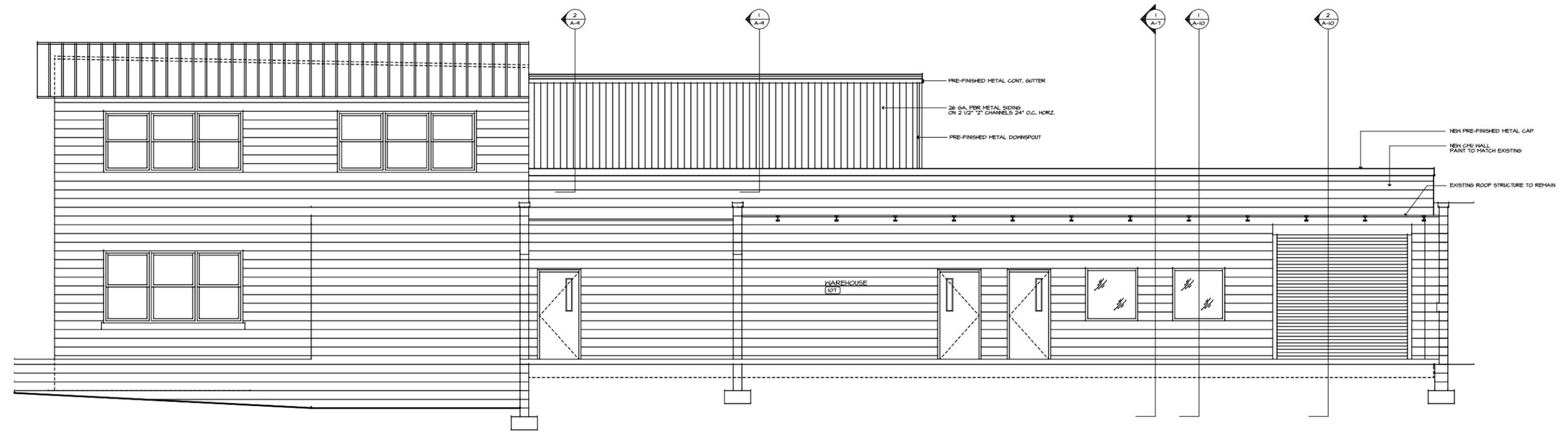
FIRE RESTORATION - PHASE 3
GOSHEN STAMPING
 1025 S. 10TH ST.
 GOSHEN, INDIANA 46526

EXTERIOR
 ELEVATIONS

SHEET
A-6



SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH ELEVATION / BUILDING SECTION
 SCALE: 1/4" = 1'-0"



LOCATION: 601 S 5th Street
CASE NUMBER: 24-21DV

DATE: June 25, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Goshen Public Library (owner); Ratio Architects, LLC

REQUEST: The applicants request developmental variances for changes to the south parking area of the library to allow:

- A 19' front building setback along Main Street where 35' is required for an approximately 1,023 SF chiller building
- A 10' front building setback along 5th Street where 35' is required for a an approximately 410 SF pavilion
- A wall 8' in height where fences and walls cannot exceed 4' in height for a dumpster enclosure in the front yard setbacks along Main Street and 5th Street
- Parking spaces 18' in depth where a minimum of 20' is required
- Garbage truck maneuvering up to 20' into the 5th Street right of way where maneuvering shall be accomplished without entering a public right-of-way
- One existing non-illuminated four-sided freestanding sign 51" in height with 15 SF sign faces and three existing non-illuminated wall signs approximately 16 SF in area where only ground signs are permitted
- For the variance to be valid for up to one year before the zoning clearance is issued

LOT SIZE: ±2.4 Acres; ±1,362' of frontage (±743' on Main Street & ±619' on 5th Street); depth varies

APPLICABLE ZONING: Residential R-1 & R-3

NOTICES SENT: 101

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Historic Southside

THOROUGHFARES: Main Street, 5th Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District
B.3. On arterial streets, the front yard shall be a minimum distance of 35 feet
- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Design Standards for Parking Lots and Spaces
B. All parking facilities shall be arranged so that parking maneuvers shall be accomplished without entering a public right-of-way or walkway within or adjoining the facility
C. Land area dimensions of the parking facilities shall follow these minimum standards:
Stalls with 90-degree parking angles shall have a depth of 20.0'
- ◇ Goshen Zoning Ordinance, *Section 5130*, Fence Regulations
B. Fences Permitted in Residential and Business Districts
1. Fences and walls not exceeding four feet in height shall be permitted in the front yard.

◇ Goshen Zoning Ordinance, *Section 5100.3*, Permitted Signs by District

A. Signs permitted in the A-1 Agricultural District and R-1, R-1S, R-2, and R-4 Residential Districts are as follows:

1. The maximum aggregate area for all signs on the zoning lot, regardless of sign type, shall be no greater than eight (8) square feet.
2. Only ground signs are permitted.

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 Goshen Public Library, an approximately 2.4-acre property bounded by Main Street and 5th Street in the center of the City. Zoning is primarily Residential R-1, although the northwest portion of the property is zoned R-3. The building has an approximate footprint of 22,690 SF and includes public access areas on the ground floor and basement. Parking areas on the north and south side of the building have a total of 105 spaces. Access to the lots is from 5th Street only, while exits to both Main Street and 5th Street are provided.

Planning records date back to 1967, when the building appears to have been just under 12,000 SF with 25 parking spaces available. Since that time, the acquisition of surrounding homes and the vacation of the Purl Street right of way allowed both the building and parking areas to expand. Variance approvals have included:

- 1990 – use variance to allow parking lot in residential area
- 1992 – use and developmental variances to allow building and parking area expansions
- 1993 – variances from parking count relief and 0' parking setbacks along Main Street, 5th Street, and Purl Street
- 2008 – variances allowing parking lot expansion on north side of property

The petitioners are now proposing to make changes to the south side of the property that will require developmental variances. The project scope includes the following:

- Reconfiguration of the existing parking area for 10 parking spaces along 5th Street where the existing layout has 21 spaces. The proposed spaces will be 18' in depth where stall depth for 90 degree spaces is 20', requiring a developmental variance
- Relocation of dumpster to south side of parking area. Garbage trucks will have to reverse into the right of way as they exit, so a variance is needed. The proposed dumpster will have an enclosure wall 8' in height where 4' is allowed, requiring a developmental variance
- Build a new chiller enclosure approximately 1,023 SF in area in the lawn off the southwest corner of the main building. The existing chiller is located in a parking island, and vehicle weight on the paving has crushed underground lines to the chiller, adversely impacting the cooling in the building. The chiller will have a 19' front building setback from the Main Street property line where 25 is required
- Construction of an approximately 410 SF open air pavilion enclosure over a patio on the southeast corner of the building. The pavilion will have a 10' front building setback from 5th Street where 35 is needed.

There are no changes to signs included in the current project. However, the petitioners are requesting variances to allow several existing non-conforming and/or unapproved signs to remain on the property. Several years ago, signage was added to all four sides of the drop box along 5th Street so that it now also functions as a freestanding sign. Each sign face is approximately 15 SF in area and the sides are non-illuminated. Additionally, there are three non-illuminated channel letter signs on the west, north, and east walls, each approximately 16 SF in area. The freestanding and wall signs are not permitted in the R-1 District, where only small ground signs are allowed.

Goshen's Comprehensive Plan seeks to "maintain excellent library facilities" as a means by which to promote lifelong learning among the City's residents (Community Services & Facilities 5.5). The library also serves as an essential gathering place for the public. With those things in mind, approval of a set of relatively minor

developmental variance requests is warranted as it is beneficial to the general welfare. The reconfiguration of the parking lot and chiller location won't result in major changes to the appearance of the site and will allow improvements to the cooling system in the building that will benefit library staff and patrons. Furthermore:

- The proposed 19' front building setback for the chiller enclosure will match the existing building line along Main Street
- The proposed 10' front building setback for the pavilion will match the existing building line along 5th Street. At slightly over 400 SF in size, the proposed pavilion will be relatively small, and comparable to pergolas permitted on adjacent residential properties
- The proposed 0' front parking setback does not need a variance because it matches the existing parking setback and was approved by a 1993 variance.
- The proposed 18' depth of the parking spaces is reasonable because the property is too narrow in the subject location to provide deeper spaces. The proposed 24' wide driving aisle adjacent to the spaces meets the minimum requirement. The BZA has approved 18' deep spaces on other projects, including the drive through restaurant (Taco Bell) at 1822 Lincolnway East and an industrial parking lot at 2442 E Kercher Road.
- Garbage truck maneuvering in the right of way is a result of the limited dimensions of the property. Most of said maneuvering will occur on the property, with just the tail of the trucks projecting into the right of way, a large portion of which is between landscape islands
- The proposed height of the dumpster enclosure wall is necessary to visually block a dumpster; the enclosure will not be located in any vision clearance areas.
- Given the library's large number of daily users and its size at over 2 acres, the freestanding and wall signs are reasonable development of the property. All are non-illuminated, and none are conspicuously large. The metal channel letters of the wall signs match the design features of the building.

Staff recommends including several additional conditions with the approval. The library is located in the Historic Southside neighborhood and is surrounded on all sides by residential properties, many of which are single family homes. The existing brick library building with peaked roof is in keeping with the character of the neighborhood. Its existing chiller is made of brick that matches the main building, and the new chiller and pavilion should be of a colors and materials that match the building and are within the character of the neighborhood.

A number of existing mature trees around the building and within the parking lots are in need of pruning. These include a long row of maples along 5th Street, a declining maple with numerous large dead branches off the northwest corner of the building, and trees such as a birch tree with limbs over walkways. As part of this project, these trees should be professionally pruned; the library and its contractors should first consult with the City Forester about his preferences on pruning.

FINDINGS OF FACT

Staff recommends **approval** of the request for developmental variances for changes to the south parking area of the library to allow:

- A 19' front building setback along Main Street where 35' is required for an approximately 1,023 SF chiller building
- A 10' front building setback along 5th Street where 35' is required for a an approximately 410 SF pavilion
- A wall 8' in height where fences and walls cannot exceed 4' in height for a dumpster enclosure in the front yard setbacks along Main Street and 5th Street
- Parking spaces 18' in depth where a minimum of 20' is required
- Garbage truck maneuvering up to 20' into the 5th Street right of way where maneuvering shall be accomplished without entering a public right-of-way
- One existing non-illuminated four-sided freestanding sign 51" in height with 15 SF sign faces and three existing non-illuminated wall signs approximately 16 SF in area where only ground signs are permitted
- For the variance to be valid for up to one year before the zoning clearance is issued, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Approval of the request will help improve cooling conditions in the much-used library building, benefiting the general welfare. Garbage truck maneuvering will occur mostly on private property and is a result of the limited property dimensions. The proposed dumpster enclosure will not be located in any vision clearance areas. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The proposed building setbacks are in keeping with the existing building on the property. The proposed signs are relatively small and few in number given the property's overall 2.4-acre size and the number of patrons it serves. *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.** Although the property is zoned for residential use, it is the main library in the City and a building that serves many people beyond the subject neighborhood. The size of the property limits the space available for buildings and parking areas, so some encroachments in setbacks and slightly decreased parking space depth is reasonable. *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within one (1) year of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. Approval by the Engineering and Fire Departments through Technical Review is required.
5. Approval of a building permit is required.
6. Approval by the Board of Public Works for the proposed public swing shall be required.
7. The colors and materials used for the chiller and pavilion shall be the same or similar to those used for the existing main library building.
8. Existing mature trees within the north and south parking lots and surrounding the primary building shall be professionally pruned no later than April 1, 2025, with pruning preceded by a consultation with the City Forester.



Looking west across 5th Street at freestanding sign/book drop



Looking south



Looking west across 5th Street at proposed location of pavilion



Looking north along 5th Street



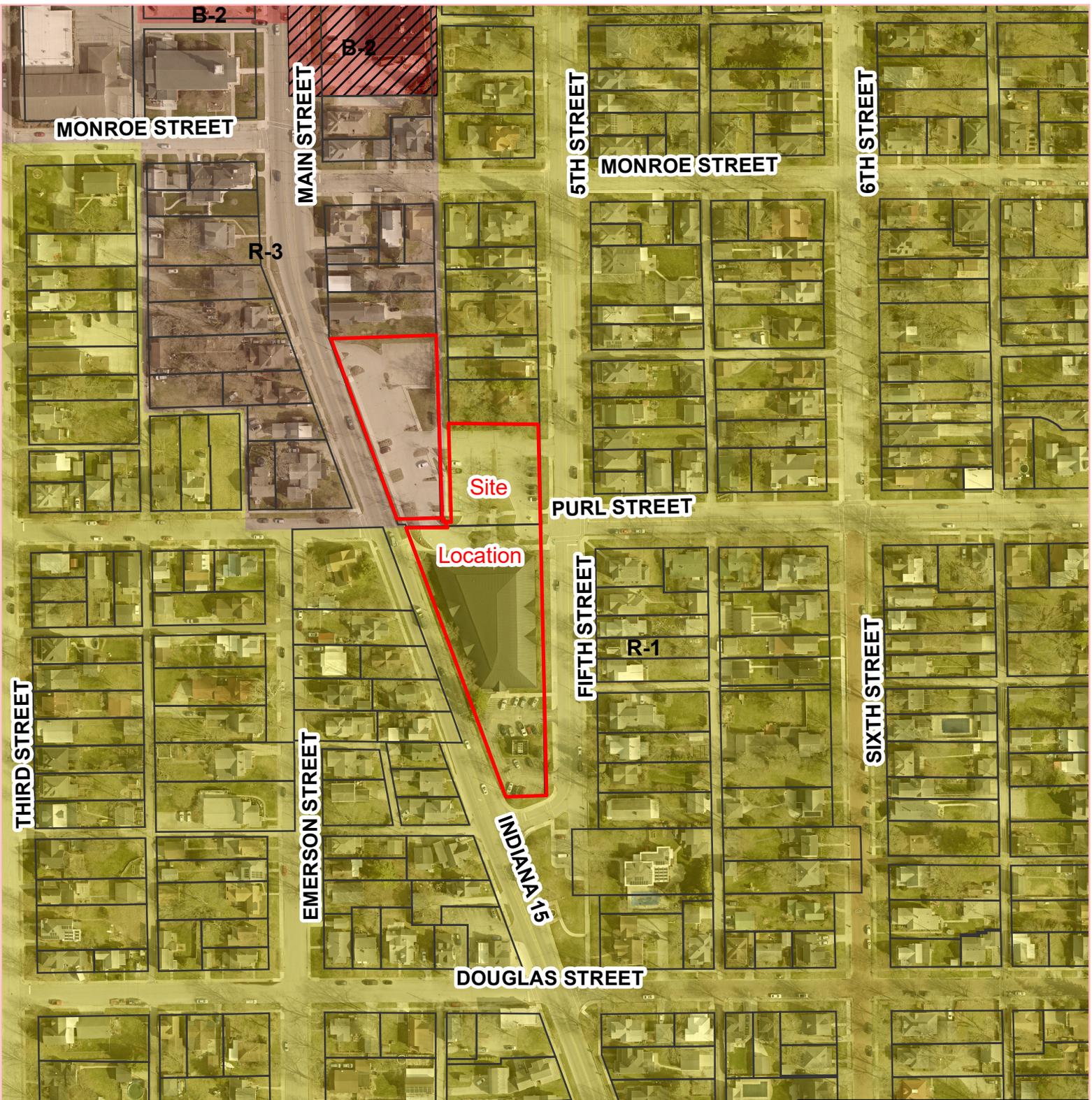
Looking north along Main Street property line



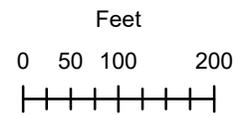
Looking northeast across Main Street



Looking southwest at existing chiller building in parking island



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.



1 inch = 200 feet

601 S 5th St

2023 Aerial
Printed June 6, 2024

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

June 5, 2024

Rossa Deegan, AICP
Assistant Planning & Zoning Administrator
City of Goshen
204 E Jefferson St, Suite 4
Goshen, IN 46528



RATIO DESIGN
101 S PENNSYLVANIA ST
INDIANAPOLIS IN 46204

RATIODESIGN.COM

Re: Goshen Public Library – Petition Variances Requested

Mr. Deegan:

Thank you for the opportunity to provide a detailed description of the petitioned variances requested for the Goshen Public Library. We are excited for the future of Goshen, and we look forward to working together to make the Library renovation a successful project.

As a designated representative of Goshen Public Library, we respectfully submit the enclosed materials as part of the information required in support of the petition for Zoning Variances for the Goshen Public Library.

1. Application
2. Authorized Agent Letter from Goshen Public Library
3. Legal description of the library property, included on the survey sheets attached (sheets S1.1, S1.2, S1.3, S2.1 and S2.2)
4. Existing property conditions
 - a. Existing site survey files (as noted above)
 - b. Existing building plans (AD-101 First Floor and AD-100 Lower Level)
5. Proposed library work
 - a. Proposed overall site plan (sheet A-100 Overall Site Plan, A-101 Enlarged Site Plan, A-201 Exterior Elevations, C1.1 Site Layout and Demolition Plan)
 - b. Enlarged site plan (demolition and new on sheet C1.1)

Listed below are the following requested variances:

1. Minor intrusion of no more than 10 feet into the southbound lane of South 5th Street and no more than 20 feet overall into the public right-of-way for a garbage truck to access the dumpster when no intrusion is permitted in accord with Goshen City Zoning Ordinance, hereinafter “the Ordinance”, § 5120.1.B.;

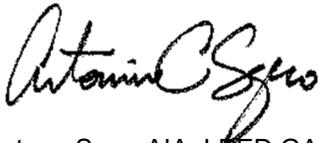
**Design
for
Impact.**

INDIANAPOLIS
CHICAGO
DENVER
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CHAMPAIGN, IL
MILWAUKEE

2. Stall depth of 18 feet for (10) ten of the total (12) twelve new 90°-angle parking spaces in the parking lot south of the library building when the Ordinance, § 5110.3.C, requires a stall depth of 20 feet;
3. Front yard setbacks of 19 feet for the *proposed chiller wall* along Main Street, consistent with the existing setback of the main library building (19 feet), when the Ordinance, § 4140.3.B.3 requires a 35-foot setback on an arterial street in an R-1 district;
4. Front yard setbacks of 10 feet, 3 inches for the *proposed pavilion* along 5th Street, consistent with the existing setback of the main library building (19 feet), when the Ordinance, § 4140.3.B.3 requires a 35-foot setback on an arterial street in an R-1 district;
5. Fence height of 8 feet for the dumpster wall when the Ordinance, § 5130.B.1, limits the height of front yard fences to four (4) feet;
6. A sign area of 57.7 square feet for a freestanding multi-face bulletin sign (the book return drop box) when the Ordinance, § 5100.2.A.2, limits the display area to 60 square feet; Existing wall-mounted signs include two wall-mounted, non-illuminated building identification signs, each totaling 16 square feet. Total proposed exterior sign area = $57.7 + 16 + 16 = 89.7$ square feet.
7. Request for the variance to be valid for one year.

Please refer to sheet A-100 for additional information relative to site statistics. If you have any questions or comments, please let us know.

All the best,

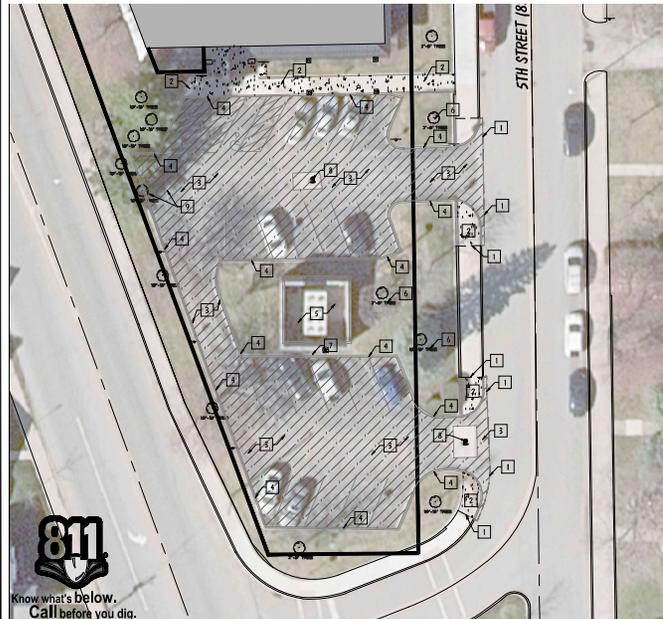


Antone Sgro, AIA, LEED GA
Senior Associate, Architecture
RATIO Architects, LLC

cc: Mr. Bill Davis, Ann-Margaret Rice, Ross Riker



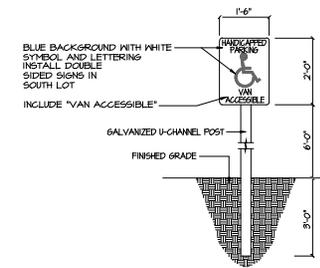
Site Development Plan
Scale: 1" = 20'



Site Demolition Plan
Scale: 1" = 20'

CONSTRUCTION NOTES: GRADING AND PAVING

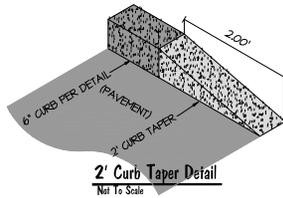
- 1. PROVIDE AND INSTALL STANDARD CONCRETE PAVEMENT PER DETAIL THIS SHEET.
- 2. PROVIDE AND INSTALL STAFFED CONCRETE PAVEMENT PER CONCRETE SIDEWALK DETAIL THIS SHEET. CONTRACTOR TO COORDINATE EXACT STYLE WITH ARCHITECT AND OWNER.
- 3. PROVIDE AND INSTALL CONCRETE DUMPSTER PAD PER DETAIL THIS SHEET.
- 4. PROVIDE AND INSTALL CONCRETE MECHANICAL PAD AND ENCLOSURE PER MECHANICAL AND ARCHITECTURAL DETAILS AND SPECIFICATIONS.
- 5. PROVIDE AND INSTALL CONCRETE WALK PER DETAILS THIS SHEET.
- 6. PROVIDE AND INSTALL INTEGRAL CONCRETE CURB AND WALK PER DETAIL THIS SHEET.
- 7. PROVIDE AND INSTALL 4" CONCRETE CURB PER DETAIL THIS SHEET. CURB TO TAPER FROM 6" TO FLUSH AT SIDEWALK PER DETAIL THIS SHEET.
- 8. PROVIDE AND INSTALL DETECTABLE WARNING PLATE PER DETAIL THIS SHEET. REFER TO SHEET (C2) FOR DETAILED GRADING INFORMATION THIS AREA.
- 9. PROVIDE AND INSTALL HANDICAP SIGN PER DETAIL THIS SHEET.
- 10. PROVIDE AND INSTALL ACCESSIBLE PARKING PAVEMENT (SHOPING BLEU) AS SHOWN ON PLANS PAVEMENT MARKINGS SHALL BE INSTALLED IN ACCORDANCE WITH PROJECT AND MANUFACTURER'S SPECIFICATIONS AND INDIANA CODE 5-8-6-4.
- 11. PROVIDE AND INSTALL PAVEMENT STRIPING (WHITE) AS SHOWN ON PLANS PAVEMENT MARKINGS SHALL BE INSTALLED IN ACCORDANCE WITH PROJECT SPECIFICATIONS AND MANUFACTURER'S SPECIFICATIONS.
- 12. PROVIDE AND INSTALL PROTECTIVE BOLLARD PER DETAIL THIS SHEET.
- 13. PROVIDE A MINIMUM OF 6" OF CLEAN FERTILE TOPSOIL CAPABLE OF SUSTAINING LAWN GROWTH. PROVIDE AND SEED LAWN IN ACCORDANCE WITH PROJECT SPECIFICATIONS. REPAIR/DAMAGED LAWN AREAS IN ACCORDANCE WITH PROJECT SPECIFICATIONS.
- 14. PROVIDE AND INSTALL DUMPSTER ENCLOSURE FENCE PER ARCHITECTURAL DETAILS AND SPECIFICATIONS.
- 15. PROVIDE AND INSTALL CONCRETE WHEELSTOP PER DETAIL SHEET (C2).



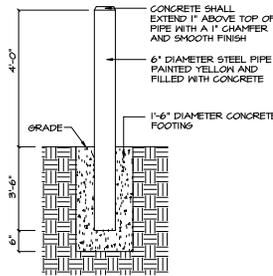
Handicap Sign Detail
Not To Scale

Demolition Notes

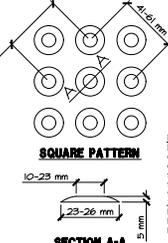
- 1. SAW CUT EXISTING ASPHALT PAVEMENT/CONCRETE ALONG THIS LINE AND REMOVE AS NOTED.
- 2. COMPLETELY DEMOLISH AND REMOVE EXISTING CONCRETE WALK AS NOTED.
- 3. COMPLETELY DEMOLISH AND REMOVE EXISTING ASPHALT PAVEMENT.
- 4. COMPLETELY DEMOLISH AND REMOVE EXISTING CONCRETE CURB.
- 5. COMPLETELY DEMOLISH AND REMOVE EXISTING ENCLOSURE, FOUNDATION, AND ASSOCIATED UTILITIES. COORDINATE ANY UTILITY REMOVAL WITH THE LOCAL UTILITY PROVIDER AND MEP CONTRACTORS.
- 6. COMPLETELY DEMOLISH AND REMOVE EXISTING TREE IN ITS ENTIRETY.
- 7. EXISTING LIGHT POLE AND BASE TO BE REMOVED. COORDINATE ACTIVITIES WITH ELECTRICAL CONTRACTOR.
- 8. EXISTING STORM DRAINWELL TO BE COMPLETELY DEMOLISHED AND REMOVED. CONTRACTOR TO ENSURE THAT ANY EXISTING PIPING TO THESE STRUCTURES IS REROUTED TO THE NEW INLETS SHOWN SHEET (C4).
- 9. REMOVE AND DEMOLISH EXISTING BOLLARDS IN THEIR ENTIRETY.



2' Curb Taper Detail
Not To Scale



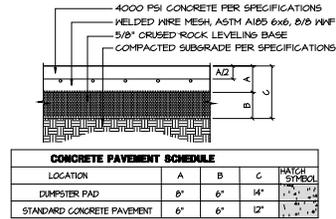
Protective Bollard Detail
Not To Scale



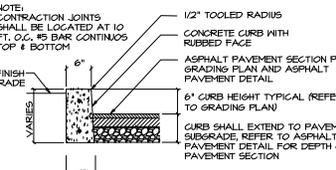
Square Pattern
Not To Scale



Truncated Domes for Detectable Warnings
Not To Scale



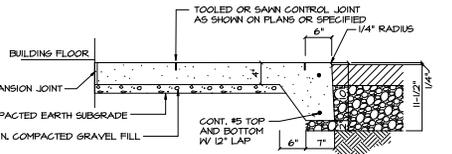
Concrete Pavement Detail
Not To Scale



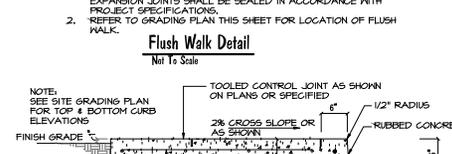
Concrete Curb Detail
Not To Scale

GENERAL NOTES:

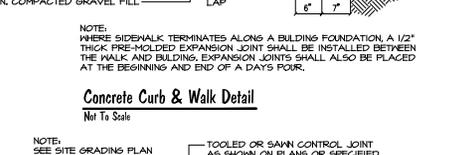
- 1. THE CONTRACTOR SHALL ENSURE THE CONDITION OF ALL EXISTING IMPROVEMENTS INDICATED TO REMAIN. IN ADDITION THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITY LINES, AND ENSURE THE PROPER FUNCTIONING OF THESE SERVICES DURING CONSTRUCTION.
- 2. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY SIGNAGE AND BARRICADES FOR THE PROTECTION AND SAFETY OF VEHICULAR AND PEDESTRIAN TRAFFIC.
- 3. ALL BACKFILL AND FILL MATERIALS BENEATH LANING, PAVED AREAS, AND BUILDINGS SHALL COMPLY WITH PROJECT SPECIFICATIONS.
- 4. EXISTING TREES, VEGETATION AND LANDSCAPING AREAS NOT INDICATED TO BE REMOVED SHALL BE PROTECTED FROM DAMAGE CAUSED BY CONSTRUCTION ACTIVITIES DURING CONSTRUCTION.
- 5. POUR-IN-PLACE SITE CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI, UNLESS OTHERWISE SPECIFIED.
- 6. ALL AREAS WITHIN THE CONSTRUCTION LIMITS NOT SPECIFICALLY DESIGNATED TO RECEIVE PAVEMENT, MISC. OR BUILDING SHALL BE CONSIDERED LAWN AREA. ALL LAWN AREAS SHALL RECEIVE A MINIMUM OF SIX INCHES OF TOPSOIL THAT WILL SUSTAIN LAWN GROWTH.
- 7. PROPOSED PAVEMENT ELEVATIONS ARE CRITICAL TO MAINTAINING DRAINAGE PATTERNS. ALL ELEVATIONS MUST BE WITHIN TOLERANCES STATED IN PROJECT SPECIFICATIONS AND WILL BE INSPECTED THROUGHOUT, AND AT THE COMPLETION OF CONSTRUCTION. COORDINATE INSPECTORS WITH ENGINEER AND SUPERVISOR RESPONSIBLE FOR CONSTRUCTION STAGING PRIOR TO INSTALLATION OF ASPHALT PAVEMENT SECTION.
- 8. FINISH FLOOR ELEVATIONS SHOWN ON THE EXISTING BUILDING ARE FOR REFERENCE ONLY, AND SHOULD NOT BE USED AS A PROJECT BENCHMARK. THE ESTABLISHED PROJECT BENCHMARK AND ITS LOCATION NOTED ON THE CONSTRUCTION DOCUMENTS SHALL BE THE ONLY ACCEPTABLE BENCHMARK FOR THE PURPOSE OF NEW CONSTRUCTION.
- 9. WHERE SIDEWALK IS CONSTRUCTED IMMEDIATELY ADJACENT TO CURB, THE SURFACE OF THE SIDEWALK SHALL BE CONSTRUCTED 1/2 INCH HIGHER THAN THE TOP OF THE CURB.
- 10. TRANSVERSE JOINTS SHALL BE CUT WITH A JOINTER HAVING A RADIUS OF 1/2 INCH OF SPACING AS INDICATED OR DIRECTED.
- 11. COST OF TRANSVERSE PERFORMED JOINT FILLER TO BE INCLUDED IN CONTRACT PRICE FOR CONCRETE SIDEWALK.
- 12. COMPACTED SUB-GRADE - SUB-GRADE UNDER ALL CURB, SIDEWALKS, AND DRIVES SHALL BE COMPACTED IN ACCORDANCE WITH SECTION 207 OF THE STANDARD SPECIFICATIONS. SPECIAL ATTENTION SHALL BE PAID TO UTILITY TRENCHES. THE UPPER 6 INCHES SHALL COMPLY WITH THE DENSITY REQUIREMENTS OF THE CONTRACT IMMEDIATELY PRIOR TO PLACING THE MATERIAL THEREAFTER. ALL SOFT, YIELDING, OR OTHER UNSUITABLE MATERIAL WHICH CANNOT BE COMPACTED SATISFACTORILY SHALL BE REMOVED. ALL ROCK ENCOUNTERED SHALL BE REMOVED OR BROKEN OFF AT LEAST SIX (6) INCHES BELOW THE SUB-GRADE SURFACE. ANY HOLES OR DEPRESSIONS RESULTING FROM THE REMOVAL OF UNSUITABLE MATERIAL SHALL BE FILLED WITH SATISFACTORY MATERIAL AND COMPACTED TO CONFORM WITH THE SURROUNDING SUB-GRADE SURFACE.
- 13. DECORATIVE SIDEWALKS ARE NOT ALLOWED.
- 14. ADA SIDEWALK RAMPFIS MUST BE CONSTRUCTED IN ACCORDANCE WITH THE MOST RECENT MOIST STANDARDS WHERE SIDEWALK IS CONSTRUCTED ADJACENT TO THE CURB, THE SPACE BEHIND THE NEW CURB SHALL BE FILLED WITH GRANULAR MATERIAL TO THE REQUIRED ELEVATION AND COMPACTED IN LAYERS NOT TO EXCEED 4 INCHES.
- 15. WHERE SIDEWALK IS CONSTRUCTED ADJACENT TO THE CURB, THE SPACE BEHIND THE CURB SHALL BE FILLED WITH SIFTABLE MATERIAL TO THE REQUIRED ELEVATION AND COMPACTED IN LAYERS NOT TO EXCEED 4 INCHES.
- 16. WHEN BUILT IN CONJUNCTION WITH CONCRETE PAVEMENT, EXPANSION AND CONTRACTION JOINTS SHALL BE PLACED AT THE SAME LOCATION AS IN THE PAVEMENT SLAB. THE CURB AND OUTER SHOULD BE TIED TO THE PAVEMENT BY 1/2 INCH ROUND PREPARED EPOXY COATED BARS AT APPROXIMATELY 3 FOOT INTERVALS. IF NO CONCRETE PAVEMENT IS BEING BUILT AT THE TIME THE CURB IS CONSTRUCTED, EXPANSION JOINTS SHOULD BE PLACED AT THE END OF ALL RETURNS AND AT INTERVALS NOT TO EXCEED 100 FEET. CONTRACTION JOINTS SHALL BE INSTALLED AT 20 FOOT INTERVALS.



Flush Walk Detail
Not To Scale



Concrete Curb & Walk Detail
Not To Scale



Concrete Sidewalk Detail
Not To Scale

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ForeSight
EXPERIENCE. INNOVATION. RESULTS.

Certification:
Professional Engineer
No. 1922312
State of Indiana
Exp. 12/31/2024

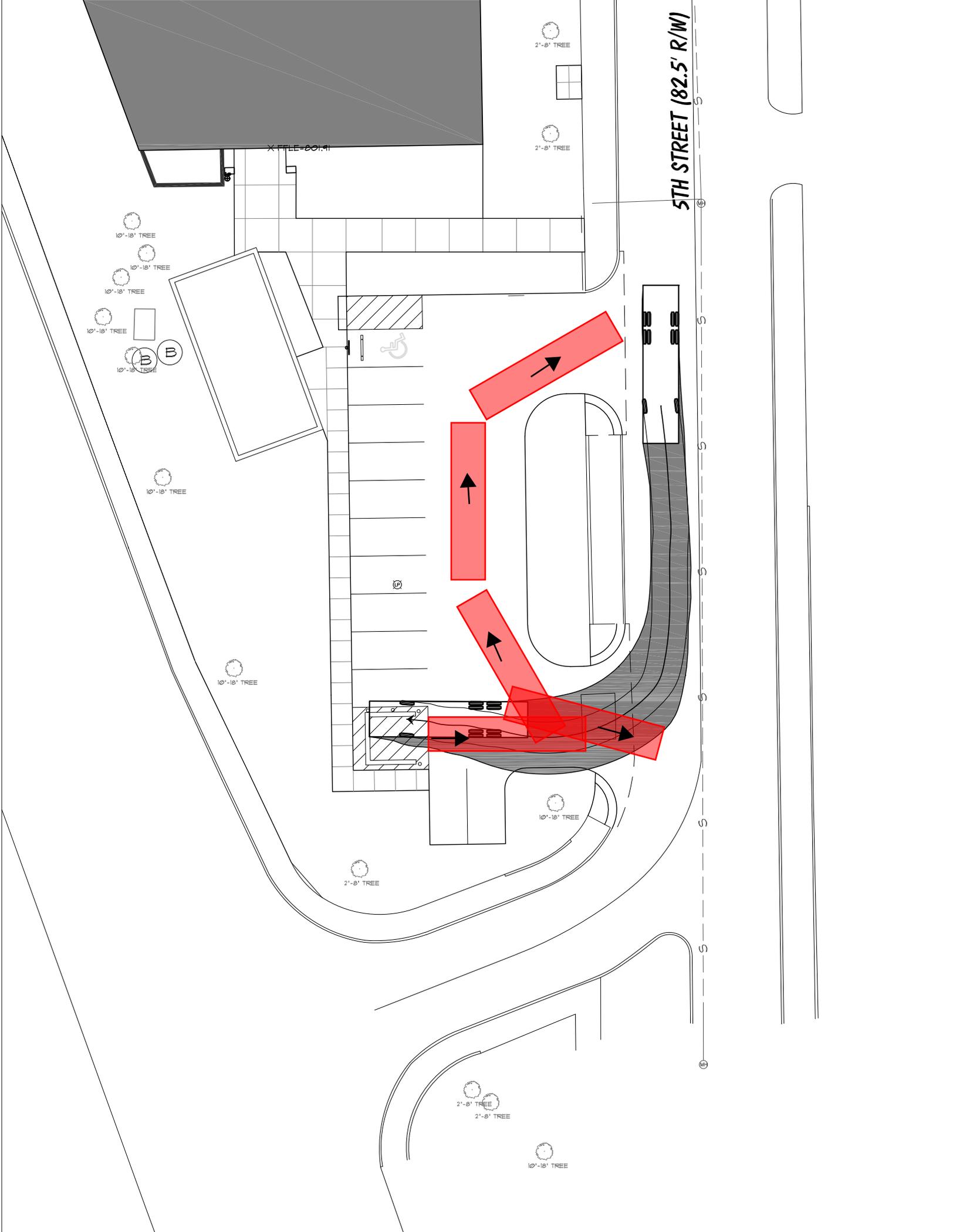
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Performed for:
goshen public library
601 South 5th Street, Goshen, Indiana 46526

Site Development Plan For: Parking & MEP Renovations

Drawing Revisions
Commission Number: 233695
Date: April 18th, 2024
Title: Site Development Plan
Sheet Number: C1.1

PRELIMINARY REVIEW SET - NOT FOR CONSTRUCTION



GOSHEN PUBLIC LIBRARY
601 S. 5th Street
Goshen, Indiana
46526

Owner
Goshen Public Library
601 S. 5th St.
Goshen, IN 46526
574-533-6531

Architect
RATIO
101 South Pennsylvania Street
Indianapolis, Indiana 46204
317-633-4040

Structural Engineer
CE Solutions
8770 North St. #100
Fishers, IN 46038
317-818-1912

Mechanical / Electrical Engineer
KBSCO Consulting LLC
275 Veterans Wy, Suite 300
Carmel, IN 46032
317-344-8044

Civil Engineer
ForeSight Consulting, LLC
1910 St. Joe Center Rd., STE 51
Fort Wayne, IN 46825
260-484-9900

Asbestos and Lead Abatement Testing Engineer
ACM Engineering & Environmental Services, Inc.
839 Mill Lake Road, Suite 400
Fort Wayne, Indiana 46845
260-483-9795

SEAL / DATE 4/19/24

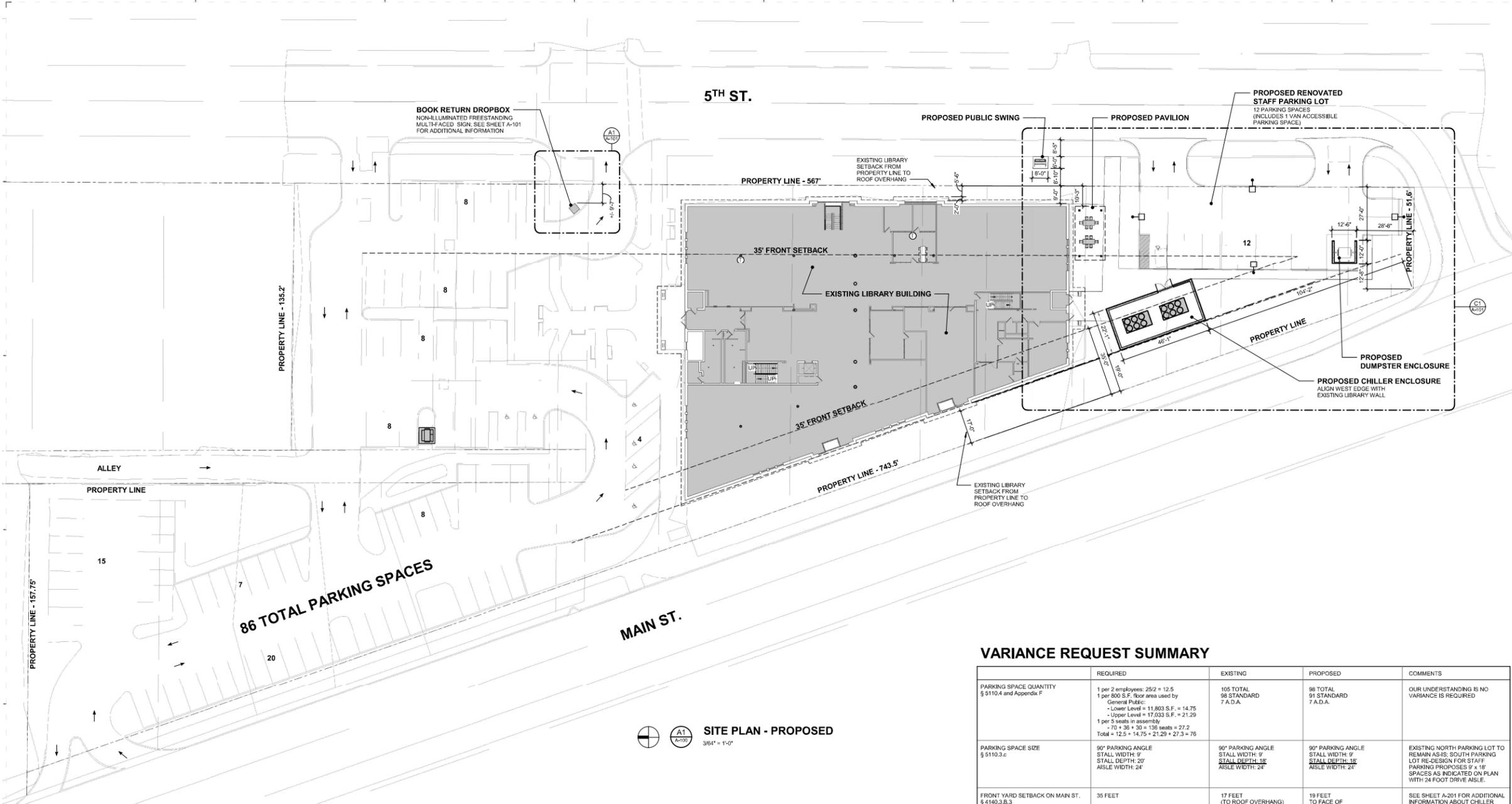
SHEET ISSUE	
1 SD Pricing Set	02/19/24
2 DD Pricing Set	4/19/24

RATIO
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PROJECT NO. 21730.001

SHEET TITLE
SITE PLAN

SHEET NUMBER
A-100



SITE PLAN - PROPOSED
3/8" = 1'-0"

VARIANCE REQUEST SUMMARY

	REQUIRED	EXISTING	PROPOSED	COMMENTS
PARKING SPACE QUANTITY § 5110.4 and Appendix F	1 per 2 employees: 25/2 = 12.5 1 per 800 S.F. floor area used by General Public: - Lower Level = 11,803 S.F. = 14.75 - Upper Level = 17,033 S.F. = 21.29 1 per 5 seats in assembly - 70 + 36 + 30 = 136 seats = 27.2 Total = 12.5 + 14.75 + 21.29 + 27.3 = 75	105 TOTAL 98 STANDARD 7 A.D.A.	98 TOTAL 91 STANDARD 7 A.D.A.	OUR UNDERSTANDING IS NO VARIANCE IS REQUIRED
PARKING SPACE SIZE § 5110.3.c	90° PARKING ANGLE STALL WIDTH: 9' STALL DEPTH: 20' AISLE WIDTH: 24'	90° PARKING ANGLE STALL WIDTH: 9' STALL DEPTH: 18' AISLE WIDTH: 24'	90° PARKING ANGLE STALL WIDTH: 9' STALL DEPTH: 18' AISLE WIDTH: 24'	EXISTING NORTH PARKING LOT TO REMAIN AS-IS. SOUTH PARKING LOT RE-DESIGN FOR STAFF PARKING PROPOSES 8' x 18' SPACES AS INDICATED ON PLAN WITH 24 FOOT DRIVE AISLE.
FRONT YARD SETBACK ON MAIN ST. § 4140.3.B.3	35 FEET	17 FEET (TO ROOF OVERHANG) 19 FEET (TO BLDG. FACE)	19 FEET TO FACE OF PROPOSED CHILLER WALL	SEE SHEET A-201 FOR ADDITIONAL INFORMATION ABOUT CHILLER WALL
FRONT YARD SETBACK ON 5TH ST. § 4140.3.B.3	35 FEET	5 FEET, 6 INCHES (TO ROOF OVERHANG) 7 FEET, 6 INCHES (TO BLDG. FACE)	10 FEET, 3 INCHES TO FACE OF PROPOSED PAVILION ROOF	SEE SHEET A-201 FOR ADDITIONAL INFORMATION ABOUT PAVILION
BUILDING COVERAGE § 4140.4	MAX. 35% COVERAGE	22% SITE AREA = 103,000 S.F. BUILDING AREA = 22,890 S.F.	23.4% SITE AREA = 103,000 S.F. BUILDING AREA = 24,142 S.F.	NEW AREA INCLUDES PAVILION AND CHILLER ENCLOSURE
FENCE HEIGHT IN FRONT YARD § 5130.B.1 [TRASH FENCE ENCLOSURE]	MAX. 4 FOOT HEIGHT	N/A (NO FENCE)	8 FEET	INTENT TO DEMOLISH EXISTING BRICK MASONRY CHILLER ENCLOSURE FENCE AND BUILD NEW BRICK MASONRY CHILLER ENCLOSURE
SIGN AREA § 5100.2.A.2	MAX. 60 SQUARE FEET WHEN LOT WIDTH EXCEEDS 200 FEET	32 SQUARE FEET	PROPOSED: 87.7 S.F. FOR FREESTANDING SIGN 32 S.F. FOR WALL MOUNT SIGN TOTAL = 89.7 S.F.	INTENT TO DEMOLISH EXISTING BRICK MASONRY CHILLER ENCLOSURE FENCE AND BUILD NEW BRICK MASONRY CHILLER ENCLOSURE

NOT FOR CONSTRUCTION

6/6/2024 8:10:30 AM

Deegan, Rossa

From: Garry Potts <gpotts@professionalpermits.com>
Sent: Friday, May 24, 2024 5:16 PM
To: Deegan, Rossa
Subject: Goshen First Church
Attachments: Goshen First Church taller base.pdf

Warning: The sender of this email could not be validated and may not match the person in the "From" field.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rossa,

Good afternoon! We would like to share this revision with you to their previously denied variance request. We are requesting the board to waive the six-month waiting period. The church has agreed to reduce the EMC colors to white characters on a black background at night. The remainder of the proposal remains the same. They intend to host a neighborhood meeting to share the sign design with the neighbors to obtain their feedback and resolve any concerns before any scheduled board meeting. Please let me know if you have any questions.

Thank you,

Garry Potts II, Owner
Professional Permits
58171 Dragonfly Ct
Osceola, IN 46561
574-229-0635
www.professionalpermits.com



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