

Minutes - Goshen Board of Zoning Appeals  
Tuesday, August 27, 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: Hesston Lauver, Tom Holtzinger, Lee Rohn, Matthew Fisher, and James Loewen. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez.

Mr. Deegan introduced Kimberly Cazabal Gonzalez as the Youth Advisor to the BZA, explaining she was elected by classmates at Goshen High School. She is a non-voting member of the Board and is here to offer input and possibly new perspective. Board members are welcome to ask her questions if they would like her input.

**II.** Approval of Minutes from 7/23/24: Lauver/Rohn 5-0

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

**IV.** Postponements/Withdrawals – none

**V. Use & Developmental Variances – public hearing items**

**24-24DV** – Next Step Builders, LLC, Mattie Nisley, and Sun The Willows, request a developmental variance to allow a 13’ front building setback where a minimum of 15’ is required for the construction of an approximately 120 Sf front porch addition. The subject property is generally located at #3 The Willows and is zoned Residential R-4 District.

*Staff Report*

Mr. Deegan explained this home is approximately 2400 sf in size and located at The Willows, a manufactured home community. It has a two-stall garage and a concrete porch stoop at the front door. The petitioners would like to replace the stoop with an approximately 120 sf porch. The minimum front setback for lots is 15’ and the proposed setback is 13’.

Mr. Deegan reminded Board members that earlier this year a similar request was approved for a home in this community to allow a 10’ setback for a porch. He noted this is somewhat common and Staff has encouraged the petitioners to seek a blanket variance to allow this type of setback. He noted he has not heard back, but feels this would eliminate multiple requests of this type.

Staff recommends approval and was not contacted by the public regarding this request.

*Petitioner Presentation:*

Sam Shultz, Next Step Builders, 2706 Berkey Avenue spoke on behalf of the petitioner. He stated the existing porch stoop is fiberglass and they will build more permanent steps for this porch.

*Audience Comments:* None

*The public hearing was closed.*

*Staff Discussion:*

Mr. Fisher questioned who would need to submit the request to allow a reduced setback for the park. Mr. Deegan stated it would have to be authorized by the park, but could be submitted by the contractor.

*Action:*

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

**24-25DV** – Signtech Sign Services and Goshen Industrial Park Landowners Association request a developmental variance to allow a 160 Sf non-illuminated freestanding sign with an overall height of 16’ to replace a nonconforming sign of the same area installed in the City right of way. The subject property is generally located at the northwest corner of E Kercher Road and Industrial Park Drive and is zoned Industrial M-1 District.

*Staff Report*

Mr. Deegan explained a very similar request was submitted and approved by the BZA in 2019. Because the sign was not installed, the variance has expired and a new variance is required. He explained the sign being replaced is actually located within the public right-of-way and because the sign is non-conforming, BZA approval is required. The proposed sign is 16’ in height and 160 SF in area, while the existing sign is 18’ in height and 220 SF in area. Staff recommends approval of the smaller sign, noting it will also provide a cleaner look to the corner. He noted there are no concerns regarding vision clearance and this is the only sign for the industrial park. He also pointed out because this sign is located in the public right-of-way this request must also be heard by the Board of Works. He also noted for the record, a handout was provided prior to the meeting which indicates the 50’ vision clearance area. The handout shows that the existing sign is not located in the vision clearance area and the new sign will also be located outside the vision clearance area.

*Petitioner Presentation:*

Todd Lehman, 1508 Bashor Rd, Goshen spoke on behalf of the petitioner. He stated the goal was to use the existing steel base structure and the look of the sign matches what the City has been doing for other signage.

Mr. Loewen asked if the sign will be illuminated.

Mr. Lehman stated the sign will be non-illuminated.

Mr. Loewen stated that he understands this sign will meet the vision clearance requirements, but is concerned about the location, questioning if there are any accidents because of these types of signs.

Attorney Kolbus explained that the BOW and Engineering Department will also look at this request and offer comments.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion*

None

*Action:*

A motion was made and seconded, Lauver/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-25DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**24-08UV** – DJSJ, LLC requests a use variance to allow a single family dwelling unit in an existing two story building where such homes are a permitted use 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. The subject property is generally located at 1501 Lincolnway East and is zoned Commercial B-1 District.

*Staff Report:*

Mr. Deegan explained this property contains a small primary building, with a shed at the rear of the property. The primary building has most recently been used as a real estate office. This request is to use the building as a single family home, and given it’s small size, it will have one bedroom which will be located on the upper level, with living space on the first floor. The property is zoned Commercial B-1 District, which is for neighborhood commercial uses which causes the need for a use variance.

Staff recommends approval of the request, noting there are single family homes to the south along Lincolnway East, in the same B-1 District and the Meadows of College Green residential neighborhood is located directly west. He pointed out that going forward, variances for this property are likely, regardless of the use. He discussed commitment #3 from the Staff Report which states that residential use of the subject property shall have no impact on the developmental requirements of adjacent properties. This means if a business adjacent to this property wants to develop, no extra screening or additional setbacks shall be required.

Mr. Loewen asked if Lincolnway East is scheduled to be widened.

Mr. Deegan stated INDOT is currently working on a plan for the corridor, but he is not aware of any details at this time.

*Petitioner Presentation:*

Katie Yoder, 22040 CR 20, Goshen, spoke on behalf of the petitioner. She stated this was a house previously, so there is no need to add a kitchen or bathroom. The plan is to paint and update appliances. This is a single family home with one bedroom and one bathroom. There will be no structural changes to the home.

Mr. Loewen asked if this will be an owner occupied home or a rental. Ms. Yoder responded this will be a rental property.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Fisher/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-08UV with the 4 conditions and 2 commitments listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**24-27DV** – Rob & Rebecca Swihart request a developmental variance to allow a rear building setback of 18’ where a minimum of 25’ is required for the reconstruction and expansion of an approximately 390 sf attached garage. The subject property is generally located at 618 Emerson Street and is zoned Residential R-1 District.

*Staff Report:*

Mr. Deegan explained today’s request is to remove an attached garage and replace with a garage and a second story playroom. The footprint will be expanded slightly resulting in a rear setback of approximately 18’ where 25’ is required. The depth of this lot is 30’ to 60’ less than many similar lots in the same neighborhood, and for this reason, a reduced rear setback is reasonable. He explained that most of the new garage will be in the footprint of the existing garage and adjacent properties along this alley have similar encroachments in the rear yard. Staff was not contacted by the public regarding this request.

*Petitioner Presentation:*

Rob Swihart, 18280 Buckridge Court, spoke on behalf of the petitioner. He stated his daughter and her family live here and they need additional space. He’s available to answer any questions.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:* None

*Action:*

A motion was made and seconded, Rohn/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-27DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**24-28DV** – Skypoint Transit, LLC and Eagle Line Construction, LLC request a developmental variance to allow an 11' front building setback along the west side of the buggy trail where a minimum of 25' is required for the construction of an approximately 496 Sf office. The subject property is generally located at 2525 E Kercher Road and is zoned Industrial M-1 District.

*Staff Report*

Mr. Deegan explained this property contains an RV transport facility which includes a building and a large storage yard. He explained the property is cut diagonally by a trail for horse and buggy access to Wal-Mart. He explained there is a small addition to this building along the west side of the trail which the petitioners wish to demolish and rebuild for office space. The reconstructed addition will be approximately 496 sf and it will have an 11' setback from the west side of the buggy trail. He stated approval is warranted, pointing out the proposed addition will be in approximately the same place as the existing and there is still plenty of room to maneuver through the buggy trail right-of-way. He went on to say the buggy trail acts as a front yard which requires a 25' setback so the 11' setback is the reason for the variance. Approval is warranted noting the proposed addition is largely in the same place as the existing and this area acts more like a side yard than a front yard, pointing out the side yard setback would require a minimum setback of 10'. The Planning Office was not contacted by any member of the public regarding this request.

*Petitioner Presentation:*

Dewayne Yoder, Eagle Line Construction, 61886 CR 43, Goshen, spoke on behalf of the petitioner. He stated the trail has very little traffic and there are no safety concerns.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Rohn/Loewen, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-28DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**24-29DV** – SKR Investments, LLC and Abonmarche Consultants, Inc. request developmental variances to allow a 7' front parking and driving aisle setback along Dierdorff Road where 35' is required and a 0' rear (east) parking and driving aisle setback where 10' is required and for the variance to be valid for one year before the zoning clearance is issued for redevelopment of the site. The subject property is generally located at 2526 Dierdorff Road and is zoned Industrial M-1 District.

*Staff Report*

Mr. Deegan explained the petitioner would like to redevelop this property for a plumbing and HVAC business. Improvements include a paved addition for parking along the southwest corner of the site, an addition to the main building for a dispatch office, and an addition for a shop area. A new pole building is also proposed, along with an expanded gravel area for semi maneuvering. The new paving in the southeast corner will be 7' from the Dierdorff Rd property line where a minimum 35' is required. Today's request is also for a 0' setback where 5' is required in the area where the gravel expansion is proposed. Staff recommends an amended approval, explaining the 7' setback from Dierdorff is reasonable because it will match existing paving in the area and is also a result of

the configuration of the property and the need for an expanded driving aisle. The proposed 0' gravel setback is less than ideal and Staff recommends a 3' setback be allowed in this area. He pointed out the BOW will also need to approve this request.

Mr. Holtzinger asked if vegetation would be required in that 3' area.

Mr. Deegan stated he proposed a 3' setback so there would be no gravel in that area so it would have to be some sort of vegetation.

*Petitioner Presentation:*

Crystal Welsh, Abonmarche, 303 River Race Drive, spoke on behalf of the petitioner. She stated Scott Miller with Bill's Heating is also present and available to answer any questions. The intention here is to improve the property and to allow for a building expansion and a new pole barn. She referred to a photo in the Staff Report showing the existing paving. The intention is to square it off which will allow full size parking spaces to be placed along Dierdorff Road to be utilized by customers or staff. This would still allow free access around the building. She noted some landscaping will be removed, but new landscaping will be added along the street. She went on to say the owner has no problem complying with the 3' setback requirement. She explained the gravel is proposed to allow semi's to maneuver properly and will not be any larger than necessary. She noted for the record they are on next BOW agenda to get approval for the gravel and for a utility issue.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Loewen/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-29DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**VI.** Audience Items - None

**VII.** Staff/Board Items - None

**VIII.** Adjournment: 4:37 pm Lauver/Fisher

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Hesston Lauver

Hesston Lauver, Secretary