

*Agenda*  
GOSHEN BOARD OF ZONING APPEALS  
Tuesday, October 22, 2024, 4:00 P.M.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 9/24/24
- 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
- 24-31DV** – Last Dance, LLC and Abonmarche Consultants request developmental variances for the proposed Replat of Lot 1A of the Replat of East College Avenue Industrial Park, to divide Lot 1A into eight (8) individual lots, to allow:
- 0’ parking/driving aisle setback internally between all eight lots (internal side and rear property lines, excluding front property lines and external side lot lines adjacent to Common Area No. 3A);
  - A perimeter fence to cross internal lot lines between all eight lots (excluding front property lines and external side lot lines adjacent to Common Area No. 3A), subject to any easement restrictions; and
  - Parking shared between Lots 9, 10, 11 and 12 in a shared parking easement.
- The subject property is generally located on the north side of College Avenue, between Brinkley Way East and Brinkley Way West, containing ±113.62 acres and is zoned Industrial M-1 District.
- 24-32DV** – Artie Keith & Cindy Swonger request a developmental variance to allow a 2’ side (south) setback where 5’ is required for a concrete driveway/parking expansion. The subject property is generally located at 402 Yorktown Drive and is zoned Residential R-1 PUD District.
- 24-11UV** – Monarch Estates, LLC and Jacqueline Gonzalez request a use variance to allow salons, barber & beauty shops, art galleries & studios, and substantially similar uses where salons are a permitted use in the Commercial B-1, B-2, B-3, and B-4 Districts and where art galleries are a permitted use in the B-2, B-3, and B-4 Districts. The subject property is generally located at 1009 S 9<sup>th</sup> Street and is zoned Industrial M-1 District.
- VI.** Audience Items
- VII.** Staff/Board Items
- VIII.** Adjournment

Minutes - Goshen Board of Zoning Appeals  
Tuesday, September 24, 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, Matthew Fisher, and alternate member Craig Yoder. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez. Absent: James Loewen, Lee Rohn
- II. Approval of Minutes from 8/27/24: Fisher/Lauver 4-0
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Lauver/Fisher 4-0
- IV. Postponements/Withdrawals – none
- V. **Use & Developmental Variances** – public hearing items  
**24-09UV & 24-30DV** – Artisan Investment Group, LLC requests a use variance to allow a two-family dwelling unit where duplexes are a conditional use in the Residential R-1S and Commercial B-2 Districts and a permitted use in the Residential R-2 and R-3 Districts, and developmental variances to allow three on-site parking spaces where four are required, and open parking in the front yard along Middlebury Street where open parking is prohibited. The subject property is generally located at 205 Middlebury Street and is zoned Residential R-1 District.

*Staff Report*

Mr. Deegan explained this property has frontage on Middlebury Street and North 5<sup>th</sup> Street and includes a vacant house and a large detached garage. Zoning for this property is Residential R-1, which allows single family residences. Records indicate this property was a duplex approximately 25 years ago, but the property has been vacant since that time and cannot return to a duplex use without a use variance. The petitioner recently took possession of the property and would like to rehab it; they are aware that the buildings are currently under a demolition order.

In addition to the use variance, a developmental variance is necessary to add two parking spaces in the front yard setback along Middlebury Street. Their request also includes having three parking spaces where a total of four spaces are required.

Staff recommends approval of these requests, with conditions and commitments, explaining that when reviewing the findings of fact, it was found that the property could be renovated as a single family home and meet the use requirements of the R-1 District with no need for a variance. It was also determined that when reviewing the remaining criteria, the variances are warranted. He pointed out this property is adjacent to R-2 zoning and there are a variety of uses adjacent, including a church, school, and medical office. The large property also makes it suitable for a higher density use. He pointed out the house is already configured as a two unit, with two separate entrances. He went on to say the proposed parking in the front setback along Middlebury Street matches the adjacent medical office parking setback, and although the parcel only has three official parking spaces, an additional space will be located inside the garage. There is also a considerable amount of parking in the driveway off of 5<sup>th</sup> Street, as well as street parking along 5<sup>th</sup> Street.

He discussed the following recommended conditions and commitments from the Staff Report:

Conditions:

6. The drive approach from Middlebury Street located southwest of the porch shall be removed, with the sidewalk replaced and bare soil areas leveled and re-seeded with grass.
7. Within thirty (30) days of this approval, debris, materials, and equipment unrelated to the approved remodel of the buildings shall be removed from the property and adjacent right of way along 5<sup>th</sup> Street. Items to be removed shall include lawn mowers, riding mowers, and parts thereof; vehicle parts; tires; wheels; tarps; trash; building materials; doors; siding; scrap metal; wheelbarrows; auto repair equipment; bricks; appliances; televisions; wood boards and sheathing; and buckets.
8. The property shall not be transferred until a final Building Department inspection is completed.

Commitments:

2. The subject property shall be used for two residential units only; use of any portions of the real estate for storage not related to the subject residences shall be prohibited.
3. If both residential units are vacant for a period exceeding twelve (12) months at any time following the final building inspection, the variance shall be null and void.

He noted for the record that the Planning Office was not contacted by the public regarding this request.

*Petitioner Presentation:*

Marlin Schwartz, 420 N Main Street, Middlebury, spoke on behalf of the petitioner. He stated he agrees with Staff's proposed conditions and commitments and has nothing to add.

Mr. Holtzinger asked how long he anticipates it will take to remodel this home.

Mr. Schwartz stated that he anticipates 90 days.

Mr. Fisher asked what the plans are for the detached garage.

Mr. Schwartz stated the only plans at this time are to replace the roof. The garage will be used for one parking space and storage.

Mr. Lauver questioned why the driveway along 5<sup>th</sup> Street is not counted towards the required parking spaces.

Mr. Deegan pointed out it cannot be considered because the right-of-way line runs through the parking pad and there is not enough space in front of the garage for a 20' long parking space.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

Mr. Yoder asked for clarification regarding a demolition order for this property.

Mr. Deegan stated that it is scheduled for demolition, but it's his understanding the BOW has postponed that order, based upon the condition that it's being renovated by a new owner.

Mr. Lauver asked how converting the garage into living space can be prohibited.

Mr. Deegan stated it can be clarified in the commitments.

Mr. Lauver asked if the request would require BZA approval in order to do so legally.

Attorney Kolbus acknowledged that yes, the request would have to be reheard by the BZA.

Mr. Yoder asked what is meant by staff's condition of approval regarding transfer of the property. Mr. Deegan stated that means the property cannot be sold to someone else until all work and inspections have been completed.

*Action:*

A motion was made and seconded, Lauver/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-09UV & 24-30DV with the 8 conditions and 3 commitments listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**24-10UV** – Goshen Rental Properties LLC-S Series Elkhart Properties requests a use variance to allow a single family dwelling unit where single family homes are a conditional use in the Commercial B-2 District and a permitted use in the Residential R-1, R-1S, R-2, R-3, and R-4 Districts. The subject property is generally located at 209 Denver Street and is zoned Commercial B-1 District.

*Staff Report*

Mr. Deegan explained this is a modular home, originally approved in the early 1980's as a single family home. In 2018 it received a variance from the BZA to convert it into a group home. The home is currently under new ownership and the new owner would like to convert it back to a single family home. Because the B-1 zoning district does not permit single family homes, a use variance is required. Staff supports the request, pointing out there are several single family homes in the B-1 zoning district on this street and stated a single family home is likely a better fit for this area than a commercial use might be. He explained one of the conditions of approval is to keep an existing street tree if possible. He went on to explain that after today's staff report was prepared, it was determined that the tree might be removed by Utilities. If removed, the tree needs to be replaced and recommended that the petitioner contact the City forester for possible help in getting the tree replaced.

*Petitioner Presentation:*

Matt Vukovich, 4000 E Bristol St, Elkhart, spoke on behalf of the petitioner. He stated this side of the street contains all single family homes. He also stated he was not aware of the required tree, but will take care of it.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Lauver/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-10UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

**VI. Audience Items**

None

**VII.** Staff/Board Items

- 6-month extension for 24-15DV, 306 Hawthorne Drive, from 11/28/24 to 5/28/25.

Mr. Deegan reminded Board members that in May of this year, they approved an open parking space in the front yard for a fishing boat. The applicant states the work has not been completed due to some unforeseen setbacks. He requests a 6-month extension.

*Action:*

A motion was made and seconded, Holtzinger/Fisher, to approve a 6-month extension for 24-15DV, 306 Hawthorne Drive, from 11/28/24 to 5/28/25. The motion passed unanimously by a vote of 4-0.

**VIII.** Adjournment: 4:20 pm Lauver/Yoder

Respectfully Submitted:

---

Lori Lipscomb, Recording Secretary

Approved By:

---

Tom Holtzinger, Chair

---

Hesston Lauver, Secretary

**LOCATION:** Lot 1A of East College Avenue Industrial Park  
**CASE NUMBER:** 24-31DV

**DATE:** October 22, 2024  
**PREPARED BY:** Rossa Deegan

---

**GENERAL INFORMATION**

---

**APPLICANT:** Last Dance, LLC (owner); Abonmarche Consultants (agent)

**REQUEST:** The applicants request developmental variances for the proposed Replat of Lot 1A of the Replat of East College Avenue Industrial Park, to divide Lot 1A into eight (8) individual lots, to allow:

- 0' parking/driving aisle setback internally between all eight lots (internal side and rear property lines, excluding front property lines and external side lot lines adjacent to Common Area No. 3A);
- A perimeter fence to cross internal lot lines between all eight lots (excluding front property lines and external side lot lines adjacent to Common Area No. 3A), subject to any easement restrictions; and
- Parking shared between Lots 9, 10, 11 and 12 in a shared parking easement.

**LOT SIZE:** ±113.62 acres; ±1.5 miles of frontage

**APPLICABLE ZONING:** Industrial M-1

**NOTICES SENT:** 14

**SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Industrial, agricultural, residential

**NEIGHBORHOOD:** None

**THOROUGHFARES:** College Avenue, Brinkley Way East, Brinkley Way West

**TOPOGRAPHY:** Level

**VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4230.3*, Area, Width, and Yard Regulations of the M-1 District C. Side Yard. Each lot shall have two side yards measured from the building to the lot line and shall be as follows:
  - 2. Accessory buildings in a yard not abutting a street shall not be built closer than five feet from the lot line.
- D. Rear Yard...An accessory building may be erected within the rear quarter of the lot ...and located no closer than ten feet from the rear lot line.
- ◇ Goshen Zoning Ordinance, *Section 5130*, Fence Regulations
  - A. General Provisions.
    - 2. All fences and walls permitted herein may be located immediately adjacent to the lot lines, but shall be located entirely on the lot.
- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
  - Manufacturing uses require one-and one-half spaces per two employees and spaces must be located on site

**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 Lot 1A of the East College Avenue Industrial Park. The lot is over 113 acres in size and was originally platted in July 2022 as one of four lots in the East College Avenue Industrial Park subdivision. Land for the subject lot was annexed into the City in 2018 and 2021. Public infrastructure construction and private industrial development has since been occurring, with half of the eight planned industrial buildings either completed or under construction.

The petitioners are now in the process of re-platting the subject lot to establish eight separate lots. In September of this year, the Plan Commission granted primary approval of the subdivision replat. Before it proceeds to secondary approval, three developmental requirements of the Zoning Ordinance need to be addressed by variance. These include developmental variances for the following:

- When the property is completely built out, there will be over 1,000 parking spaces across all eight proposed lots. The majority of the spaces are located along Brinkley Way East and Brinkley Way West. In these areas, parking and driving aisles have 0' side and rear setbacks where the M-1 District requires 5' and 10' respectively.
- A single fence line will surround the perimeter of all eight buildings (with the majority of parking spaces located outside the fence). The fence will cross each lot line where fences must remain on separate lots.
- The newly created lots 9, 10, 11, and 12 will have shared parking where the Zoning Ordinance requires that manufacturing facilities retain required parking on site.

Approval is justified, and Staff recommends approval. In the near-term, the eight newly created lots are intended to remain under single ownership. With that being the case, all eight lots will be considered one zoning lot, and the proposed variances will not be required. There will be no noticeable changes to the property beyond what is already permitted.

In the long-term, as the lots come under separate ownership, the variances will be needed, but the eight lots together will still retain the character of a single development. Such is the case with many industrial parks, and the establishment of the following easements with the subdivision are proof of that:

- A shared parking easement along the west side of Lots 9, 10, 11, and 12
- A 55' truck access and storm sewer easements running north-south through the center of all eight lots
- Shared common areas and stormwater retention easements
- Watermain, roadway maintenance, and utility easements

Additionally, the proposed fence is only a perimeter fence. It will function the same as several fences that abut one another at each lot line, which would be permitted. The shared parking and driving aisles will reduce the amount of land needed for each facility while the properties are still able to meet fundamental development needs including stormwater retention, utility service, and required parking.

## FINDINGS OF FACT

Staff recommends **approval** of developmental variances for the proposed Replat of Lot 1A of the Replat of East College Avenue Industrial Park, to divide Lot 1A into eight (8) individual lots, to allow:

- 0' parking/driving aisle setback internally between all eight lots (internal side and rear property lines, excluding front property lines and external side lot lines adjacent to Common Area No. 3A);
- A perimeter fence to cross internal lot lines between all eight lots (excluding front property lines and external side lot lines adjacent to Common Area No. 3A), subject to any easement restrictions; and
- Parking shared between Lots 9, 10, 11 and 12 in a shared parking easement, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The fence will function the same as several fences that abut one another at each lot line, which is permitted. The shared parking and driving aisles will reduce the amount of land needed for each facility while the properties are still able to meet fundamental development needs including stormwater retention, utility service, and required parking. *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.** There will no noticeable changes to the property beyond what is already permitted. *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.** Approval will allow subdivision of the single lot into separate lots to proceed without changing the character of the property. *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance is fully effective when secondary subdivision approval is granted and the subdivision is recorded.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.



Looking west at the shared drive and 0' side setbacks between the proposed Lots 6 & 7





Looking north at shared access drive connecting all eight proposed lots



Looking north from proposed Lot 11 at shared parking area



Looking northwest at shared fence crossing Lot 6 & 7



From Lot 11 looking northeast at shared fence



**Approximate Site Location**

M-1

BRINKLEY WAY W

COUNTY ROAD 36

M-1

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 = 500 feet

**Lot 1A, Replat of East College Avenue Industrial Park**

**The City of Goshen**  
 Department of  
 Planning & Zoning

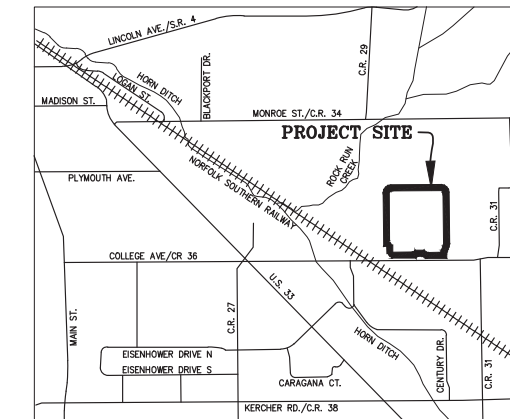
Zoning Map & 2023 Aerial  
 Printed August 28, 2024

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

# REPLAT OF LOT 1A OF EAST COLLEGE AVENUE INDUSTRIAL PARK PRIMARY SUBDIVISION

LOT 1A IN REPLAT OF EAST COLLEGE AVENUE INDUSTRIAL PARK; ALSO BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 13 IN TOWNSHIP 36 NORTH, RANGE 6 EAST, CITY OF GOSHEN, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA  
OWNER: LAST DANCE, LLC

DANA L. & KAREN MILLER  
INSTR. #2001-29421



LOCATION MAP  
1" = 2000'±

### LEGAL DESCRIPTION

LOT 1A IN REPLAT OF EAST COLLEGE AVENUE INDUSTRIAL PARK AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER IN ELKHART COUNTY, INDIANA, IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

### GENERAL NOTES

**ZONING**  
THE ZONING FOR THIS SITE IS "M-1".  
MINIMUM LOT SIZE FOR "M-1" IS 8,000 SF AND MINIMUM LOT WIDTH IS 70 FEET AT THE ESTABLISHED FRONT LOT LINE.

**DENSITY**  
TOTAL PROJECT AREA = 113.62± ACRES

**SOILS**  
THIS SITE CONSISTS OF BRADY SANDY LOAM, 0 TO 1% SLOPES (BshA); GILFORD SANDY LOAM, 0-1% SLOPES (Gc2A); RIDGEL-OSHTIMO FINE SANDY LOAMS, 1-5% SLOPES (Rg2B); WILLIAMSTOWN-CROSER COMPLEX, 0 TO 1% SLOPES (Wob3); DEL REY SILTY CLAY LOAM, 0-1% SLOPES (DcrA); BRISTOL LOAMY SAND, 0-2% SLOPES (BxA). THIS INFORMATION IS OBTAINED FROM THE SOIL SURVEY OF ELKHART COUNTY, INDIANA.

**SANITARY SEWER AND WATER SUPPLY**  
CITY OF GOSHEN MUNICIPAL SANITARY SEWER AND WATER SHALL SERVICE EACH LOT.

**STREETS**  
NO ADDITIONAL STREETS WILL BE DEDICATED WITH THIS PROPOSED SUBDIVISION.

**DRYWELLS**  
THIS SUBDIVISION DOES NOT ANTICIPATE THE USE OF CLASS V INJECTIONS WELLS.

**RESTRICTIONS**  
ADDITIONAL RESTRICTIONS SHALL BE PREPARED AND RECORDED SEPARATELY BY THE DEVELOPER.

**DATE OF DEVELOPMENT**  
THE INDUSTRIAL PARK HAS BEEN UNDER CONSTRUCTION SINCE 2022 WITH PUBLIC INFRASTRUCTURE AND NEW BUILDINGS. PLEASE NOTE THE LAYOUT OF BUILDINGS, STREETS, PARKING, AND UTILITIES SHOWN ON THIS PRIMARY PLAT ARE REFERENCED FROM PRIOR CONSTRUCTION PLANS AND SITE PLANS PREVIOUSLY REVIEWED BY THE CITY OF GOSHEN.

**WELLHEAD PROTECTION AREA**  
PROJECT SITE IS NOT WITHIN THE CITY OF GOSHEN WELLHEAD PROTECTION AREA.

**FLOOD NOTE**  
THIS PROJECT DOES NOT LIE WITHIN THE PUBLISHED FLOODWAY AND 100 YEAR FLOODPLAIN PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL #18039C0258D, EFFECTIVE DATE AUGUST 2, 2011. PLEASE REFER TO THE PLAN VIEW FOR THE APPROXIMATE LOCATIONS.

**COMMON AREA STATEMENT**  
ALL PROPOSED LOTS WITHIN THIS PROPOSED SUBDIVISION ARE TO HAVE EQUAL UNDIVIDED INTEREST BETWEEN ALL COMMON AREAS WITHIN THE REPLAT OF EAST COLLEGE AVENUE INDUSTRIAL PARK. A BUSINESS ASSOCIATION DESCRIBING MAINTENANCE AND RESPONSIBILITIES WILL BE FORMED BY THE DEVELOPER AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY PRIOR TO THE SECONDARY PLATTING OF LOT 1A.

**PROPOSED SHARED EASEMENTS**  
SHARED EASEMENTS FOR STORM SEWER, PARKING, AND TRUCK ACCESS ARE BEING ESTABLISHED WITH THIS PROPOSED SUBDIVISION. A SEPARATE EASEMENT DOCUMENT DESCRIBING MAINTENANCE AND RESPONSIBILITIES WILL BE PREPARED BY THE DEVELOPER AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY PRIOR TO THE SECONDARY PLATTING OF LOT 1A.

**STORMWATER PROVISIONS**  
ALL LOTS WITHIN THIS PROPOSED SUBDIVISION HAVE SHARED STORM SEWER THAT COLLECTS AND DISCHARGES STORMWATER INTO THE EXISTING DETENTION POND LOCATED TO THE WEST IN COMMON AREA 1A THAT WAS ESTABLISHED WITH THE INDUSTRIAL PARK. DRAINAGE CALCULATIONS FOR LOT 1A HAVE BEEN PREVIOUSLY REVIEWED BY THE CITY OF GOSHEN ENGINEERING DEPARTMENT.

**LOT DIMENSIONS**  
ALL DIMENSIONS SHOWN FOR THE PROPOSED LOTS ARE APPROXIMATE AND MAY CHANGE WITH THE COMPUTATION OF THE FINAL SECONDARY PLAT.

**SETBACKS**  
FRONT SETBACK ALONG BRINKLEY WAY - 30 FEET  
SIDE YARD SETBACK - 10 FEET / 30 FEET ADJACENT TO RESIDENTIAL  
REAR YARD SETBACK - 20 FEET

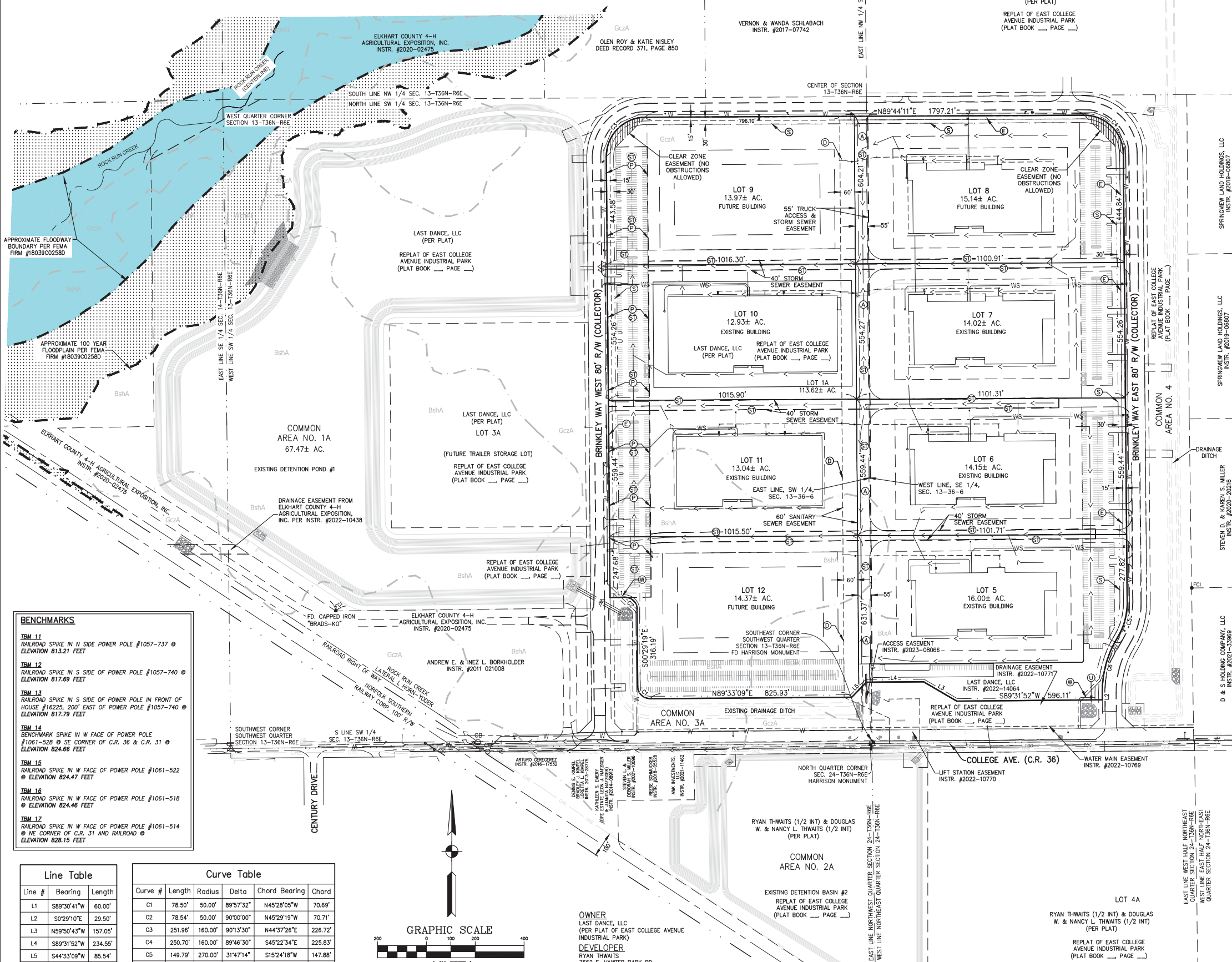
**PARKING CALCULATIONS - BUILDINGS 1 THRU 7**  
TOTAL ANTICIPATED NUMBER OF EMPLOYEES - 1,350

**REQUIRED PARKING:** 1.5 SPACES PER 2 EMPLOYEES  
(1,350 EMPLOYEES / 2) X 1.5 SPACES = 1,013 SPACES

**TOTAL REQUIRED PARKING = 1,013 SPACES**  
**PROVIDED PARKING = 1,850 SPACES (INCLUDES 28 ADA SPACES)**

### SURVEY LEGEND

- ⊕ FOUND MONUMENT
- W — PROPOSED OR EXISTING WATER LINE
- S — PROPOSED OR EXISTING SANITARY SEWER
- P — PROPOSED OR EXISTING STORM SEWER
- WS — WATER SERVICE
- Ⓐ 55' TRUCK ACCESS & STORM SEWER EASEMENT FOR LOTS 5-12
- Ⓚ 60' SANITARY SEWER EASEMENT
- Ⓛ 15' ROADWAY MAINTENANCE, DRAINAGE & UTILITY EASEMENT
- Ⓜ SHARED PARKING EASEMENT (AS NOTED)
- Ⓝ RETENTION AREA/Common AREA
- Ⓞ MINIMUM BUILDING SETBACK (AS NOTED)
- Ⓟ STORM SEWER EASEMENT (AS NOTED)
- Ⓠ WATER MAIN & DRAINAGE EASEMENT (AS NOTED)
- Ⓡ WATER MAIN EASEMENT (AS NOTED)



### BENCHMARKS

**TBM 11**  
RAILROAD SPIKE IN N SIDE POWER POLE #1057-737 @ ELEVATION 813.21 FEET

**TBM 12**  
RAILROAD SPIKE IN S SIDE OF POWER POLE #1057-740 @ ELEVATION 817.69 FEET

**TBM 13**  
RAILROAD SPIKE IN S SIDE OF POWER POLE IN FRONT OF HOUSE #16225, 200' EAST OF POWER POLE #1057-740 @ ELEVATION 817.79 FEET

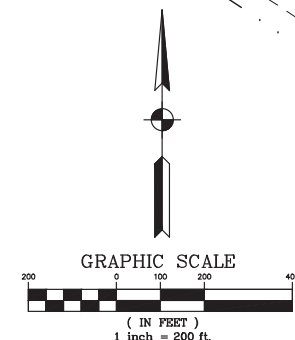
**TBM 14**  
BENCHMARK SPIKE IN W FACE OF POWER POLE #1061-528 @ SE CORNER OF C.R. 36 & C.R. 31 @ ELEVATION 824.66 FEET

**TBM 15**  
RAILROAD SPIKE IN W FACE OF POWER POLE #1061-522 @ ELEVATION 824.47 FEET

**TBM 16**  
RAILROAD SPIKE IN W FACE OF POWER POLE #1061-518 @ ELEVATION 824.46 FEET

**TBM 17**  
RAILROAD SPIKE IN W FACE OF POWER POLE #1061-514 @ NE CORNER OF C.R. 31 AND RAILROAD @ ELEVATION 828.15 FEET

Line Table			Curve Table					
Line #	Bearing	Length	Curve #	Length	Radius	Delta	Chord Bearing	Chord
L1	S89°30'41"W	60.00'	C1	78.50'	50.00'	89°57'32"	N45°28'05"W	70.69'
L2	S0°29'10"E	29.50'	C2	78.54'	50.00'	90°00'00"	N45°29'19"W	70.71'
L3	N59°50'43"W	157.05'	C3	251.96'	160.00'	90°13'30"	N44°37'26"E	226.72'
L4	S89°31'52"W	234.55'	C4	250.70'	160.00'	89°46'30"	S45°22'34"E	225.83'
L5	S44°33'09"W	85.54'	C5	149.79'	270.00'	31°47'14"	S15°24'18"W	147.88'
			C6	238.54'	430.00'	31°47'05"	S15°24'22"W	235.50'



**OWNER**  
LAST DANCE, LLC  
(PER PLAT OF EAST COLLEGE AVENUE INDUSTRIAL PARK)

**DEVELOPER**  
RYAN THWAITES  
7662 E. VAWTER PARK RD.  
SYRACUSE, IN 46567  
PHONE: 574-596-1876  
EMAIL: rthwaites@brinkleyrv.com

**ABONMACHE**  
Benjamin Bond  
Cody Klabon  
Fort Wayne  
Grand Haven  
Lafayette

303 River Race Drive, Unit 206  
Goshen, IN 46526  
P: 574.533.9713  
F: 574.533.9713  
abonmache.com

ENGINEERING ARCHITECTURE LAND SURVEYING

**PROJECT:**  
REPLAT OF LOT 1A  
EAST COLLEGE AVENUE  
INDUSTRIAL PARK  
COLLEGE AVENUE / C.R. 36  
GOSHEN, IN 46526

**SHEET TITLE:**  
PRIMARY SUBDIVISION

**DRAWN BY:** TRM  
**DESIGNED BY:** TRM  
**PM REVIEW:** BEM  
**QA/QC REVIEW:** MJR  
**DATE:** 08/28/2024



**SCALE:**  
HORIZ: 1" = 200'  
VERT: \_\_\_\_\_

**ACT JOB #**  
24-0413

**SHEET NO.**  
1 of 1

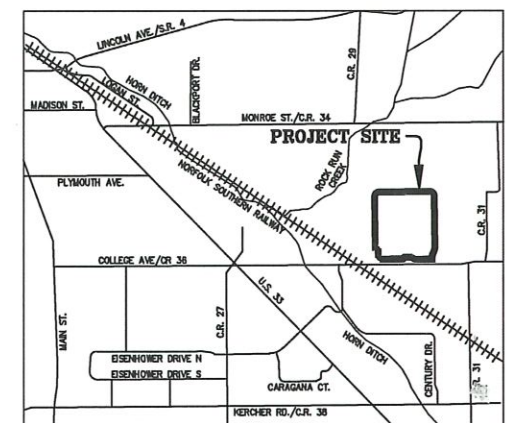
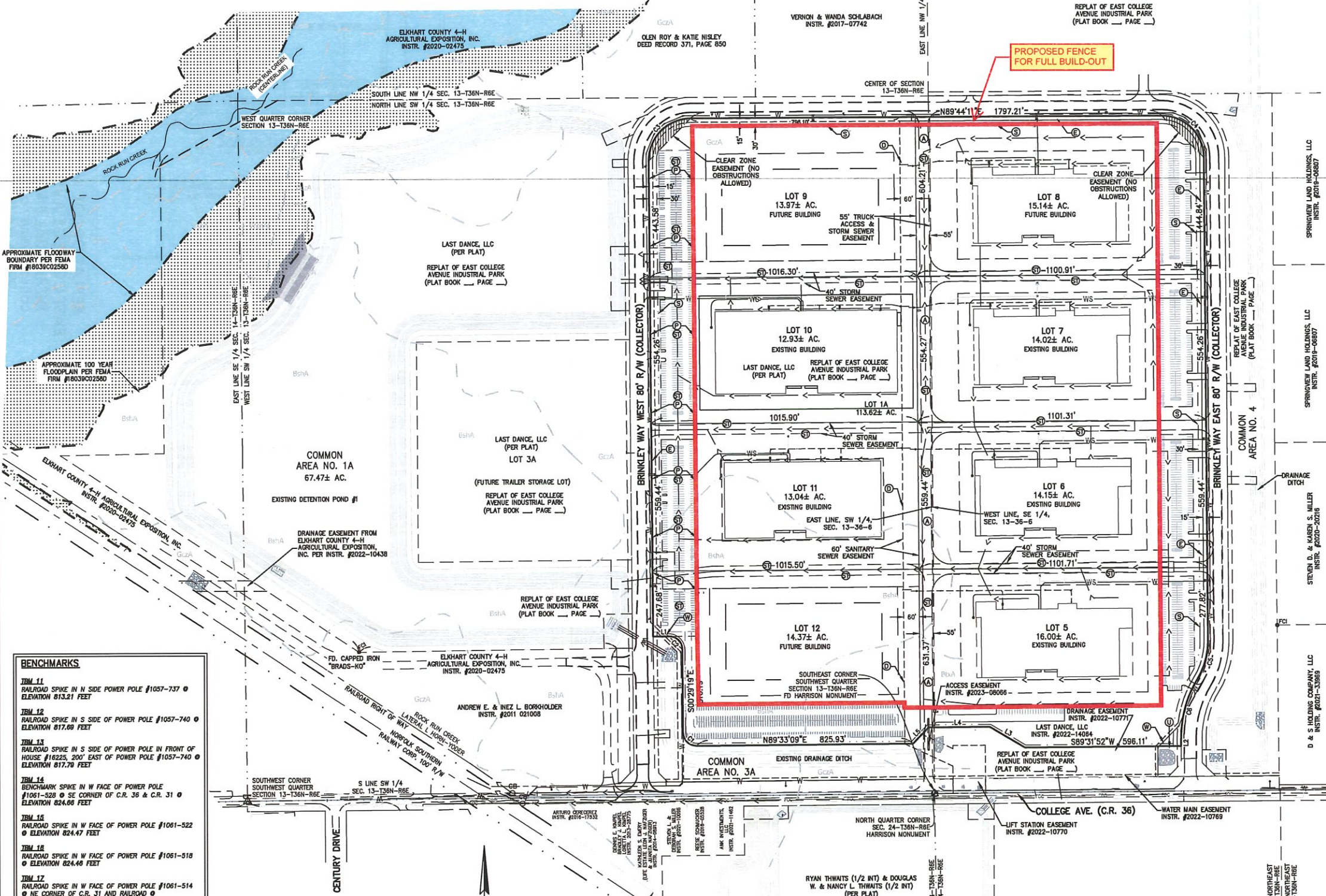
# REPLAT OF LOT 1A OF EAST COLLEGE AVENUE INDUSTRIAL PARK

## PRIMARY SUBDIVISION

LOT 1A IN REPLAT OF EAST COLLEGE AVENUE INDUSTRIAL PARK; ALSO BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 13 IN TOWNSHIP 36 NORTH, RANGE 6 EAST, CITY OF GOSHEN, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA  
OWNER: LAST DANCE, LLC

*Fencing Plan*

DANA L. & KAREN MILLER  
INSTR. #2001-29421



LOCATION MAP  
1" = 2000'

**LEGAL DESCRIPTION**  
LOT 1A IN REPLAT OF EAST COLLEGE AVENUE INDUSTRIAL PARK AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER IN ELKHART COUNTY, INDIANA, IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**GENERAL NOTES**  
ZONING: THE ZONING FOR THIS SITE IS "M-1".  
MINIMUM LOT SIZE FOR "M-1" IS 8,000 SF AND MINIMUM LOT WIDTH IS 70 FEET AT THE ESTABLISHED FRONT LOT LINE.  
DENSITY: TOTAL PROJECT AREA = 113.62± ACRES  
SOILS: THIS SITE CONSISTS OF BRADY SANDY LOAM, 0 TO 1% SLOPES (BshA); GILFORD SANDY LOAM, 0-1% SLOPES (GcA); RIDDLES-OHME FINE SANDY LOAMS, 1-5% SLOPES (RopB); WILLIAMSTOWN-CROSER COMPLEX, 0 TO 1% SLOPES (WobB); DEL REY SILTY CLAY LOAM, 0-1% SLOPES (DcA); BRISTOL LOAMY SAND, 0-2% SLOPES (BbA). THIS INFORMATION IS OBTAINED FROM THE SOIL SURVEY OF ELKHART COUNTY, INDIANA.  
SANITARY SEWER AND WATER SUPPLY: CITY OF GOSHEN MUNICIPAL SANITARY SEWER AND WATER SHALL SERVICE EACH LOT.  
STREETS: NO ADDITIONAL STREETS WILL BE DEDICATED WITH THIS PROPOSED SUBDIVISION.  
DRYWELLS: THIS SUBDIVISION DOES NOT ANTICIPATE THE USE OF CLASS V INJECTIONS WELLS.  
RESTRICTIONS: ADDITIONAL RESTRICTIONS SHALL BE PREPARED AND RECORDED SEPARATELY BY THE DEVELOPER.  
DATE OF DEVELOPMENT: THE INDUSTRIAL PARK HAS BEEN UNDER CONSTRUCTION SINCE 2022 WITH PUBLIC INFRASTRUCTURE AND NEW BUILDINGS. PLEASE NOTE THE LAYOUT OF BUILDINGS, STREETS, PARKING, AND UTILITIES SHOWN ON THIS PRIMARY PLAT ARE REFERENCED FROM PRIOR CONSTRUCTION PLANS AND SITE PLANS PREVIOUSLY REVIEWED BY THE CITY OF GOSHEN.  
WELLHEAD PROTECTION AREA: PROJECT SITE IS NOT WITHIN THE CITY OF GOSHEN WELLHEAD PROTECTION AREA.  
FLOOD NOTE: THIS PROJECT DOES NOT LIE WITHIN THE PUBLISHED FLOODWAY AND 100 YEAR FLOODPLAIN PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL #18039C02580, EFFECTIVE DATE AUGUST 2, 2011. PLEASE REFER TO THE PLAN VIEW FOR THE APPROXIMATE LOCATIONS.  
COMMON AREA STATEMENT: ALL PROPOSED LOTS WITHIN THIS PROPOSED SUBDIVISION ARE TO HAVE EQUAL UNDIVIDED INTEREST BETWEEN ALL COMMON AREAS WITHIN THE REPLAT OF EAST COLLEGE AVENUE INDUSTRIAL PARK. A BUSINESS ASSOCIATION DESCRIBING MAINTENANCE AND RESPONSIBILITIES WILL BE FORMED BY THE DEVELOPER AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY PRIOR TO THE SECONDARY PLATTING OF LOT 1A.  
PROPOSED SHARED EASEMENTS: SHARED EASEMENTS FOR STORM SEWER, PARKING, AND TRUCK ACCESS ARE BEING ESTABLISHED WITH THIS PROPOSED SUBDIVISION. A SEPARATE EASEMENT DOCUMENT DESCRIBING MAINTENANCE AND RESPONSIBILITIES WILL BE PREPARED BY THE DEVELOPER AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY PRIOR TO THE SECONDARY PLATTING OF LOT 1A.  
STORMWATER PROVISIONS: ALL LOTS WITHIN THIS PROPOSED SUBDIVISION HAVE SHARED STORM SEWER THAT COLLECTS AND DISCHARGES STORMWATER INTO THE EXISTING DETENTION POND LOCATED TO THE WEST IN COMMON AREA 1A THAT WAS ESTABLISHED WITH THE INDUSTRIAL PARK. DRAINAGE CALCULATIONS FOR LOT 1A HAVE BEEN PREVIOUSLY REVIEWED BY THE CITY OF GOSHEN ENGINEERING DEPARTMENT.  
LOT DIMENSIONS: ALL DIMENSIONS SHOWN FOR THE PROPOSED LOTS ARE APPROXIMATE AND MAY CHANGE WITH THE COMPUTATION OF THE FINAL SECONDARY PLAT.  
SETBACKS: FRONT SETBACK ALONG BRINKLEY WAY - 30 FEET  
SIDE YARD SETBACK - 10 FEET / 30 FEET ADJACENT TO RESIDENTIAL  
REAR YARD SETBACK - 20 FEET  
PARKING CALCULATIONS - BUILDINGS 1 THRU 7  
TOTAL ANTICIPATED NUMBER OF EMPLOYEES - 1,350  
REQUIRED PARKING: 1.5 SPACES PER 2 EMPLOYEES  
(1,350 EMPLOYEES / 2) X 1.5 SPACES = 1,013 SPACES  
TOTAL REQUIRED PARKING = 1,013 SPACES  
PROVIDED PARKING = 1,850 SPACES (INCLUDES 28 ADA SPACES)

**BENCHMARKS**

**BM 11**  
RAILROAD SPIKE IN N SIDE OF POWER POLE #1057-737 @ ELEVATION 813.21 FEET

**BM 12**  
RAILROAD SPIKE IN S SIDE OF POWER POLE #1057-740 @ ELEVATION 817.69 FEET

**BM 13**  
RAILROAD SPIKE IN S SIDE OF POWER POLE IN FRONT OF HOUSE #18225, 200' EAST OF POWER POLE #1057-740 @ ELEVATION 817.79 FEET

**BM 14**  
BENCHMARK SPIKE IN W FACE OF POWER POLE #1061-520 @ SE CORNER OF C.R. 36 & C.R. 31 @ ELEVATION 824.66 FEET

**BM 15**  
RAILROAD SPIKE IN W FACE OF POWER POLE #1061-522 @ ELEVATION 824.47 FEET

**BM 16**  
RAILROAD SPIKE IN W FACE OF POWER POLE #1061-518 @ ELEVATION 824.48 FEET

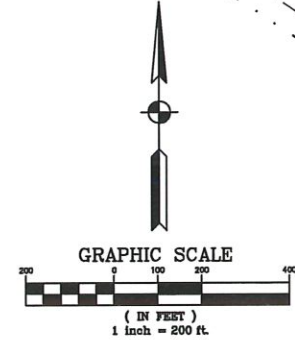
**BM 17**  
RAILROAD SPIKE IN W FACE OF POWER POLE #1061-514 @ NE CORNER OF C.R. 31 AND RAILROAD @ ELEVATION 828.15 FEET

**Line Table**

Line #	Bearing	Length
L1	S89°30'41"W	60.00'
L2	S0°29'10"E	29.50'
L3	N59°50'43"W	157.05'
L4	S89°31'52"W	234.55'
L5	S44°33'09"W	85.54'

**Curve Table**

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	78.50'	50.00'	89°57'32"	N45°28'05"W	70.89'
C2	78.54'	50.00'	90°00'00"	N45°29'19"W	70.71'
C3	251.96'	160.00'	90°13'30"	N44°37'28"E	228.72'
C4	250.70'	160.00'	89°46'30"	S45°22'34"E	228.83'
C5	149.79'	270.00'	31°47'14"	S15°24'18"W	147.88'
C6	238.54'	430.00'	31°47'05"	S15°24'22"W	235.50'



**ABONMARCHÉ**  
300 River Race Drive, Unit 206  
Goshen, IN 46526  
Tel: 317.533.9111  
abonmarche.com

Benjamin Harbor  
South Bend  
Elkhart  
Fort Wayne  
Grand Rapids  
Lafayette

Engineering Architecture Land Surveying  
CONTRACTOR: ABONMARCHÉ CONSULTANTS, INC.

**REPLAT OF LOT 1A  
EAST COLLEGE AVENUE  
INDUSTRIAL PARK  
COLLEGE AVENUE / C.R. 36  
GOSHEN, IN 46526**

**PROJECT:**  
REPLAT OF LOT 1A  
EAST COLLEGE AVENUE  
INDUSTRIAL PARK  
COLLEGE AVENUE / C.R. 36  
GOSHEN, IN 46526

**PRIMARY SUBDIVISION**

**SHEET TITLE:**  
DRAWN BY: TRM  
DESIGNED BY:  
PM REVIEW: BEM  
QA/QC REVIEW: MJR  
DATE: 08/28/2024

**HARD COPY IS INTENDED TO BE 24" X 36" WHEN PLOTTED. SCALE(S) INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.**

**SCALE:**  
HORZ: 1" = 200'  
VERT:

**ACI JOB #**  
**24-0413**  
SHEET NO.  
**1 of 1**

**LOCATION:** 402 Yorktown Drive  
**CASE NUMBER:** 24-32DV

**DATE:** October 22, 2024  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** Artie Keith & Cindy Swonger (owners)

**REQUEST:** The applicants request a developmental variance to allow a 2' side (south) setback where 5' is required for a concrete driveway/parking expansion

**LOT SIZE:** ±11,194 SF; ±54' of frontage; depth varies

**APPLICABLE ZONING:** Residential R-1PUD

**NOTICES SENT:** 34

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** City water and sewer

**AREA DEVELOPMENT:** Residential

**NEIGHBORHOOD:** Colonial Farms

**THOROUGHFARES:** Yorktown Drive

**TOPOGRAPHY:** Level

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District C.3. Accessory buildings on an interior lot shall not be located closer than five feet from the 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 located in Colonial Farms. Zoning is R-1PUD, and surrounding properties are entirely single family. The home has an approximate footprint of 2,296 SF that includes an attached garage and rear deck.

The petitioners have purchased a recreational vehicle and would like to install a parking area on the south side of the home to accommodate it. The proposed surface is concrete and the parking area will be approximately 12'x28' and include a maneuvering area from the existing driveway. A developmental variance will be required because the side setback from the south property line to the proposed concrete will be 2' where a minimum of 5' is required.

Staff recommends approval of the request. The Zoning Ordinance allows recreational vehicles to be parked on residential lots but stipulates that they must be parked behind the front wall of the home. The proposed parking area will allow the property to remain in compliance with that specific requirement by providing a parking area along the south side of the garage. Additionally:

- Providing parking for one RV is a reasonable residential use
- There is nowhere else to create a new parking area on the property that would satisfy the requirements for RV parking.

- The 2’ side setback is for an approximately 25’ length of driveway. The remainder of the south side yard will have no encroachments.
- The property directly to the south (310 Yorktown Drive) has a similar parking area in its north side yard, and three other homes on Yorktown Drive have similar parking areas.
- Granting a variance for the side yard encroachment is preferable to granting a variance for parking the RV in the front driveway. If the latter option were approved, other vehicles would be unable to maneuver to the attached garage and haphazard parking and maneuvering would be more likely.

**FINDINGS OF FACT**

Staff recommends **approval** of a developmental variance to allow a 2’ side (south) setback where 5’ is required for a concrete driveway/parking expansion, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The 2’ side setback is for approximately 25’ of driveway. The remainder of the south side yard will have no encroachments. *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 property directly to the south (310 Yorktown Drive) has a similar parking area in its north side yard, and three other homes on Yorktown Drive have similar parking areas. Granting approval will allow the RV to be parked behind the front wall of the home and in accordance with Zoning Ordinance requirements. *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.** Providing parking for one RV is a reasonable residential use. There is nowhere else to create a new parking area on the property that would satisfy the requirements for RV parking. *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 Yorktown Drive looking east

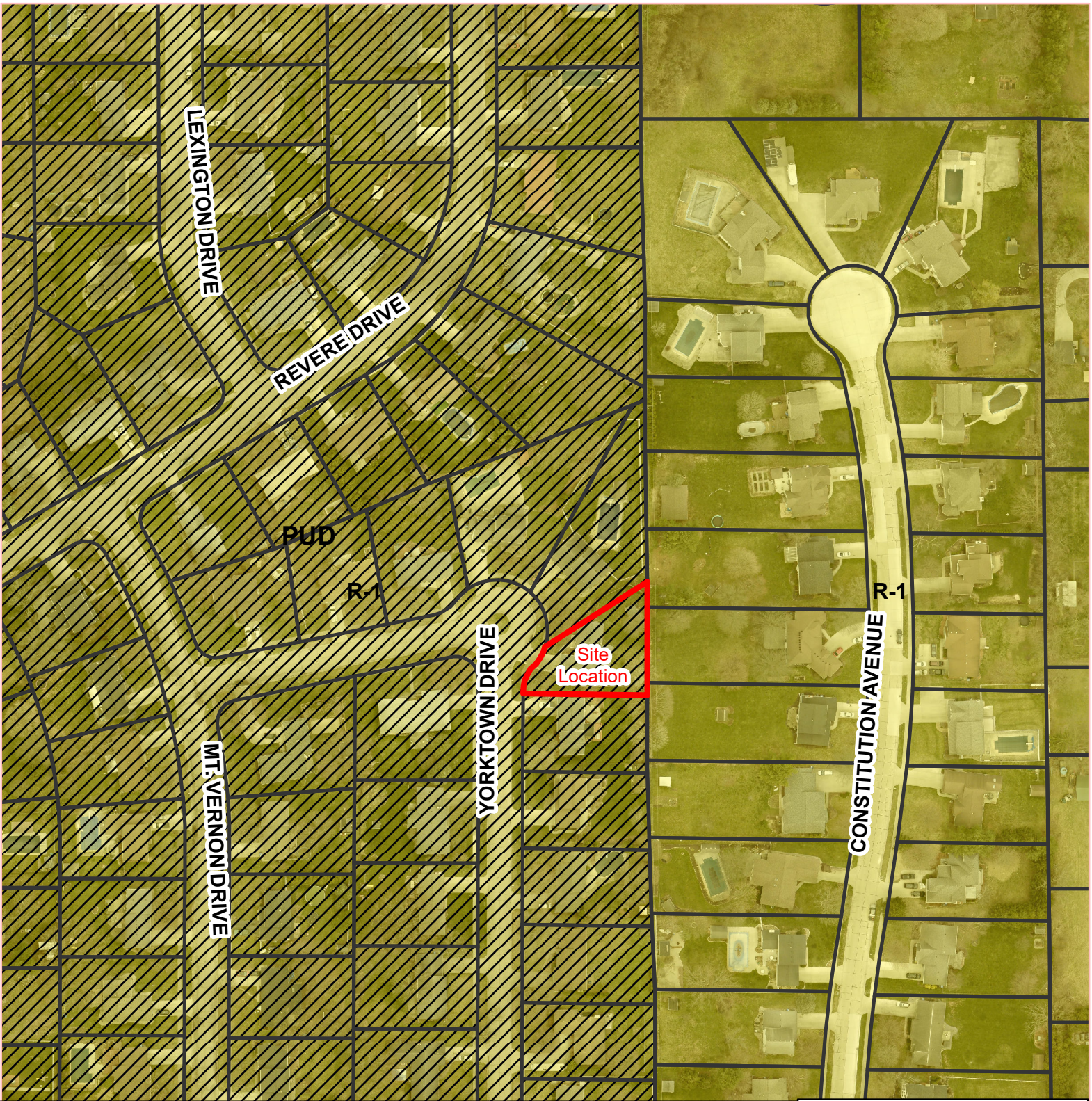


Looking east

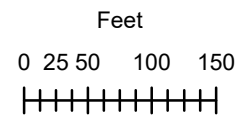


Looking northwest





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 = 150 feet

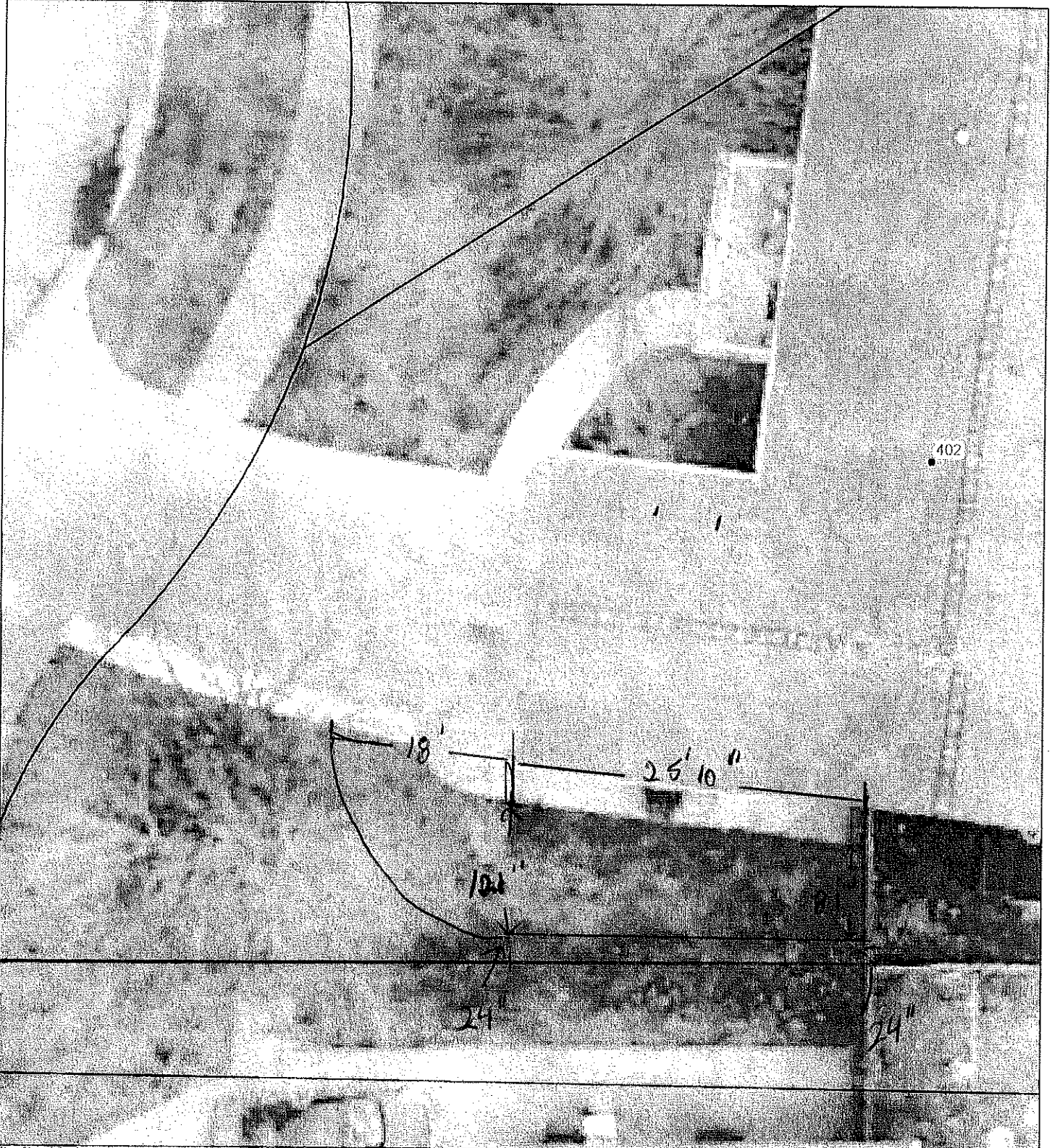
402 Yorktown

2023 Aerial  
Printed October 3, 2024

The City of Goshen  
Department of

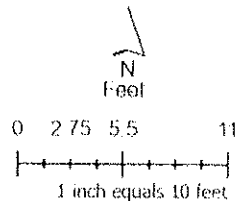
Planning & Zoning  
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-3600 Fax: 574-533-8626

← PROPERTY LINE



402

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.



402 Yorktown Drive

2023 Aerial  
Printed on 9/26/2024

The City of Goshen  
Department of  
Planning & Zoning  
204 East Jefferson Street, Goshen, Indiana 46526  
Phone: 574-534-3600 Fax: 574-533-8626

**LOCATION:** 1009 S 9<sup>th</sup> Street  
**CASE NUMBER:** 24-11UV

**DATE:** October 22, 2024  
**PREPARED BY:** Rossa Deegan

---

### **GENERAL INFORMATION**

---

**APPLICANT:** Monarch Estates, LLC (owner); Jacqueline Gonzalez (agent)

**REQUEST:** The applicant requests a use variance to allow salons, barber & beauty shops, art galleries & studios, and substantially similar uses where salons are a permitted use in the Commercial B-1, B-2, B-3, and B-4 Districts and where art galleries are a permitted use in the B-2, B-3, and B-4 Districts

**LOT SIZE:** ±13,200 SF; ±100' of frontage; ±132' depth

**APPLICABLE ZONING:** Industrial M-1

**NOTICES SENT:** 34

---

### **SPECIAL INFORMATION**

---

**PUBLIC UTILITIES:** Connected to City water & sewer

**AREA DEVELOPMENT:** Industrial, Residential, Commercial

**NEIGHBORHOOD:** Parkside

**THOROUGHFARES:** Ninth Street

**TOPOGRAPHY:** Level

### **VARIANCE OF USE STANDARDS**

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses
  - Art Galleries are listed as permitted uses in the Commercial B-2, B-3, and B-4 Districts
  - Barber Shops are listed as permitted uses in the Commercial B-1, B-2, B-3, and B-4 Districts
  - Beauty Shops are listed as permitted uses in the Commercial B-1, B-2, B-3, and B-4 Districts

### **ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES**

Bill McDonald, owner of the 1005 S 9<sup>th</sup> Street, which is the adjacent property to the north, called the Planning office requesting additional details; he said he has no opposition to the request. Dennis & Linda Heiser of 1016 S 8<sup>th</sup> Street requested additional information about the request via email and did not offer an opinion on the request.

---

### **ANALYSIS**

---

The subject property is located on the west side of 9<sup>th</sup> Street in the Parkside neighborhood. Zoning is Industrial M-1 and adjacent properties include single family homes in the R-1 District to the west across the alley; industrial zoning to the north, south, and east that include offices and housing. The Norfolk Southern railroad is located to the east across 9<sup>th</sup> Street. Improvements to the subject property include a one-story vacant building with an approximate footprint of 1,740 SF and a parking lot with access from 9<sup>th</sup> Street.

The property has been vacant for several years and had previously been used as a professional office for an engineering firm. The petitioners are now proposing to remodel the building and have submitted a floor plan showing up to five separate units. The front half of the building will be used for a nail salon, while the petitioner would like flexibility to allow future tenants in the back half of the building to include salons, art studios and galleries, and other uses that are substantially similar. These uses are not permitted in the Industrial M-1 District, so a use variance is required.

Approval is warranted. One of the primary concerns with any use of this property is the impact it will have on adjacent residential uses to the west and south. Even though the property is zoned M-1, an industrial use such as manufacturing would require extensive buffering, eliminating much of the usable space of the property. The proposed uses are low-intensity and similar to the previous office use. Crucially, the existing building will be remodeled internally without the need for an expansion, and changes made to the exterior are minimal and will improve the appearance of the property and buffer adjacent to residential uses.

The property is located on the 9<sup>th</sup> Street Corridor, which is an area of mixed use that includes historic industrial uses. The proposed low-intensity commercial uses will serve to transition the industrial uses east of the railroad with the single family uses along 8<sup>th</sup> and 9<sup>th</sup> Street. The property directly north of the subject property is currently a salon use.

Staff recommends a condition that the privacy fence shown on the proposed site plan be installed before the building is occupied. The fence will block vehicle lights directed towards adjacent residential uses. Additional improvements also shown on the plan that should be required:

- Striping the parking lot to prevent haphazard parking and maneuvering
- Remove gravel and stone mixed in with the grass area between the west end of the parking lot and alley; reseed with grass
- Plant one large species street tree

### **FINDINGS OF FACT**

---

Staff recommends **approval** of a use variance to allow salons, barber & beauty shops, art galleries & studios, and substantially similar uses where salons are a permitted use in the Commercial B-1, B-2, B-3, and B-4 Districts and where art galleries are a permitted use in the B-2, B-3, and B-4 Districts, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** If approved with the recommended conditions, a fence will be installed on the property that prevents vehicle lights from striking adjacent residential properties. *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 subject property is located in a mixed-use corridor that includes residential, commercial, and industrial uses. The proposed salon and similar uses will serve to transition the corridor between industrial and residential uses. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The subject property is zoned M-1, but is not large enough to be developed for an industrial use that can accommodate buffers between adjacent residential properties. Based on that condition, lower intensity uses such as the proposed salons and galleries are more ideal uses. *The standard is confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the subject property.** The subject property is zoned M-1, but is not large enough to be developed for an industrial use that can accommodate buffers between adjacent residential properties. Based on that condition, lower intensity uses such as salons and galleries are more ideal uses. *The standard is confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** Approval of the proposed salon and similar commercial uses in a multi-unit building will support Goshen's Comprehensive Plan of promoting "the development of small business and entrepreneurship networks" (Economic Development 3-5). *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. A building permit for the interior remodel of the building is required.

5. Approval by the Engineering and Fire Departments is required.
6. As depicted on the site plan "1009 S 9<sup>th</sup> St—Site Layout—10/1/24", the following shall be completed before the building is occupied: stripe parking area; install privacy fence 6' in height along south and west property lines; install one (1) large species street tree; and remove stone/paving material and reseed with grass.



From the railroad tracks, looking west across 9<sup>th</sup> Street



From 9<sup>th</sup> Street looking west



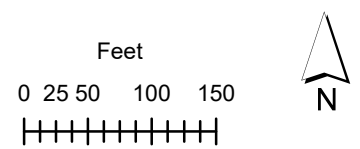
From alley looking southeast



From alley looking northeast



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.



1009 S 9th St

2023 Aerial  
Printed October 3, 2024

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

# W.C.N.T Studios

September 26, 2024

Future plans for: 1009 S. 9th street Goshen, IN. 46526

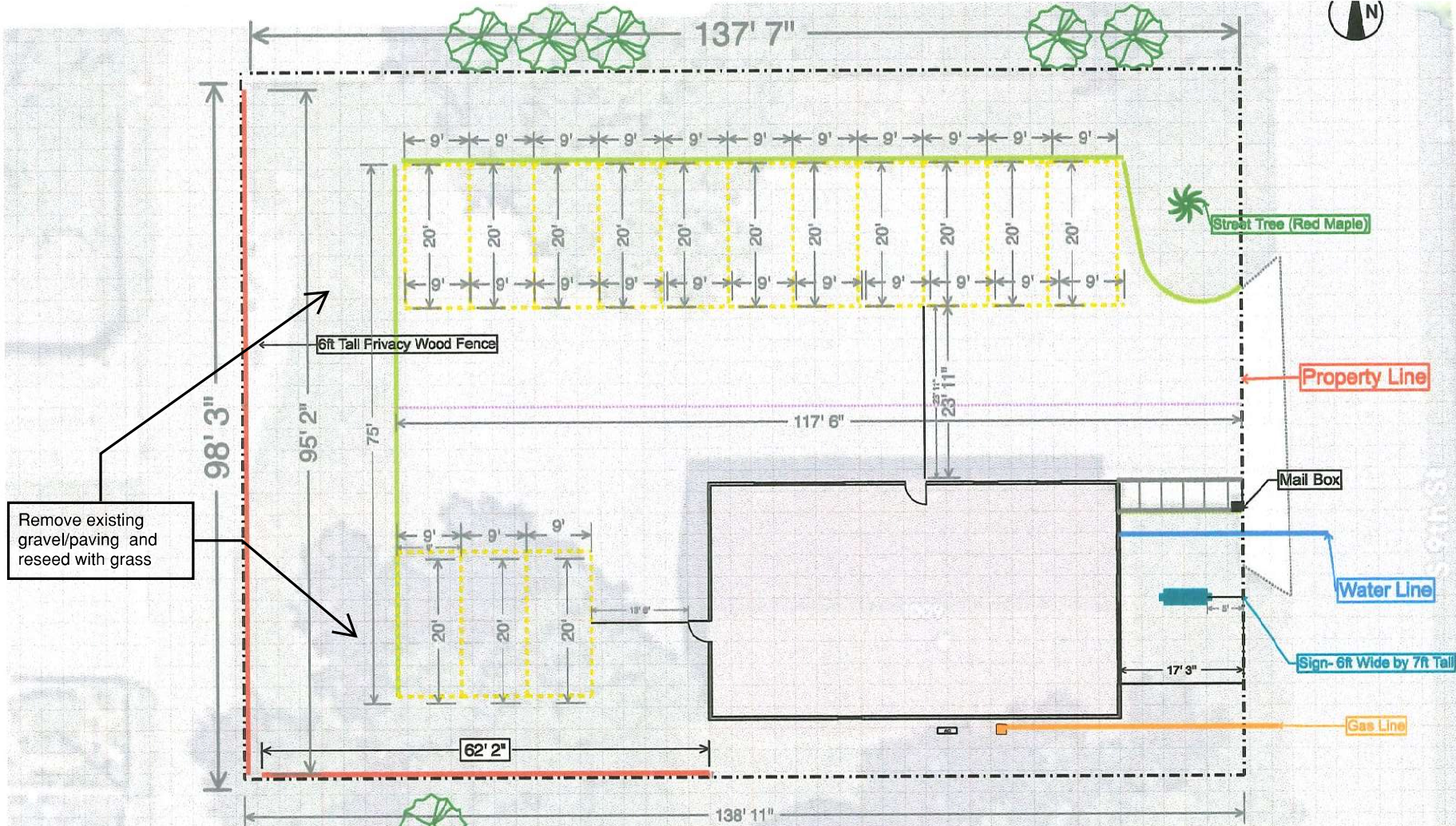
I hope to open this space up for not only myself but other aspiring entrepreneurs in my area. One part of the building would be space for my own Nail Studio and the other part would be for three commercial space studios. My studio would consist of one manicure table and one pedicure chair. My space would have a check in and out area and small waiting area.

As for the other three possible studio spaces, businesses that could potentially go in those spaces, Hair stylist/ Barber, Eye Lash Technician, Esthetician as well as an Art Gallery or Art Studio.

For the outside of the building and land scape there would be a few updates. A street tree would be added, as well as a 6ft privacy wood fence. The fence would help cover any head lights directed at residential homes. We would also like to Sealcoat and stripe the parking area. The last addition would be a business sign that would be 6ft wide by 7ft tall. The sign would include not only my personal business but also the *other three studios business names and logos.*

Creating an environment where creativity is limitless is the goal.





Remove existing gravel/paving and reseed with grass

6ft Tall Privacy Wood Fence

Street Tree (Red Maple)

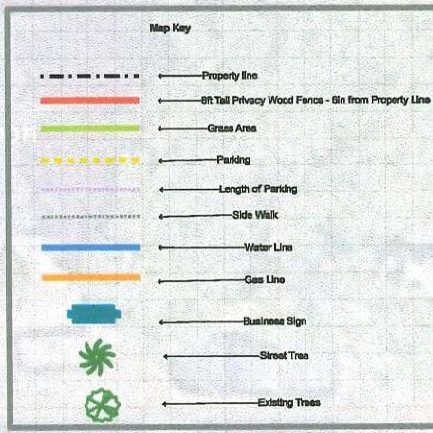
Property Line

Mail Box

Water Line

Sign- 6ft Wide by 7ft Tall

Gas Line



1009 S 9th St - Site Layout - 10/1/24

# FLOOR PLAN

W.C.N.T (W. Coast Nail  
Tailor) Nail Studio - 1009  
South 9 TH Street  
Goshen, IN 46526

