

Minutes - Goshen Board of Zoning Appeals  
Tuesday, October 22, 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, James Loewen, and Lee Rohn. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: Youth Advisor Kimberly Cazabal Gonzalez

**II.** Approval of Minutes from 9/24/24: Lauver/Rohn 5-0

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

**IV.** Postponements/Withdrawals – none

**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.

*Staff Report*

Mr. Deegan provided background information on this lot, explaining it contains 113 acres and is one of four platted lots in the subdivision. The petitioners are currently in the process of developing this lot and would like to subdivide it into 8 separate subdivision lots. He explained the primary subdivision approval occurred at Plan Commission and several variances are required before it moves to secondary approval. He referred to the last page in the staff report, pointing out where the perimeter fence would cross lot lines. He went on to say fences are permitted to run adjacent to property lines, but not allowed to cross the lot lines. Variances are also required for much of the paving on the property which crosses lot lines and has zero foot side and rear setbacks. Shared parking is also proposed on lots 9-12 with parking running across the front of the lots.

Staff recommends approval of the requests, keeping in mind that nothing will change regarding the current development. He also pointed out if the 8 proposed lots were to remain under the same ownership, variances would not be required because it would be one zoning lot. He explained if there are multiple owners in the future, the lots will function as one development. He noted this is beneficial because the zero foot setbacks and shared parking areas reduce the amount of space needed for development of these 8 separate lots.

The Planning Office was not contacted by the public regarding this request.

*Petitioner Presentation:*

Crystal Welsh, Abonmarche, 303 River Race Drive, spoke on behalf of the petitioner. She stated when this was first developed, the property owners thought it made sense to have one large lot with multiple buildings on it. That hasn't changed and there's no thought about selling off any of the parcels, but as things begin to

develop, they might want that opportunity in the future. After reevaluating the subdivision it became clear that easements and functionality in the subdivision would require work. The design allows for fire safety, and easements are in place to prohibit fences between individual lots. There will be no interior fencing, but a perimeter fence will help keep the site secure.

Mr. Loewen asked if this is to allow more flexibility in the future for the sale of individual lots.

Ms. Welsh agreed, pointing out it also gives them the option to retain ownership and lease out a particular structure.

Mr. Lauver questioned if there will be multiple gates.

Ms. Welsh responded that each driveway between each lot will have a gate.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Lauver/Loewen to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-31UV with the 2 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**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.

*Staff Report*

Mr. Deegan explained the petitioners would like to install a concrete driveway expansion along the south side of the home in order to park a new recreational vehicle. RV’s are permitted on residential lots provided they are parked behind the front wall of the home. The paved expansion will have a south setback of 2’ where 5’ is required. Staff pointed out this is an example of a property that creates a need for a variance because there is no other room on the property for a driving aisle. He pointed out its preferable for the RV to be parked behind the front wall of the home, and this will allow that and provide 2’ of bufferyard between the paving and the property line. The Planning Office was not contacted by the public regarding this request.

*Petitioner Presentation:*

Cindy Swonger, 402 Yorktown Drive, spoke on behalf of the petitioner. She stated they would like to park their new RV along the south side of the property and have spoken with the neighboring property owners who have agreed it’s not an issue for them.

Mr. Lauver asked if the tree and fence will remain.

Ms. Swonger responded that they will.

*Audience Comments:*

None

*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 24-32DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**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.

*Staff Report*

Mr. Deegan provided background information on this property, explaining it contains an approximately 1,700 sf, one story building and parking lot, surrounded by industrial, commercial, and residential uses. The petitioners would like to open a nail salon which is a commercial use and not permitted in the M-1 zoning district. The request also asks to allow other commercial uses, including barber and beauty shops, art galleries and studios, and substantially similar uses. Staff recommends approval, explaining there will be no changes to the footprint of the building. He also pointed out the M-1 property located immediately north is also a salon. He went on to say salons are not an intense use and if it were developed for industrial purposes, the property would be difficult to use because it would require a large berm, increased setbacks, etc. He pointed out this property is also located in a transitional area between industrial and residential uses. Staff recommends that the 14 parking spaces shown on the petitioners site plan be striped and that a privacy fence be installed to help block lights from vehicles onto adjacent properties. He also recommended that gravel located in the grassy area along the alley be removed and reseeded, and a tree planted in front.

Two inquiries were received by the Planning Office. Dennis & Linda Heiser, 1016 S 8<sup>th</sup> Street emailed the Planning Office with a basic inquiry, but did not provide any comments when Staff followed up with details. Bill McDonald owner of the property directly north at 1005 S 9<sup>th</sup> Street called for details and mentioned he had no opposition to the request.

Mr. Holtzinger asked if a tattoo parlor is permitted in this zoning district.

Mr. Deegan stated they are a conditional use in the M-1 District, and if it could meet the conditions, no variance would be required.

Mr. Deegan stated if the Board approves today's request and someone wanted to open a tattoo parlor, it would not be reviewed as a salon.

Mr. Loewen asked if there was a variance for the previous use as an architectural firm.

Mr. Deegan stated the previous use was classified as an office and there was nothing in the files to indicate the office use was permitted; however, the current zoning ordinance permits office use in the M-1 zoning district, so if this had been proposed as an office, no variance would be required.

*Petitioner Presentation:*

Jacqueline Gonzalez, 1009 S 9<sup>th</sup> Street, spoke on behalf of the petitioner. She stated she intends to open a nail salon on one side of the building and would like to have space available for another small business.

Mr. Rohn asked if she is agreeable to striping the parking lot, planting the tree, and installing the fence as recommended by Staff.

Ms. Gonzalez responded that she is.

Mr. Fisher asked if she has anyone else lined up for the additional space.

Ms. Gonzalez replied that she wanted to make sure her variance was approved prior to contacting other prospective tenants.

*Audience Comments:*

None

*The public hearing was closed.*

*Staff Discussion:*

None

*Action:*

A motion was made and seconded, Fisher/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-32DV with the 6 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: 4:25 pm Lauver/Rohn

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Hesston Lauver

Hesston Lauver, Secretary