

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, February 25, 2025 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 1/28/25
- 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. **Developmental Variances**– public hearing items
 - 25-03DV** – Nelda Johnson and Nick Johnson request a developmental variance to allow the replacement of a fence 6’ in height in the front yard setback along New York Street where fences cannot exceed 4’ in height. The subject property is generally located at 1212 S 8th Street and is zoned Residential R-1 District.
 - 25-04DV** – The Salvation Army requests a developmental variance to allow the display of up to four 60 Sf temporary banners for Salvation Army pancake day at separate locations where temporary banners cannot exceed 50 SF in area. In 2025 the banners will be displayed at 1304 Elkhart Road, 2824 Elkhart Road, 200 High Park Avenue, and 444 Lincolnway East.
 - 25-05DV** – David K Kendall and Nathan Mateer Rempel request developmental variances to allow a second primary structure where only one primary structure is permitted, a side (south) building setback of 3’ where a minimum of 8’ is required, no occupied space on the first floor where a minimum of 650 Sf is required, and two on-site parking spaces where a minimum of four are required, for the conversion of a detached garage to a single family dwelling unit. The subject property is generally located at 916 S 8th Street and is zoned Residential R-1 District.
- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 28, 2025, 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, Mathew Fisher, Tom Holtzinger, and Hesston Lauver. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez. Absent: James Loewen

II. 2025 Board of Zoning Appeals Appointments
Mr. Holtzinger asked if there is an update on appointments.

Mr. Deegan replied that Lee Rohn was reappointed to another 4 year term by the City Council.

III. Election of 2025 Officers

- *Chair*
- *Vice Chair*
- *Secretary*

Attorney Kolbus advised the Board if they want to keep the same officers, a motion can be made to continue the current officers.

Action:

A motion was made and seconded, Fisher/Rohn, to reappoint the current officers for 2025. (Tom Holtzinger, Chair, Lee Rohn, Vice Chair, and Hesston Lauver, Secretary.) The motion passed unanimously by a vote of 4-0.

IV. Approval of Minutes from 11/26/24:

Mr. Holtzinger advised Board members that absent board member James Loewen requested additional comments be added to the official minutes of the 11/26/24 BZA meeting. Those comments are included in an email (Exhibit A 11/26/24 Minutes) provided to Board members prior to the start of today's meeting.

Action:

A motion was made and seconded, Rohn/Fisher, to approve the minutes and adopt Mr. Loewen's written comments as part of the official record. The motion passed unanimously by a vote of 4-0.

V. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Lauver 4-0

VI. Postponements/Withdrawals – None

VII. Use & Developmental Variances – public hearing items

25-01UV & 25-01DV – Maple Crest Country Club of Goshen, Inc. and Abonmarche Consultants request a use variance to allow 5' side (south) and 35' side (east) parking and driving aisle setbacks adjacent to a residential property and access from a residential street where golf courses are a conditional use requiring a minimum 50' distance from any adjacent residential uses and zoning districts and access from a collector or arterial street, a developmental variance to allow a front parking and driving aisle setback of 5' along Hackett Road where a minimum of 25' is required, and to allow the variances to be valid for one year before a zoning clearance is issued for the expansion of the golf course parking lot. The subject property is generally located at 611 Hackett Road and is zoned Residential R-1 District.

Mr. Holtzinger noted for the record that he is a past president of Maple Crest and is not presently an officer. He went on to say he was not aware of this proposal until receiving his BZA packet.

Staff Report

Mr. Deegan explained this request is for Maple Crest Country Club, noting that while it is well over 100 acres in

size, most of the land is under the jurisdiction of Elkhart County. There is also an approximately 5 acre parcel on the south side of the property which includes the clubhouse and parking lot, and is the subject of today's request.

He explained that golf courses are a conditional use in the R-1 zoning district and among the conditions they must meet include setbacks of 50' from residential properties and zoning districts, and direct access from a collector or arterial street.

The petitioner would like to reorient some of the existing parking central to the site and add additional parking on the east side of the site. He went on to explain there is a home southeast of these improvements and the parking area does not meet the 50' required setback. He noted there is a 5' south (side) setback for the new parking area and a 35' east setback. He also pointed out the Hackett Road is a collector street with a setback requirement of 25' and the parking and driving aisle setback for the new access drive will be 5'

Staff recommends approval, explaining there is nowhere else to expand the parking area, noting the property creates a need for the variance. The increase to the number of parking spaces is needed for the numerous events which has seen overflow parking in grassy areas. The petitioner has also asked that the approval be granted for one year so it has time to go through the City's plan review process. Landscaping screening has also been provided around the parking lot to buffer vehicle lights between the parking lot and homes.

The Planning Office did not receive any inquiries regarding this request.

Petitioner Presentation:

Tom Runkle, Abonmarche Consultants, 303 River Race Drive, spoke on behalf of the petitioner. He stated Staff's report was very thorough, but added that proposed improvements include replacing the deteriorated existing parking lot, improving the circulation on the site, and eliminating drive cuts to help improve conflicts at Hackett Road. The owner of the country club has also reached out to neighboring property owners to discuss the proposed improvements and there have been no major objections from the homeowners.

Mr. Lauver asked how drainage will be addressed.
Mr. Runkle stated it will be contained subsurface.

Audience Comments:

There was no one to speak to the petition.

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 25-01UV& 25-01DV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-02UV – Ira & Esther Diener (property owners) and Daryl J Borkholder (potential buyer) request a use variance to allow the grazing and pasturage of animals (2 horses) within a fenced area where such use is a conditional use in the Agricultural A-1 District. The subject property is generally located at 321 N 22nd Street and is zoned Residential R-2 District.

Staff Report

Mr. Deegan explained this property is approximately 10 acres in size and contains rugged and highly vegetated land. The home and the property are zoned Residential R-2 District. The petitioners would like to use a portion of this property to keep two horses in a fenced area. A use variance is required because the zoning ordinance only allows horse grazing and pasturage as a conditional use in the Agricultural A-1 District. Based on the lot size and

semi-rural location on the outskirts of the City, Staff recommends approval of the request. The fenced area for the horses will be over 200' from the closest neighboring home and as mentioned previously, the property is rugged terrain and a large ditch.

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

Petitioner Presentation:

Ira Diener, 64622 CR 33, Goshen and spoke on behalf of the petitioner. He stated this is a rural property and he can't see that there will be any negative impact from the horses.

Daryl Borkholder, 8605 W 300 S, Topeka, was also present, and available to answer any questions.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Lauver/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-02UV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-03UV –Matthew Miller (owner) and Ismail Saleh (agent) request a use variance to allow a department store where such uses are permitted in the Commercial B-2, B-3, and B-4 districts. The subject property is generally located at 711 W Lincoln Avenue and 104 Huron Street and zoned Commercial B-1 and Residential R-3 Districts.

Staff Report

Mr. Deegan described this property, noting that it has previously come before the Board for approvals. It contains three parcels and is located along the north side of Lincoln Avenue. Zoning is Commercial B-1 and Residential R-3. The property contains a large one-story commercial building along with a residential home, which is located at 104 Huron Street, but today's discussion is about 711 W Lincoln. Because the property has B-1 and R-3 zoning, the use of the property is difficult without variances. He noted this property is also located in zone AE Fringe of the regulatory floodplain.

The most recent variance granted for this property was for a paintless dent repair business. Today's request is to allow the property to be used for retail sales for new and liquidated merchandise. Staff recommends approval of the request, noting that fire and building departments have reviewed and approved the plans. Based on zoning ordinance calculations, parking will be sufficient for this use. Outside sales and display, as well as outside storage, will be prohibited on this property. Additionally, Staff recommends that semi-trucks be prohibited from accessing the site.

The owner of 111 Denver Street called to ask for additional information on this request, but did not offer an opinion or express any specific concerns.

Petitioner Presentation:

Afaneh Samra, 8501 Broadmoor Drive, Palos Hills, IL spoke on behalf of the petitioner. He stated they don't plan to sell any used merchandise; all merchandise will be new and will include furniture, home décor, home furnishings, etc.

Mr. Holtzinger asked if he feels there is sufficient parking, to which Mr. Samra responded yes.

Audience Comments:

There was no one to speak to the petition.

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 25-03UV with the 6 conditions and 4 commitments listed in the Staff Report.

Mr. Lauver asked if this project will be approved by the building and fire departments prior to opening for business. Mr. Deegan acknowledged that both departments have been involved with review of the request.

The motion passed unanimously by a vote of 4-0.

25-02DV – Richard L Bender requests developmental variances to allow a front building setback along Berkey Avenue of 29’ where 30’ is required and a side (west) building setback of 7’ where 8’ is required for the addition of an approximately 989 SF garage and three-season room. The subject property is generally located at 1412 Berkey Avenue and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained the petitioner would like to build an addition to the northwest side of the home, along the Berkey Avenue frontage. The approximately 989 sf addition will include a two-stall garage and a sunroom. The addition will encroach 1’ into the (side) west setback and the 1’ into the (front) north setback. Both of these encroachments are due to structural overhangs. He explained these encroachments are minimal and will not adversely impact the neighborhood. No public comments were received regarding this request.

Petitioner Presentation:

Richard Bender, 1412 Berkey Avenue spoke on behalf of the petitioner. He stated in order to park in the garage and have room to open car doors, the extra one foot is necessary. He also stated he has contacted Bills Heating regarding the installation of a new sewer line and that should begin next month.

Audience Comments:

Dustin Sailor, Director of Public Works and Utilities, spoke to the request. He stated the Engineering Department would like to reaffirm condition #5 of the staff report, requiring the driveway to be concrete.

Mr. Bender responded that on the site plan he submitted, it shows that the driveway will be concrete and will be poured to the road.

The public hearing was closed.

Staff Discussion:

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 25-02DV with the 5 conditions a listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

VIII. Audience Items

None

IX. Staff Board Items

None

X. Adjournment: 4:27 pm Lauver/Fisher

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

Lipscomb, Lori

From: jamesmloewen@hotmail.com
Sent: Friday, January 24, 2025 10:47 PM
To: Lipscomb, Lori
Cc: Deegan, Rossa; Yoder, Rhonda
Subject: Re: 11/26/24 BZA meeting minutes

24-16 UV: 1730 Regent Street

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.

Thanks Lori for sending the draft minutes ahead of the meeting, as promised. Here are a few notes I'd like to have added to the record:

.....

On the topic of **24-16 UV** concerning my comments on the 36 planned Siberian Spruce trees, the draft minutes are accurate. I would like, however, to add some items which I raised at the time and which were not included, evidently out of concern for brevity.

Several years ago the Goshen City Council voted to approve a Climate Action Plan, which would pertain primarily to actions by the City and relate to properties owned by the City. The Goshen Community Schools might be considered a para-governmental agency of the City, and thus should consider itself committed to the goals of the Climate Action Plan. The Cherry Creek development, itself the recipient of tax benefits from the City, could reasonably also be asked to respect the City's goals in this area. One of the goals stated in the Climate Action Plan is to support bio-diversity and a healthy eco-system. The introduction of a very large number of medium size trees which do not support a healthy eco-system, in that they do not support pollinator or insect populations which are part of the food chain we rely upon, is a step in the wrong direction.

The good news for the developers here is that there exists a tree species which is native to this part of the United States, which is evergreen, and which is of roughly the same size as the Siberian Spruce. That tree is the Eastern Red Cedar. I asked the representative of the developer if they would consider swapping the Eastern Red Cedar in for the proposed species, and he agreed to pass along the idea.

.....

Thanks again for the followup and for the opportunity to fill out the record. Please let me know if you have any questions about the notes I've requested to add to the record.

Sincerely,
James Loewen

On Friday, January 24, 2025 at 07:57:03 AM EST, Lipscomb, Lori <lorilipscomb@goshencity.com> wrote:

Hello James,

A copy of the November 26, 2024, BZA meeting minutes are attached per your request. Attorney Kolbus has advised that if you have comments, they should be provided in writing and will be distributed to Board members at the meeting.

LOCATION: 1212 S 8th Street
CASE NUMBER: 25-03DV

DATE: February 25, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Nelda Johnson (owner); Nick Johnson (agent)

REQUEST: The applicants request a developmental variance to allow the replacement of a fence 6' in height in the front yard setback along New York Street where fences cannot exceed 4' in height

LOT SIZE: ± 6,660 SF; ±162' of frontage (±45' on 8th Street & ±148' on New York Street); ±148' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 34

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, institutional, industrial

NEIGHBORHOOD: Parkside

THOROUGHFARES: 8th Street & New York Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ 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.

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 on the northeast corner of the intersection of 8th Street and New York Street. Zoning is R-1 and surrounding homes are predominantly single family; Parkside Elementary School is located directly to the west across 8th Street. Improvements include a single story home approximately 1,208 SF in area and a two stall detached garage with access from the rear alley.

The property also has an existing fence that runs east to west along its New York Street frontage. It is a wood shadowbox fence and is between 4' and 6' in height. Because the fence is falling into a state of disrepair, the petitioners are now proposing to replace it with a new fence 6' in height. A developmental variance is needed because it will be located in the front yard along New York Street, where fences cannot exceed 4' in height.

Staff recommends approval of the request. While the property has two front yards, the front of the home faces 8th Street. The property's frontage along New York Street serves similarly to a side yard, where a fence 6' in height would be permitted. The new fence will also replace a fence that appears to have existed in the same location for many years and is greater than 4' in height across much of its span. A fence height of 6' provides better privacy, which is reasonable given the property is on a corner.

Recently, the BZA has provided similar approvals for fences on corner lots, including 6' tall fences at 702 S 6th Street in July 2023, 1301 West Avenue in April 2024, 1017 S 14th Street in November 2023, and a 1105 Baker Avenue in June 2021.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow the replacement of a fence 6' in height in the front yard setback along New York Street where fences cannot exceed 4' in height, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The new fence will also replace a fence that appears to have existed in the same location for many years and is greater than 4' in height across much of its span. *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.** While the property has two front yards, the front of the home faces 8th Street. The property's frontage along New York Street serves similarly to a side yard, where a fence 6' in height would be permitted. The tall fence being replaced does not appear to have been of detriment to surrounding properties during its existence. *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 property's frontage along New York Street serves similarly to a side yard, where a fence 6' in height would be permitted, and where a fence that provides privacy is reasonable residential development. *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.



Looking east-northeast along New York Street



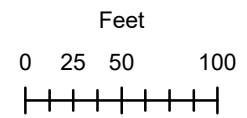
Looking west-northwest along New York Street



Looking west



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1 inch = 100 feet

1212 S 8th St

2023 Aerial
Printed February 5, 2025

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



1204

1206

1210

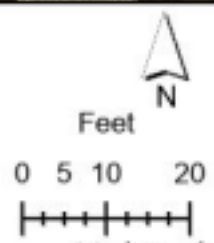
1212

1302

Replace existing 6' tall wood fence with 6' tall wood fence in same locations

New York St

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LOCATION: 1304 Elkhart Road, 2824 Elkhart Road, 200 High Park Avenue, & 444 Lincolnway East
DATE: February 25, 2025 **CASE NUMBER:** 25-04DV **PREPARED BY:** Rossa Deegan

GENERAL INFORMATION

APPLICANT: The Salvation Army (owner)

REQUEST: The applicants request a developmental variance to allow the display of up to four 60 SF temporary banners for Salvation Army pancake day at separate locations where temporary banners cannot exceed 50 SF in area. In 2025 the banners will be displayed at 1304 Elkhart Road, 2824 Elkhart Road, 200 High Park Avenue, and 444 Lincolnway East.

APPLICABLE ZONING:

1304 Elkhart Road – Commercial B-3
2824 Elkhart Road – Commercial B-3
200 High Park Avenue – Commercial B-3PUD
444 Lincolnway East – Industrial M-1

NOTICES SENT: 24

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5100.2*, Permitted Sign Types
 - E. Temporary and Mobile Signs
 - 2. Temporary or mobile signs shall not exceed 50 square feet in area

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 petitioners are proposing to allow zoning clearance approval for temporary display of four 60 SF banners at separate locations in the City. The purpose of the banners is to advertise a pancake day event for Salvation Army. The Zoning Ordinance allows the display of temporary banners in specified zoning districts for a limited number of days in a calendar year. Such signs cannot exceed 50 SF in area.

The banners are existing and have been used in the past for the same annual event. They previously received zoning clearance approval because their measurements were made incorrectly, and it was thought that the banners are only 30 SF when in fact they are double that size. Planning has approved the banners every year from 2015 until now based on that mis-measurement.

In 2025, the petitioners plan to display the signs at the following locations: 1304 Elkhart Road, 2824 Elkhart Road, 200 High Park Avenue, and 444 Lincolnway East. These locations are all zoned appropriately to allow temporary banners. Future locations of display may change but will be located in the appropriate zoning districts.

Denying the request would not result in practical difficulties because the allowed 50 SF area for temporary banners is adequate. Nevertheless, given that the same 60 SF signs have been used for the past decade without any apparent injury to public health or safety, and without detriment to neighboring properties, the request should be approved.

A condition should be put in place stipulating that when the signs are replaced they are brought into compliance with the size requirements for temporary banners as allowed by the Zoning Ordinance.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow the display of up to four 60 SF temporary banners for Salvation Army pancake day at separate locations where temporary banners cannot exceed 50 SF in area (In 2025 the banners will be displayed at 1304 Elkhart Road, 2824 Elkhart Road, 200 High Park Avenue, and 444 Lincolnway East), based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The same 60SF signs have been used for the past decade without any apparent injury to public health or safety. *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 same 60 SF signs have been used for the past decade without any apparent detriment to neighboring properties. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will not result in practical difficulties in the use of the subject property.** Denying the request would not result in practical difficulties because the allowed 50 SF area for temporary banners is adequate. *The standard is not 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 subject four (4) signs shall only be displayed on properties within zoning districts that permit temporary signs.
5. At the time any or all of the subject banners are replaced, they shall be replaced by banners that meet the current size allowances and other standards of the Zoning Ordinance.



200 High Park Avenue



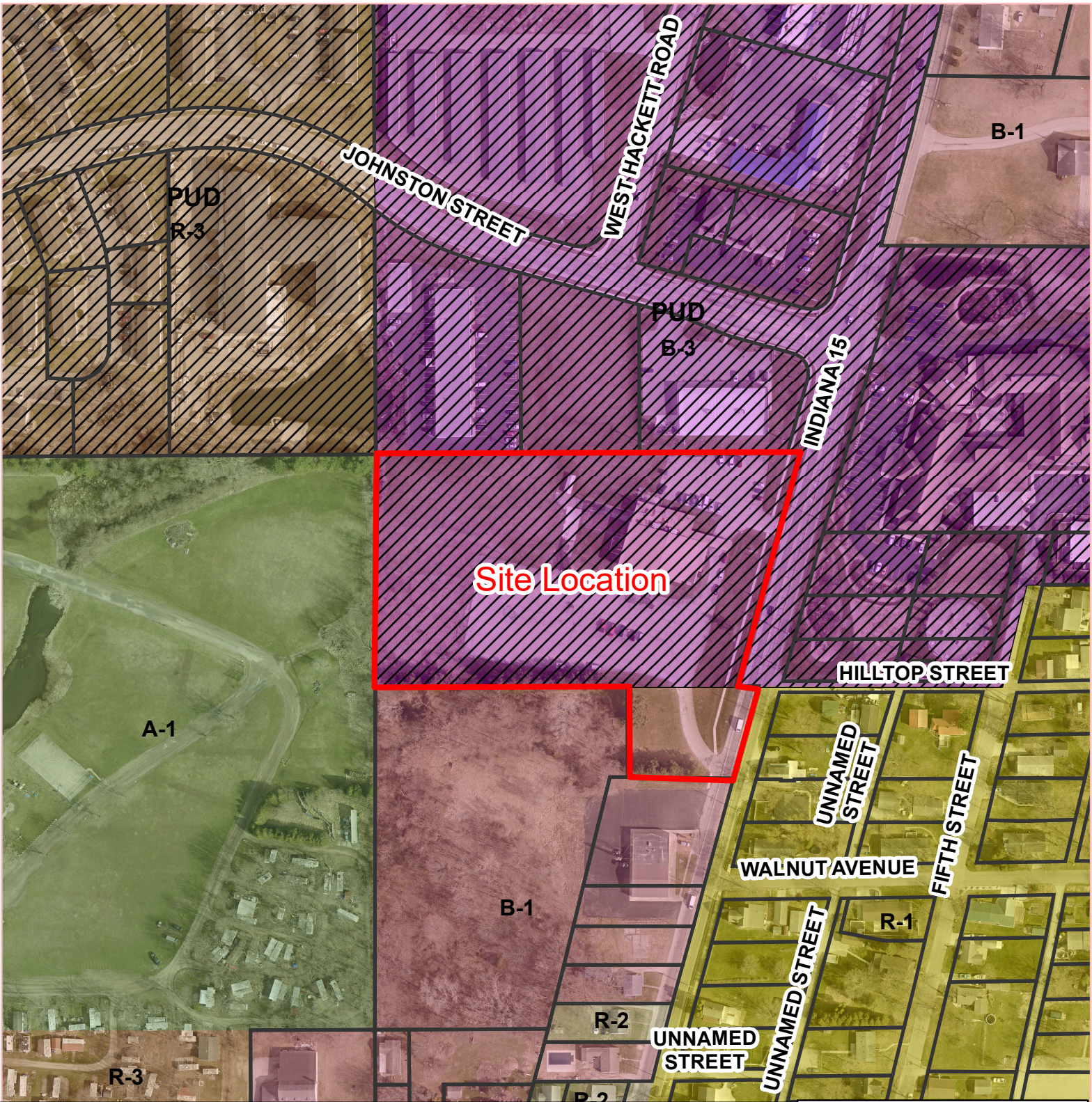
444 Lincolnway East (Goshen Schools bus lot)



1302 Elkhart Road

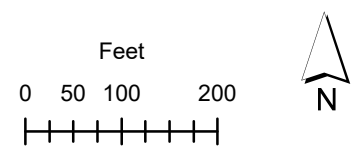


2824 Elkhart Road



Site Location

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1013 N Main St

2023 Aerial
Printed February 5, 2025

The City of Goshen
Department of
Planning & Zoning

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

19ft 9 in wide

2ft 10in high



— THE SALVATION ARMY —
PANCAKE DAY
FRIDAY, APRIL 26th 6:00am - 7:00pm 1013 N. MAIN ST.



LOCATION: 916 S 8th Street
CASE NUMBER: 25-05DV

DATE: February 25, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: David K. Kendall (owner); Nathan Mateer Rempel (agent)

REQUEST: The applicants request developmental variances to allow a second primary structure where only one primary structure is permitted, a side (south) building setback of 3' where a minimum of 8' is required, no occupied space on the first floor where a minimum of 650 SF is required, and two on-site parking spaces where a minimum of four are required, for the conversion of a detached garage to a single family dwelling unit

LOT SIZE: ±7,260 SF; ±44' of frontage; ±165' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 33

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Parkside

THOROUGHFARES: 8th Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5140*, Primary Buildings or Structures
 - A. More than one primary structure may be constructed on a single parcel in the R-3 and R 4 Residential District, the B 2, B 3, and B 4 Commercial Districts, and in the M 1 and M 2 Industrial Districts, provided that all requirements of this ordinance shall be met for each primary structure and accessory structure as though it were on an individual lot.
 - B. All other zoning districts in this ordinance shall allow only one primary building or structure per lot.

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-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. Interior yards shall have two side yards; each side yard shall have a width of not less than eight feet.

- ◇ Goshen Zoning Ordinance, *Section 4140.5*, Building Size in the R-1 District
 - No building shall hereafter be erected for residential purposes with less than 950 square feet of occupied space on one floor or 650 square feet on the ground floor for a two-story building.

- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
 - Single family dwelling units require a minimum of 2 on site parking spaces each

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 the east side of 8th Street in the Parkside Neighborhood. Zoning is R-1, surrounding properties are primarily single family homes but at least three 2- and 3-family homes are on the same block; Water Tower Park is located directly to the east. Improvements to the subject property include a single story home with an approximate footprint of 1,184 SF and a detached single stall garage with concrete drive access from 8th Street.

The existing detached garage is approximately 18.5' x 22'. The petitioners are proposing to add a second story to it and expand its footprint to include a second story deck, so that it will be approximately 18.5' x 31' (574 SF). The purpose of the changes is to create a studio-style living unit. Developmental variances will be needed for the following:

- The changes to the garage will make it a single family home, and single family homes are permitted in the R-1 District. However, the district allows only one primary structure per lot, so the second primary structure requires a variance.
- The minimum side setback for primary structures in the R-1 District is 8'. The proposed structure will maintain the same 3' side (south) setback as the existing garage but be expanded upward and eastward
- The first floor of the structure will remain unoccupied space where the R-1 District requires two-story structures to have a minimum of 650 SF of occupied space on the first floor
- Two on-site parking spaces for each dwelling unit are required for a total of four. Only two spaces will be provided.

Staff recommends approval with conditions and commitments. Denial of the request will not result in practical difficulties in the use of the property because the existing single family primary structure can continue as allowed by the Zoning Ordinance. However, approval is warranted based on the following:

- The proposed second primary structure will not be a large house; it will have approximately 407 SF of occupied space and appropriate as living quarters for only one to two people.
- A second small home on the property is unlikely to be disruptive to the character of the area. Surrounding properties are primarily single family but also include duplexes (903 & 915 S 8th Street) and a three-family home (919 S 8th Street).
- Approval will not result in the property being overly developed. The two primary structures will have a combined footprint of approximately 1,758 SF, which is less than many homes on the same block and substantially less than many new homes elsewhere in the City. Total building coverage of the property will be approximately 24.2% where a maximum of 35% is allowed.
- Parking as proposed will likely be sufficient for the property. The petitioners are proposing to add two parking spaces from the rear alley, and an existing driveway from 8th Street can continue to park at least one vehicle, although it is partially in the right of way. Because the proposed second home is an efficiency unit, its occupant(s) are unlikely to need more than one car. Street parking is also available.
- The lack of occupied space on the first floor is unlikely to be a concern so long as the building is adequately fire rated, which will be required as part of the Building Department review. The petitioners have been in discussion with the Building Department and the structure will meet building code.
- The BZA has granted similar approvals for second primary residential structures in recent years, including second floor dwelling units at 511 Winter Avenue (June 2023) and 1012 S 10th Street (November 2024)
- If the structure in question was entirely new, it would have ample room on the property to be built to the minimum required setbacks. Because it will use the existing south wall of the garage, it will not encroach any further into the setback than what is already existing.
- The petitioners have been in discussion with the Engineering Department and received approval by the Board of Works to connect the new the structure to City water and sewer

As with similar approvals, conditions and commitments requiring connection to City water & sewer and prohibiting splitting the property by sale or subdivision should be imposed.

FINDINGS OF FACT

Staff recommends **approval** of developmental variances to allow a second primary structure where only one primary structure is permitted, a side (south) building setback of 3' where a minimum of 8' is required, no occupied space on the first floor where a minimum of 650 SF is required, and two on-site parking spaces where a minimum of four are required, for the conversion of a detached garage to a single family dwelling unit, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Approval will not result in the property being overly developed. The two primary structures will have a combined footprint of just approximately 1,758 SF, which is less than many homes on the same block and substantially less than many new homes elsewhere in the City. Total building coverage of the property will be approximately 24.2% where a maximum of 35% is allowed. The structure will be built to building code. *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.** Because the enlarged structure will use the existing south wall of the garage, it will not encroach any further into the setback than what is already existing. A second small home on the property is unlikely to be disruptive to the character of the area. Surrounding properties are primarily single family but also include duplexes (903 & 915 S 8th Street) and a three-family home (919 S 8th Street). *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will not result in practical difficulties in the use of the subject property.** Denial of the request will not result in practical difficulties in the use of the property because the existing single family primary structure can continue as allowed by the Zoning Ordinance. There is ample space on the property to extend the living space of the existing home. *The standard is not confirmed.*

With approval of the use variance, the following conditions shall apply:

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.
7. Approval by the Engineering Department before the zoning clearance is issued is required.
8. The second primary structure must be connected to City water and sewer.

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. The entire property shall remain under single ownership; the two primary structures shall not be sold separately; and the lot shall not be subdivided.



From 8th Street looking east



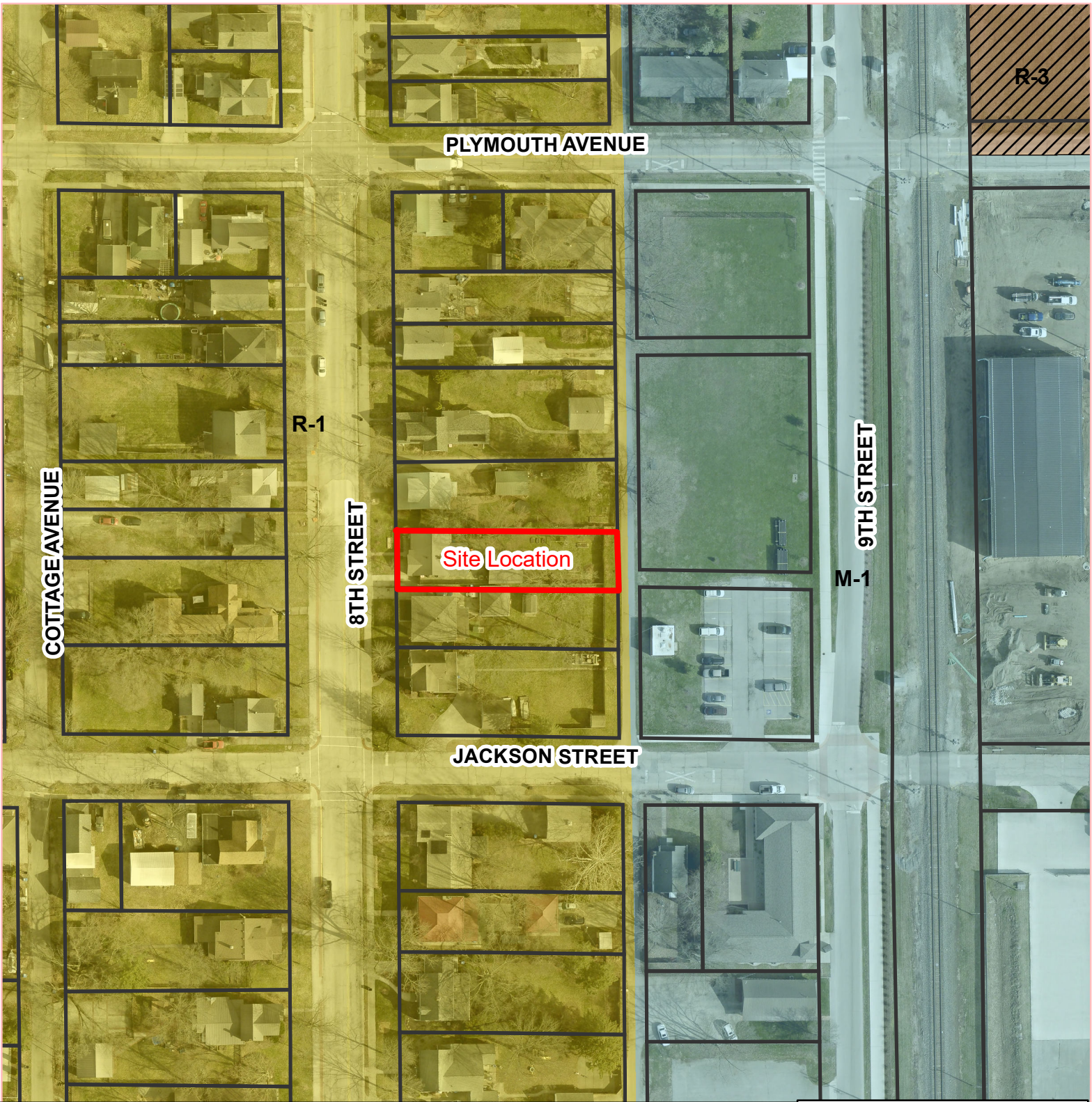
From south property line looking east at existing detached garage



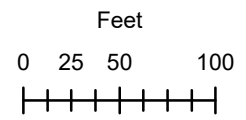
From rear alley looking west



Looking west at detached garage



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1 inch = 100 feet

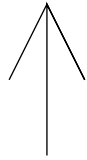
916 S 8th St

2023 Aerial
Printed February 6, 2025

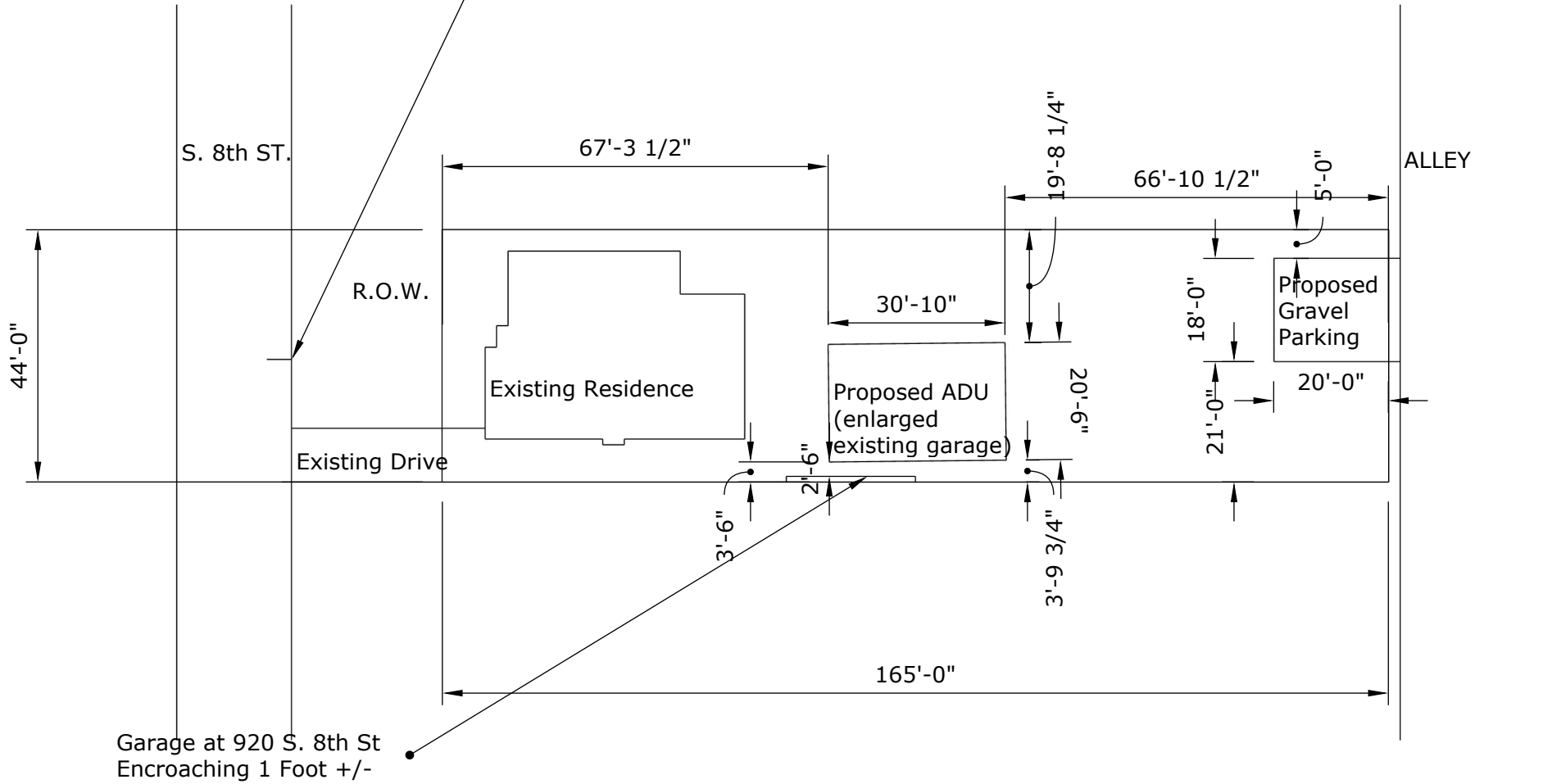
The City of Goshen
Department of

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

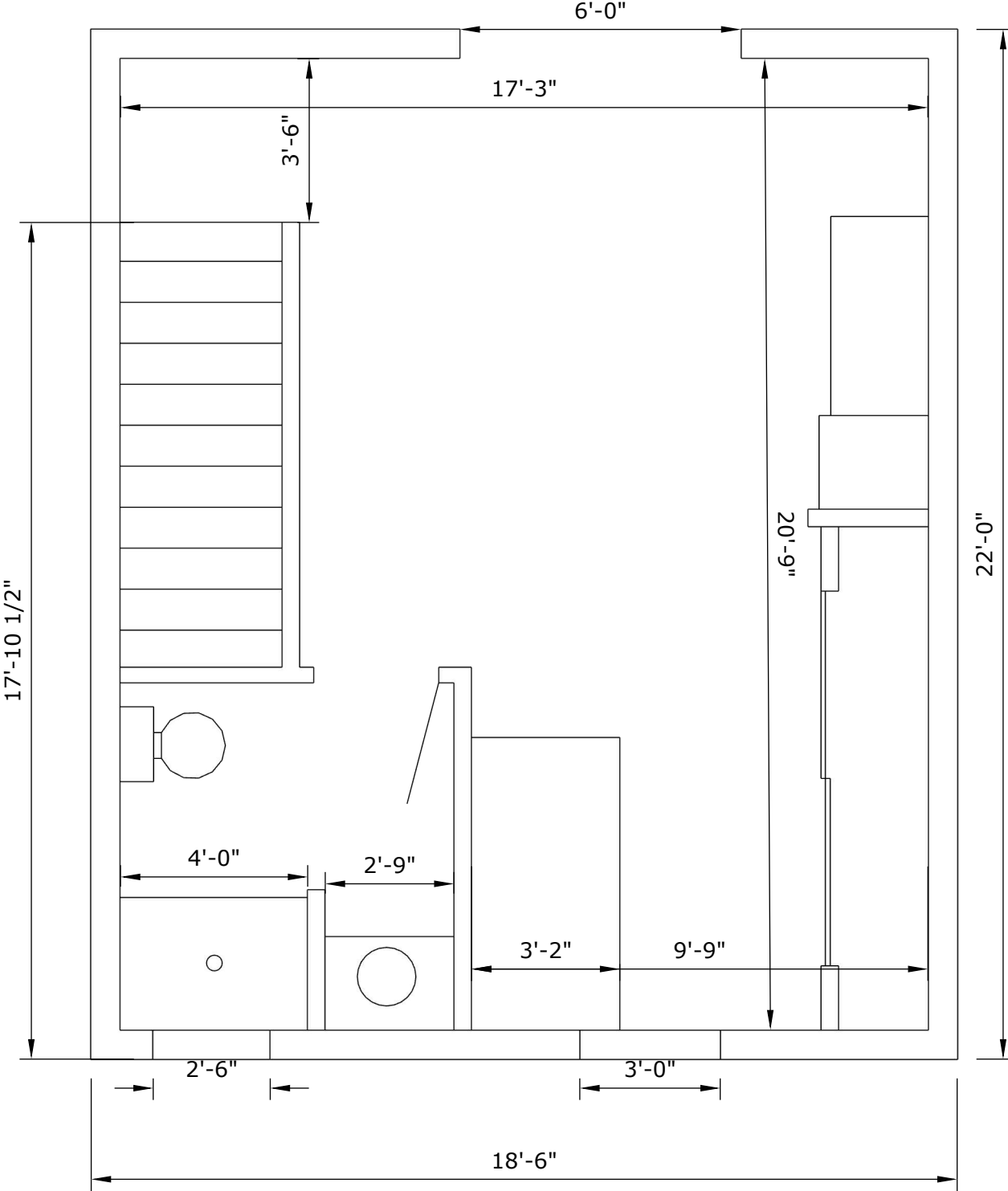
NORTH



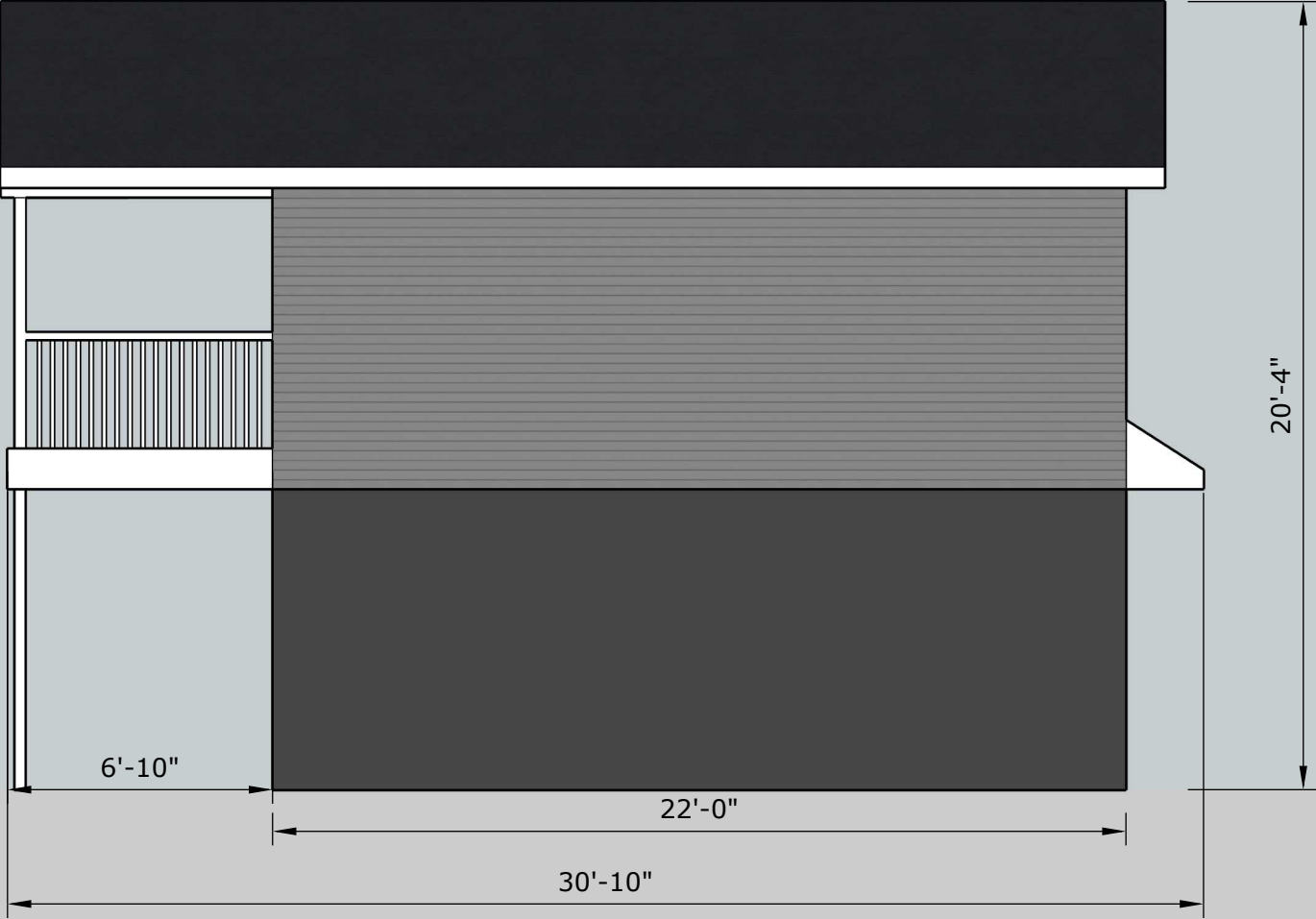
01-17-2025
Proposed Site Plan
916 S. 8th Street



916 S. 8th Street
Bland Kendall ADU
2nd Floor Plan



916 S. 8th Street
Bland Kendall ADU
North Elevation



916 S. 8th Street
Bland Kendall ADU
West Elevation

