

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

- I. Roll Call
- II. Approval of Minutes from 2/25/25
- 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
 - 25-06DV** – Paul Stauffer & Jennifer E Shell request a developmental variance to allow a fence approximately 5’ in height in the front yard where fences cannot exceed 4’ in height. The subject property is generally located at 811 N Main Street and is zoned Residential R-2 District.

 - 25-07DV** – Rollin R & Debra A Handrich and Raber Patio request a developmental variance to allow a rear (south) building setback of 20’ where a minimum of 25’ is required for an approximately 196 Sf sunroom addition. The subject property is generally located at 1812 Woodgate Drive and is zoned Residential R-3 PUD.
- VI. Audience Items
- VII. Staff/Board Items
 - 6-month extension request from 4/22/25 to 10/22/25 for 24-11UV, 1009 S 9th Street.
- VIII. Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, February 25, 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, James Loewen, and Hesston Lauver. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez.
- II.** Approval of Minutes from 1/28/25: Rohn/Lauver 5-0
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Lauver 5-0
- IV.** Postponements/Withdrawals – None
- 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.

Staff Report

Mr. Deegan explained this is a single-family home, located at the corner of New York and South 8th Street. The petitioners would like to reconstruct a dilapidated, 6’ fence on the property and because it’s a corner lot, it’s subject to the zoning requirement allowing a maximum fence height along the street frontages of 4 feet. This proposal is to allow a 6’ fence along New York Street. Staff recommends approval of the request, noting that the front of the home faces 8th Street and the frontage along New York Street functions as a side yard. He explained this request is reasonable and will improve the appearance of the property and provide reasonable privacy; also pointing out the zoning ordinance requires that fences be maintained and not fall into disrepair. He reminded Board members that several previous approvals have been given for similar requests.

No public inquiries were received regarding this request.

Petitioner Presentation:

Nick Johnson, 15805 Adams Road, Granger, spoke on behalf of the petitioner. He stated this property belongs to his mother who lives there alone. He explained that the 6’ fence will allow privacy between the garage and the home.

Mr. Loewen asked if the fence will also be extended along 8th Street.

Mr. Johnson explained it will be in the same place as it is now.

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/Loewen, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-03DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

25-04DV – Salvation Army of Goshen 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.

Staff Report

Mr. Deegan explained this request is not for a specific property, but for four banners, owned by The Salvation Army. These banners are intended to be displayed at various locations in Goshen. He explained the zoning ordinance allows temporary banners in most commercial and industrial zoning districts and one temporary banner, not to exceed 50 SF in area, is permitted on a zoning lot for up to 60 days in a twelve month period. The Planning Office tracks these temporary signs with zoning clearances.

For the past decade, The Salvation Army has been receiving temporary approval for banners to be displayed around the City to advertise their annual event. Approval was granted because the size of the signs has been erroneously stated as less than 50 SF, but it's now been brought to our attention that they exceed 50 SF in area. Although these temporary banners exceed the allowable square footage, Staff recommends approval with the condition that the signs only be displayed on sites where temporary banners are permitted, and that once any or all of the existing banners need to be replaced, they be brought into compliance with current zoning ordinance standards.

No public comments were received regarding this request.

Petitioner Presentation:

Steve Oyer, 219 N 2nd Street, spoke on behalf of the petitioner. He stated he's been in charge of The Salvation Army banners for the past 8 or 9 years and the person he took over from had provided an incorrect size of the banner when filling out the zoning clearance form. He stated he had never checked the size until three or four years ago when the Planning Office asked him to verify it. He realized at that time the size was incorrect, but explained he was afraid if he said anything, the City wouldn't allow him to put the banners up. He was also concerned that The Salvation Army would have to invest in new banners, so he left the incorrect banner size on the zoning clearance. He went on to say he spoke with a couple people about reducing the size of the signs, but found that would be too costly. He finally spoke with the Planning Office and their recommendation was to ask for a variance, so that's what he decided to do.

Mr. Lauver asked how long the signs will be displayed.

Mr. Oyer stated they will be displayed for 30 days; from March 28th through April 28th

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 25-04DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

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.

Staff Report

Mr. Deegan explained this property contains a single-family home, noting that the surrounding area is mostly single-family homes, but there are also several two and three family homes in this same block of 8th Street. The petitioners would like to expand an existing single stall garage with a second story addition which would serve as an efficiency living unit. A developmental variance is required because the zoning ordinance considers this a second primary structure. A variance is also required in order to retain the 3' side (south) setback, for no living space on the first story, and for a total of 2 parking spaces where a total of 4 spaces are required. He pointed out that although several variances are required, this will not be a large new home in the backyard, but a small studio apartment, for one or two people, located above an existing garage. He went on to say they plan to add two parking spaces from the alley, noting that there is a driveway off of 8th Street and on-street parking is also available. He explained that if approved, commitments requiring connection to city water and sewer will be required, along with a commitment that the property cannot be subdivided and the two structures cannot be sold off separately.

One general inquiry was received regarding this request. The caller offered no comments and voiced no support or opposition to the request.

Petitioner Presentation:

Nate Mateer Rempel, 113 E Madison St, spoke on behalf of the petitioner. He stated he has nothing to add, but is happy to answer any questions.

Mr. Loewen asked if the existing garage will be demolished.

Mr. Rempel stated they will use the existing cinderblock walls and build on top.

Mr. Loewen asked if the two proposed parking spaces from the alley will be new.

Mr. Rempel responded that there are currently no parking spaces off the alley and that these will be new.

Mr. Loewen questioned what the parking signs are along 8th Street.

Mr. Rempel stated there is no parking along the east side of the street, but parking is permitted on the west side of the street.

Mr. Fisher asked if there will be windows on the south side of the structure.

Mr. Rempel stated no windows will be permitted on the south side because of its proximity to a garage on the neighboring property.

Mr. Rohn asked if the new driveway will be gravel or hard surface.

Mr. Deegan stated the Board of Works rejected the request for gravel, so the driveway will be hard surface.

Mr. Loewen asked what the reason is for prohibiting multiple units on a given lot.

Attorney Kolbus stated one reason would be lack of parking.

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, Loewen/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-05DV with the 8 conditions and 2 commitments 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: 4:23 pm Fisher/Rohn

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 811 N Main Street
CASE NUMBER: 25-06DV

DATE: March 25, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Paul Stauffer & Jennifer E Shell (owners)

REQUEST: The applicants request a developmental variance to allow a fence approximately 5' in height in the front yard where fences cannot exceed 4' in height

LOT SIZE: ± 30,360 SF; ±329' of frontage (± 218' on Wilden Avenue & ±111' on Main Street); ±199' depth

APPLICABLE ZONING: Residential R-2

NOTICES SENT: 40

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, commercial

NEIGHBORHOOD: North Goshen

THOROUGHFARES: Main Street & Wilden Avenue

TOPOGRAPHY: Inclines northward

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 on the southwest corner of the intersection of Main Street and Wilden Avenue. Zoning is Residential R-2; surrounding properties include a mix of residential uses and health care offices. The property is just over two-thirds of an acre and includes a two story home with an approximate footprint of 1,889 SF and a detached garage with access from Wilden Avenue.

The petitioners are proposing to re-install a fence and fieldstone wall in the front yards along Main Street and Wilden Avenue that were temporarily removed for recent construction projects. The projects—infrastructure improvements to Wilden Avenue and the widening of the intersection of Main Street and Wilden Avenue— included the acquisition of a portion of the northeast corner of the subject property for new City right of way.

The petitioners say that the wrought iron fence in question is approximately 100 years old. It is approximately 4'6" in height and will be re-installed in what is largely the same location. Because fences cannot exceed 4' in height in the front yard, a developmental variance is required. The fieldstone wall to be rebuilt will be less than 4' in height and does not need a variance.

Staff recommends approval. The proposed fence existed for many years on the subject property without creating any hazard for public health and welfare. The proposed fence is approximately 6" in height greater than what is permitted, which is a negligible difference.

Re-installing it will not disturb the character of the area because it existed for so long in approximately the same location. The fence and wall are well-suited to the character of the area and will likely benefit the use and value and adjacent properties. The fence is a continuation of the same wrought iron fence that borders the north end of the historic Abshire Mansion along Wilden Avenue, and the fieldstone wall is a continuation of the same wall from the mansion's east property line along Main Street.

Note that a small portion of the fence will be installed in the newly dedicated City right of way. This received approval by the Board of Works on March 6 of this month.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a fence approximately 5' in height in the front yard 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 subject fence has existed on the property for many years without record of injury to public health or safety. Approval will allow the fence to be re-installed in approximately the same location. *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 fence has existed on the property for many years without any apparent adverse impact on neighboring properties. In fact, the style of the fence is well-suited to the character of the neighborhood, and is likely beneficial to the use and value of properties in the vicinity. *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 fence in question has existed on the subject property for many years and was removed as part of a public infrastructure improvement projects. The fence is less than 1' in height greater than what is permitted, which is a negligible difference. *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 southwest across intersection of Main Street and Wilden Avenue



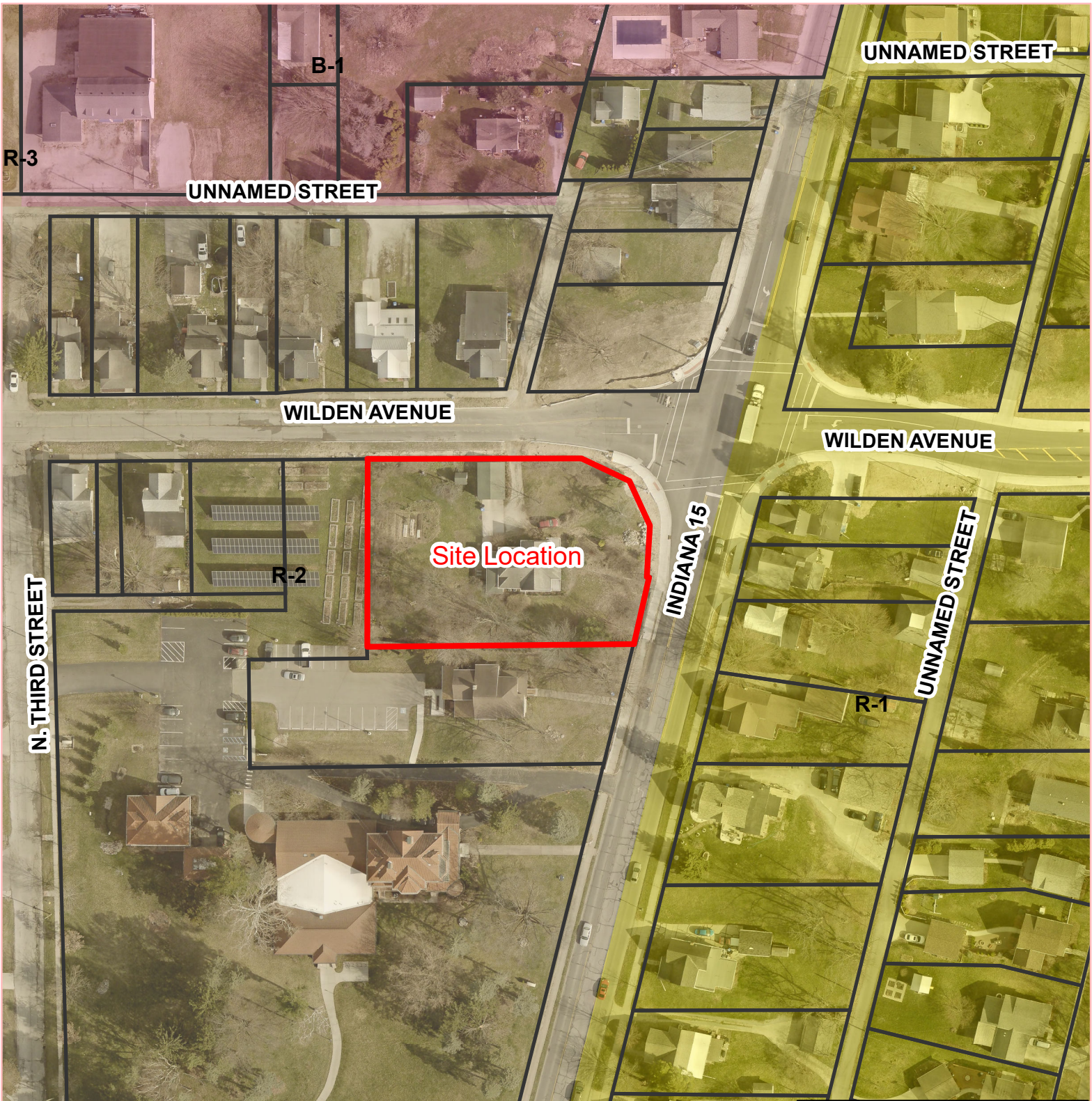
Looking west along Wilden Avenue



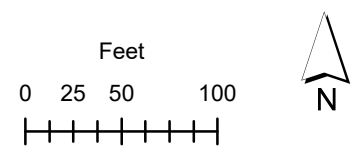
Looking west at location of proposed fence re-installation



From Main Street looking northwest



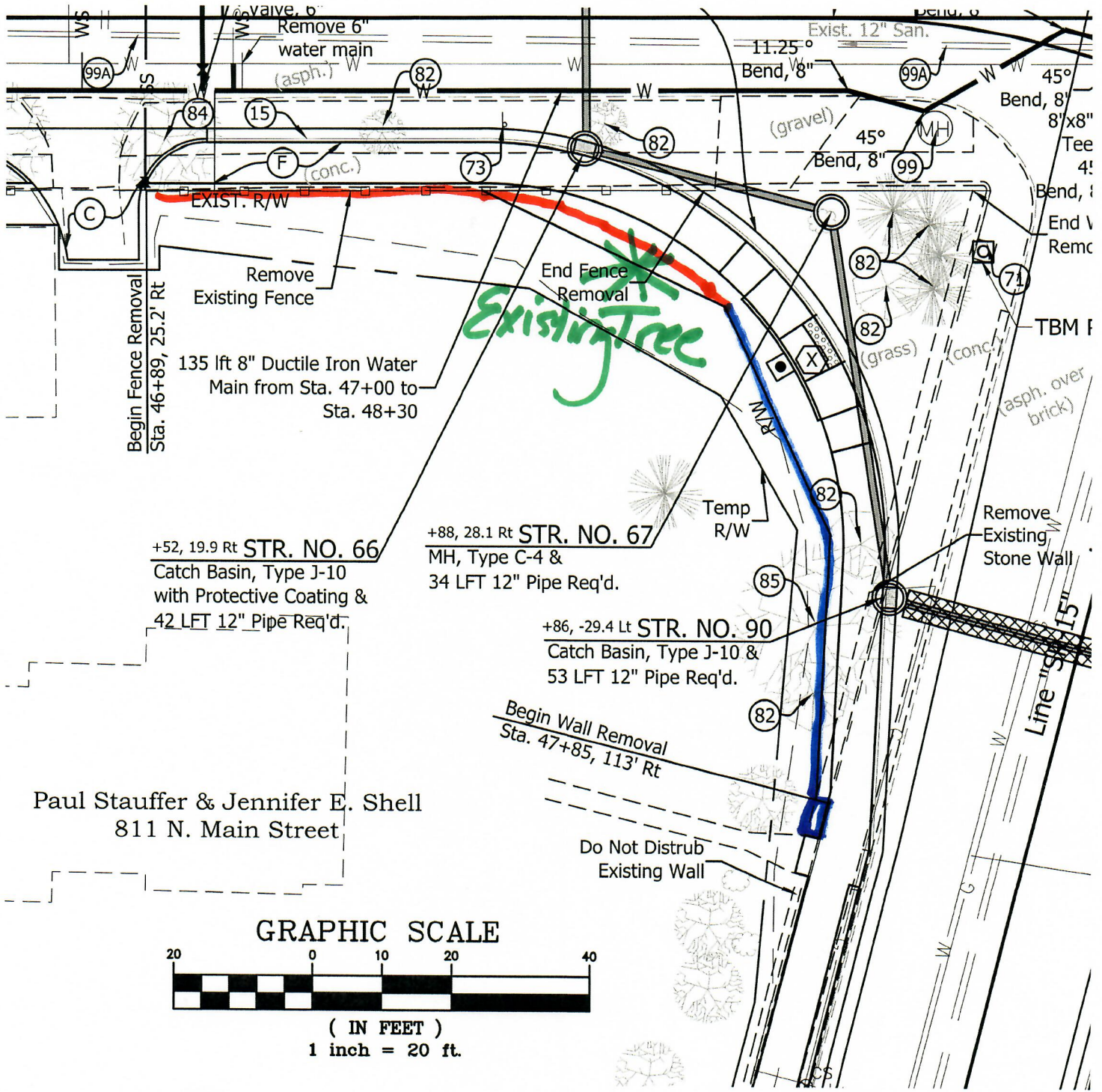
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811 N Main Street

2023 Aerial
Printed March 7, 2025

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



 = proposed wrought iron fence reinstallation

 = proposed fieldstone wall rebuild



LOCATION: 1812 Woodgate Drive
CASE NUMBER: 25-07DV

DATE: March 25, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Rollin R & Debra A Handrich (owners); Raber Patio Enclosures & Furniture, LLC (agent)

REQUEST: The applicants request a developmental variance to allow a rear (south) building setback of 20' where a minimum of 25' is required for an approximately 196 Sf sunroom addition

LOT SIZE: ±10,890SF; no frontage (private drive); depth varies

APPLICABLE ZONING: Residential R-3PUD

NOTICES SENT: 28

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Keystone Pointe

THOROUGHFARES: Woodgate Drive (private), accessed from College Avenue and Dierdorff Road

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4170.3*, Area, Width, and Yard Regulations of the R-3 District D. Rear Yard. There shall be a rear yard on each lot, the depth of which shall be not less than 25 feet.

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 the Keystone Point neighborhood on Woodgate Drive, a private roadway. Zoning is Residential R-3PUD, and all homes in the immediate vicinity are single family. The subject home is one story with an approximate footprint of 2,364 SF. It was built in 2001.

The petitioners are proposing to add a three-season room to the southeast corner of the home over an existing concrete patio. The addition will be approximate 14'x14' and include a new stamped concrete patio on its east side. A developmental variance will be needed for the addition because the rear setback from the south property line to the overhang will be 20' where a minimum of 25' is required.

Staff recommends approval of the request. There is nowhere else to build the addition, which is a reasonable use of a residential property. Based on the interior floor layout of the home, the southeast corner is the only location where such an addition can be constructed. The 20' setback that will be maintained is ample buffer space. The addition will not encroach in the 15' utility easement that runs along the south property line. All other developmental requirements will be met, including minimum side building setbacks and maximum building coverage.

The proposed addition is unlikely to be harmful to the use and value of adjacent properties. It will be located in the rear yard, which abuts a dense row of evergreen plantings on the property to the south; the evergreens serve as a buffer between the adjacent retirement community and the residential properties in Keystone Pointe.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a rear (south) building setback of 20' where a minimum of 25' is required for an approximately 196 Sf sunroom addition, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The 20' setback that will be maintained is ample buffer space. The addition will not encroach in the 15' utility easement that runs along the south property line. All other developmental requirements will be met, including minimum side building setbacks and maximum building coverage. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The proposed addition is unlikely to be harmful to the use and value of adjacent properties. It will be located in the rear yard, which abuts a dense row of evergreen plantings on the property to the south; the evergreens serve as a buffer between the adjacent retirement community and the residential properties in Keystone Pointe. *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.** There is nowhere else to build the addition, which is a reasonable use of a residential property. Based on the interior floor layout of the home, the southeast corner is the only location where such an addition can be constructed. *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 Woodgate Drive looking south at front of home



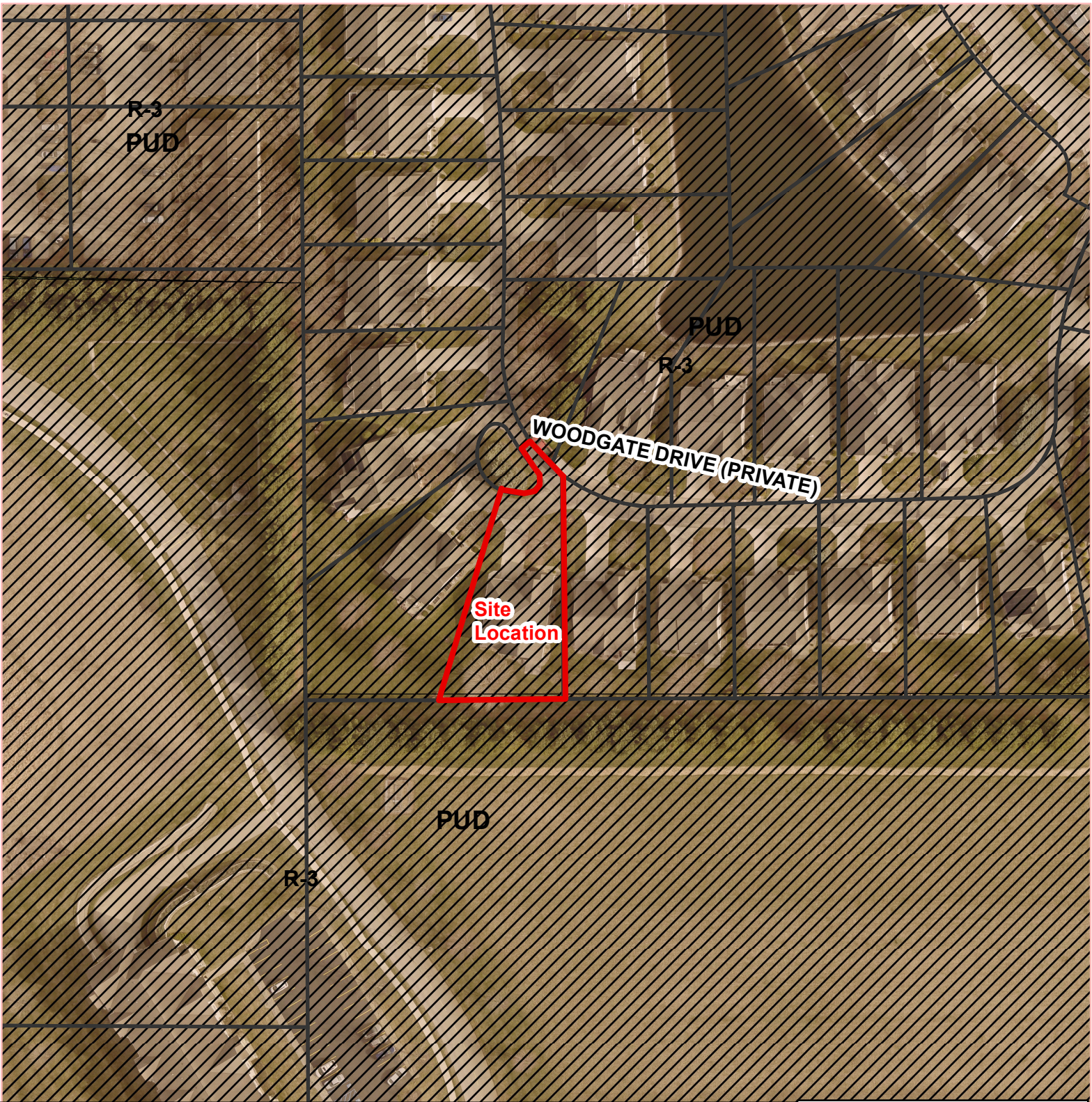
Looking northwest at rear of home



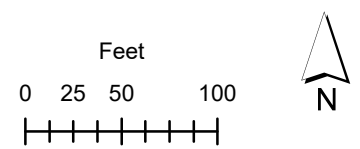
Looking north at rear of home



Looking northeast at rear of home



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1812 Woodgate Dr

1 inch = 100 feet

2023 Aerial
Printed March 10, 2025

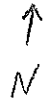
The City of Goshen
Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626



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P.O. Box 365
655 S Van Buren St
Shipshewana, IN. 46565
www.raberpatios.com
800-768-2740

Dave Frey
Project Coordinator
cell 260-463-6914
store 260-768-7100
fax 260-768-7140



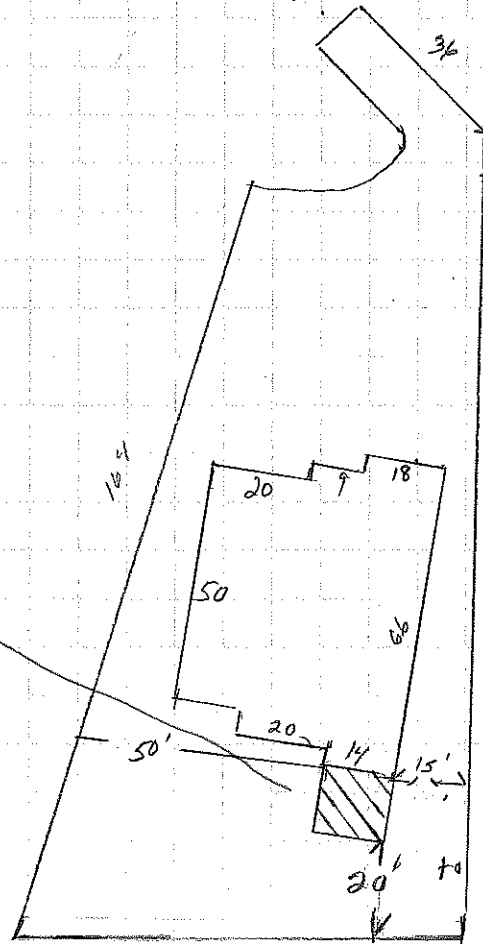
1" = 40'

Rollin Handrich
1812 Woodgate Dr
Goshen, In 46528

Phone 574-239-0159

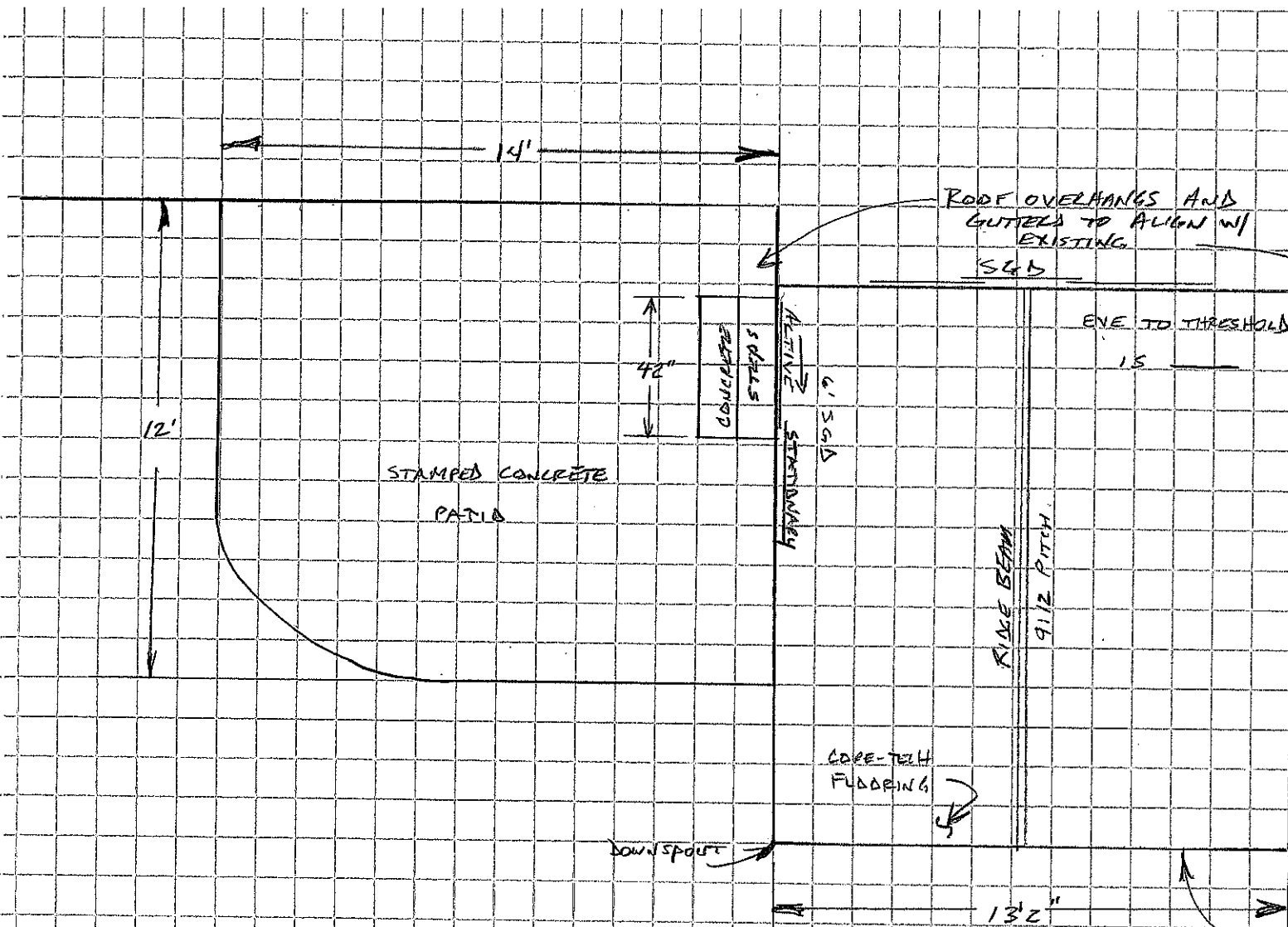
Cost \$80,844.

Proposed 14'x14'
sunroom over
an existing patio



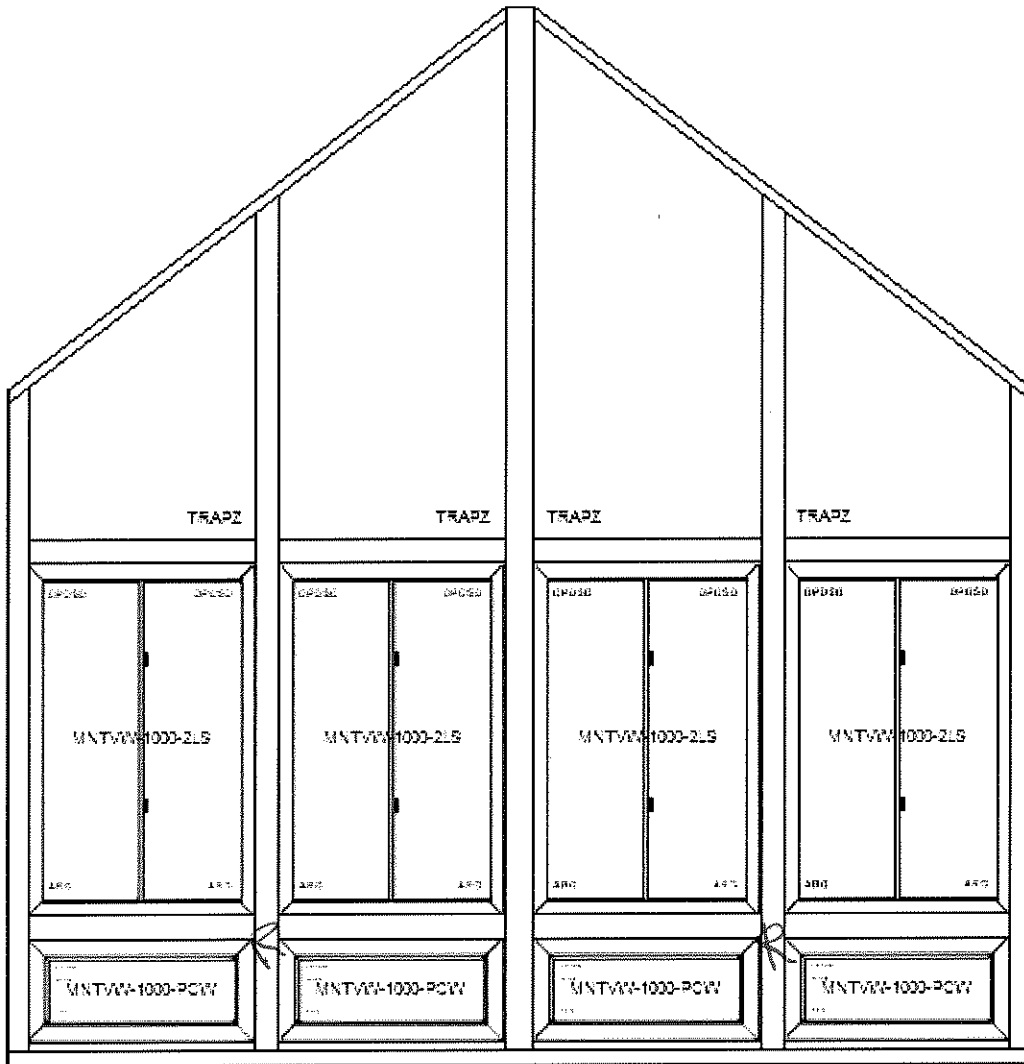
setbacks shown
over hangs

ROLLIN + DEB HANBRICH
1812 WOODGATE DR.
GOSHEN, IN 46528
574-239-0519



ALL SEASON WALL SYSTEM
· GLASS KNEE WALLS
· GABLE - GLASS TRAPS

Front Wall



FRONT WALL TO BE FIELD CONNECTED

Dimensions

Front Wall Width :	163 "
Back Wall Height :	168.5 "
Distance From Bottom of Fascia :	N/A
Front Wall Height :	107.5 "
Mount :	WALL
Soffit Width :	N/A
Roof Overhang :	12 "

Deegan, Rossa

From: Jarvis Foodtruck <javisfoodtrucks@gmail.com>
Sent: Monday, February 24, 2025 12:31 PM
To: Deegan, Rossa
Subject: Re: 1009 S 9th - nail salon

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.

Lori please request a 6 month extension at the next bza meeting. I am also planning on submitting the zoning clearness for the remodel permit application.

On Wed, Oct 23, 2024, 3:08 PM Deegan, Rossa <rossadeegan@goshencity.com> wrote:

Javier & Jacque,

Following yesterday's BZA approval (post meeting notice attached) of a use variance to allow the nail salon at 1009 S 9th Street, I'm providing information on the next steps in the approval process. You will need to fill out the attached zoning clearance and upload it to a remodel permit application on the City Portal (<https://cityportal.goshencity.com/>)

You should also upload remodel plans satisfying the review requirements of the Engineering, Building, and Fire Departments. When City review of your permit application is complete, Planning can issue the zoning clearance and you can proceed with obtaining permits. No work can begin until the permits are pulled.

Please let me know if you have any questions.

Sincerely,

Rossa Deegan, AICP

Assistant Planning & Zoning Administrator

City of Goshen

[204 E Jefferson St, Suite 4](#)

[Goshen, IN 46528](#)