

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, June 24, 2025 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 5/27/25
- 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.** **Use & Developmental Variances**– public hearing items
- 25-12DV** - The City of Goshen and Signtech Sign Services request a developmental variance to allow two non-illuminated freestanding signs not exceeding 6' in height and 12 SF in area where only ground signs are permitted. The subject property is generally located at 1208 Berkey Avenue and is zoned Residential R-1PUD and Agricultural A-1 District.
- 25-13DV** - The City of Goshen Indiana and Signtech Sign Services request a developmental variance to allow two non-illuminated freestanding signs not exceeding 6' in height and 12 SF in area and non-illuminated internal signs as needed not exceeding 6' in height and 3 SF in area in addition to two existing freestanding signs and numerous small internal signs where only ground signs are permitted. The subject property is generally located at 431 N 1st Street and is zoned Residential R-1 District
- 25-14DV** – The City of Goshen and Signtech Sign Services request a developmental variance to allow three non-illuminated freestanding signs not exceeding 6' in height and 12 SF in area and non-illuminated internal signs as needed not exceeding 6' in height and 3 SF in area in addition to one existing freestanding sign and numerous small internal signs where only ground signs are permitted. The subject property is generally located at 2818 Violet Road and is zoned Residential R-1 District.
- 25-15DV** – The City of Goshen Parks Department and Signtech Sign Services request a developmental variance to allow one non-illuminated freestanding sign not exceeding 6' in height and 12 SF in area in addition to one existing freestanding sign where only ground signs are permitted. The subject property is generally located at 2000 S Main Street and is zoned Residential R-1S District.
- 25-06UV** - Goshen Theater, Inc. and Catitude Café, LLC request a use variance to allow a kennel for a cat lounge with up to 18 cats where kennels are a conditional use in the Agricultural A-1, Commercial B-3, and Industrial M-1 & M-2 districts. The subject property is generally located at 210 S Main Street and is zoned Commercial B-2 HD DD.
- 25-16DV** - Mildred C Orama and Freedom Builders request developmental variances to allow development of a lot with an area of approximately 4,005 SF where a minimum of 6,000 SF is required and a width of approximately 30' where a minimum width of 50' is required at the established front lot line, a side (south) building setback of 5' where a minimum of 6' is required, a side (north) parking/driving aisle setback of 2' where 5' is required, and a ground floor area of approximately 440 SF where a minimum of 720 SF is required, for a new single family home. The subject property is generally located at 417 S 3rd Street and is zoned Residential R-3 District.
- 25-17DV** - Douglas D Kaufman and Freedom Builders request a developmental variance to allow a 12' front building setback along River Race Drive where a minimum of 25' is required for the construction of an approximately 352 SF detached garage. The subject property is generally located at 509 S 3rd Street and is zoned Residential R-1.
- VI.** Audience Items
- VII.** Staff/Board Items
- Resolution 2025-BZA01, Resolution of the Goshen Board of Zoning Appeals Adopting a Policy to Provide Public Notice of Meetings
 - Resolution 2025-BZA02, Resolution of the Goshen Board of Zoning Appeals Adopting an Electronic Meetings Policy to Allow Members of the Board of Zoning Appeals to Participate in Meetings by an Electronic Means of Communication
- VIII.** Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, May 27, 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, Tom Holtzinger, James Loewen, and alternate member, Craig Yoder. Also present were Assistant City Planner Rossa Deegan, and Assistant City Attorney James Kolbus. Absent: Hesston Lauver, Mathew Fisher, and Youth Advisor, Kimberly Cazabal Gonzalez.

II. Approval of Minutes from 4/22/25: Rohn/Loewen 4-0

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

IV. Postponements/Withdrawals – None

V. Use & Developmental Variances – public hearing items

25-09DV - Marlin G & Susie A Groff request a developmental variance to allow a 1' side (east) parking and driving aisle setback where a minimum of 5' is required for the reconstruction of a single family home. The subject property is generally located at 314 W Douglas Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this property contains an approximately 884 sf vacant home and a single-stall garage. The petitioners would like to demolish the home and rebuild. The existing garage and shed would remain. A new concrete drive is proposed along the east property side of the property, with a 1' setback where 5' is required. He went on to say there is an existing driveway, but because the driveway is in disrepair, it's unclear how close it is to the property line. Staff supports this request, pointing out that all other developmental requirements will be met. The new driveway will have a defined setback where the existing driveway does not.

An email of support was received from Dale Shenk of 312 W Douglas and a phone call of support was received from Kay Mabie, owner of 316 W Douglas.

Petitioner Presentation:

Frank Alfrey, Integrity Remodeling, 20029 Regina Road, New Paris, spoke on behalf of the petitioners. He stated the new driveway would lead to the existing detached garage and give a cleaner appearance.

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 25-09DV with the four conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-10DV - Kristen O'Dell & Manotham Mounsithiraj request a developmental variance to allow a front building setback along Garden Street of 9' where a minimum of 25' is required for an approximately 88 SF building addition. The subject property is generally located at 301 Garden Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained the petitioners would like to build a small, 8' x 11' addition to the southeast corner of the first floor of the home, with a 9' setback along Garden Street where a minimum of 25' is required. Staff supports this request, pointing out that similar requests have been approved in the past for corner lots. He noted the setback along 6th Street exceeds the 25' setback requirement and feels the reduced setback along Garden Street is reasonable and will not upset the character of the neighborhood.

Staff received no inquiries or comments from the public regarding this request.

Petitioner Presentation:

Kristen O'Dell, 301 Garden Street spoke on behalf of the petitioner. She is familiar with the Staff Report and has nothing to add.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Loewen asked for clarification of where the addition will be located.

Ms. O'Dell responded it will meet up with the south side of the house, and will not extend as far as the porch.

Action:

A motion was made and seconded, Loewen/Yoder, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-10DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-11DV – Pumpkinvine Properties, LLC and Dyksen & Sons Builders request a developmental variance to amend Variance 24-06DV to install nine additional fixed aluminum frame windows on the north wall of the first story of the building where all visible exterior walls of altered buildings shall be visually compatible to the historical and architectural style, general design, arrangement, size, texture and materials of the existing pre-1910 buildings on Main Street between Clinton Street and Jefferson Street. The subject property is generally located at 206 & 206 ½ N Main Street and is zoned Commercial B-2 HD DD.

Staff Report

Mr. Deegan explained this building is located in the Commercial B-2, Downtown District Overlay. The first floor is currently a vacant commercial space and a residential apartment is located on the second floor. The entire building is being renovated. The apartment is close to being finished, but the commercial space has not been renovated yet. He went on to say the downtown district includes architectural standards that regulate work done to building facades along Main Street, between Jefferson Street and Clinton Street. The intent is to promote the restoration of buildings along the corridor in the pre-1910 style. He reminded Board members that in February, 2024, the petitioners received approval for a number of changes to this building based on those architectural standards and included in that approval, was the installation of three fixed windows on the second story. BZA approval was required because they didn't match the historic double-hung style of the downtown area. The petitioner's would now like to amend the variance to allow 9 additional windows of a similar style, on the first story of the building. Staff supports this request, explaining that the windows are a minor amendment to the approved variance and while they will be visible, the wall where these windows will be located do not front a street and will not alter the character of Main Street. He also noted that the renovation is bringing the building closer to its original style.

Mr. Deegan reported that Bill Davis, the owner of 216 E Clinton Street, emailed the Planning Office stating he had no objections to this request. He also noted this wall faces a parking lot and not the street.

Petitioner Presentation:

Michael Bessinger, 28621 County Road 30, Elkhart, spoke on behalf of the petitioner. He stated the main reason for the windows is because the building owner is having trouble finding a tenant for the back part of the building with some potential tenants stating they like the location, but would like to have windows for natural light. The decision was made to add windows to both the rear and front half of the building to make it more architectural pleasing.

Mr. Loewen asked if there are any plans to make the parking lot to the north anything else.

Mr. Bessinger stated it's his understanding the parking lot is owned by the City.

Mr. Deegan stated this parking lot is owned by the City and he's unaware of any future development.

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/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-11DV with the 7 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-05UV – Her-Ho, LLC (land contract holder) and Daniel Crowder & Anne Swartley (purchasers) request a use variance to allow a single family dwelling unit with fence 6' in height in the front yard where single family homes are a permitted use in the Agricultural A-1, Residential R-1, R-1S, R-2, R-3, & R-4 districts and are a conditional use in the Commercial B-2 District. The subject property is generally located at 505 S 9th Street and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property is zoned Industrial M-1 District and surrounding properties are a mix of industrial and residential zoning and uses. He explained the building on the property has a footprint of 5,188 sf and covers 56% of the property. He gave a brief history of the property, explaining that it appears it was first developed for residential use, then became a printing business. In recent years, it has been used for storage.

The petitioner would like to convert the property into a single family residence which will require a use variance. He went on to say residential use is warranted, provided several conditions and commitments are included in the approval. He explained the petitioner has been working with the building department to understand what will be required to bring this building up to residential code. In order to give this a more residential look, Planning recommends the removal of the driving surface on the east side of the property, the removal of all signs on the property, and going forward, the property should follow the R-1 developmental standards, and not the M-1 standards. It should also be restricted to single family use only. He also noted that the property will have a 6' fence in the front yard, but no variance is required because industrial zoning permits a fence up to 12' in height.

No public comments were received by the Planning Office regarding this request.

Petitioner Presentation:

Daniel Crowder, 620 S 6th Street, spoke on behalf of the petitioner. This property is being purchased for his family which includes 3 small children, explaining that one is a special needs child and that's the reason for the fence. He stated he's ready to remove the parking space in front and replace with sod and landscaping. He's also planning to remove all signs. The residence will be in the front and there's an area on the side that can be used as a safe place for his daughter to play when she can't go outside. He's also been working with the building inspector to determine what work needs to be done to the property. Residential use is the only use planned for this property.

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/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-05UV with the 7 conditions and 3 commitments listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

VI. Audience Items - None

VII. Staff Board Items - None

VIII. Adjournment: 4:22 pm Yoder/Loewen

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 1208 Berkey Avenue
CASE NUMBER: 25-12DV

DATE: June 24, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: City of Goshen (owner); Signtech Sign Services (agent)

REQUEST: The applicants request a developmental variance to allow two non-illuminated freestanding signs not exceeding 6' in height and 12 Sf in area where only ground signs are permitted

LOT SIZE: ±11.9 Acres; no street frontage; depth varies

APPLICABLE ZONING: Residential R-1PUD & Agricultural A-1

NOTICES SENT: 44

SPECIAL INFORMATION

PUBLIC UTILITIES: Not connected to City water & sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: South of West Goshen; east of Larimer Greens

THOROUGHFARES: None; accessed from Berkey Avenue

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5100.3*, Permitted Signs by District
 - A. Signs permitted in the A-1 Agricultural District and R-1, R-1S, R-2, R-3, and R-4 Residential Districts are as follows:
 1. The maximum aggregate area for all signs on the zoning lot, regardless of sign type, shall be no greater than eight (8) square feet.
 2. Only ground signs are permitted

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 West Goshen Cemetery, an approximately 12-acre tract located adjacent to the West Goshen and Larimer Greens neighborhoods. Zoning is a mixture of A-1 and R-1PUD districts; surrounding properties include residential uses to the north and south, forest land to the east, and the Black Squirrel Golf Course to the west. Use of the subject property for burials and as a private cemetery began in the mid-1850s; it was transferred to the City in the 1975.

The petitioners are proposing to make changes to the signage on the property. An existing freestanding sign at the entrance and of which there is no approval on record will be removed and replaced with a new freestanding sign. An additional freestanding sign, described as an "easel sign" by the applicants and which will contain information about the cemetery, will be installed nearby. Each of the proposed freestanding signs will be approximately 6' in height and not exceed 12 SF in area.

Cemeteries are a conditional use in all zoning districts. No additional sign allowances are made for cemeteries as part of the conditional use, so signs must follow the allowances of the underlying zoning districts. The A-1 and R-

1 districts permit only ground signs not exceeding 3' in height and a total of 8 SF in area, so the proposed freestanding signs will require developmental variances.

Staff recommends approval of the request. The subject property is adjacent to residential uses, but the proposed signs are non-illuminated. The signs are small relative to the approximately 12-acre size of the site and will not be located in any driving aisles or vision clearance areas. They will be over 400' from the closest street, Berkey Avenue, and are buffered to the east by forest. A moderate amount of signage beyond small ground signs is reasonable for the cemetery because it is accessed by the public and is of historic and cultural importance.

The existing freestanding sign may be located in the minimum 5' side yard setback or perhaps on the adjacent property, so a conditional of approval should be that the new signs be installed a minimum 5' from the property line on the subject property.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow two non-illuminated freestanding signs not exceeding 6' in height and 12 Sf in area where only ground signs are permitted, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The signs are small relative to the approximately 12-acre size of the site and will not be located in any driving aisles or vision clearance areas. *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 adjacent to residential uses, but the proposed signs are non-illuminated. They will be over 400' from the closest street, Berkey Avenue, and are buffered to the east by forest. *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.** A moderate amount of signage beyond small ground signs is reasonable for the cemetery because it is accessed by the public and is of historic and cultural importance. *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. All signs shall be installed a minimum a minimum of 5' from adjacent property lines, on the subject property, and outside vehicular vision clearance areas.



From Berkey Avenue looking south along right of way that leads to cemetery



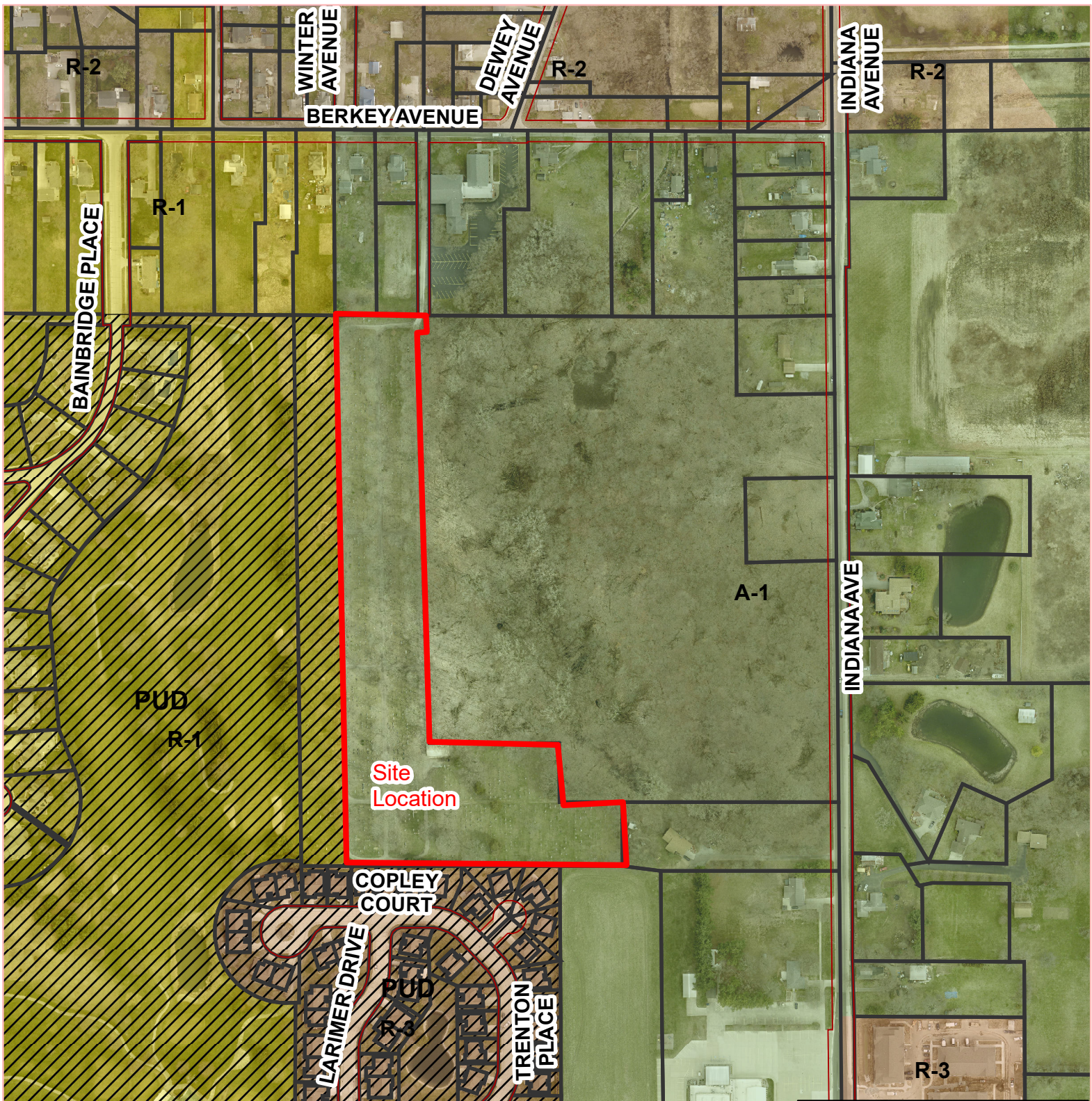
Looking south at entrance



Looking south



Looking northeast



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West Goshen Cemetery

2023 Aerial
Printed May 15, 2025

Feet
0 80 160 320



1 inch = 320 feet

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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12078 Berkey Ave (West Goshen Cemetery)

2023 Aerial
Printed on 5/8/2025

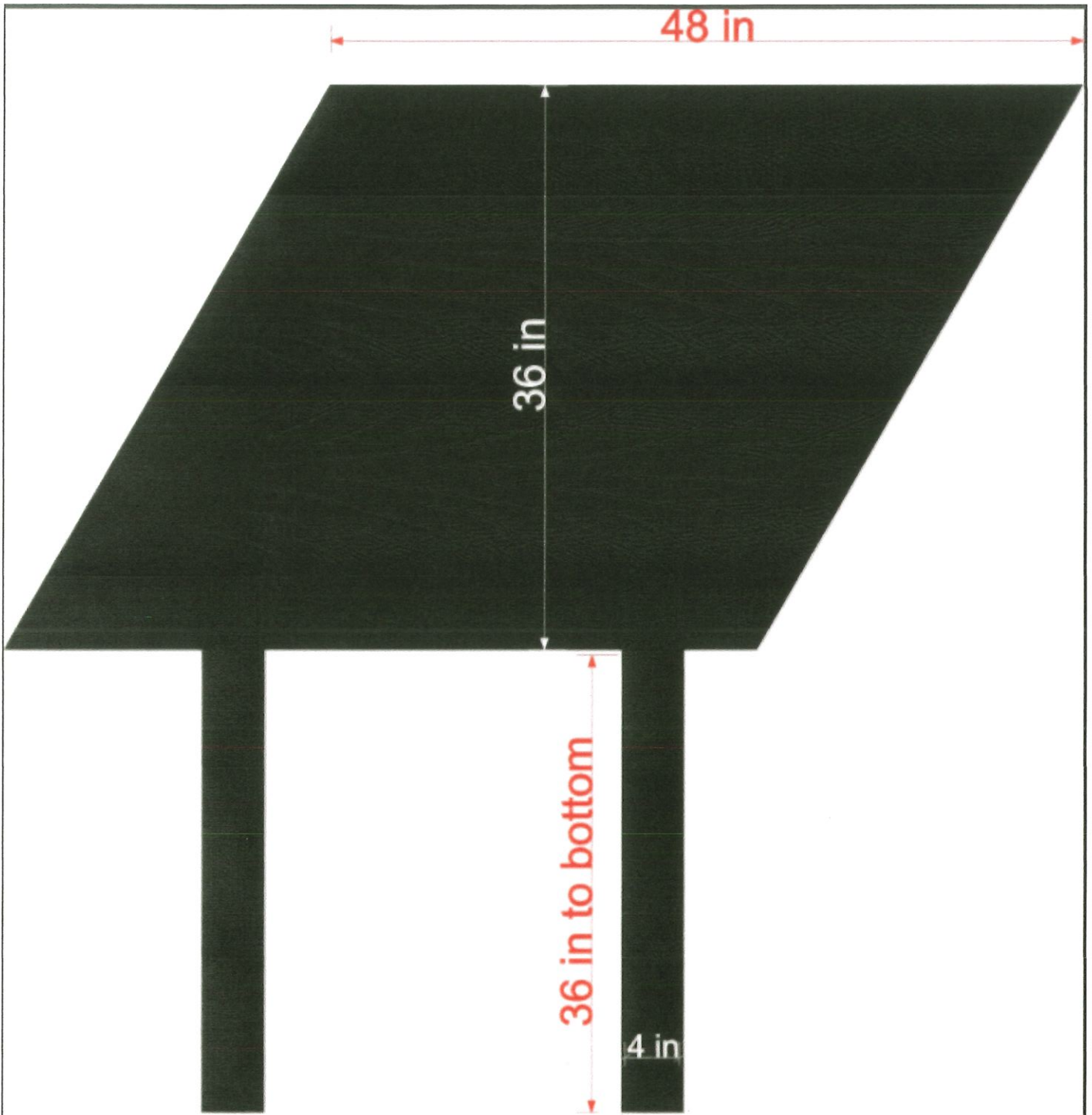


0 55 110 220
1 inch equals 200 feet

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



QT: (1) SINGLE SIDED ALUMINUM STRUCTURE
-ENTRANCE SIGN-



QT: (1) ALUMINUM EASEL STYLE PARK SIGNS W/ 1/4 ALUMINUM FACE PANEL
PRINTED VINYL GRAPHICS APPLIED West Goshen

LOCATION: 435 N 1st Street
CASE NUMBER: 25-13DV

DATE: June 24, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: City of Goshen Indiana (owner); Signtech Sign Services (agent)

REQUEST: The applicants request a developmental variance to allow two non-illuminated freestanding signs not exceeding 6' in height and 12 Sf in area and non-illuminated internal signs as needed not exceeding 6' in height and 3 Sf in area in addition to two existing freestanding signs and numerous small internal signs where only ground signs are permitted

LOT SIZE: ±40.4 acres; ±1,586 of frontage (±537' on 1st Street & 1,049' on Wilden Avenue); depth varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 66

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: North Goshen

THOROUGHFARES: 1st Street, Wilden Avenue

TOPOGRAPHY: Varied; bounded from the southeast to the northwest by Rock Run Creek, where the property includes areas located in Zone AE Floodway and Zone AE Fringe of the regulatory floodplain

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5100.3*, Permitted Signs by District
 - A. Signs permitted in the A-1 Agricultural District and R-1, R-1S, R-2, R-3, and R-4 Residential Districts are as follows:
 1. The maximum aggregate area for all signs on the zoning lot, regardless of sign type, shall be no greater than eight (8) square feet.
 2. Only ground signs are permitted

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 Oakridge Cemetery, located in North Goshen and approximately 40 acres in size. It is bounded to the north by Rock Run Creek and to the south by the Norfolk Southern Railroad. The property is zoned R-1 and surrounding uses are primarily residential. City parks are located on its eastern side and a recycling center and wastewater treatment facility are located to the west. The cemetery use dates back almost two hundred years with transfer to the City occurring in 1859.

The petitioners are proposing to make changes to the signage on the property. An existing freestanding at the entrance along 1st Street and of which there is no approval on record will be removed and replaced with a new freestanding sign. An additional freestanding sign, described as an "easel sign" by the applicants and which will contain information about the cemetery, will be installed nearby. Each of the proposed freestanding signs will be approximately 6' in height and not exceed 12 SF in area. Approximately eight additional non-illuminated signs

will be added throughout the cemetery. These signs are approximately 1.5 SF in area on poles 6' in height, are called "feature signs" by the applicants, and will contain information specific to different sections of the cemetery. Various internal signs, including two freestanding signs, already exist on the property and do not appear to have zoning approval.

Cemeteries are a conditional use in all zoning districts. No additional sign allowances are made for cemeteries as part of the conditional use, so signs must follow the allowances of the underlying zoning districts. The R-1 districts permit only ground signs not exceeding 3' in height and a total of 8 SF in area, so the proposed signs will require developmental variances.

Staff recommends approval of the request. The subject property is adjacent to residential uses, but the proposed signs are non-illuminated. The signs are small relative to the approximately 40-acre size of the site and will not be located in any driving aisles or vision clearance areas. A moderate amount of signage beyond small ground signs is reasonable for the cemetery because it is accessed by the public and is of historic and cultural importance. Many of the existing and proposed internal signs have appear to be no larger than street signs.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow two non-illuminated freestanding signs not exceeding 6' in height and 12 Sf in area and non-illuminated internal signs as needed not exceeding 6' in height and 3 Sf in area in addition to two existing freestanding signs and numerous small internal signs where only ground signs are permitted, based on the following:

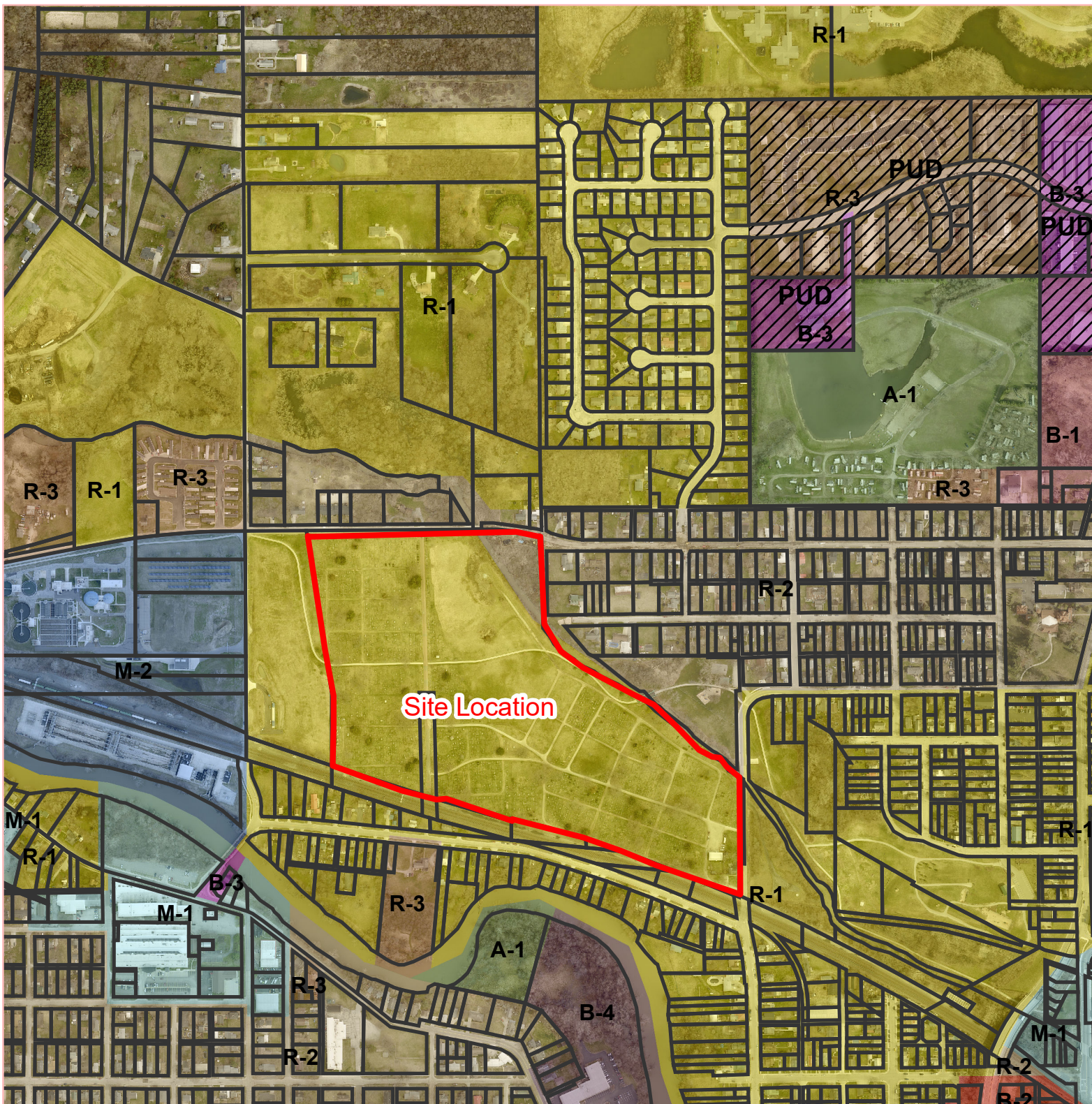
1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The signs are small relative to the approximately 40-acre size of the site and will not be located in any driving aisles or vision clearance areas. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The subject property is adjacent to residential uses, but the proposed signs are non-illuminated. *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.** A moderate amount of signage beyond small ground signs is reasonable for the cemetery because it is accessed by the public and is of historic and cultural importance. *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. All signs shall be installed a minimum a minimum of 5' from adjacent property lines, on the subject property, and outside vehicular vision clearance areas.



From 1st Street, looking southwest



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Oakridge Cemetery

2023 Aerial
Printed May 15, 2025

Feet
0 150 300 600



1 inch = 600 feet

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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435 N 1st Street (Oakridge Cemetery)

2023 Aerial
Printed on 5/8/2025



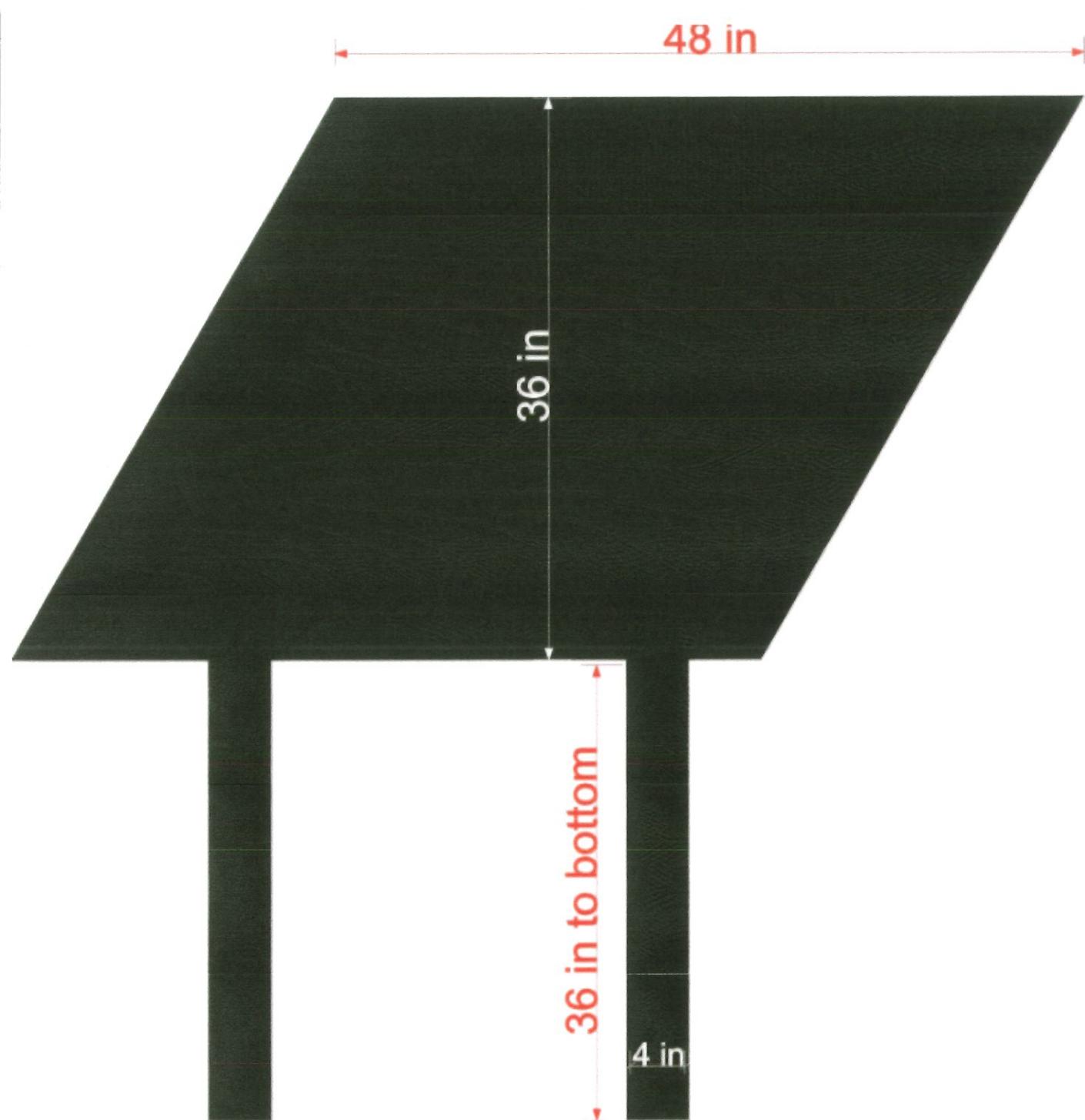
0 80 160 320
1 inch equals 300 feet

The City of Goshen

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



QT: (1) SINGLE SIDED ALUMINUM STRUCTURE
-ENTRANCE SIGN-



QT:(1) ALUMINUM EASEL STYLE PARK SIGNS W/ 1/4 ALUMINUM FACE PANEL
PRINTED VINYL GRAPHICS APPLIED Oakridge Cemetery

Feature Sign

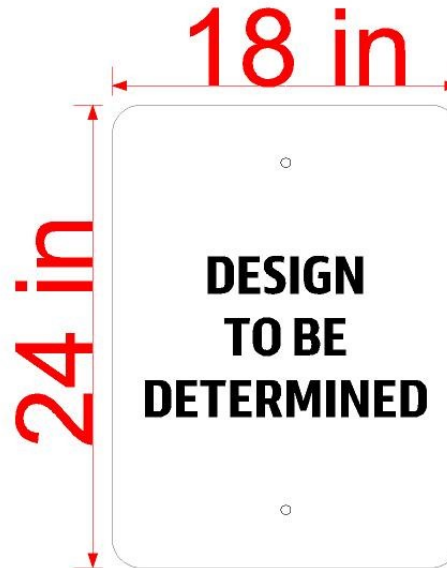
QTY: (1)

PRICE:
\$180.36 each



QTY: (10)

PRICE:
\$921.60



****PRICING VALID FOR 30 DAYS****



SCOPE OF WORK

**City of
Goshen**

****NO POSTS OR
INSTALL INCLUDED
PER CUSTOMER****

ATTENTION:
Burt Matteson

SCOPE OF WORK
PROVIDED BY:

Dylan Westbrook

LOCATION: 2818 Violet Road
CASE NUMBER: 25-14DV

DATE: June 24, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: City of Goshen (owner); Signtech Sign Services (agent)

REQUEST: The applicants request a developmental variance to allow three non-illuminated freestanding signs not exceeding 6' in height and 12 Sf in area and non-illuminated internal signs as needed not exceeding 6' in height and 3 Sf in area in addition to one existing freestanding sign and numerous small internal signs where only ground signs are permitted

LOT SIZE: ±46.4 acres; ±2,363 of frontage (±687' on Egbert Road & ±1,676' on both sides of Violet Road); depth varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 66

SPECIAL INFORMATION

PUBLIC UTILITIES: Not connected to City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: None; south of Martin Manor

THOROUGHFARES: Violet Road, Ebert Road

TOPOGRAPHY: Level east of Violet Road; west of Violet Road, grade declines towards Elkhart River, where portions of property are located in Zone AE Floodway of the regulatory floodplain

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5100.3*, Permitted Signs by District
 - A. Signs permitted in the A-1 Agricultural District and R-1, R-1S, R-2, R-3, and R-4 Residential Districts are as follows:
 1. The maximum aggregate area for all signs on the zoning lot, regardless of sign type, shall be no greater than eight (8) square feet.
 2. Only ground signs are permitted

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 Violet Cemetery, located on the south side of Goshen and approximately 46 acres in size, The property fronts Egbert Road to the south, is bisected by Violet Road, and is bounded along the west property line by the Elkhart River. The frontage along Egbert Road is the corporate boundary. It is zoned R-1 and the majority of the adjacent properties are single family homes. The cemetery use dates back almost two hundred years with transfer to the City occurring in 1897.

The petitioners are proposing to make changes to the signage on the property that include the following:

- Replace a freestanding sign at the entrance to the cemetery on Egbert Road with a new non-illuminated freestanding sign not exceeding 6' in height and 12 SF in area

- Replace freestanding sign at the entrance to the cemetery on Violet Road with a new non-illuminated freestanding sign not exceeding 6' in height and 12 SF in area
- Add a non-illuminated freestanding sign on the west side of the cemetery not exceeding 6' in height and 12 SF in area. This sign is described as an "easel sign" by the applicants and will contain information about the cemetery.
- Add additional small non-illuminated signs as needed throughout the cemetery. These signs are approximately 1.5 SF in area on poles 6' in height, are called "feature signs" by the applicants, and will contain information specific to different sections of the cemetery.
- Preserve various internal signs that already exist on the property and do not appear to have zoning approval

Cemeteries are a conditional use in all zoning districts. No additional sign allowances are made for cemeteries as part of the conditional use, so signs must follow the allowances of the underlying zoning districts. The R-1 District permits only ground signs not exceeding 3' in height and a total of 8 SF in area, so the proposed signs will require developmental variances.

Staff recommends approval of the request. The subject property is adjacent to residential uses, but the proposed signs are non-illuminated. The signs are small relative to the approximately 46-acre size of the site and will not be located in any driving aisles or vision clearance areas. A moderate amount of signage beyond small ground signs is reasonable for the cemetery because it is accessed by the public and is of historic and cultural importance.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow three non-illuminated freestanding signs not exceeding 6' in height and 12 Sf in area and non-illuminated internal signs as needed not exceeding 6' in height and 3 Sf in area in addition to two existing freestanding signs and numerous small internal signs where only ground signs are permitted, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The signs are small relative to the approximately 46-acre size of the site and will not be located in any driving aisles or vision clearance areas. *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 adjacent to residential uses, but the proposed signs are non-illuminated. *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.** A moderate amount of signage beyond small ground signs is reasonable for the cemetery because it is accessed by the public and is of historic and cultural importance. *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. All signs shall be installed a minimum of 5' from adjacent property lines, on the subject property, and outside vehicular vision clearance areas.



Existing entrance sign on west side of Violet Road to be replaced



Existing entrance sign on north side of Egbert Road to be replaced



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Violett Cemetery

2023 Aerial
Printed May 15, 2025

Feet
0 125 250 500



1 inch = 500 feet

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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2818 Violet Road (Violet Cemetery)

2023 Aerial
Printed on 5/8/2025



Feet

0 80 160 320



1 inch equals 300 feet

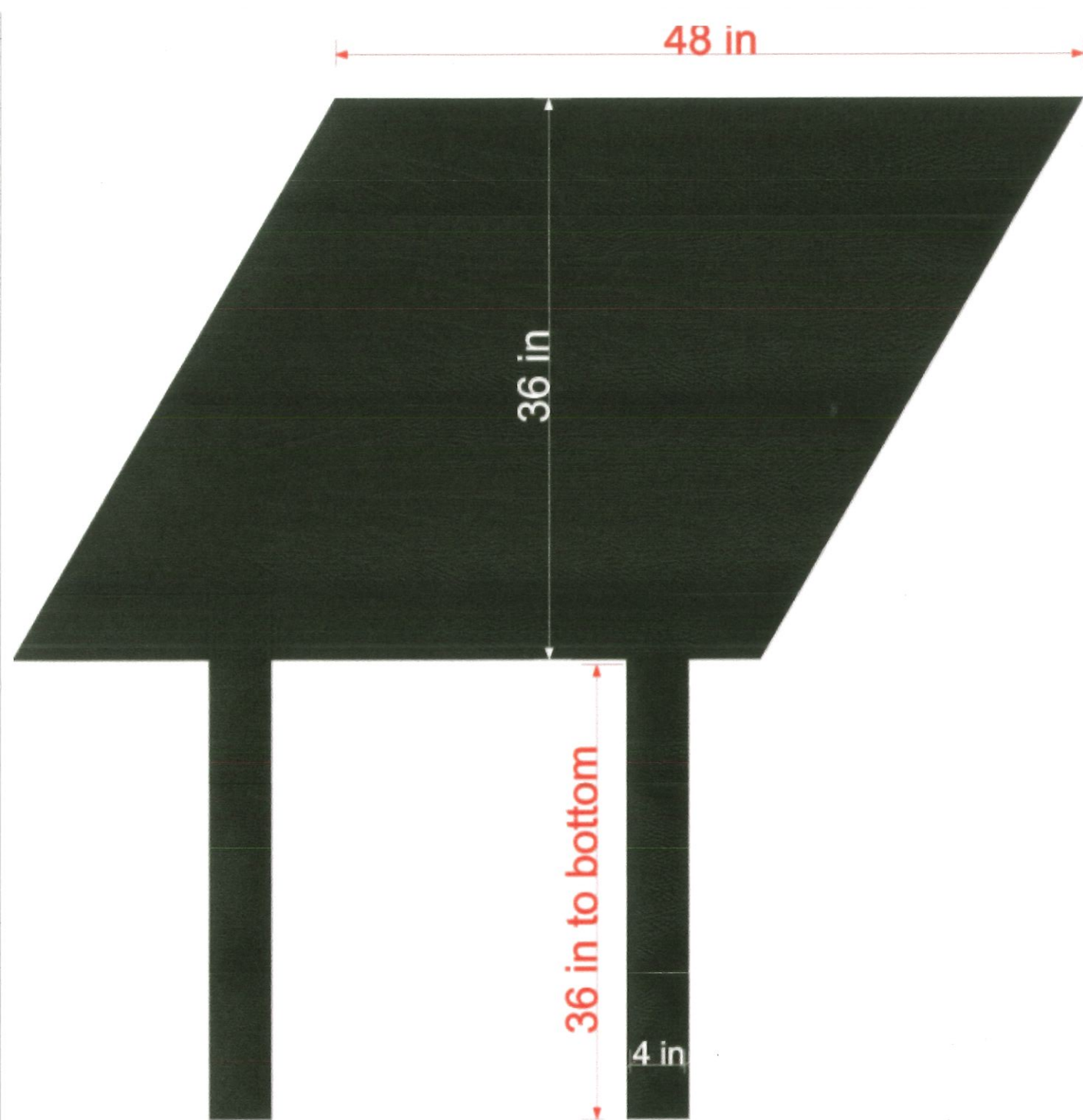
The City of Goshen

Department of
Planning & Zoning

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



QT: (2) SINGLE SIDED ALUMINUM STRUCTURES
-ENTRANCE SIGNS-



QT: (1) ALUMINUM EASEL STYLE PARK SIGNS W/ 1/4 ALUMINUM FACE PANEL
PRINTED VINYL GRAPHICS APPLIED Violet Cemetery

Feature Sign

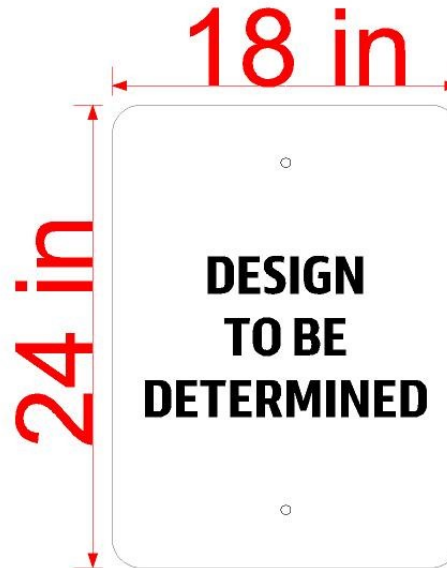
QTY: (1)

PRICE:
\$180.36 each



QTY: (10)

PRICE:
\$921.60



****PRICING VALID FOR 30 DAYS****



SCOPE OF WORK

**City of
Goshen**

****NO POSTS OR
INSTALL INCLUDED
PER CUSTOMER****

**ATTENTION:
Burt Matteson**

SCOPE OF WORK
PROVIDED BY:

Dylan Westbrook

LOCATION: 2000 S Main Street
CASE NUMBER: 25-15DV

DATE: June 24, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: City of Goshen Parks Department (owner); Signtech Sign Services (agent)

REQUEST: The applicants request a developmental variance to allow one non-illuminated freestanding sign not exceeding 6' in height and 12 Sf in area in addition to one existing freestanding sign where only ground signs are permitted

LOT SIZE: ±13,089 SF; ±83' of frontage; depth varies

APPLICABLE ZONING: Residential R-1S

NOTICES SENT: 7

SPECIAL INFORMATION

PUBLIC UTILITIES: Not connected to city water and sewer

AREA DEVELOPMENT: Commercial, institutional

NEIGHBORHOOD: None

THOROUGHFARES: Main Street

TOPOGRAPHY: Inclines gently eastward from Main Street

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5100.3*, Permitted Signs by District
 - A. Signs permitted in the A-1 Agricultural District and R-1, R-1S, R-2, R-3, and R-4 Residential Districts are as follows:
 1. The maximum aggregate area for all signs on the zoning lot, regardless of sign type, shall be no greater than eight (8) square feet.
 2. Only ground signs are permitted

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 Dierdorff Cemetery, a two-parcel tract approximately one-third of an acre in size. It is located on the east side of Main Street, south of Goshen College, and north of adjacent health offices. Zoning is R-1S, a special residential district specific to Goshen College. Other surrounding zoning districts include B-3 and R-1, although there are no residential properties directly adjacent to the subject property. Goshen Cemeteries describe the property as "a small pioneer-era cemetery" that has been maintained by the City since 1976.

The petitioners are proposing to install a new non-illuminated freestanding sign on the west side of the property along the Main Street frontage. The proposed sign is approximately 6' in height and 12 SF in area. An existing freestanding sign in the vicinity will possibly be maintained along with the new sign.

Cemeteries are a conditional use in all zoning districts. No additional sign allowances are made for cemeteries as part of the conditional use, so signs must follow the allowances of the underlying zoning districts. The R-1S

District permits only ground signs not exceeding 3' in height and a total of 8 SF in area, so the proposed freestanding signs will require developmental variances.

Staff recommends approval of the request. The proposed sign is non-illuminated and is not directly adjacent to any residential uses. It will not be located in any driving aisles or vision clearance areas and will be installed a minimum of 5' from the front property line, which is the sign setback required by the Zoning Ordinance. A moderate amount of signage beyond small ground signs is reasonable for the cemetery because it is accessed by the public and is of historic and cultural importance.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow one non-illuminated freestanding sign not exceeding 6' in height and 12 Sf in area in addition to one existing freestanding sign where only ground signs are permitted, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The proposed sign will not be located in any driving aisles or vision clearance areas and will be installed a minimum of 5' from the front property line, which is the sign setback required by the Zoning Ordinance. *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 sign is non-illuminated and is not directly adjacent to any residential uses. Adjacent uses are commercial and institutional. *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.** A moderate amount of signage beyond small ground signs is reasonable for the cemetery because it is accessed by the public and is of historic and cultural importance. *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. All signs shall be installed a minimum a minimum of 5' from adjacent property lines, on the subject property, and outside vehicular vision clearance areas.



Looking east across Main Street



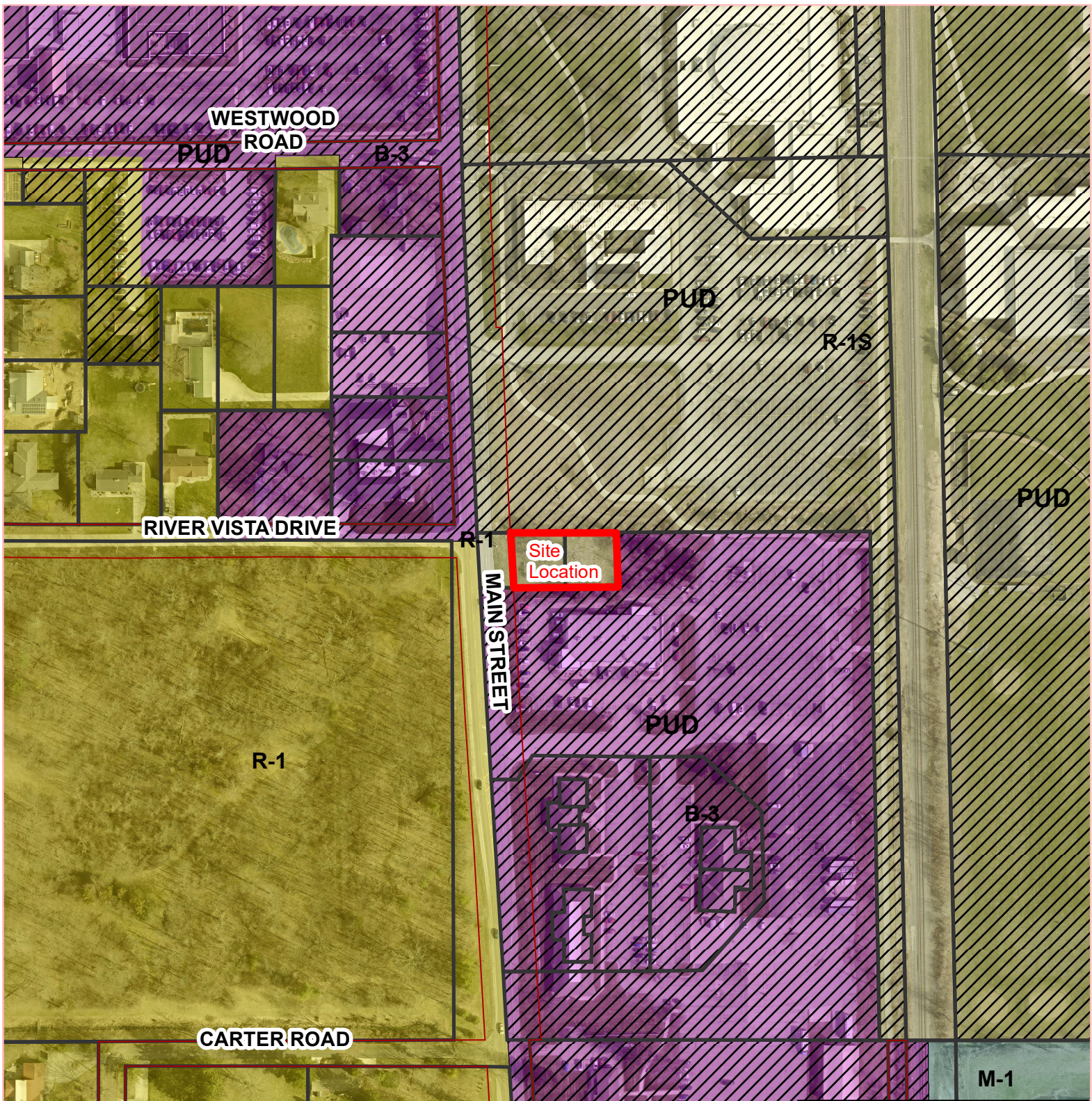
Looking east



Looking southeast



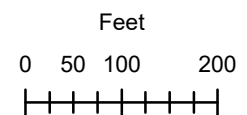
Looking northeast



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Dierdorff Cemetery

2023 Aerial
Printed May 15, 2025



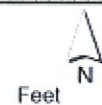
1 inch = 200 feet

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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Feet
0 5 10 20



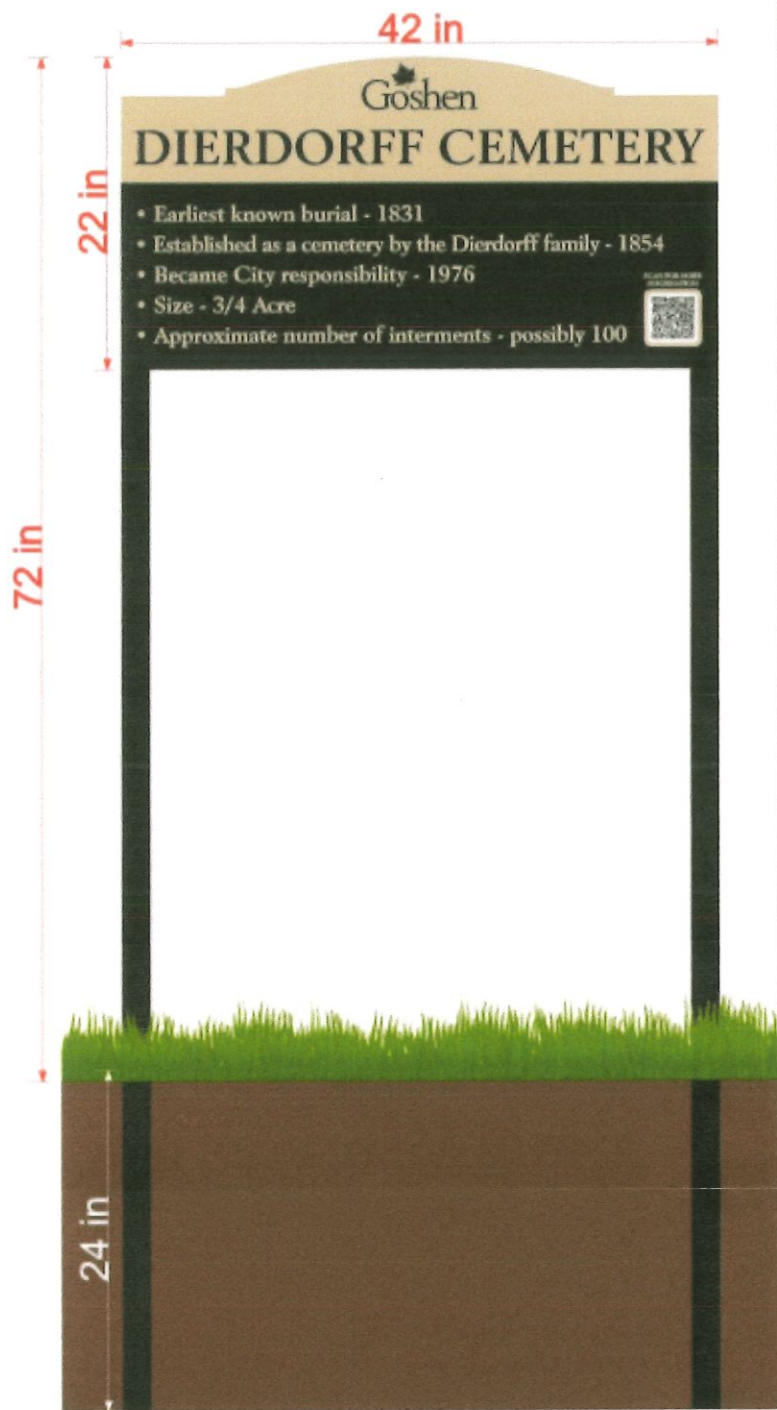
1 inch equals 30 feet

2000 S Main Street (Dierdorff Cemetery)

2023 Aerial
Printed on 5/8/2025

The City of Goshen
Department of
Planning & Zoning

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



QT: (1) SINGLE SIDED ALUMINUM STRUCTURE

-ENTRANCE SIGN-

LOCATION: 210 S Main Street
CASE NUMBER: 25-06UV

DATE: June 24, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Goshen Theater, Inc. (owner); Catitude Café, LLC (agent)

REQUEST: The applicant requests a use variance to allow a kennel for a cat lounge with up to 18 cats where kennels are a conditional use in the Agricultural A-1, Commercial B-3, and Industrial M-1 & M-2 districts

LOT SIZE: ±7,178 SF; ±44' of frontage; ±165' depth

APPLICABLE ZONING: Commercial B-2 HD DD

NOTICES SENT: 33

SPECIAL INFORMATION

PUBLIC UTILITIES: City water & sewer

AREA DEVELOPMENT: Commercial

NEIGHBORHOOD: Downtown

THOROUGHFARES: Main Street

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 2110*, Definitions of Words and Phrases
Kennel – Any premises where more than three animals over four months of age are housed, groomed, bred, boarded or trained, whether for remuneration or not, and which may offer provisions for medical treatment.
- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses
Kennels (with outside runs or pens) are listed as a conditional use in the A-1, B-3, M-1, & M-2 districts

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 three-story building located on the east side of Main Street in the downtown. The building has multiple suites: on the first floor, a real estate office occupies the north suite while the south suite is vacant; on the second floor is a dance studio; and the third floor is vacant. Zoning is Commercial B-2 HD DD, which allows a mix of commercial and residential uses appropriate for the downtown.

The petitioner is proposing to use the south suite on the first floor for a "cat café". As described in the application, "the ultimate goal of Catitude Café's cat lounge is to provide a safe, welcoming space for cats and humans to interact through reading, relaxing, and playing together and to find 'forever' friends." A floor plan and business description submitted with the application include the following details:

- Gift shop at entry where merchandise and drinks can be purchased
- Large lounge area with cats
- Rooms for customers to meet with others, study, and read with cats

- Manager office and separate litter room
- Cats will not have access to the gift shop, bathrooms, or basement
- 12 to 18 cats at the business at any one time
- While the cats are present at the business, they are being fostered by the business with the purpose of finding someone to adopt them
- Air filtration machinery will be used that does not require ventilation
- Lounge will be cleaned daily
- Cats will be monitored overnight on security cameras

The proposed use most closely meets the Zoning Ordinance definition and requirements for a kennel, which is described as “any premises where more than three animals over four months of age are housed, groomed, bred, boarded or trained, whether for remuneration or not, and which may offer provisions for medical treatment.” In the Zoning Ordinance Table of Permitted Uses, it lists “Kennels (with outside runs or pens)” as conditional uses in the A-1, B-3, M-1, & M-2 districts. No allowance is made for kennels in the B-2 District, so a use variance is required.

Approval is warranted if approved with certain conditions and commitments. If the kennel use is restricted to cats never exceeding 18 in number, they are always kept indoors, and the cat lounging areas are cleaned and monitored as the applicants have described, the use will not adversely impact any adjacent properties and will not be hazardous to public health and safety. Sound and odor that may otherwise become a nuisance issue will be mitigated by the building walls.

Cat cafes are growing industry, with similar businesses present in many cities. The B-2 District, where restaurants and cafés are permitted, is a suitable location for such a use. Approval will support the Comprehensive Plan, which seeks to “position Downtown Goshen as a hub for small business and entrepreneurship”. (Economic Development 3-4).

FINDINGS OF FACT

Staff recommends **approval with conditions and commitments** of a use variance to allow a kennel for a cat lounge with up to 18 cats where kennels are a conditional use in the Agricultural A-1, Commercial B-3, and Industrial M-1 & M-2 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 and commitments, the business premises will be cleaned on a routine basis and monitored during non-business hours by the use of security cameras. *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.** If approved with the recommended conditions and commitments, the kennel will be limited to no more than 18 cats at any given time, and said cats will be kept inside the building at all times. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The B-2 District permits cafes and restaurants, and is well suited for such a use. *The standard is confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the subject property.** Permitted B-2 uses, of which there are many, can still lawfully occupy the subject property if the request is denied. *The standard is not confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** Goshen’s Comprehensive Plan seeks to “position Downtown Goshen as a hub for small business and entrepreneurship”. (Economic Development 3-4). *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. Approval by the Building and Fire Departments is required.

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 approved kennel use is limited to cats.
3. The approved kennel use is limited to how it is described in the document "Catitude Café, LLC Description".
4. A maximum of 18 cats will be permitted on the subject real estate at any time.
5. No outside run or pen is permitted; cats must remain inside the building at all times.



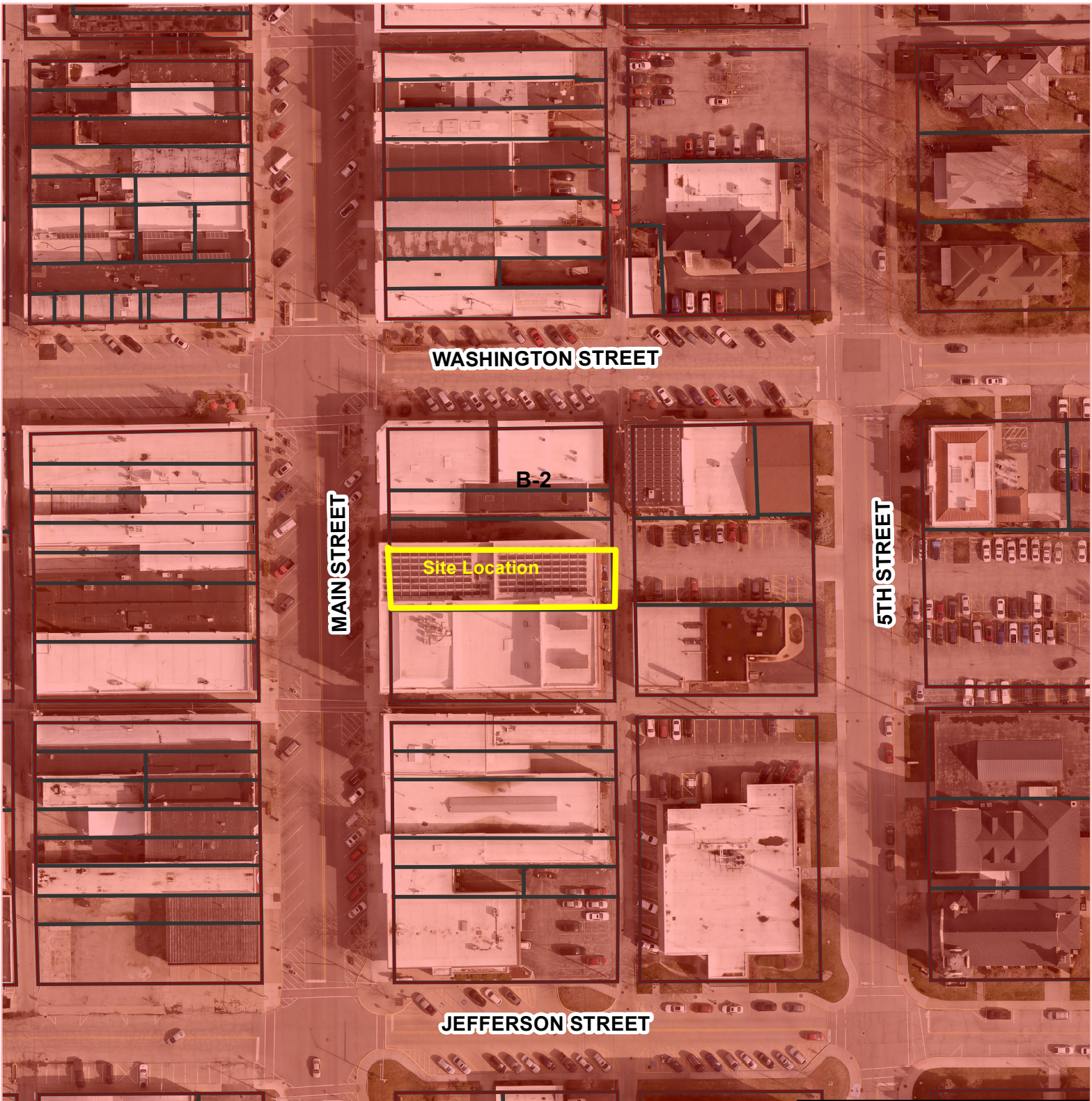
From Main Street looking east



Looking east



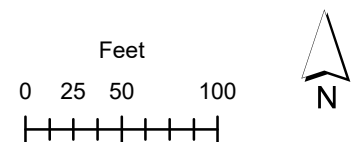
Looking west at rear of building



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210 S Main St

2023 Aerial
Printed June 5, 2025



1 inch = 100 feet

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

Catitude Cafe, LLC Description

Catitude Cafe, LLC, a cat cafe owned by Brenda Summers, a 20+-year Goshen resident would love to open at 210 S. Main Street in downtown Goshen. We are seeking a zoning variance to accommodate the cats we will foster there.

Catitude Cafe will have two distinct sections: a cat-themed gift shop and a cat lounge. These sections will be completely separated by a wall with plexiglass windows so customers can see the cats and part of the cat lounge side, but the cats will not have access to the gift shop or to the shop entrance.

When you first enter Catitude Cafe, you will step into the gift shop and reception area. There you will find t-shirts, hooded sweatshirts, hats, etc. with Catitude Cafe and Here Kitty Kitty Rescue logos, cat-themed books, puzzles, bookmarks, jewelry, and stickers, as well as cat toys and treats. We hope to work with other local businesses to create additional cat-themed items to sell.

If you choose to visit the cat lounge, you can make a reservation via the website or simply walk-in if space is available. You will check in and pay the cashier, sign an electronic waiver stating that you understand and will abide by the cat lounge rules, and choose a bottled beverage or cup of coffee or tea to enjoy in the cat lounge.

As you step through the door into the cat lounge, you will notice different areas where you can interact with the 12 to 18 cats and kittens. All of the cats that live/are fostered at Catitude Cafe are provided to us by Here Kitty Kitty Rescue in Elkhart. All of the cats are fixed, vaccinated, chipped, and adoptable.

As you enter the cat lounge, the large open space in front of you has several comfy seating arrangements for those who just want to play or relax with the cats, and the narrower hall to the right, heading back toward the front window has several small tables and comfy seats for those who want to work or play in the natural light. This large open space will be used for evening events such as Yoga With Cats. There will be a large Airocide Air Purifier mounted in this large space, eliminating bacteria, viruses, allergens and any odors.

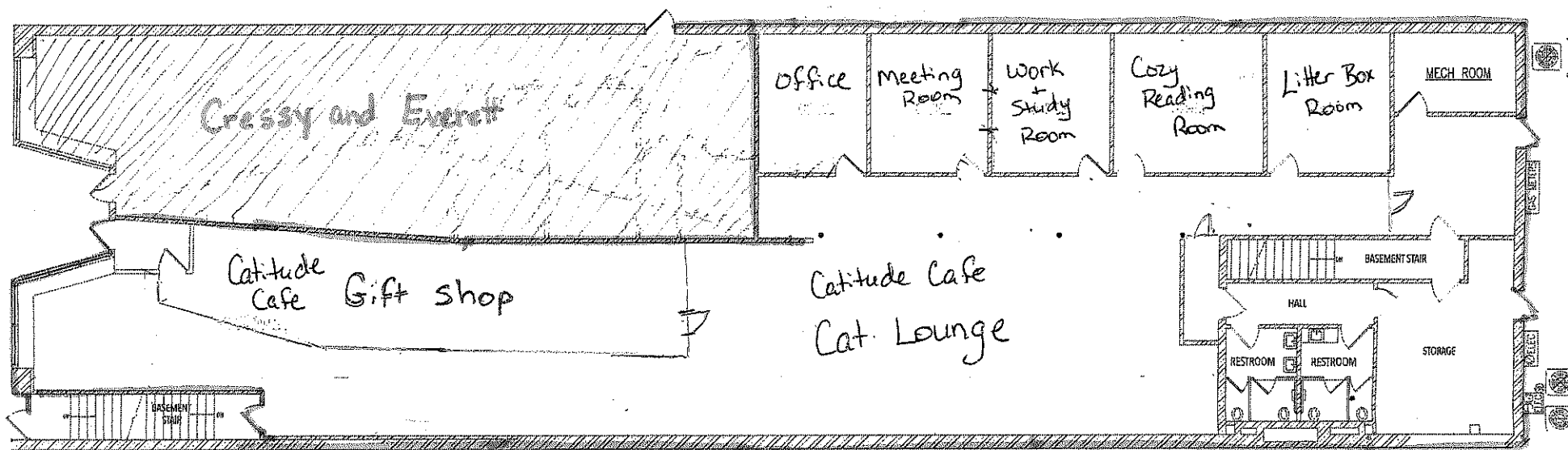
You will notice to your left a row of smaller rooms. The first room to your left is Brenda's private office. The second room is a meeting room with a large table and chairs that may be reserved for groups wanting to hold meetings or classes (with cats), and where special evening events such as Cats & Canvas or Cats-N-Crafts will take place. The next room is the study/work room with small tables and workspaces for students to study or for people to work remotely (with cats). This room will be used for game nights as well. Next to that is the cozy reading room where kids (and adults) can choose books to read with and to cats. This is also the room that will be used for Preschool Story Time. The last room on the left, accessible only to the cats and employees, is the litter box room. The 6 large stainless steel litter boxes will be cleaned a minimum of twice daily. This room will have an Airocide Air Purifier to eliminate any odors, bacteria, viruses, mold, or dander in the air.

The cats will never have access to the gift shop, to the humans' bathrooms, to the mechanical rooms, or to the basement. They will be able to roam freely throughout most of the cat lounge day and night (like regular pets). We will have security cameras in the cat lounge to monitor the cats after hours. The cat lounge will be thoroughly cleaned in the morning and evening with touch-ups hourly throughout the day. The ultimate goal of Catitude Cafe's cat lounge is to provide a safe, welcoming space for cats and humans to interact through reading, relaxing, and playing together and to find "forever" friends.

1 cm = 6.5 ft.

N
↑

Main St.



LOCATION: 417 S 3rd Street
CASE NUMBER: 25-16DV

DATE: June 24, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Mildred C Orama (owner); Freedom Builders (agent)

REQUEST: The applicants request developmental variances to allow development of a lot with an area of approximately 4,005 Sf where a minimum of 6,000 Sf is required and a width of approximately 30' where a minimum width of 50' is required at the established front lot line, a side (south) building setback of 5' where a minimum of 6' is required, a side (north) parking/driving aisle setback of 2' where 5' is required, and a ground floor area of approximately 440 Sf where a minimum of 720 Sf is required, for a new single family home

LOT SIZE: ± 4,005 SF; ±51' of frontage (±20' on River Race Drive & 30' on 3rd Street); depth varies

APPLICABLE ZONING: Residential R-3

NOTICES SENT: 23

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, institutional

NEIGHBORHOOD: Shanklin Millrace

THOROUGHFARES: 3rd Street & River Race Drive

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4170.3*, Area, Width, and Yard Regulations of the R-3 District
 - A. Minimum Lot Area and Width
 - 1. Every single family detached dwelling hereafter constructed shall be on a lot having an area of not less than 6,000 square feet, and a width at the established front lot line of not less than 50 feet.
 - 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 six feet
 - 3. Accessory buildings on an interior lot shall not be located closer than five feet from the lot line.
- ◇ Goshen Zoning Ordinance, *Section 4170.5*, Building Size for the R-3 District

No building shall be erected for residential purposes having a ground floor area less than 720 square feet for a single family dwelling...exclusive of porches, terraces, and garages.

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 vacant through lot in the Shanklin Millrace neighborhood bounded by 3rd Street to the east and River Race Drive to the west. Zoning is Residential R-3, and surrounding uses include single family

homes to the north and south, the Millrace canal to the west, and a church across 3rd Street to the east. A single family home and detached garage previously existed on the property, but was demolished in 2016 after the City of Goshen Department of Redevelopment took ownership. In 2017, the west 15' of the property was dedicated as right of way, reducing the area of the property by approximately 308 SF.

In November 2024, the BZA approved developmental variances for the construction of a new single family home on the property. Those variances expired after six months because a zoning clearance was not issued and no extension was requested. The petitioners are ready to proceed with construction, and are proposing to develop the property exactly as they had proposed to the BZA last year. The proposed home will be two stories with a two-stall garage on the main level accessed from 3rd Street. Developmental variances are needed for the following:

- The R-3 District requires that new single family homes are developed on lots at least 6,000 SF in area and with a minimum of 50' of width. The subject lot is approximately 4,005 SF in area and its frontage along 3rd Street is approximately 30.5' (its frontage on River Race Drive is even less: approximately 25')
- The proposed total area of the ground floor excluding the garage is just 440 SF where a minimum of 720 SF is required
- The driveway from 3rd Street will have an approximately 2' side (north) setback where 5' is required.
- The side (south) building setback will be 5' to the overhang where 6' is required

Note that the proposed side (north) building setback of 2' does not need a developmental variance because it meets the block average, which is permitted by the Zoning Ordinance. The petitioners have explained that they are proposing to locate the building closer to the north property line so that only one side of the building has to satisfy additional Building Code requirements related to firewalling; doing so allows them to place windows on the south side of the home. They said they have spoken with the builder, who says they will not impact the property to the north during construction.

Staff recommends approval of the request. A home existed on the subject property for many years prior to its 2016 demolition. Aerials show that the home had a similar footprint as the proposed home and also encroached in both the north and side yards. Additionally:

- Goshen's Comprehensive Plan encourages infill residential development. A new home built on this property will use existing roadway and utility infrastructure, so it won't add to the cost of expanding costly City amenities.
- The proposed garage will reduce the living space on the first floor. However, there is very little space to provide onsite covered parking elsewhere on the property.
- The relatively small, two-story home will match the character of other narrow buildings along the same stretch of 3rd Street.
- Numerous residential redevelopment projects have occurred along the same corridor that have required more than one developmental variance. 502 and 638 River Race Drive are both examples of single family homes built in the last five years that have each required several developmental variances.

Approval should include the condition that the driveway be durable hard surface, such as concrete or asphalt.

FINDINGS OF FACT

Staff recommends **approval** of developmental variances to allow development of a lot with an area of approximately 4,005 Sf where a minimum of 6,000 Sf is required and a width of approximately 30' where a minimum width of 50' is required at the established front lot line, a side (south) building setback of 5' where a minimum of 6' is required, a side (north) parking/driving aisle setback of 2' where 5' is required, and a ground floor area of approximately 440 Sf where a minimum of 720 Sf is required, for a new single family home, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The home will be built to Building and Fire code standards. A home previously existed on the same site that was similar in size and projected even closer to the north and south property lines than the proposed building. *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 relatively small, two-story home will match the character of other narrow buildings along the same stretch of 3rd Street. *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 is currently vacant but was previously improved with a home. Single family homes are the least intense use permitted in the R-3 District, so modest development of a new single family is the most appropriate use of the property. *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 right of way permit approved by the Engineering Department is required.
5. Approval by the Building Department is required.
6. The driveway shall be durable hard surface such as concrete or asphalt.



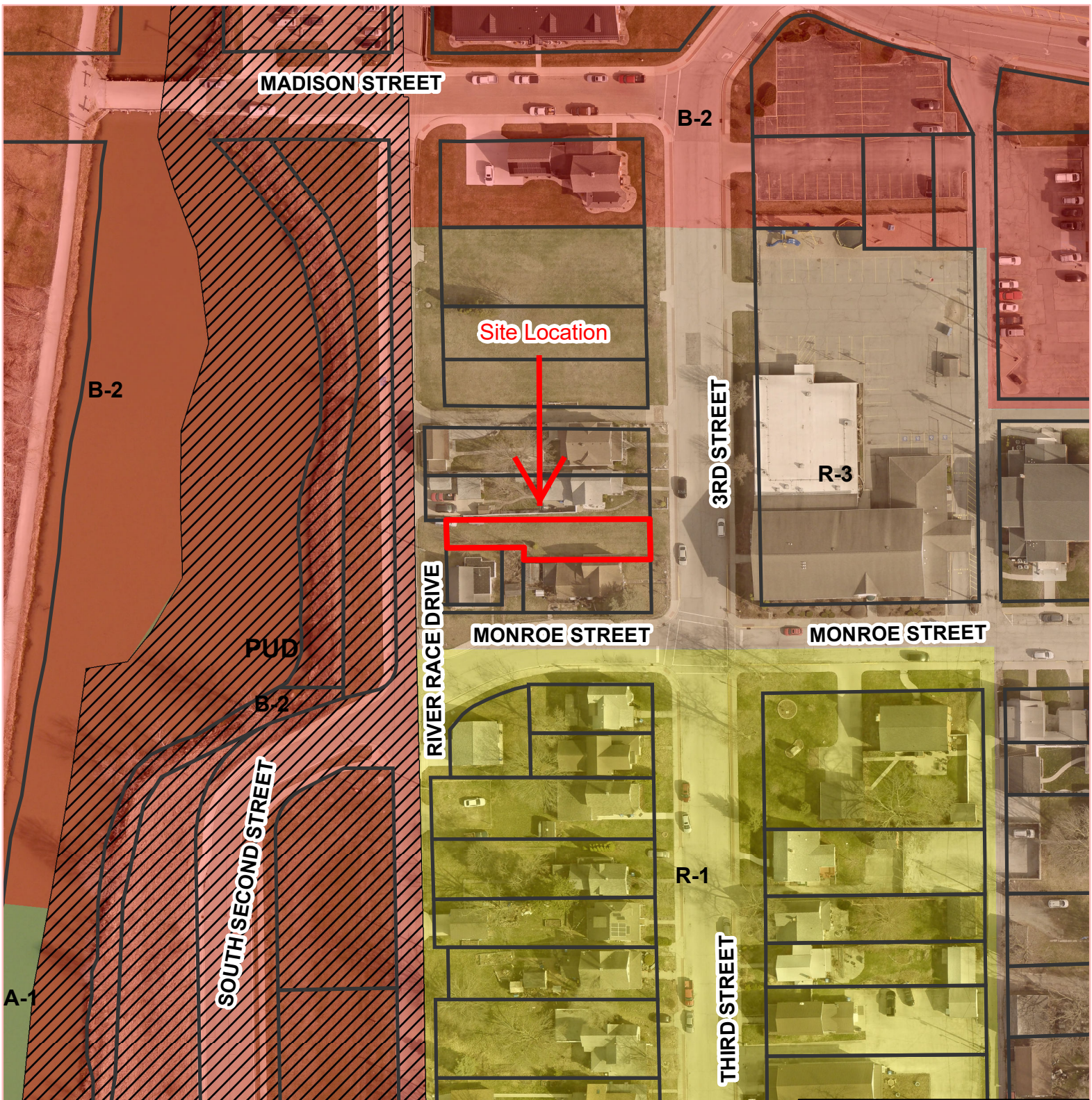
From 3rd Street, looking west



Looking west



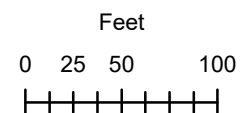
From River Race Drive looking east



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417 S 3rd St

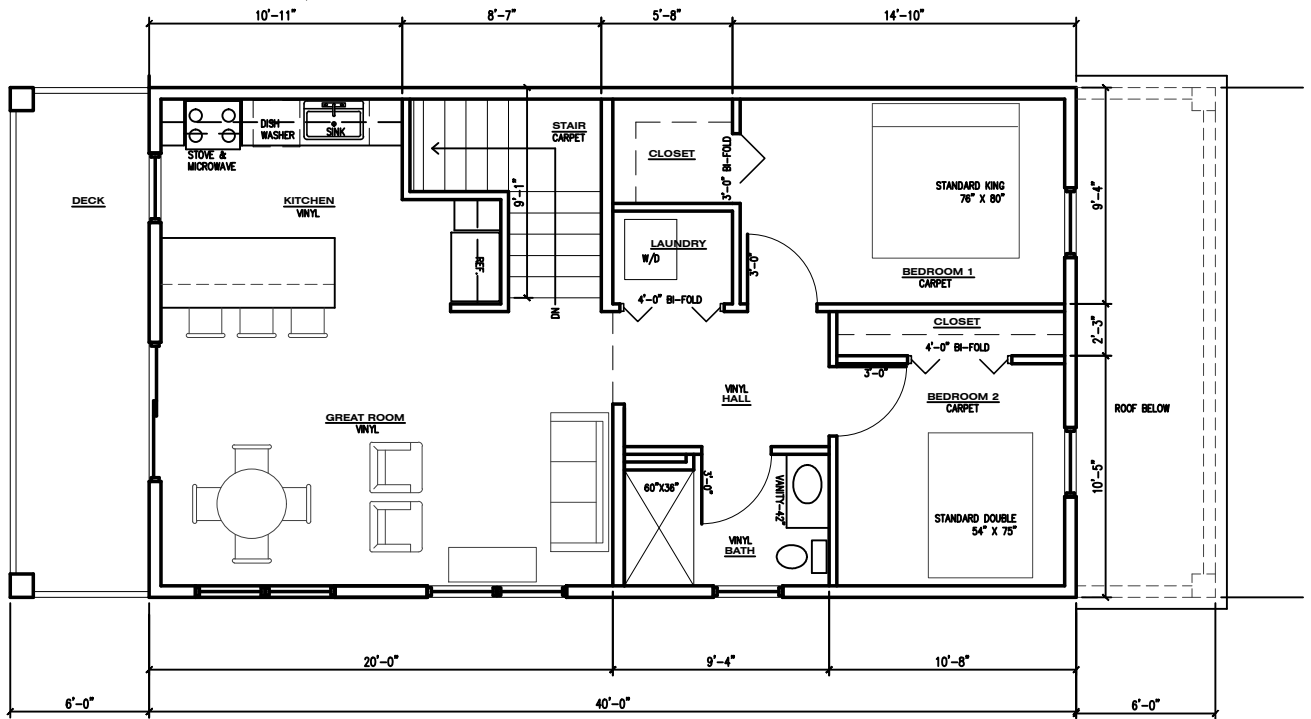
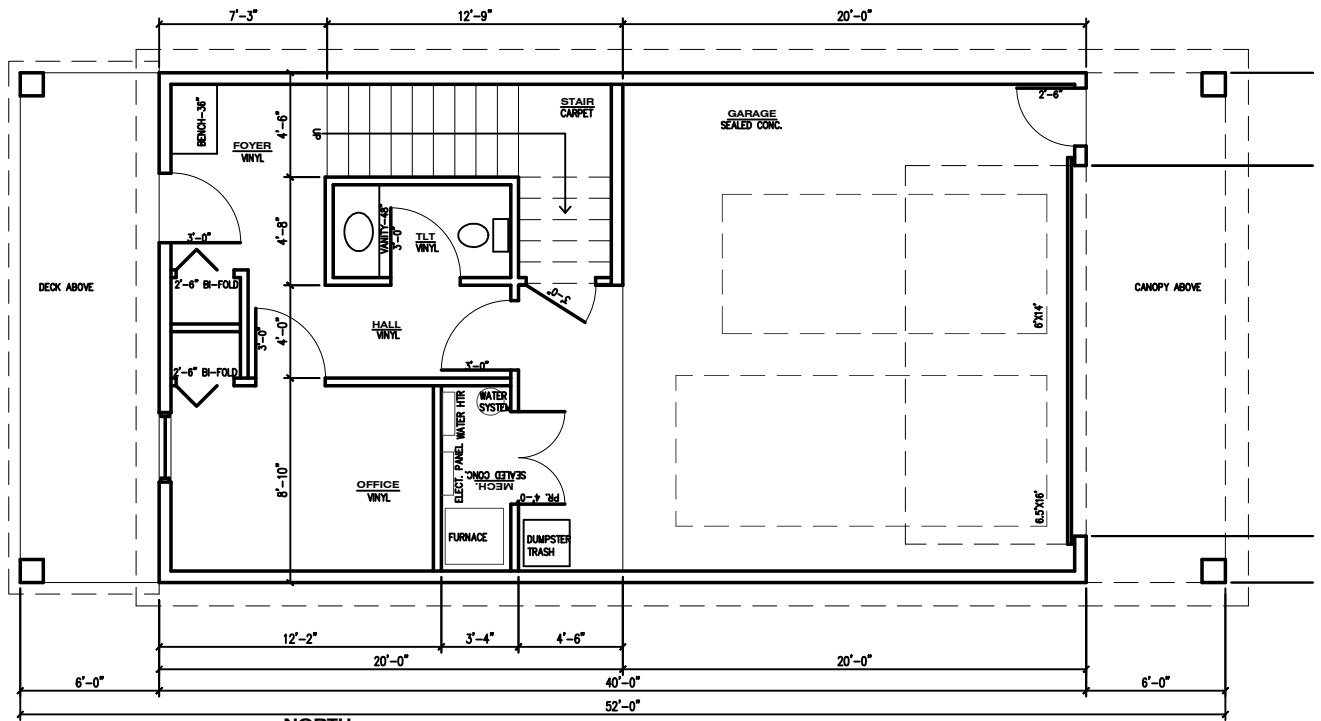
2023 Aerial
Printed November 12, 2024

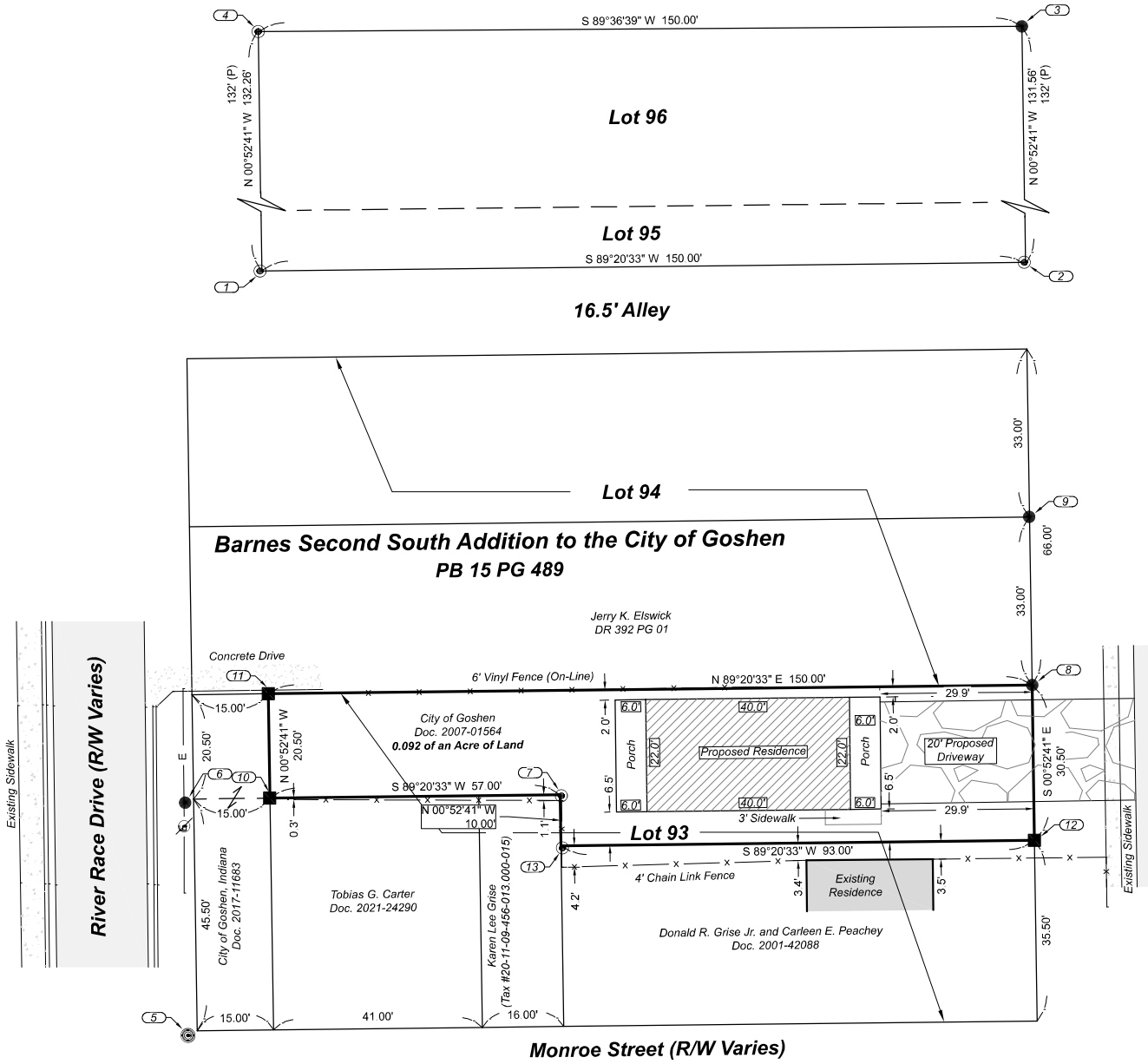


1 inch = 100 feet

The City of Goshen
Department of

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





LEGEND

- IRON PIPE FOUND
- REBAR FOUND
- REBAR W/CAP INSCRIBED "LANDBRO" SET
- UTILITY POLE
- FENCE
- OVERHEAD ELECTRIC

| MONUMENT DESCRIPTIONS | |
|-----------------------|---------------------------------------------------------|
| 1 | REBAR W/CAP "ALS" FOUND FLUSH 0.4' W OF COR, HELD N S |
| 2 | REBAR W/CAP "ALS" FOUND FLUSH, 0.25' W OF COR, HELD N S |
| 3 | 1/2" IRON PIPE FOUND FLUSH, HELD |
| 4 | REBAR W/CAP "ALS" FOUND FLUSH, HELD |
| 5 | 10" CONCRETE POST 0.9' S AND 1.8' W OF COR |
| 6 | 3/4" IRON PIPE FOUND 2" DEEP, 1.7' W & 0.7' S OF COR |
| 7 | 5/8" REBAR FOUND FLUSH, 0.2' E & 0.2' S OF COR |
| 8 | 3/4" IRON PIPE FOUND 2" DEEP, HELD |
| 9 | 3/4" IRON PIPE FOUND 2" DEEP, ON COR |
| 10 | REBAR W/CAP INSCRIBED "LANDBRO" SET |
| 11 | REBAR W/CAP INSCRIBED "LANDBRO" SET |
| 12 | REBAR W/CAP INSCRIBED "LANDBRO" SET |
| 13 | 5/8" REBAR FOUND 2" UP, 0.3' E & 0.4' S OF COR |

Surveyor's Report

- Prior Surveys, plats, plans or documents used in the performance of this survey are as follows:
- Plat Barnes Second South Addition to Goshen, dated 3/1875 and recorded in Plat Book 15 Page 489 in the Office of the Recorder of Elkhart County, Indiana.
 - Warranty Deed recorded in Document No. 2007-01564 in the Office of the Recorder of Elkhart County, Indiana.
 - Warranty Deed recorded in Document No. 2021-24290 in the Office of the Recorder of Elkhart County, Indiana.
 - Warranty Deed recorded in Document No. 2001-42088 in the Office of the Recorder of Elkhart County, Indiana.
 - Warranty Deed recorded in Deed Record 392 Page 01 in the Office of the Recorder of Elkhart County, Indiana.
 - Deed of Dedication to the City of Goshen recorded in Document No. 2017-11683 in the Office of the Recorder of Elkhart County, Indiana.

This is a retracement survey of land deeded to the City of Goshen by Warranty Deed recorded in Document No. 2007-01564 in the Office of the Recorder of Elkhart County, Indiana. The basis of bearings used for this survey is the West line of 3rd Street being established by points "3", "8" and "9". All dimensions shown are measured unless denoted (P) to indicate a plat distance variance. Monuments found are as shown and noted in the "Monuments Descriptions" table hereon.

The Plat of Barnes Second South Addition indicates that the Lots from 97 to 93 were to be 4 rods by 10 rods (66' x 165'). The monuments recovered along the West line of 3rd Street at points "3", "8" and "9" were used to establish the East line of said lots. Said East line was offset 10 rods (165') West to establish the West lines of the said Lots.

The North line of the alley was established using points "1" and "2". Said North alley line was accepted as the best available evidence to establish the East-West bearing for the North line of Lot 93.

The subject parcel lines are described as being parallel with the North and West lines of Lot 93 and were established per record as shown hereon. Points "7" and "13" were recovered near corners of the subject parcel. Said monuments have an unknown origin and measure 0.24' in excess between them.

As a result of the above observations, it is my opinion that the uncertainties of the lines and corners established in this survey are as follows:

Due to inconsistencies in occupation lines or evidence of possession: As shown

Due to reference monuments: 0.2', See 'Monument Table' hereon

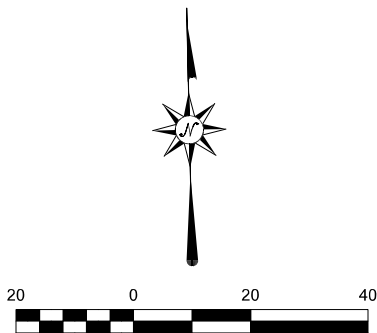
Due to discrepancies in record documents: No deed was found for South adjoiner Karen Lee Grise, No other discrepancies found

Flood Note
Based on scaling from the flood insurance rate map of Elkhart County, Indiana, Map Number 18039C0254D, dated 8 2 2011, the property is located in Zone "X".

Land Description Doc 2007 01564

The North Fractional Part of Lot Number 93 in Barnes Second Addition to the City of Goshen, Indiana, more particularly described as follows

Beginning at the Northeast corner of said Lot 93, thence south along the east line of said Lot, 30 1/2 feet, thence west parallel with the north line of said Lot, 93 feet, thence north parallel with the west line of said Lot, 10 feet, thence west parallel with the north line of said lot, 72 feet to the west line of said lot, thence north along along the west line of said Lot, 20 1/2 feet to the Northwest corner of said lot, thence east along the North line of said Lot, 165 feet to the Place of Beginning



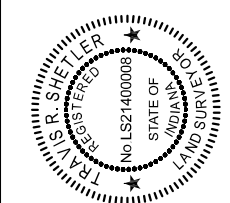
Client
Tonya Detweiler
Owner
City of Goshen (Doc 2007 01564)
Site Location
417 S 3rd Street Goshen, Indiana 46526

Boundary Survey
Part of Lot 93 of Barnes Second South Addition
Part of the Southeast Quarter (SE 1/4) of Section 9,
Township 36 North, Range 6 East,
Elkhart Township, Elkhart County
State of Indiana

THE UNCERTAINTIES DUE TO RANDOM ERRORS IN MEASUREMENT FOR MONUMENTS ESTABLISHED IN THIS SURVEY ARE WITHIN SPECIFICATIONS OF A SUBURBAN SURVEY (0.13 FEET PLUS 100 PARTS PER MILLION) AS DEFINED IN IAC 865

I AM A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF INDIANA AND THIS SURVEY HAS BEEN CONDUCTED UNDER MY DIRECT SUPERVISION

TRAVIS R. SHETLER, PS #LS21400008
8-3-2024



LAND & BOUNDARY
The Land and Boundary Resource Office
401 SOUTH 3RD STREET GOSHEN, IN 46526
(574) 320 5514
INFO@LANDBRO.COM

DATE OF FIELD WORK: 4-10-2024
PROJECT NUMBER: 240308
SCALE: 1" = 30'
SHEET 1 OF 1

AUTHORIZED BY: TRS
DRAFTING BY: LBR

LOCATION: 509 S 3rd Street
CASE NUMBER: 25-17DV

DATE: June 24, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Douglas D Kauffman (owner); Freedom Builders (Agent)

REQUEST: The applicants request a developmental variance to allow a 12' front building setback along River Race Drive where a minimum of 25' is required for the construction of an approximately 352 Sf detached garage

LOT SIZE: ± 7,755 SF; ±94' of frontage (±47' on 3rd Street & ±47' on River Race Drive); ±156' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 34

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Shanklin Millrace

THOROUGHFARES: 3rd Street & River Race Drive

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, & Yard Regulations of the R-1 District
B. Front Yard. Front yards shall be measured from the property line and the building line and shall be as follows:
 1. On residential or cul-de-sac streets, the front yard shall be a minimum distance of 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 on the west side of 3rd Street in the Shanklin Millrace neighborhood. Zoning is R-1, and surrounding properties to the north, east, and south are largely single family. The property is a through-lot that also fronts River Race Drive to the west. River Race Drive is a former alley that was rebuilt as a street in 2014. To the west of the property is a vacant lot zoned B-2PUD where future high-density housing is planned. The subject home is two stories and is served by an existing gravel parking space in the right of way along 3rd Street.

The applicants are proposing to construct a new detached garage with a driveway from River Race Drive. The proposed garage will be approximately 352 SF in area and include an open deck on its roof. It will have a front building setback along River Race Drive of 12' where a minimum of 25' is required, so a developmental variance is needed.

Planning recommends approval of the request. The property is a through-lot, requiring front yard minimum setbacks along two streets instead of one. Adjacent properties along 3rd Street have historically been developed with detached garages on their west ends because River Race Drive was an alley and was not converted to a street

until 2014. The proposed garage will remain in character with these other homes. It will maintain the same setback as the detached garage immediately to the south (511 S 3RD), for example.

If River Race were still an alley, the proposed structure would require only a minimum 5' rear setback, so the 12' proposed is reasonable. At least six other structures along River Race Drive, including a single family home approved by BZA, have a similar distance from the edge of the street paving. If required to meet the 25' setback along River Race Drive, the back yard will be unnecessarily reduced in size.

The proposed building will not pose safety issues to the public. River Race drive is a very narrow street, approximately 22' wide adjacent to the subject property, and designed to convey vehicles at a slow speed. With this in mind, the proposed 12' setback from the right of way is ample.

Note that staff in the Engineering Department will need to review the new driveway from River Race Drive. Engineering preliminarily indicated that removal of the gravel parking space and curb cut along 3rd Street may be required with this development.

FINDINGS OF FACT

Staff recommends **approval** of the request for a developmental variance to allow a 12' front building setback along River Race Drive where a minimum of 25' is required for the construction of an approximately 352 Sf detached garage, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The proposed building will not be pose safety issues to the public. River Race drive is a very narrow street, approximately 22' wide adjacent to the subject property, and designed to convey vehicles at a slow speed. With this in mind, the proposed 12' setback from the right of way is ample. *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.** Adjacent properties along 3rd Street have historically been developed with detached garages on their west ends because River Race Drive was an alley and was converted to a street in 2014. The proposed garage will remain in character with these other homes. It will maintain the same setback as the detached garage immediately to the south (511 S 3RD), for example. *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 subject property has frontage on two streets, with minimal space to install the garage on the same frontage as the home. If required to meet the 25' setback along River Race Drive, the back yard space will be unnecessarily reduced. *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 right of way permit for the new driveway is required
5. The driveway shall be durable hard surface.



From 3rd Street, looking west at front of home



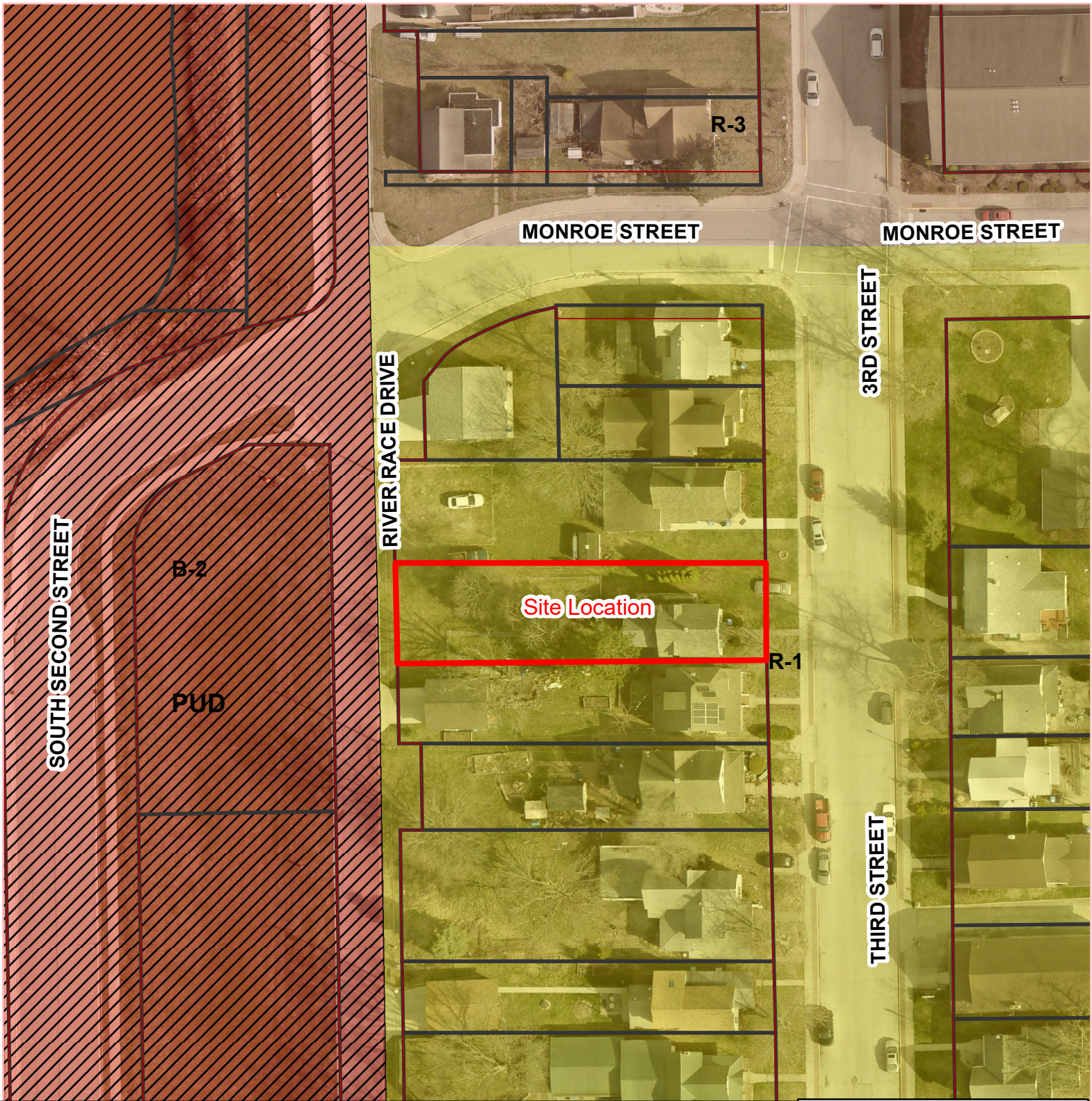
From River Race Drive, looking east at proposed garage location



Looking south along River Race Drive



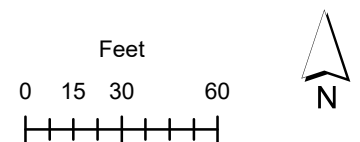
From River Race Drive, looking northeast



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509 S 3rd St

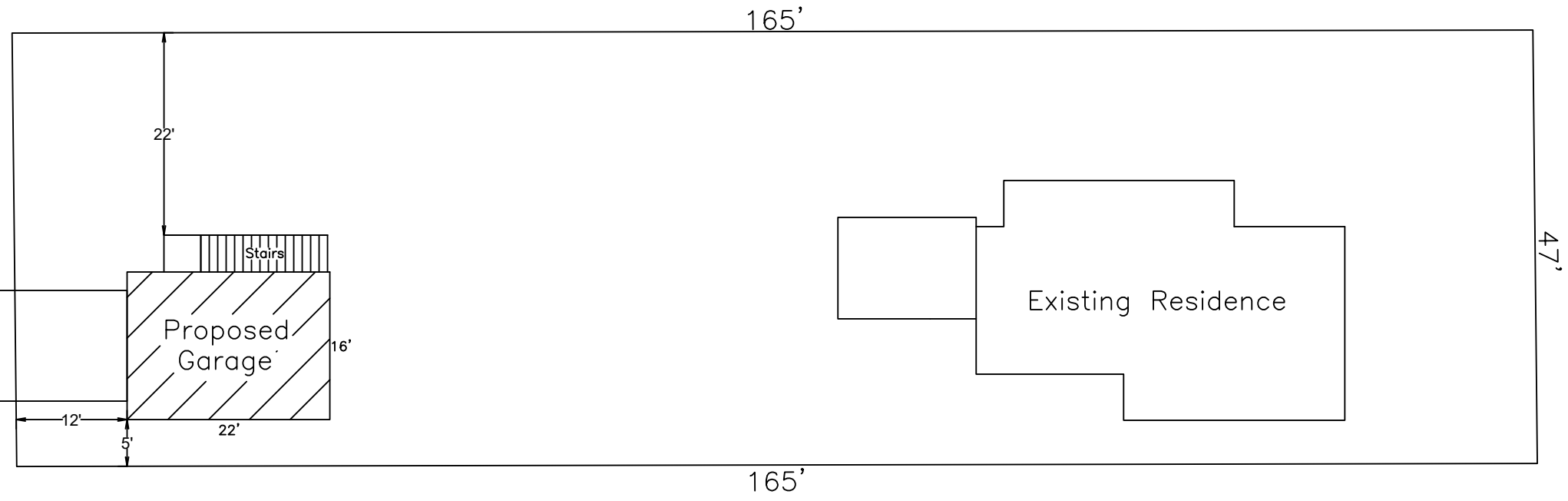
2023 Aerial
Printed June 5, 2025



The City of Goshen
Department of
Planning & Zoning

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

River Race Dr



S 3rd St



| |
|-------------------------------------------------------|
| Freedom Builders |
| Douglas Kaufman 509 S Third St Goshen, IN 46526 |
| Scale: 1" = 16' |



CITY OF GOSHEN LEGAL DEPARTMENT

City Annex

204 East Jefferson Street, Suite 2

Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185

www.goshenindiana.org

April 29, 2025

To: City Boards and Commissions

From: Shannon Marks, Legal Compliance Administrator

Subject: Policy to Provide Public Notice of Meetings and Electronic Meetings Policy

Enclosed are two separate Resolutions to adopt a Policy to Provide Public Notice of Meetings and an Electronic Meetings Policy for the consideration of each city board or commission (a governing body) at the governing body's next regularly scheduled meeting. It is necessary for each city governing body to adopt each of these policies, and it is the intent for these policies to be consistent city-wide.

The Policy to Provide Public Notice of Meetings revises a policy that many of the city's governing bodies adopted in 2013. This policy sets forth the statutory requirements for providing the public notice of meetings, including the method in which the governing body will provide notice to all news media and to any person (other than news media) submitting an annual written request for such meeting notices. The public notice must be given at least 48 hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. A new requirement is that the notice must also include the website address for live transmissions and archived copies of the live transmissions of meetings. The notice shall be given by posting a copy at City Hall, publishing the notice on the City's website, and emailing the notice to all news media.

The Electronic Meetings Policy is substantially similar to the policy adopted by the Goshen Common Council January 27, 2025. This policy sets forth the procedures that apply to a member's participation in a meeting by an electronic means of communication. The electronic means of communication must allow all participating members of the governing body to simultaneously communicate with each other, and it must allow the public to simultaneously attend and observe the meeting (excluding an executive session).

If you have any questions regarding either of the policies, please call or send me an email at shannonmarks@goshencity.com. Once a governing body has adopted both Resolutions, please forward a signed copy of each Resolution to the Legal Department. You may either scan and email the signed Resolutions to me as a PDF or make hard copies and send to my attention through interoffice mail. The original, signed Resolutions should be retained for the records of each governing body.

RESOLUTION 2025-BZA01

Resolution of the Goshen Board of Zoning Appeals Adopting a Policy to Provide Public Notice of Meetings

WHEREAS I.C. 5-14-1.5-5 sets forth the requirements for a governing body to provide public notice of any meetings, executive sessions or of any rescheduled or reconvened meeting.

WHEREAS I.C. 5-14-1.5-5(b)(2) provides that a governing body shall determine the method in which the governing body shall provide notice of meetings to all news media which deliver to the governing body an annual written request for notices not later than December 31 for the next succeeding calendar year.

WHEREAS I.C. 5-14-1.5-5(b)(3) provides that a governing body may adopt a policy to determine the method in which the governing body shall provide notice of meetings to any person (other than news media) who delivers to the governing body an annual written request for notices not later than December 31 for the next succeeding calendar year.

WHEREAS the purpose of this policy is to state the methods in which the Goshen Board of Zoning Appeals, as a governing body of the City of Goshen, shall provide public notice of meetings in accordance with I.C. 5-14-1.5-5.

NOW, THEREFORE, BE IT RESOLVED that, in accordance with I.C. 5-14-1.5 et seq., the Goshen Board of Zoning Appeals, hereinafter referred to as "governing body," shall provide public notice of meetings as follows:

- A. Public notice of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and location of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda. This requirement also does not apply to a meeting called to deal with an emergency as provided under I.C. 5-14-1.5-5(d).
- B. The public notice shall include the following information:
 - 1. Governing body name.
 - 2. Date of meeting.
 - 3. Time of meeting.
 - 4. Location of meeting.
 - 5. Website address for live transmissions and archived copies of live transmissions of meetings, excluding an executive session.
 - 6. If the meeting is an executive session, the public notice shall include the subject matter by specific reference to the enumerated instance or instances for which an executive session may be held under I.C. 5-14-1.5-6.1(b).

- C. The public notice of meetings shall be given by:
1. Posting a copy of the notice at Goshen City Hall.
 2. Publishing the notice on the City of Goshen's website at least forty-eight (48) hours in advance of the meeting shall serve as notice to any person (other than news media) who delivers to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.
 3. Transmitting the notice by electronic mail to all news media which deliver to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.
- D. Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or location of a regular meeting or meetings is changed. This does not apply to executive sessions.
- E. If an agenda is utilized for a meeting, a copy of the agenda shall be posted at the entrance to the location of the meeting prior to the meeting.
- F. This policy to provide public notice of meetings shall be effective immediately. Upon the effective date of this policy, all prior policies on providing public notice of meetings, specifically including the policy adopted February 26, 2013, shall be repealed.
- G. This policy is intended to be consistent with the Indiana Open Door Law codified at I.C. 5-14-1.5 et seq. as in effect on April 25, 2025, and is incorporated hereto by reference. In the event that I.C. 5-14-1.5 et seq. is amended in such a way to conflict with any provision in this policy, then this policy shall be amended to comply with the statutory amendment.

PASSED and ADOPTED by the Goshen Board of Zoning Appeals on _____, 2025.

RESOLUTION 2025-BZA02

Resolution of the Goshen Board of Zoning Appeals Adopting an Electronic Meetings Policy to Allow Members of the Board of Zoning Appeals to Participate in Meetings by an Electronic Means of Communication

WHEREAS I.C. 5-14-1.5-3.5 allows a member of the governing body of a political subdivision who is not physically present at a meeting of the governing body to participate in a meeting by any electronic means of communication that:

- A. Allows all participating members of the governing body to simultaneously communicate with each other; and
- B. Allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session.

WHEREAS the governing body must adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication, which may include procedures that are more restrictive than the procedures established by I.C. 5-14-1.5-3.5.

WHEREAS Goshen Common Council Resolution 2024-03 adopts an Electronic Meetings Policy to allow members of the Common Council to participate in meetings by electronic means of communication. The Common Council Electronic Meetings Policy also applies to all other governing bodies of the City of Goshen, excluding the Board of Aviation Commissioners, until such time as such other governing bodies adopt a substantially similar policy.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Board of Zoning Appeals adopts the following Electronic Meetings Policy:

Section 1. Attendance at Meetings of the Goshen Board of Zoning Appeals by Electronic Means of Communication

- A. A member of the Board of Zoning Appeals ("Board") who is not physically present at a meeting of the Board may participate in the meeting of the Board by any electronic means of communication that:
 - 1. allows all participating members of the Board to simultaneously communicate with each other; and
 - 2. allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session.
- B. The following conditions apply to a Board of Zoning Appeals member not physically present at a meeting of the Board but participating in the meeting of the Board by an electronic means of communication:
 - 1. At least fifty percent (50%) of the Board members must be physically present at a meeting at which a member may participate by an electronic means of communication.
 - 2. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.
 - 3. Subject to Section 2, paragraph C, a member who participates in a meeting by an electronic means of communication may participate in final action only if the member can be seen and heard.
 - 4. Subject to Section 2, paragraph C, a member who participates by an electronic means of communication shall be considered present for purposes of establishing a quorum.

Section 2. Limitations

- A. A member of the Board of Zoning Appeals may not attend more than two (2) meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:
 - 1. military service;
 - 2. illness or other medical condition;
 - 3. death of a relative; or
 - 4. an emergency involving actual or threatened injury to persons or property.
- B. A member of the Board of Zoning Appeals may attend two (2) consecutive meetings (“a Set of Meetings”) by an electronic means of communication; however, a member must physically attend, in person, at least one (1) meeting between a Set of Meetings that the member attends by an electronic means of communication, unless the member's absence is due to:
 - 1. military service;
 - 2. illness or other medical condition;
 - 3. death of a relative; or
 - 4. an emergency involving actual or threatened injury to persons or property.
- C. A member of the Board of Zoning Appeals may not participate in a meeting by an electronic means of communication at which the Board may take final action, as applicable to the governing body, to:
 - 1. adopt a budget;
 - 2. make a reduction in personnel;
 - 3. initiate a referendum;
 - 4. establish or increase a fee;
 - 5. establish or increase a penalty;
 - 6. exercise the governing body’s eminent domain authority; or
 - 7. establish, raise, or renew a tax.

Section 3. Technological Failure

A technological failure in an electronic means of communication that disrupts or prevents:

- A. the simultaneous communication between a member who is not physically present at the meeting and the Board of Zoning Appeals; or
- B. a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the Board of Zoning Appeals from conducting the meeting or affect the validity of an action taken by the Board at the meeting if the sum of the Board members physically present at the meeting and the Board members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the Board of Zoning Appeals.

Section 4. Minutes or Memoranda

The minutes or memoranda of a meeting at which any member of the Board of Zoning Appeals participates by an electronic means of communication must:

- A. identify each member who:
 - 1. was physically present at the meeting;
 - 2. participated in the meeting by using any electronic means of communication; and
 - 3. was absent; and
- B. identify the electronic means of communication by which:
 - 1. members participated in the meeting; and
 - 2. the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. Declared Emergencies

- A. Members are not required to be physically present for a meeting of the Board of Zoning Appeals during such time when following authorities have declared a disaster emergency and the disaster emergency remains in effect:
 - 1. the governor under I.C. 10-14-3-12; or
 - 2. the mayor under I.C. 10-14-3-29,to the extent allowed by I.C. 5-14-1.5-3.7.
- B. Members may participate in a meeting during a declared disaster emergency by an electronic means of communication provided that:
 - 1. At least a quorum of the members participates in the meeting by an electronic means of communication or in person.
 - 2. The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
- C. The minutes or memoranda of the meeting must comply with requirements for meetings where members are allowed to attend by an electronic means of communication.
- D. All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 6. Definitions

The definitions found in I.C. 5-14-1.5-2, as amended, shall apply to this policy.

Section 7. Application

The policy adopted by this resolution shall be known as the "Electronic Meetings Policy" of the Goshen Board of Zoning Appeals and it shall apply to meetings of the Board of Zoning Appeals.

Section 8. Intent of Policy

- A. It is the intent of this policy to comply with the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time, to allow for a member of the Board of Zoning Appeals who is not physically present at a meeting to participate by any electronic means of communication. In the event that I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7 are amended or repealed, then this policy shall be amended to comply with said amended statutory provisions.
- B. This resolution incorporates by reference the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time; however, the more restrictive provisions of this resolution shall govern.

Section 9. Effective Date

This resolution shall be effective from and after adoption.

PASSED and ADOPTED by the Goshen Board of Zoning Appeals on _____, 2025.
