

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, August 26, 2025, 4:00 pm
Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 6/24/25
- 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

25-18DV – Gurpreet (Bobby) Singh and Garden City Church request a developmental variance to allow a church as a conditional use with zero onsite parking spaces where a minimum of 154 spaces are required. The subject property is generally located at 120 N Main Street and is zoned Commercial B-2HD DD.

25-19DV – The City of Goshen, Indiana requests a developmental variance to allow zero delineated parking spaces and no delineated driving aisles where a minimum of 32 onsite parking spaces are required and where parking and driving aisles shall be designed according to the standards of the Zoning Ordinance, for the paving of a police shooting range parking lot. The subject property is generally located at 713 E Lincoln Avenue and is zoned Industrial M-1 District.

25-20DV – Juan Fernandez requests a developmental variance to allow open parking in the front yard where parking is prohibited, for the expansion of a concrete driveway. The subject property is generally located at 1701 Hickory Place and is zoned Residential R-1 District.

25-21DV – Gregg Burks requests a developmental variance to allow an approximately 1,080 SF detached garage, 19' in height where the maximum height permitted for an accessory building shall not exceed the height of the residential dwelling on site. The subject property is generally located at 4313 Midway Road and is zoned Residential R-1 District.

25-22DV – Landon & Emily Slabaugh request a developmental variance to allow approximately 1,112 Sf of detached accessory structures where the total building footprint area of all such structures shall not exceed the building footprint area of the primary residential dwelling of approximately 948 Sf, for the construction of a 144 Sf private greenhouse. The subject property is generally located at 407 S Greene Road and is zoned Residential R-1 District.

25-07UV – CTK Holding Company, LLC requests a use variance to allow a drive-through restaurant (ice cream sales) where drive-through restaurants are a permitted use in the Commercial B-3 and Industrial M-1 & M-2 districts. The subject property is generally located at 502 W Lincoln Avenue and is zoned Commercial B-2 District.

25-08UV & 25-23DV – Angela Gingerich requests a use variance to allow a two-family home where only single-family homes are allowed and a developmental variance to allow three onsite parking spaces where a minimum of four are required. The subject property is generally located at 400 Westwood Road and is zoned Residential R-1 District.

25-24DV – Bontrager-Singer, LLC requests a developmental variance to allow a fence 6' in height in the front yard along Jackson Street where fences cannot exceed 4' in height. The subject property is generally located at 923 S 7th Street and is zoned Residential R-1 District.

25-09UV & 25-25DV – HHI Kercher Rd Properties 24, LLC, Lassus Brothers Oil, Inc., Jones Petrie Rafinski, and Yoder, Ainlay, Ulmer & Buckingham, LLP request a use variance to allow a gas station with a convenience store approximately 234' from another gas station along the north side of Kercher Road where gas stations are a conditional use requiring a minimum distance of 500' from other gas stations, and developmental variances to allow two freestanding signs where one is permitted, an illuminated freestanding sign 22' in height and 90 Sf in area where freestanding signs cannot exceed 20' in height and 60 SF in area, a parking and driving aisle setback of 20' along Kercher Road where a minimum of 35' is required, and for the variance to be effective when the secondary subdivision is approved and recorded. The subject property is generally located at the northeast corner of Lincolnway East and Kercher Road, the proposed Lot 1 of HHI Kercher Rd Properties 24 subdivision, and is zoned Industrial M-1 District.

25-26DV – Artisan Investment Group, LLC requests a developmental variance to allow three on-site parking spaces where a minimum of five parking spaces are required and open parking in the front yard setback along Garden Street where open parking is not permitted, for the remodel of a nonconforming three-unit residential dwelling. The subject property is generally located at 601 N 5th Street and is zoned Residential R-1 District.

- VI.** Audience Items
- VII.** Staff/Board Items
- VIII.** Adjournment

BZA Members

- James Loewen, Appointed by Mayor, Term 1/31/24 - 12/31/27
- Matthew Fisher, Appointed by Mayor, Term 1/31/24 - 12/31/27
- Tom Holtzinger, Appointed by Mayor, Term 1/1/22 - 12/31/25
- Hesston Lauver, Appointed by Plan Commission, Term 1/18/22 - 12/31/25
- Lee Rohn, Appointed by Council, Term 1/1/25 - 12/31/28

BZA Alternate Member:

- Craig Yoder, Appointed by Mayor, Term 1/31/24 - 12/31/27

Minutes - Goshen Board of Zoning Appeals
Tuesday, June 24, 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: Hesston Lauver, Mathew Fisher, Tom Holtzinger, and James Loewen. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez. Absent: Lee Rohn

II. Approval of Minutes from 5/27/25: Fisher/Lauver 4-0

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

IV. Postponements/Withdrawals – None

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.

Staff Report

Mr. Deegan explained this item and the three following requests are all from the same petitioners and are all cemeteries. He provided an overall background for the requests, explaining that cemeteries are conditional uses and permitted in all zoning districts when they meet a certain set of requirements. There is nothing in the conditional use regulations that gives cemeteries additional sign allowances which means they need to meet the sign requirements of the underlying zoning district. Zoning for each of these locations is residential or agricultural which contain some of the most restrictive sign requirements in the zoning ordinance, essentially allowing small ground signs only. He went on to say staff is recommending approval of each of these sign requests, noting that most of these properties are considerably larger than typical residential properties and all signs are non-illuminated. He also pointed out that cemeteries generally need more signage to help people find their way around.

He discovered during his site visit that signs have already been installed at each of these sites without approval and explained that although Staff is recommending approval, if the Board has altered approvals or denials of any of these, we can discuss sign removal at that time.

For this first site, West Goshen Cemetery, the petitioners would like to replace an existing freestanding sign at the entrance and add an easel sign containing cemetery information. Both signs will be approximately 6' in height, will not exceed 12 SF in area, and are non-illuminated. He also pointed out that these signs are approximate 400' from the closest street, Berkey Avenue.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He confirmed that the signs have already been installed. He explained the easel signs have a map on them showing the layout of the entire cemetery and the identification signs gives the history of the cemetery.

Mr. Lauver questioned what the barcode/QR code is for on the signs.

Burt Matteson, Director of Cemeteries, also spoke to the petition. He stated the QR code on the entrance sign provides a link to the cemetery's page on the City website, and the ones on the easel sign provides access to our GIS system and burial search.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Deegan stated for the record that Mary Sutter of 1137 Abby Court inquired about this request. She had no objection when the location was explained.

Action:

A motion was made and seconded, Lauver/Loewen, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-12DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

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.

Staff Report

Mr. Deegan explained this is Oakridge Cemetery. The request is to add an entrance sign and an easel sign as described in the previous case today. Additionally they'd like to add approximately 8 non-illuminated small signs, internal to the site. These are described as "feature signs" and are 1.5 sf in area and 6' in height.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He stated this request is the same as the previous case and he has nothing to add.

Mr. Loewen asked what the small signs are for.

Mr. Matteson stated most of them address particular historic features of Oakridge Cemetery. Sharis Israel, the old Jewish cemetery, is one example.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Fisher/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-13DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

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.

Staff Report

Mr. Deegan explained this request is for Violet Cemetery. The request is to replace the freestanding signs along

Egbert Road and Violet Road and add an easel sign on the west side of the cemetery and add additional non-illuminated 1.5sf signs. He noted there are also several existing internal signs that have not received previous approval and approval of them is included in today's request.

One inquiry was received from Miriam Everest, 19243 CR 40, who contacted the Planning Office with questions regarding this request. She had no comment when the request was explained.

Mr. Loewen asked what the existing unapproved signs are that Staff would like to include in this request.

Mr. Deegan stated one of the signs is similar to the Violet Cemetery sign shown in the Staff Report and the other small signs have been described as internal directional signs.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He pointed out there is a substantial reduction in square footage between the existing signs and the new signs. He commented the new signs are drastically smaller.

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, Louver/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-14DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

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.

Staff Report

Mr. Deegan explained this request is for Dierdorff Cemetery. It's approximately 1/3 acre in size and located directly south of Goshen College. This cemetery is described as a small pioneer era cemetery. The request is to replace the existing freestanding sign with a new non-illuminated freestanding sign. He went on to say there is also an existing freestanding sign that may be retained. The Planning Office received no public inquiries regarding this request.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He stated this request is for one identification sign only.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Fisher/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-15DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

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.

Staff Report

Mr. Deegan explained this request is for a first floor, vacant suite where the petitioner would like to open a “cat café”. It’s described in the BZA application as a “safe and welcoming space for cats and humans to interact through reading, relaxing, and playing together”. This will include a gift shop and a lounge area where customers can interact with cats. The cats are being fostered by the business with the purpose of finding homes for them. He explained there will be air filtration, the lounge will be cleaned daily, and cats will be monitored overnight on security cameras.

Staff recommends approval of the request, with conditions and commitments, noting that a recorded commitment is required and must include the letter submitted with the BZA application describing plans for the business. He went on to say sounds and order might be a concern here, but if the cats are kept inside and the area cleaned as stated, that should not be a concern.

He noted for the record that Karen Pletcher, 125 S Main Street and Michelle Horning, 206 S Main Street both requested additional information on this request. No specific comments were received from those inquiries.

Petitioner Presentation:

Brenda Summers, 1701 Berkey Avenue, spoke on behalf of the petitioner. She stated Catitude Café is more of a cat lounge than a food café. She plans to have a gift shop where customers can purchase Catitude merchandise and cat themed items. There is a fee to enter the cat lounge and customers can choose to be in the cat lounge from 30 minutes up to 3 hours. Different rooms are also available for meetings, studying, reading, etc. where customers can go to socialize with the cats. She explained she’s partnering with Here Kitty Kitty rescue and all the cats will be fixed, vaccinated, microchipped, and ready to adopt. When a cat is adopted, the fees will go to Here Kitty Kitty. She has looked into a purification system.

Mr. Holtzinger asked if she’s comfortable with 18 cats, and Ms. Summers responded she would be ok with that.

Mr. Holtzinger asked the BZA youth advisor if she had an opinion on this request.

Ms. Gonzalez stated that she likes that Ms. Summers is concerned about peoples’ opinion regarding any odor and ensuring that everything stays clean.

Ms. Summers also explained that she plans to also have a weekly preschool story time with cats where parents and kids can come in, hear a story and interact with some of the cats. Various evening activities are also planned.

Susan Visser, Executive Director of Goshen Theater, also spoke to the petition. She stated Goshen Theater owns this building and they have discussed this request with Board and staff. Some concerns were brought up regarding odors, but they feel Brenda has come up with a great solution to address any odor and are confident that she has this handled.

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/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-06UV with the 4 conditions and 5 commitments listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

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.

Staff Report

Mr. Deegan explained this request was originally heard in November, 2024 and approval was granted for 6-months. Because the petitioners did not request an extension, the variance expired in May, 2025. Today's request is identical to the 2024 request. He explained that the lot is smaller than the required minimum lot size and has less frontage than the required by the ordinance. The request is also for a ground floor area of 440 sf where a minimum of 720 sf is required. Variances are also required for a driving aisle with a 2' side (north) setback where 5' is required and a south building setback of 5' where 6' is required. Staff recommends approval of this request.

No public inquiries were received regarding this request.

Petitioner Presentation:

Tonya Detweiler, 1630 Timberline Drive, representing Freedom Builders, spoke on behalf of the petitioner. She stated they waited for their client to secure financing, which took a little more than 6 months. She asked for approval of this request.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Lauver/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-16DV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

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.

Staff Report

Mr. Deegan explained this property contains a single family home, and has frontage on River Race Drive and S 3rd Street. River Race Drive was previously an alley, but rebuilt and turned into a street in 2014. Prior to 2014, many of the properties along the former alley had detached garages which still remain and are close to the street.

The applicants would like to construct a new detached garage, approximately 352 sf in size, with an open deck on the roof, a front building setback of 12' where 25' is required, and a driveway from River Race Drive. Staff recommends approval, noting that because this is a through lot with frontage on two streets its difficult to meet zoning ordinance requirements for setbacks. He went on to explain it will have the same setback as the detached garage immediately south, so it won't be out of character with neighboring properties. He further explained if River Race Drive was still an alley, a minimum 5' setback would be required instead of 25'.

He went on to say that this application was received a day prior to the filing deadline, and the Engineering Department reviewed the request after we had accepted the application. They noted that there is a curb-cut on 3rd Street and what looks to be a gravel parking area in the 3rd Street right-of-way. Engineering commented to Planning staff that in order to get a right-of-way permit for River Race Drive, they'd like to see the parking space and curb cut along 3rd Street removed. Mr. Deegan questioned if the width of the garage is wide enough for two vehicles. He explained the Board can approve this and they can make it a two-car garage or they can make the driveway wider to accommodate two vehicles. The concern is that they won't have adequate on-site parking.

Petitioner Presentation:

Tonya Detweiler, 1630 Timberline Drive, representing Freedom Builders, spoke on behalf of the petitioner. She stated she's not prepared to speak for the owner, but if the BZA approves this request, they would present this to the owner, explaining that if the City wants the 3rd Street access removed, he could expand from 16', noting that if they get to 21' or 22', they would begin to have room for two cars. They would leave it up to the homeowner to decide if he wants to expand the garage to accommodate two cars.

Mr. Deegan agreed that the garage would have to be expanded to accommodate two cars because expanding just the driveway would create open parking in the front yard setback and that's not allowed by the zoning ordinance. He explained this is not a Planning problem, but the Engineering Department will have to issue a right-of-way permit.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Fisher/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-17DV with the 5 conditions listed in the Staff Report.

Mr. Lauver asked if Engineering would address the storage shed that appears to be in the right-of-way.

Mr. Deegan stated he doesn't know if it received Board of Works approval or not. He also noted that it appears to be a temporary shed, but it's placement in the right-of-way is not something the Planning Office can approve.

Mr. Lauver asked if the BZA can require the shed to be moved.

Attorney Kolbus stated that this would be a Board of Works decision.

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

VI. Audience Items - None

VII. Staff Board Items

- Resolution 2025-BZA01, Resolution of the Goshen Board of Zoning Appeals Adopting a Policy to Provide Public Notice of Meetings

Mr. Deegan referred Board members to the memo included in packets from the Legal Department for the two resolutions. The resolutions are to adopt a policy to provide public notice of meetings and one for an electronic meeting policy. The memo states that it's necessary for each governing body to adopt each of these policies, with the intent to be consistent citywide.

The first resolution is adopting a policy to provide public notice of meetings. This revises a policy that many of the City's governing bodies adopted in 2013 and sets forth the statutory requirements for providing public notice of meetings, including the method in which the governing body will provide notice to all news media and to any person submitting an annual written request for such meeting notices. The public notice must be given at least 48 hours before the meeting and a new requirement is that the notice must also include the website address for live transmission, and archived copies of the live transmission of meetings. Notice shall be given by posting a notice at City Hall, publishing the notice on the City website, and emailing the notice to all news media.

Mr. Deegan stated because this is statutory, it must be adopted.

Attorney Kolbus agreed that the Board has no choice; this resolution must be adopted.

Action:

A motion was made and seconded, Fisher/Lauver, to adopt the policy to provide public notice (Resolution 2025-BZA-01).

Mr. Loewen asked if this is something Planning Staff does.

Mr. Deegan explained this is done by Staff, on behalf of the BZA.

Attorney Kolbus stated beginning July 1st, meetings will be live-streamed, recorded, and stored for a certain period of time. This is now required by state law.

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

- 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

Mr. Deegan stated the electronic meeting policy is similar to what the Council adopted in January of this year. It sets forth the procedure to allow members to participate by electronic means of communication. All members of the governing body must be able to simultaneously communicate with each other and it must allow the public to simultaneously attend and observe the meetings. The Board will likely need to approve changes to clarify that physical presence would still be required and must meet quorum, and staff will need advance notice from members if they wish to attend electronically.

Attorney Kolbus stated this is not required, but if you wish to participate by means of electronic communication, you must meet the statutory conditions.

Mr. Fisher commented he's in favor of allowing someone to join remotely.

Mr. Loewen asked if the electronic communication is a minimum of audio; not necessarily video.

Attorney Kolbus stated Section 1.B.3, states the member must be seen and heard.

Mr. Loewen asked if the public can also participate by means of electronic communication.

Attorney Kolbus stated the public can only observe and monitor the meeting.

Action:

A motion was made and seconded, Holtzinger/Lauver, to adopt Resolution 2025-BZA-02, noting that the public can only observe, and may not participate in meetings by an electronic means of communication. The motion passed unanimously by a vote of 4-0.

VIII. Adjournment: 4:58 pm

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 120 N Main Street
CASE NUMBER: 25-18DV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Gurpreet Singh (owner); Garden City Church (agent)

REQUEST: The applicants request a developmental variance to allow a church as a conditional use with zero onsite parking spaces where a minimum of 154 spaces are required

LOT SIZE: ±14,520 SF; ±88' of frontage; ±165' depth

APPLICABLE ZONING: Commercial B-2 HD DD

NOTICES SENT: 32

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Commercial, Institutional

NEIGHBORHOOD: Downtown

THOROUGHFARES: Main Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
Churches, chapels, temples, synagogues & auxiliary uses require minimum onsite parking based on the following: one space per two employees plus one space per three seats in the main sanctuary area

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning office has not been contacted by any adjacent property owners regarding this variance. However, the Planning office may still be contacted with questions and statements of support or opposition to the variance between the time of this report's delivery and the public hearing.

ANALYSIS

The subject property is located on the east side of Main Street, directly east of the County courthouse, in the downtown. It is located in the Commercial B-2 District (Central Business District), the Historic District overlay which regulates signs, and the Downtown District overlay which imposes architectural standards. Adjacent properties are also zoned B-2 and include a mix of offices, restaurants, event centers, salons, and retail sales. Almost the entire property is occupied by its one-story building, which has a footprint of slightly less than 15,000 SF.

The building is known historically as the Kline's Building because it was the long-time location of Kline's Department Store. More recently, its uses have included pet grooming, a thrift store, and art center. BZA approval was granted in 2009 for a church to operate on the property for a maximum period of 2 years; the church required 34 parking spaces where none were provided, and the variance was not renewed. Another church applied to allow use of the property in 2015, requesting relief from the requirement of 101 spaces while providing no spaces; that request was denied.

The current applicants are also requesting to allow a church on the property. Churches are a conditional use in all zoning districts. The B-2 District only exempts commercial uses from off-street parking requirements, so a church in this building is required to meet the minimum onsite parking requirements established by the Zoning

Ordinance. The minimum requirement is calculated as one space per two employees plus one space per three seats in the main sanctuary. The petitioners have provided plans indicating that there will be up to 8 employees and 450 seats in the sanctuary, requiring a minimum of 154 spaces. As with previous church requests, there are no spaces on the property, so a developmental variance is required.

Staff recommends denial of the request. Crucially, with no onsite parking, church events will tax publicly available parking to be shared by dozens of the other adjacent properties. Public parking in the downtown is already limited; there are no parking garages and surface level parking is the only option. Also:

- As stated in the Zoning Ordinance, “The B-2 Commercial District is designed for the City Center which is usually comprised of retail, service, cultural, residential, and government uses.” It is best served by compact uses, such as the many existing retail stores, restaurants, and offices.
- The intent of the Downtown District overlay is to “enhance and maintain the traditional main street corridor by preserving the integrity of existing development, promoting compatible development, preserving and promoting higher density land use, maintaining the architectural style of the of the area, promoting retail development, and developing a pedestrian friendly environment.” A church in a first floor space without parking will inhibit those goals.
- While churches exist in the B-2 District, they are more commonly on the periphery of the downtown where more parking is available.
- Whereas the intent of the B-2 District is to provide concentrated commercial uses, a church with no parking may hinder other commercial uses. For example, the Zoning Ordinance requires that tattoo parlors be a minimum distance of 750’ from churches; the location of the church may also complicate alcohol licensing for nearby bars and restaurants.
- The request for a church at this location was denied in 2015 following similar reasoning expressed above. This request includes over 50 spaces more than the 2015 request.

FINDINGS OF FACT

Staff recommends **denial** of a developmental variance to allow a church as a conditional use with zero onsite parking spaces where a minimum of 154 spaces are required, based on the following:

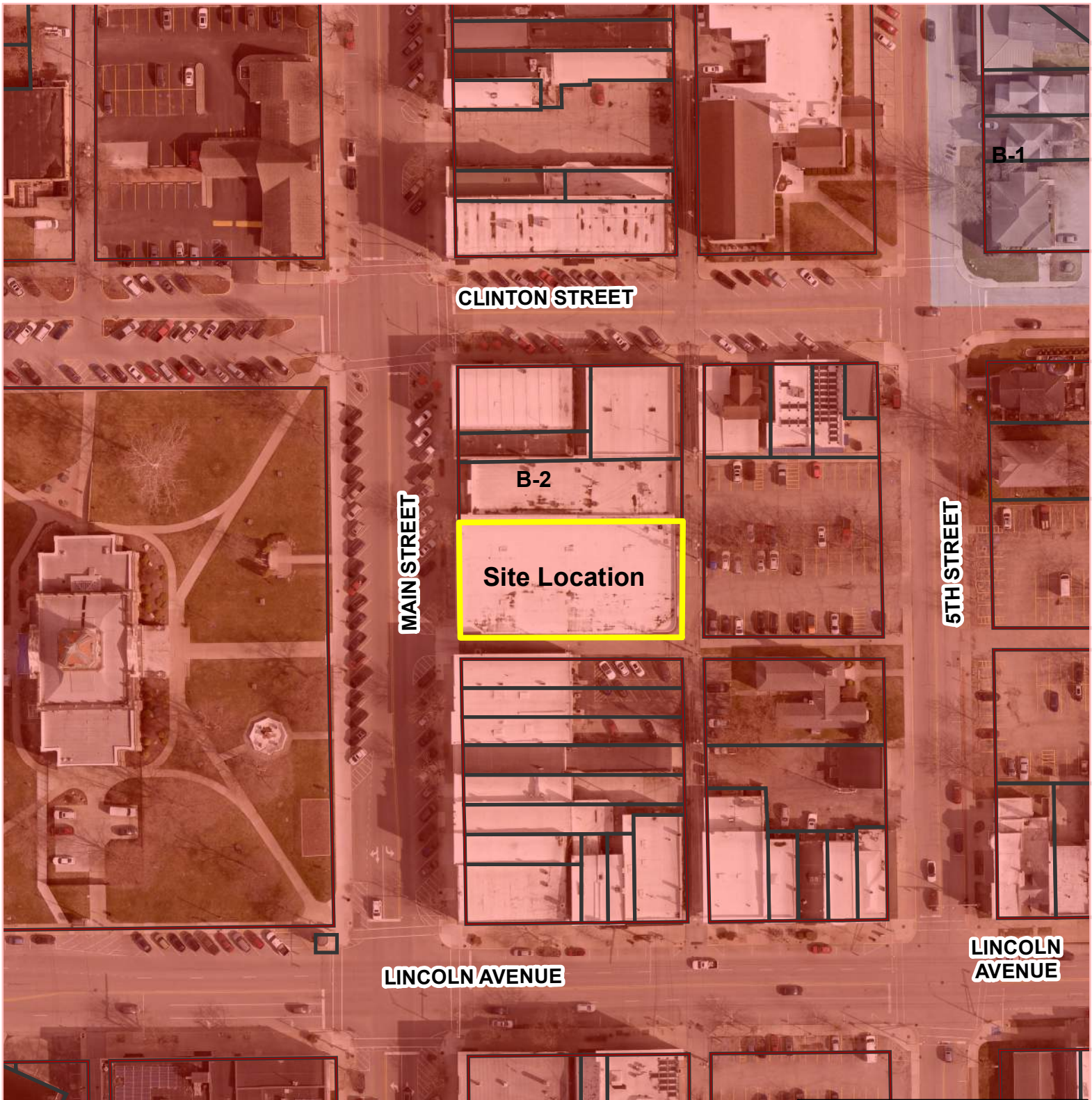
1. **The approval will be injurious to the public health, safety, morals and general welfare of the community.** The proposed church may adversely impact the general welfare because its lack of onsite parking will tax adjacent public parking facilities. *The standard is not confirmed.*
2. **The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner.** The intent of the B-2 District and the Downtown District will be hampered, as the proposed church with no parking will adversely strain public parking to be shared with adjacent businesses. *The standard is not confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will not result in practical difficulties in the use of the subject property.** The property can be used for one or more of many possible commercial uses without the need for a variance. *The standard is not confirmed.*



From Main Street looking northeast



From 5th Street looking across the adjacent parking lot at the rear of the buliding



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any sumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

120 N Main Street

2023 Aerial
Printed July 16, 2025

Feet
0 25 50 100
|-----|-----|-----|-----|

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

Hello Mr. Deegan,

I am writing on behalf of Garden City Church to respectfully request your consideration and blessing as we seek to purchase a building in downtown Goshen. As a non-denominational church rooted in the Elkhart/Goshen area, our mission is simple: To help people become who God created them to be.

Currently, Garden City holds Sunday morning services at the Indiana RV Hall of Fame in Elkhart, welcoming between 250 and 300 attendees each week. We have 8 on site employees at this time. Additionally, we hold gatherings throughout the week for young adults, youth, and our community at our Goshen Downtown location at 134 South Main Street. Over the past year, we've had the privilege of connecting with many wonderful residents during Goshen's First Friday events, and we deeply value the opportunity to serve and love this community.

To further our commitment to outreach and community engagement, we are in negotiations to purchase the property at 120 North Main Street in Goshen. If approved, this site would become our new church home after necessary renovations. We anticipate a maximum occupancy of 450 people for our Sunday morning services, allowing us to continue and expand our efforts to inspire, support, and uplift those we serve.

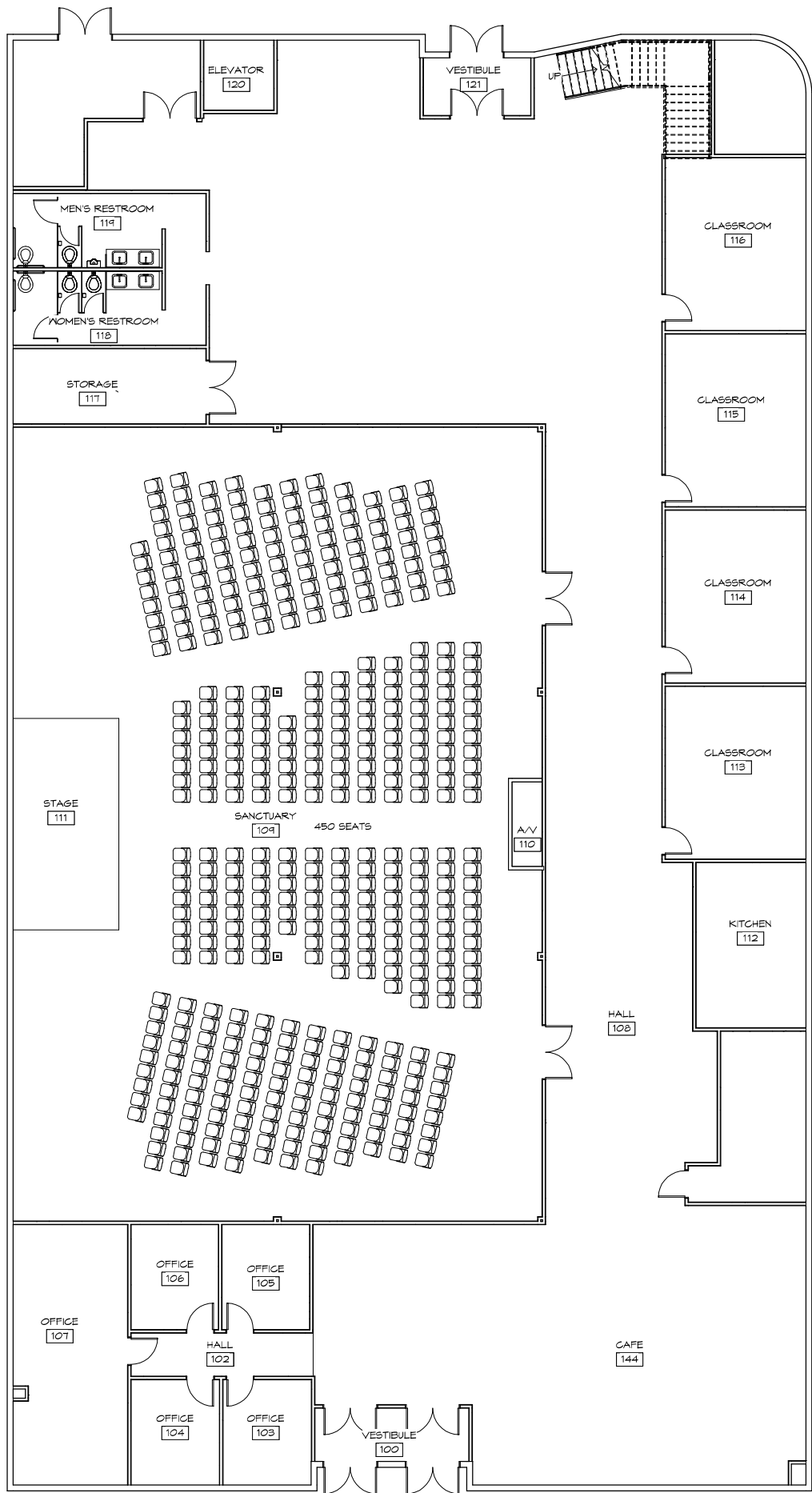
Our vision for Garden City goes beyond being a gathering space. We see this location as a cornerstone for building meaningful connections, fostering growth, and positively impacting Goshen through acts of service and kindness. We truly believe that downtown Goshen is a vibrant hub of opportunity, and we are eager to contribute to its flourishing spirit.

We humbly ask for your blessings as we move forward in this endeavor. Your support would be instrumental in helping us establish deeper roots in Goshen and continue our work to help people thrive and fulfill their purpose.

Thank you for your time and thoughtful consideration. Please do not hesitate to reach out if you have any questions or require additional information. We are grateful for the opportunity to partner with the city in creating a more connected and inspired community.

Respectfully,

Pastor Slavic Sagach
Garden City Church
573 286 9899 cell



1 FIRST FLOOR PLAN
1/8" = 1'-0"

RENOVATION FOR:
GARDEN CITY CHURCH
120 N MAIN ST
GOSHEN, IN 46526

SEAL:

PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS:

JOB NO:

25065

DRAWN BY:

TJW

DATE:

06-30-2025

SHEET NAME:

FIRST FLOOR
PLAN

SHEET NO:

A1.1

LOCATION: 713 E Lincoln Avenue
CASE NUMBER: 25-19DV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: City of Goshen, Indiana (owner)

REQUEST: The applicant requests a developmental variance to allow zero delineated parking spaces and no delineated driving aisles where a minimum of 32 onsite parking spaces are required and where parking and driving aisles shall be designed according to the standards of the Zoning Ordinance for the paving of a police shooting range parking lot

LOT SIZE: ±1.1 acres; ±215' of frontage; depth varies

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 20

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, industrial

NEIGHBORHOOD: East Goshen

THOROUGHFARES: Lincoln Avenue

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
Gun clubs are required to have a minimum number of onsite parking spaces equal to one space per two employees plus one space per five members
- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Design Standards for Parking Lots
The arrangement and dimensions of required parking areas include minimum width and depth for parking spaces and driving aisles as outlined in this section

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 an approximately 1.1-acre site located on the north side of Lincoln Avenue in the East Goshen neighborhood. Zoning is Industrial M-1. Adjacent properties include a large industrial facility directly to the north, homes directly to the west, and a vacant site south across Lincoln Avenue where future apartments are planned. The property includes three buildings ranging in footprint from 864 SF to close to 7,000 SF. A parking area largely constituted of gravel surrounds the three buildings.

Notable site history includes:

- 1997 – variance approval of parking area up to 10' along Lincoln Avenue right of way
- 1999 – zoning clearance approval of a plumbing business, including office and warehouse
- 2013 – approval of private gun club use, with gun range in largest building
- 2018 – property transferred to the City of Goshen

- 2019 – zoning clearance approval to convert property to police shooting range and training facility

The City is currently replacing the roadway and utility infrastructure on Lincoln Avenue adjacent to the subject property. As part of the project, the parking lot is being repaved with asphalt and improvements are being made to stormwater conveyance. Based on the number of employees and members as determined by the 2019 remodel of the facility, a minimum of 32 onsite parking spaces are required for the facility. The Zoning Ordinance includes design standards for required parking areas, including minimum sizes for parking spaces and driving aisles.

The applicants are requesting that with the repaving, the parking area remain unstriped so that there are no delineated parking spaces or driving aisles. Developmental variances are needed because Zoning Ordinance standards will not be met.

The applicants argue that approval is warranted because:

- The facility serves the police department only and is not open to the public
- The Police Department can manage staff parking and maneuvering so that the lack of striping does not create safety issues
- Not delineating parking spaces allows vehicles to be parked more compactly so that more vehicles can be parked on the subject property

There may be merit to the above arguments. Additionally, the awkward configuration of the buildings on the property make parking design extraordinarily difficult. However, future owners of the property may not be capable of managing the parking to avoid safety issues or violations of the Zoning Ordinance. With that in mind, a commitment should be incorporated into the approval so that if the facility is no longer a police shooting range and training center, the parking area needs to be striped in accordance with Zoning Ordinance design standards.

The applicants should also commit to keeping all vehicles on improved surfaces only. Otherwise, the lack of delineated parking and driving aisles may increase the likelihood that haphazard parking and maneuvering occurs in grass areas and tree lawn. Similarly, parking and maneuvering in the right of way should not occur, especially given planned improvements to the sidewalk on the same side of the street.

FINDINGS OF FACT

Staff recommends **approval with conditions and commitments** of a developmental variance to allow zero delineated parking spaces and no delineated driving aisles where a minimum of 32 onsite parking spaces are required and where parking and driving aisles shall be designed according to the standards of the Zoning Ordinance for the paving of a police shooting range parking lot, 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 conditions and commitments, all parking and maneuvering will occur on subject property and on improved surfaces; the facility will not be open to the public. *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 existing parking area is an un-delineated gravel area, so the proposed changes will improve the surface type while the configuration of parking will remain the same. *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 configuration of the property is awkward: its three buildings are positioned so that the number and location of parking spaces cannot easily be maximized for the site. *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.

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 developmental variance allowing the property to forego delineation of the parking area shall be valid only while the property is a police shooting range and training center. At such time the property transfers to a non-police entity or the use is changed, the parking area shall be striped in accordance with the parking design standards of the Zoning Ordinance.
3. Parking and maneuvering shall occur entirely on improved surfaces on the subject property. Parking and maneuvering on grass, bare soil, or tree lawn areas is prohibited.
4. Parking and maneuvering in the right of way is prohibited.



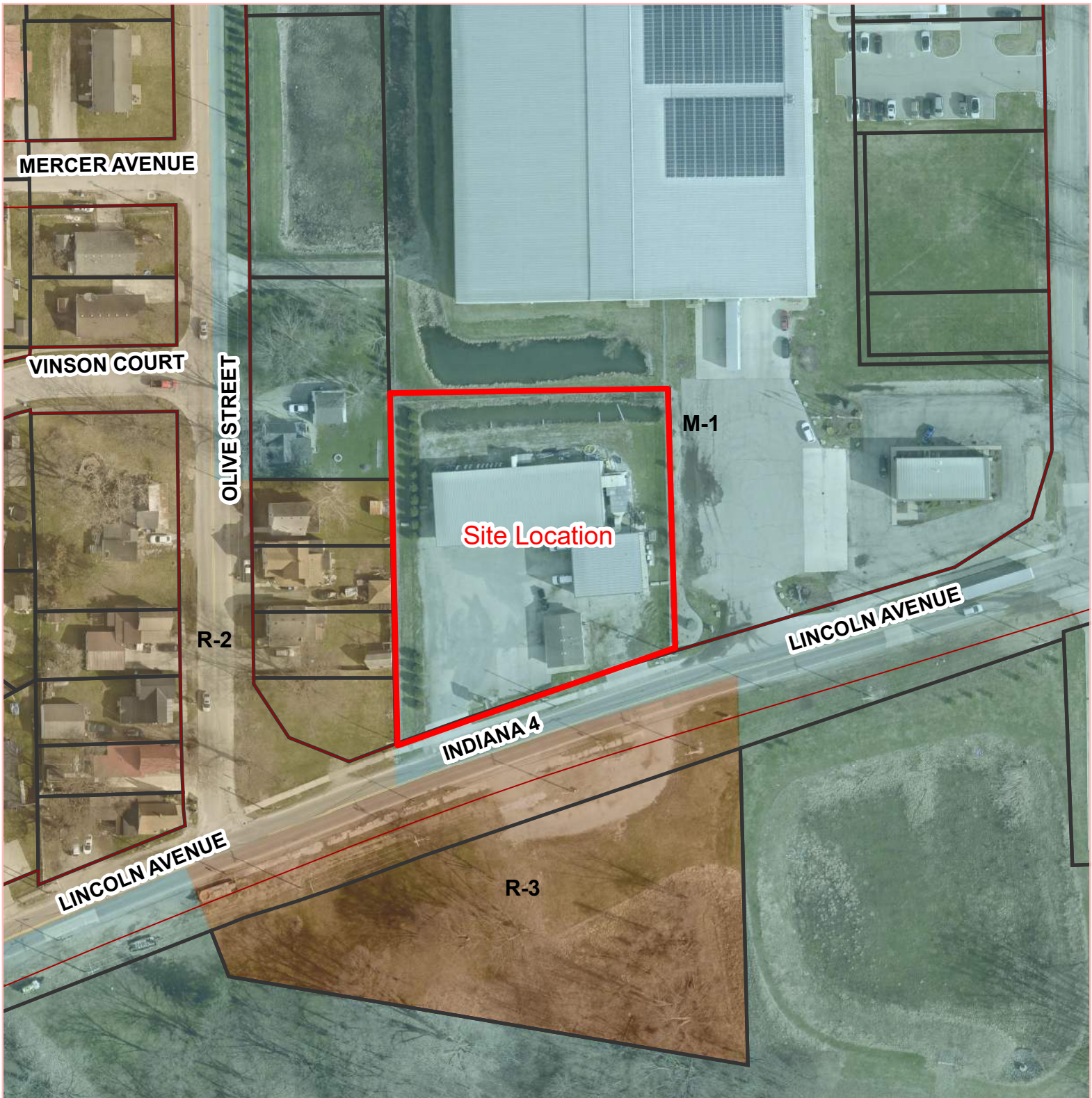
From Lincoln Avenue looking northeast



Looking north



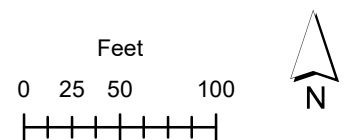
Looking west



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713 E Lincoln Ave

2023 Aerial
Printed July 16, 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



GOSHEN POLICE DEPARTMENT



City of Goshen – Police Department

111 E. Jefferson St.

Goshen, IN 46528

August 2025

To: Board of Zoning Appeals (BZA)

City of Goshen

Subject: Request for Exemption from Parking Lot Striping Requirement – Goshen Police Department Training Facility

Dear Members of the Board,

On behalf of the Goshen Police Department, I am writing to respectfully request an exemption from the requirement to stripe the newly blacktopped parking lot at our police training facility. We understand and appreciate the intent behind standard parking striping requirements; however, we believe that our unique operational needs justify an alternative approach for the following reasons:

1. Facility Use Is Restricted to Police Personnel Only

The training facility and its adjacent parking area are used exclusively by Goshen Police Department personnel. The lot is not accessible to the general public, which eliminates the need for public-facing compliance features such as standard space markings or accessible (ADA) parking stalls. We have already committed to removing the ADA-designated space in recognition that no members of the public will utilize the lot.

2. Maximization of Space Through Flexible, Unmarked Parking

Striping would limit the flexibility of how police vehicles park, especially during peak training events or operational gatherings. Without marked spaces, we can maximize capacity by parking vehicles more compactly, accommodating more than the standard 25 spaces that would otherwise be delineated. This flexibility is critical, given the nature of our fleet and staffing needs during certain events.

3. Avoidance of Unnecessary Public Confusion and Complaints

Pre-striping the lot could inadvertently create public perception issues. In the past, marked but overfilled parking lots have triggered citizen complaints about vehicles being parked “improperly” or “outside of marked spaces.” An unmarked lot will reduce confusion and better reflect the intended non-public, flexible use of the space. In other words, a lack of striping visually reinforces that this lot is not meant for conventional public parking.

4. Cost-Efficiency and Maintenance Considerations

Eliminating striping reduces ongoing maintenance obligations and saves public funds. Given the secure, controlled nature of the lot and its exclusive use by trained personnel, there is minimal risk of disorder or safety hazards arising from unmarked parking.

We appreciate the Board's consideration of this request and hope you agree that our operational needs justify this practical and cost-effective approach. We are happy to provide any additional information or answer questions as needed.

Sincerely,

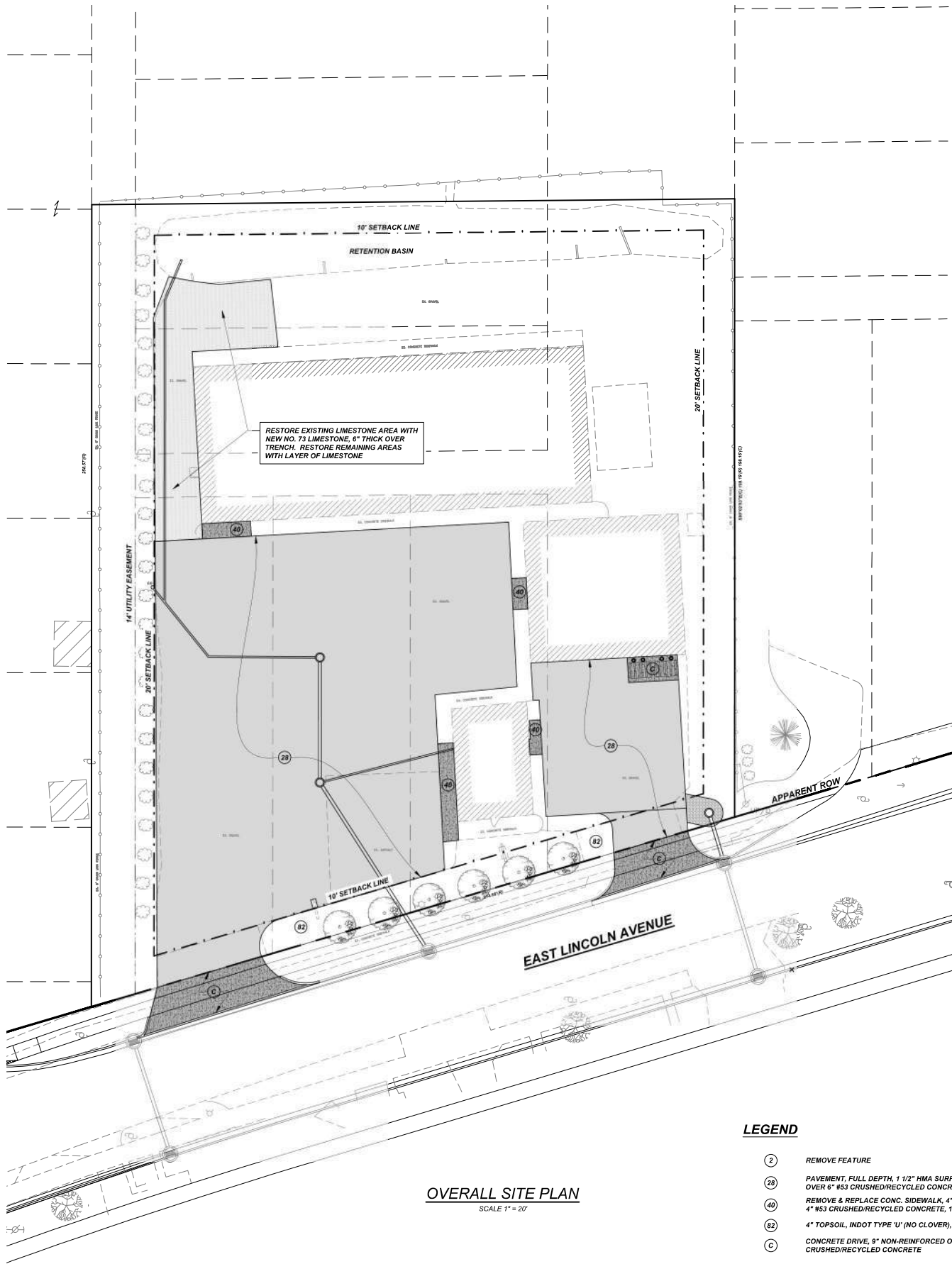
Shawn Turner

Assistant Chief

Goshen Police Department

shawnturner@goshencity.com

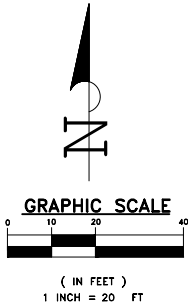
(574) 533-8661



OVERALL SITE PLAN
SCALE 1" = 20'

LEGEND

- Ⓢ REMOVE FEATURE
- 28 PAVEMENT, FULL DEPTH, 1 1/2" HMA SURFACE OVER 3" HMA BASE OVER 6" #53 CRUSHED/RECYCLED CONCRETE
- 40 REMOVE & REPLACE CONC. SIDEWALK, 4" NON-REINFORCED OVER 4" #53 CRUSHED/RECYCLED CONCRETE, 1.5% CROSS SLOPE
- 82 4" TOPSOIL, INDOT TYPE 'U' (NO CLOVER), STRAW WITH TACKIFIER
- C CONCRETE DRIVE, 9" NON-REINFORCED OVER 6" #53 CRUSHED/RECYCLED CONCRETE



1 GENERAL SITE NOTES

CURRENT ZONING:
M-1

FLOODPLAIN:
THE PROPERTY IS NOT LOCATED WITHIN A FLOODPLAIN

UTILITIES

WATER: WATER SERVICE, NO IMPROVEMENTS
SANITARY: SEWER LATERAL, NO IMPROVEMENTS
STORM: INSTALLATION OF NEW STORM SEWER CONNECTED TO LINCOLN AVE.

ROADWAY
LINCOLN AVE., SIDEWALKS AND DRIVE APPROACHES WILL BE RECONSTRUCTED AS PART OF A STREET RECONSTRUCTION PROJECT. THE SITE IMPROVEMENTS WILL BE CONSTRUCTED AS APART OF THE STREET RECONSTRUCTION PROJECT

PROPOSED IMPROVEMENTS

STRUCTURES

NO IMPROVEMENTS

HARD SURFACE
EXISTING GRAVEL PARKING LOTS WILL BE PAVED WITH ASPHALT

HARD SURFACE AREA (COMPLETE SITE)

PRE-CONSTRUCTION

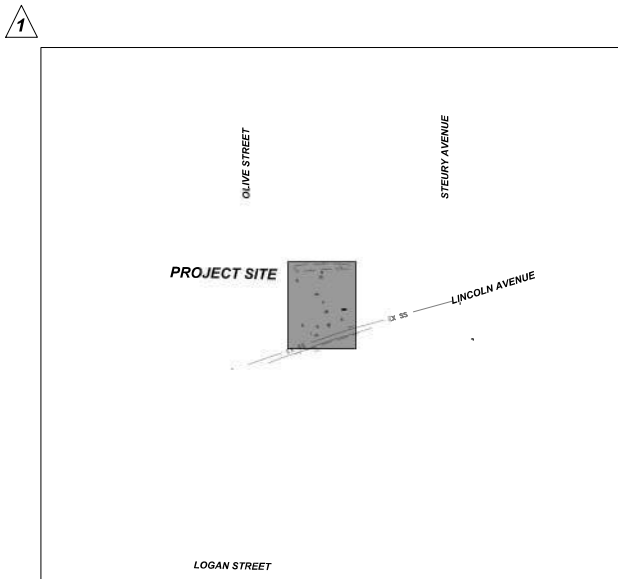
GRAVEL/CONCRETE 22,395 SQ. FT.
BUILDING 9,422 SQ. FT.
TOTAL 31,817 SQ. FT. OR 0.730 SQ. YDS.

POST-CONSTRUCTION

GRAVEL 4,661 SQ. FT.
ASPHALT 15,014 SQ. FT.
BUILDING 9,422 SQ. FT.
CONCRETE 2,720 SQ. FT.
TOTAL 31,817 SQ. FT. OR 0.730 SQ. YDS.

CURRENT DRAINAGE CONDITIONS - NO STORM SYSTEM, BUILDING RUNOFF IS DIRECTED TO THE REAR BASIN BY MEANS OF TILES. SURFACE RUNOFF GOES TO GRASS AREAS INTO BASIN

IMPROVEMENTS - BUILDING RUNOFF WILL REMAIN UNCHANGED. SURFACE RUNOFF FROM HARD SURFACES (PARKING AREAS) WILL FLOW INTO A NEW STORM SYSTEM CONNECTED TO LINCOLN AVENUE



VICINITY MAP

PART OF THE CITY OF GOSHEN, INDIANA
PROPOSED CONSTRUCTION IS NOT LOCATED WITHIN THE FEMA 100-YEAR
FLOODPLAIN, PANEL NUMBER 18039C0254D, EFFECTIVE MAP DATE: AUGUST 2, 2011

PROJECT DESCRIPTION

THE PAVING OF EXISTING GRAVEL PARKING LOTS WITH ASPHALT, THE INSTALLATION OF NEW CONCRETE DRIVE APPROACHES AND SIDEWALK, THE INSTALLATION OF NEW STORM SYSTEM FOR PAVED PARKING LOTS CONNECTED TO LINCOLN AVE.

The City Of Goshen
Department of Public Works & Safety
Office of Engineering
204 East Jefferson Street, Goshen, Indiana
46528
Phone: 574-534-2201 Fax: 574-533-8626

Goshen Police Department
Shooting Range

Overall Site Plan and General Site Notes

Project Number:	2018-0014
Designed By:	J. Hoffman
Approved By:	D. Sailor, P.E.
Drafted By:	J. Hoffman
Date:	03/04/2024

Scale:

AS SHOWN

34 of 97

X-2492-01

LOCATION: 1701 Hickory Place
CASE NUMBER: 25-20DV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Juan Fernandez (owner)

REQUEST: The applicant requests a developmental variance to allow open parking in the front yard where parking is prohibited for the expansion of a concrete driveway

LOT SIZE: ±13,024 SF; ±44' of frontage; depth varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 45

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: West Goshen

THOROUGHFARES: Hickory Place

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Design Standards for Parking Facilities
 - A. Parking facilities may occupy any portion of a lot, provided that
 - 1. Open parking spaces may be located in any yard, except a front yard or the street side of a corner lot

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 in the West Goshen Neighborhood. Zoning is R-1 and the area is developed primarily as single family homes. The home is two stories, has a footprint of approximately 1,510 SF, and includes an attached one stall garage served by a 10' wide concrete driveway.

The petitioner is proposing to widen the concrete driveway to 24' in width in order to provide additional onsite parking. The existing concrete drive will be replaced with new concrete and the expanded parking area will be concrete. Because the new parking area will be located in the front yard setback, which is the area measured 25' from the front property line, it will require a developmental variance.

Staff recommends approval of the request. The home has onsite parking for only one vehicle where the Zoning Ordinance now requires two spaces. Providing additional spaces beyond one is reasonable residential development. The home is located on the corner of a bend in the street, so open parking will not project out into the visual field of Hickory Place and will not adversely impact the character of the area.

The petitioner has explained that the need for the variance arises from vehicle parking and access issues to the subject and adjacent properties created by the configuration of the street. When residents of the subject property

park in the right of way in front of the home, it impedes vehicle access to the property to the east (1610 Hickory Place). Additionally, allowing construction of an onsite hard surface parking space will reduce the likelihood that vehicles are parking in the grass of the front yard, which has been a compliance issue with this property in the past.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow open parking in the front yard where parking is prohibited for the expansion of a concrete driveway, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** When residents of the subject property park in the right of way in front of the home, it impedes vehicle access to the property to the east (1610 Hickory Place). Approval will improve access to the subject and adjacent properties. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The home has onsite parking for only one vehicle where the Zoning Ordinance now requires two spaces. Providing additional spaces beyond one is reasonable residential development. The home is located on the corner of a bend in the street, so open parking will not project out into the visual field of Hickory Place and will not adversely impact the character of the area. *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 petitioner has explained that the need for the variance arises from vehicle parking and access issues to the subject and adjacent properties created by the configuration of the street. When residents of the subject property park in the right of way in front of the home, it impedes vehicle access to the property to the east (1610 Hickory Place). *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. The driveway/parking area shall be durable hard surface.
5. A right of way permit from the Engineering Department is required.



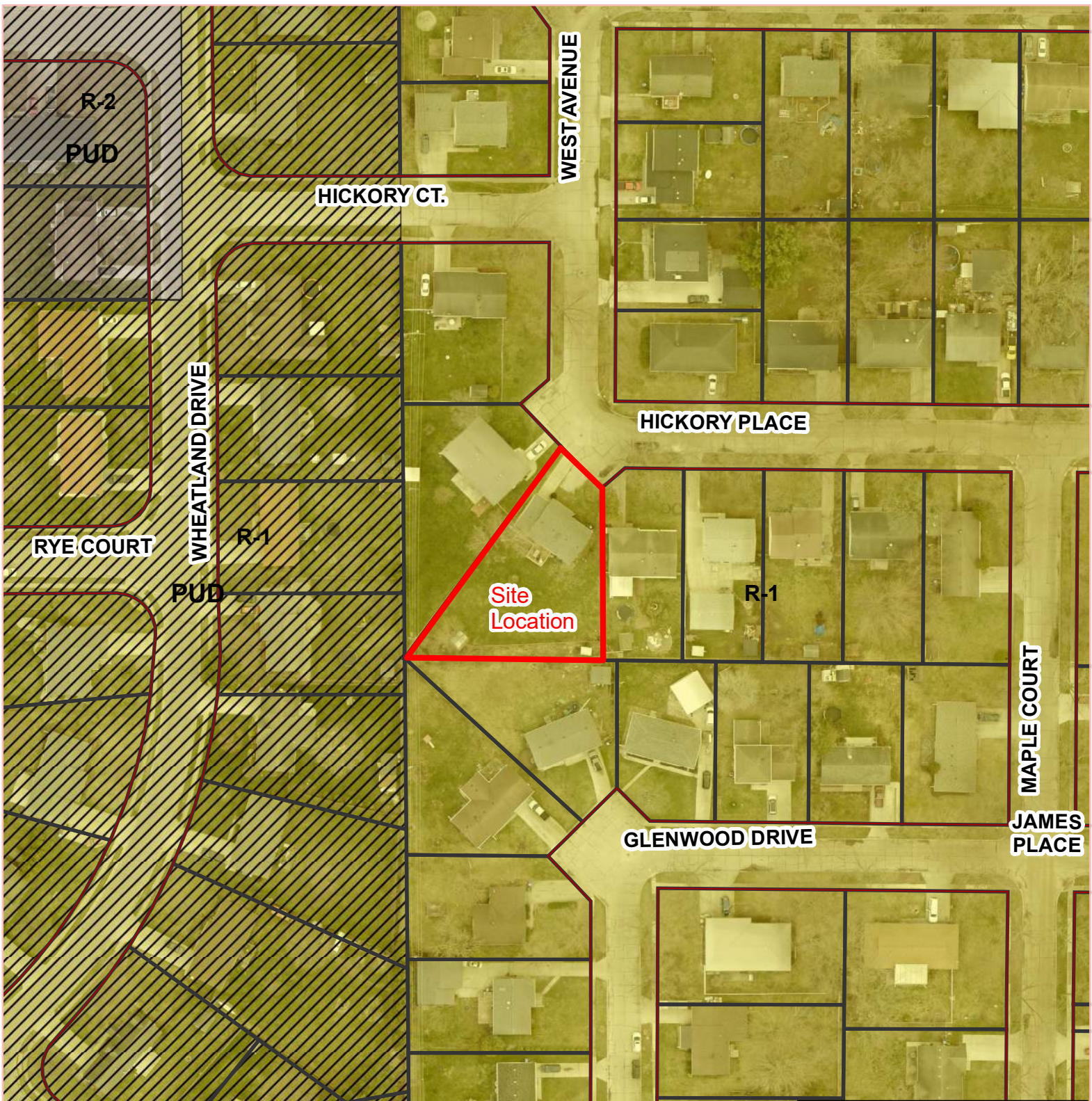
On Hickory Place looking south



Looking southwest



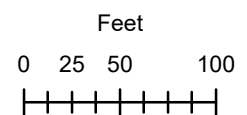
Looking southwest



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1701 Hickory Place

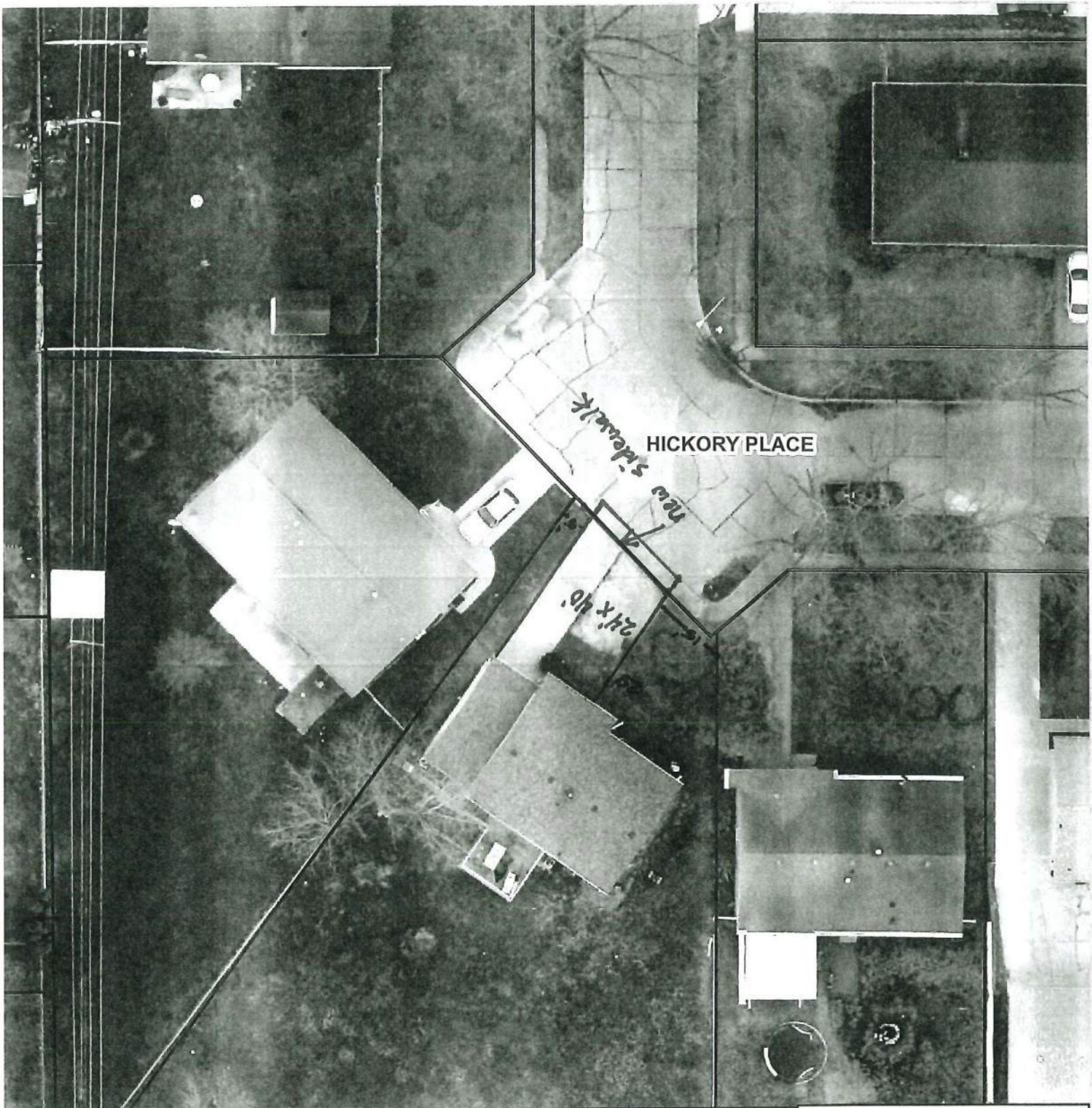
2023 Aerial
Printed July 16, 2025



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



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1701 Hickory Pl

2023 Aerial
Printed July 16, 2025



1 inch = 30 feet

The City of Goshen
Department of
Planning & Zoning

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

LOCATION: 4313 Midway Road
CASE NUMBER: 25-21DV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Gregg Burks (owner)

REQUEST: The applicant requests a developmental variance to allow an approximately 1,080 SF detached garage 19' in height where the maximum height permitted for an accessory building shall not exceed the height of the residential dwelling on site

LOT SIZE: ±25,500 SF; ±150' of frontage; ±170' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 18

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, commercial

NEIGHBORHOOD: None

THOROUGHFARES: Midway Road

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4140.2*, Height Regulations in the R-1 District
 - B. The maximum height permitted for an accessory building shall not exceed the height of the residential dwelling on site.

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning office has not been contacted by any adjacent property owners regarding this variance. However, the Planning office may still be contacted with questions and statements of support or opposition to the variance between the time of this report's delivery and the public hearing.

ANALYSIS

The subject property is a single family home located on the north side of Midway Road on the far western side of the City. Adjacent properties along Midway Road are primarily single family; Ashton Pines apartment complex is located directly to the north and Meijer to the northeast. Improvements include a single story modular home with a footprint of approximately 1,794 SF, an approximately 192 SF shed, and a mixed gravel and soil parking area.

The petitioner is remodeling the home and proposing to add a 30'x36' detached garage. The garage will have an expanded parking and driving aisle leading up to it. It will be approximately 19' in height to the peak of the roof while the home is approximately 12' in height. The R-1 District prohibits accessory buildings from exceeding the height of the home, so a developmental variance is needed.

Denying the variance will not create practical difficulties for use of the subject property. A smaller garage with a reduced height could be built to match the peak height of the home.

Nevertheless, Staff recommends approval of the request. The proposed garage will be located behind the home and approximately 80' from the front property line. Its closest improvement on an adjacent property to the proposed garage is a driveway to the apartment complex to the north, and the garage will not impede the vision

clearance area for vehicles. Adjacent trees to the east and north are significantly taller than the proposed garage, which is only seven feet taller than the existing home.

The Board has received only one other similar request. In April 2023, the BZA approved a developmental variance for an accessory workshop with a height of 21' on a property with a home 16' in height at 417 Gra Roy Drive. The structure had a similar distance from the street and was surrounded by structures and trees with a wide variety of sizes.

Note that on July 24, 2024, the Board of Works rejected the petitioners request for a stone driveway, so the expanded parking and driving area must be durable hard surface.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow an approximately 1,080 SF detached garage 19' in height where the maximum height permitted for an accessory building shall not exceed the height of the residential dwelling on site, 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 garage will not impede the vision clearance area for vehicles using the adjacent driveway. *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 garage will be located behind the home and approximately 80' from the front property line. Adjacent trees to the east and north are significantly taller than the proposed garage, which is only seven feet taller than the existing home. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will not result in practical difficulties in the use of the subject property.** A smaller garage with a reduced height could be built to match the peak height of the home. *The standard is not confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. New parking and driving aisle shall be durable hard surface.



Looking north across Midway Road



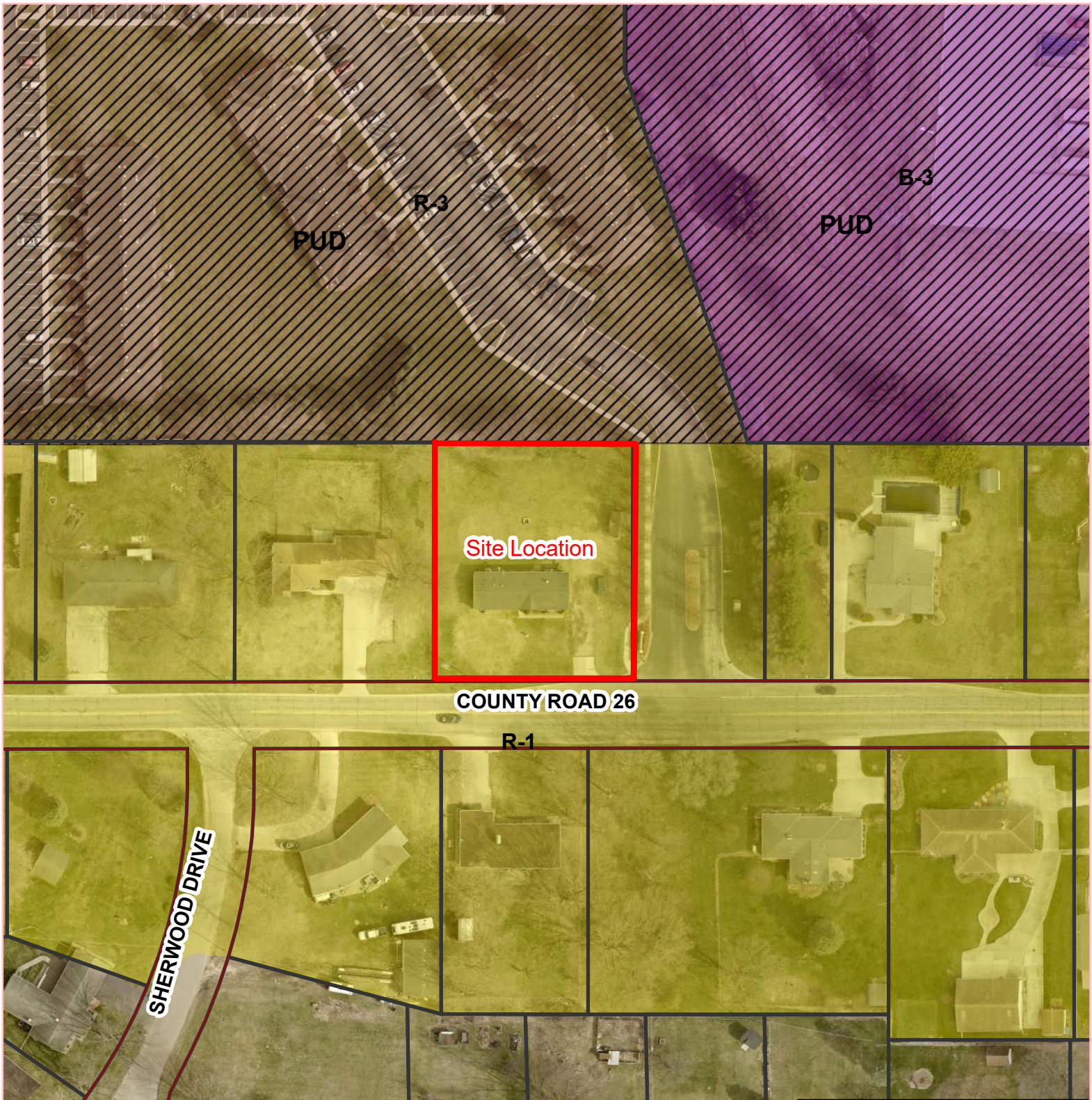
Looking north at proposed location of garage and driveway



Looking north



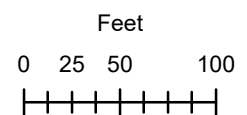
From the rear yard looking south



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4313 Midway Road

2023 Aerial
Printed July 28 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

20-06-2 PEDCOR INVESTMENTS
2001 LIUP
20-06-26-451-010-000-013

132'
Fence
6' tall
Privacy

Fence

To Eave

73'
Fence

108'
To Eave

JONES GREGORY
20-06-26-452-007-000-013

24'
Concrete

Foundation
Measurements 26'
69'

36'

34'

To Eave

Parking
Area

concrete
drive

80'

35'

60'
To Foundation

150'

Midway Rd CR 26



1/32" = 1'

primary
building
height - 12'

Accessory
building
height - 18'7"

Ashton Pines Dr

LOCATION: 407 S Greene Road
CASE NUMBER: 25-22DV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Landon & Emily Slabaugh (owners)

REQUEST: The applicants request a developmental variance to allow approximately 1,112 Sf of detached accessory structures where the total building footprint area of all such structures shall not exceed the building footprint area of the primary residential dwelling of approximately 948 Sf, for the construction of a 144 private greenhouse

LOT SIZE: ±1 acre; ±112' of frontage; ±383' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 21

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, institutional

NEIGHBORHOOD: None, adjacent to Greenfield Subdivision

THOROUGHFARES: Greene Road

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5150*, Accessory Uses
D. For residential uses on a single zoning lot, the total building footprint area of all detached accessory buildings shall not exceed the building footprint area of the primary residential dwelling unit.

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning office has not been contacted by any adjacent property owners regarding this variance. However, the Planning office may still be contacted with questions and statements of support or opposition to the variance between the time of this report's delivery and the public hearing.

ANALYSIS

The subject property is a single family home located on the west side of Greene Road across from Model Elementary School. Zoning is R-1 and adjacent properties, other than the school, are predominantly single family homes. The property is approximately one acre in size with improvements that include a one story home, a single car garage, and several other accessory structures.

The petitioner is now proposing to install an approximately 8'x18' private greenhouse behind the home. Private greenhouses are a conditional use in the R-1 District, and while the proposed greenhouse meets all the conditional use requirements, its footprint combined with the footprint of other accessory structures on the property will be approximately 1,112 SF. Based on Assessor information, the home is approximately 948 SF. A developmental variance is required because the total footprint of all accessory structures cannot exceed the footprint of the home.

Approval of the request is warranted. At less than 1,000 SF, the subject home is small. In fact, it has the smallest footprint of all homes along the same side of Greene Road between Bashor Road and Clinton Street. At just over 1,100 SF, the combined footprint of the accessory structures on the property is reasonable, but exceeds that of the primary building because the home is so small.

The subject property is an acre in size and can accommodate substantially more development without upsetting the character of the area, so a relatively small greenhouse will not adversely impact adjacent properties. It will be located 150' from the front property line and 35' from the closest side property line where accessory buildings have a minimum side setback of 5'.

The Board granted approval of a variance from the same standard in July 2021 for 2614 S Main Street, approving total accessory footprint of 6,334 SF where the home was 3,405 SF. In that instance, the property was 5.5-acres.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow approximately 1,112 Sf of detached accessory structures where the total building footprint area of all such structures shall not exceed the building footprint area of the primary residential dwelling of approximately 948 Sf, for the construction of a 144 private greenhouse, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Private greenhouses are a common residential accessory use. The proposed greenhouse will be located 35' from the closest side property line and will be just 144 SF in area. *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 an acre in size and can accommodate substantially more development without upsetting the character of the area, so a relatively small greenhouse will not adversely impact adjacent properties. It will be located 150' from the front property line and 35' from the closest side property line where accessory buildings have a minimum side setback of 5'. *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.** At just over 1,100 SF, the combined footprint of the accessory structures on the property is reasonable but exceeds that of the primary building because the home is so small. Greenhouses are a common residential accessory use. *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.



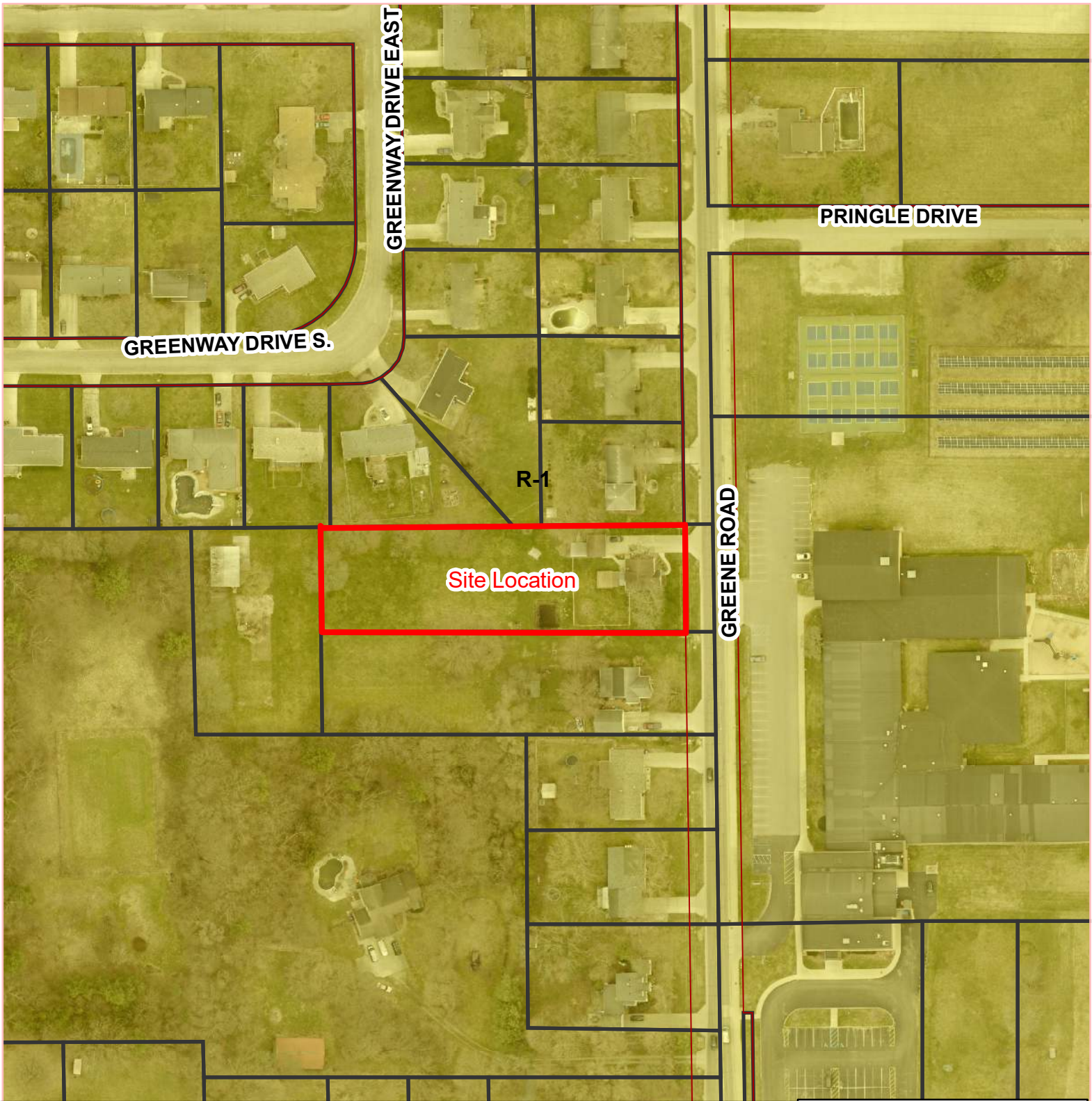
Looking west across Greene Road



Looking west at greenhouse location



Looking east



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407 S Greene Road

2023 Aerial
Printed July 28 2025

Feet
0 35 70 140
|-----|-----|-----|-----|

1 inch = 140 feet



The City of Goshen
Department of

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



407 S Greene Road

2023 Aerial
Printed July 8, 2025

1 inch = 50 feet

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The City of Goshen

Department of
Planning & Zoning

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

LOCATION: 502 W Lincoln Avenue
CASE NUMBER: 25-07UV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: CTK Holding Company, LLC (owner)

REQUEST: The applicant requests a use variance to allow a drive-through restaurant (ice cream sales) where drive-through restaurants are a permitted use in the Commercial B-3 and Industrial M-1 & M-2 districts

LOT SIZE: ±20,000SF; ±100' of frontage; ±200' of depth

APPLICABLE ZONING: Commercial B-2

NOTICES SENT: 12

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water & sewer

AREA DEVELOPMENT: Commercial

NEIGHBORHOOD: None

THOROUGHFARES: Lincoln Avenue; Chicago Avenue

TOPOGRAPHY: Relatively level; entire property is located in Zone AE Floodway of the regulatory floodplain

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted uses
Restaurants (Included Drive-Ins) are listed as permitted uses in the Commercial B-3 and Industrial 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 an ice cream sales business located on the southwest corner of the intersection of Lincoln Avenue and Chicago Avenue. Zoning is Commercial B-2, which is the central business district. Linway plaza adjoins the property to the west; the B-3 District is to the north across Lincoln Avenue, and Rogers Parks is located to the northeast. The one-story building is approximately 900 SF in area and Planning records indicate that it was built in 1962. The building is surrounded by stone paving which constitutes a large portion of the property. A small pavilion and grass lawn are located on the south side of the property.

For many years, customer service has occurred at the walk-up windows on the north side of the building. Business operations have been limited to warmer months—generally April through September. The petitioners would now like to keep the business open all year and are proposing to add a drive-through lane to the building so that customers can be served without leaving their vehicles. The intention is to use the drive-through during colder months only, while walk up service without the drive-through will continue as normal during warmer months.

The applicants have submitted drive-through plans showing the following features:

- Temporary directional signs and cones will be used to delineate the drive-through lane

- The drive-through lane will be accessed from the Lincoln Avenue entrance where vehicles will maneuver in a U pattern around the south side of the building to two windows on the east side of the building
- Several parking spaces will continue to be available on the north and south sides of the parking lot

The applicants have explained that keeping the business open all year long will make it easier to retain staff who are otherwise not agreeable to seasonal employment. The B-2 District allows restaurants, but prohibits restaurants with drive-throughs, so a use variance is required.

Staff recommends approval of the request for a two-year trial period, after which the applicants will need to return to the BZA with a new application and public hearing. Additionally, a commitment should be in place prohibiting the drive-through use during warmer months. Approval along those lines is warranted because:

- The building is not large enough to have an indoor service and seating area to allow cold weather sales. The property may be too small to allow a building expansion, which may also be impossible because it is located Zone AE Floodway of the regulatory floodplain.
- The footprint of the building is not changing, and no new paving will be added to accommodate the drive-through
- The drive-through aisle as proposed can be added and removed from the site quickly and conveniently
- A temporary two-year trial period allows the Board to examine evidence of how the drive-through use performs without making approval permanent. Estimated drive-through counts from the business's other location show up to 42 vehicles use the property during its busiest hour, which may be more than this location can handle. In the case that the drive-through proves to be detrimental to public health and safety, or it has an adverse impact on the use and value of the adjacent area, the Board does not need to permanently approve it.
- Drive-through restaurants in the central business district are less than ideal. Typically, drive-ways in addition to required onsite parking occupy a large amount of space, requiring large sites that are out of character with the densely configured business district. In this case, the site is existing and will not be expanded, and because the drive-through is in place for a limited time, it can be implemented without increasing the need for more parking spaces.
- Approval allows the applicants to resolve employment issues, which is in line with the Comprehensive Plan's goal of supporting the development of small, locally-owned business (Economic Development 3)

FINDINGS OF FACT

Staff recommends **approval with conditions and commitments** of a use variance to allow a drive-through restaurant (ice cream sales) where drive-through restaurants are a permitted use in the 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.** A temporary two-year trial period allows the Board to examine evidence of how the drive-through use performs without making approval permanent. In the case that the drive-through proves to be detrimental to public health and safety, the Board does not need to permanently approve it. *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 footprint of the building is not changing and no new paving will be added to accommodate the drive-through. A temporary two-year trial period allows the Board to examine evidence of how the drive-through use performs without making approval permanent. In the case that the drive-through proves to be detrimental to the use and value of the adjacent area, the Board does not need to permanently approve it. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The building is not large enough to have an indoor service and seating area to allow cold weather sales. The property may be too small to allow a building expansion, which may also be impossible because it is located Zone AE Floodway of the regulatory floodplain. *The standard is confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the subject property.** The applicants have explained that keeping the business open all year long will make it easier to retain staff who are otherwise not agreeable to seasonal employment. *The standard is confirmed.*

5. The approval does not interfere substantially with the Comprehensive Plan. Approval allows the applicants to resolve employment issues, which is in line with the Comprehensive Plan's goal of supporting the development of small, locally owned business (Economic Development 3). *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 variance shall be valid until August 31, 2027; a new use variance application and public hearing at the Board of the Zoning Appeals will be required at that time to permanently allow the drive-through use.
3. The drive-through shall be permitted during the months of October through April only.



From Lincoln Avenue looking south



From Lincoln Avenue, looking southeast where vehicles will enter



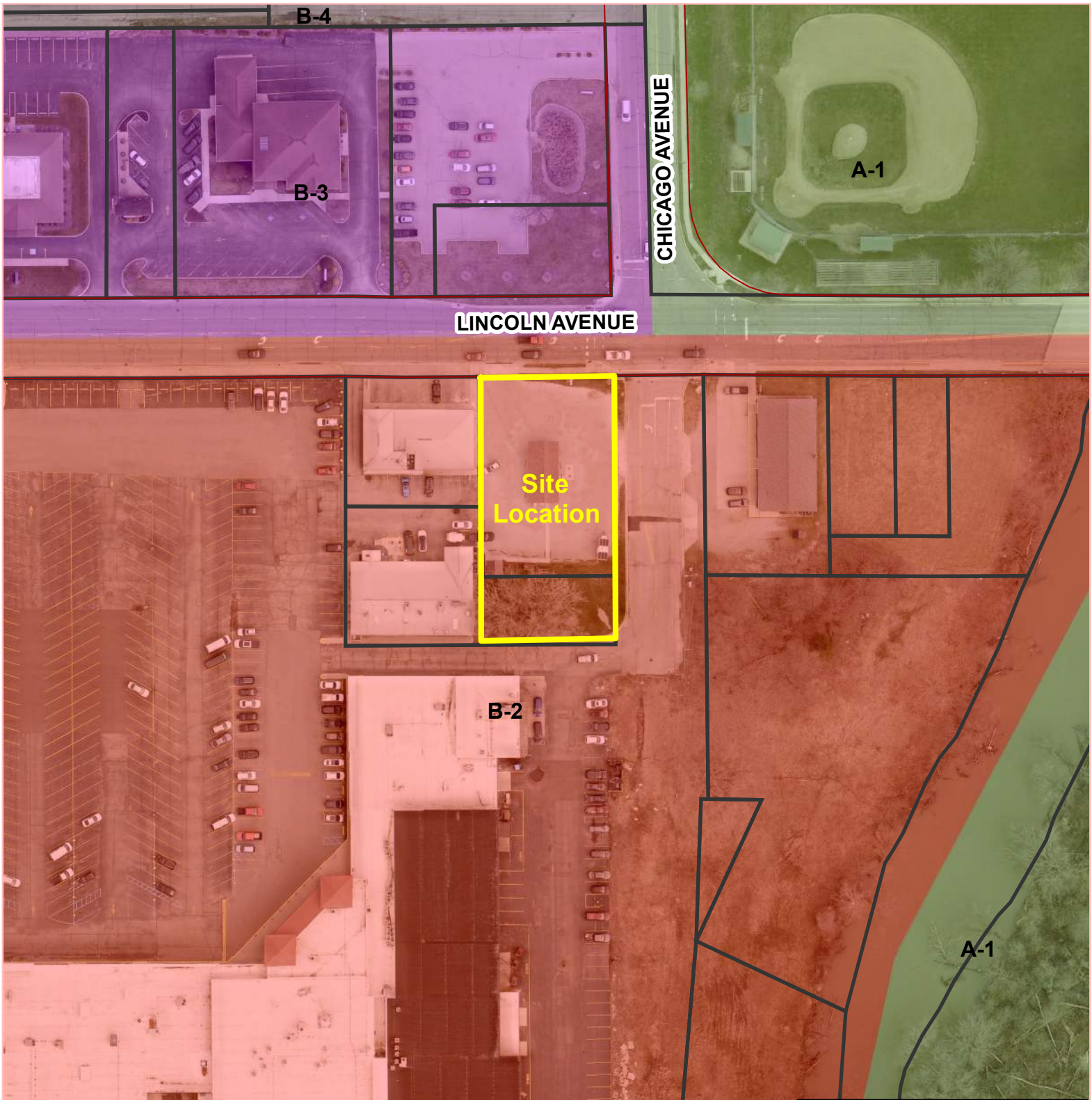
Looking west across Chicago Avenue



Looking northwest



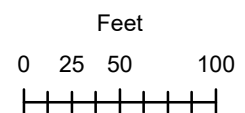
Looking northeast



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502 W Lincoln Ave

2023 Aerial
Printed August 4, 2025



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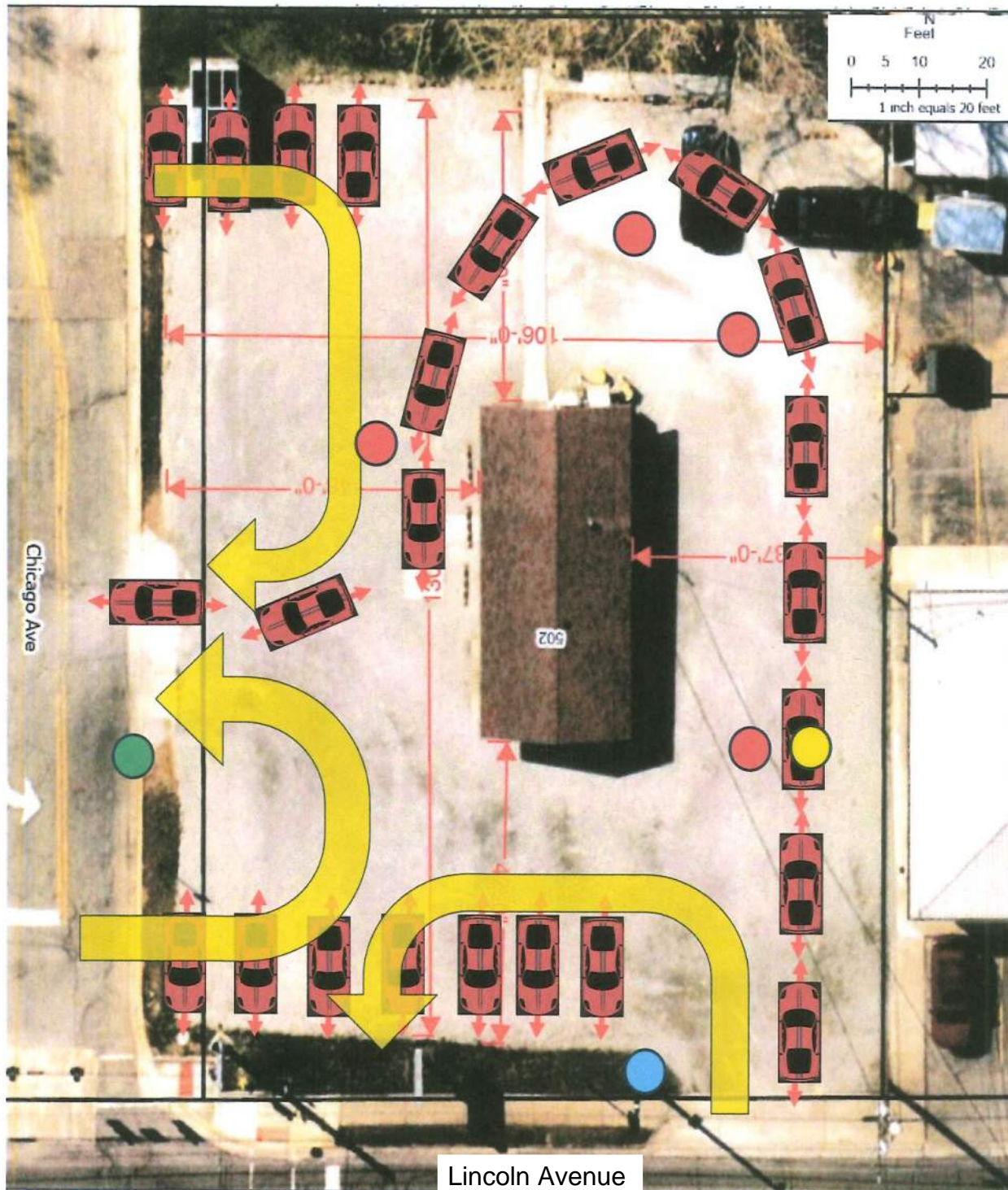


The City of Goshen
Department of
Planning & Zoning

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

November - March Estimated Maximum Drive Thru per day (Based on Granger Data)

Time	Average	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
12	7		5	6	6	6	9	11
1	8		6	7	7	7	10	13
2	14	17	10	11	11	12	17	22
3	15	18	11	12	12	13	19	24
4	16	19	12	13	13	14	20	25
5	18	21	13	14	14	15	22	28
6	24	28	18	19	19	20	29	37
7	27	32	20	22	22	23	33	42
8	20	24	15	16	16	17	25	32
Total/Day	150	176	110	119	120	126	184	234



Drivers enter via lincoln avenue and exit via chicago avenue.

Red dot is moveable sign showing drive thru side/direction.

Yellow dot is removeable sign saying drive thru is closed.

Drive thru enter sign will be custom made with drive thru open months.

Drive thru open November thru March.

Closed if weather is nice by removing all but one cone and putting sign by entrance.

LOCATION: 400 Westwood Road
CASE NUMBER: 25-08UV & 25-23DV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Angela Gingerich (owner)

REQUEST: The applicant requests a use variance to allow a two-family home where only single family homes are allowed and a developmental variance to allow three onsite parking spaces where a minimum of four are required

LOT SIZE: ±10,800 SF; ±210' of frontage (±120' on Westwood Road; ±90' on Mayflower Place); ± 120' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 27

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water & sewer

AREA DEVELOPMENT: Residential & Commercial

NEIGHBORHOOD: Historic Racemere Peninsula

THOROUGHFARES: Westwood Road & Mayflower Place

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses
Two-family dwelling units are a permitted use in the Residential R-2 & R-3 Districts and a conditional use in the Residential R-1S and Commercial B-2 districts
- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
A minimum of two on-site parking spaces are required per single family dwelling unit

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 located on the southeast corner of the intersection of Westwood Road and Mayflower Place in the Historic Racemere Peninsula neighborhood. Zoning is R-1, and surrounding properties are largely single family with the exception of the hospital campus, which is located directly to the north across Westwood Road and is zoned Commercial B-3 PUD. The building on the property is one story and has a footprint of 1,421 SF. It has an attached one-stall garage with access from Westwood Road and there are two open parking spaces on a gravel drive from Mayflower Place.

Prior to 2015, the building on the property was a nonconforming two-family home, with one unit on the main floor and one in the basement. In December 2015, the owner received approval to add egress windows to the building, and at that time, was provided at zoning clearance approval to convert the building to a single family

home. At that point, the property could no longer be a duplex because the R-1 zoning permits only single family homes.

The applicant is the current owner of the property; she purchased the property in 2022 and has explained that the two separate units were intact at the time of transfer. She is requesting that they be allowed as two individual units on a permanent basis, which requires a use variance. Each living unit requires two separate on site parking spaces, and only three exist, so a developmental variance is also needed.

Denying the request will not constitute an unnecessary hardship. The property is in the R-1 District, and can be used as a single family home, similar to adjacent properties, without the need for a variance.

Given the history of the site, however, the request is justified. Two units existed on the property prior to 2015. The footprint and layout of the home will remain exactly the same. The two-family use will be difficult to distinguish from adjacent single family homes. With the hospital campus directly north of the subject property, it is not located in a homogeneously single family neighborhood, and uses of various intensities will not upset the character of the area.

The three available parking spaces—one in the garage and two in the parking area off Mayflower Place—are likely adequate for the home. The long driveway from Westwood Road can accommodate additional vehicles if parking needs exceed three vehicles.

FINDINGS OF FACT

Staff recommends **approval** of a use variance to allow a two-family home where only single family homes are allowed and a developmental variance to allow three onsite parking spaces where a minimum of four are required, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The footprint and layout of the home will remain exactly the same. *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.** Two units existed on the property prior to 2015. The footprint and layout of the home will remain exactly the same. The two-family use will be difficult to distinguish from adjacent single family homes. With the hospital campus directly north of the subject property, it is not located in a homogeneously single family neighborhood, and uses of various intensities will not upset the character of the area. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The property was previously a duplex that continues to have a two-unit layout and two separate parking areas. *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.** The property could be used as a single family home, which is permitted in the R-1 District, and have adequate parking without the need for variances. *The standard is not confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** The subject property is in the R-1 District and adjacent to single family homes, but is also adjacent to a commercially zoned hospital campus. The step-down in intensity between the hospital and single family homes is a smooth transition between different land uses, which is supported by Goshen's Comprehensive Plan (Land Use 2.1). *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.



Looking south across Westwood Road at front of home.



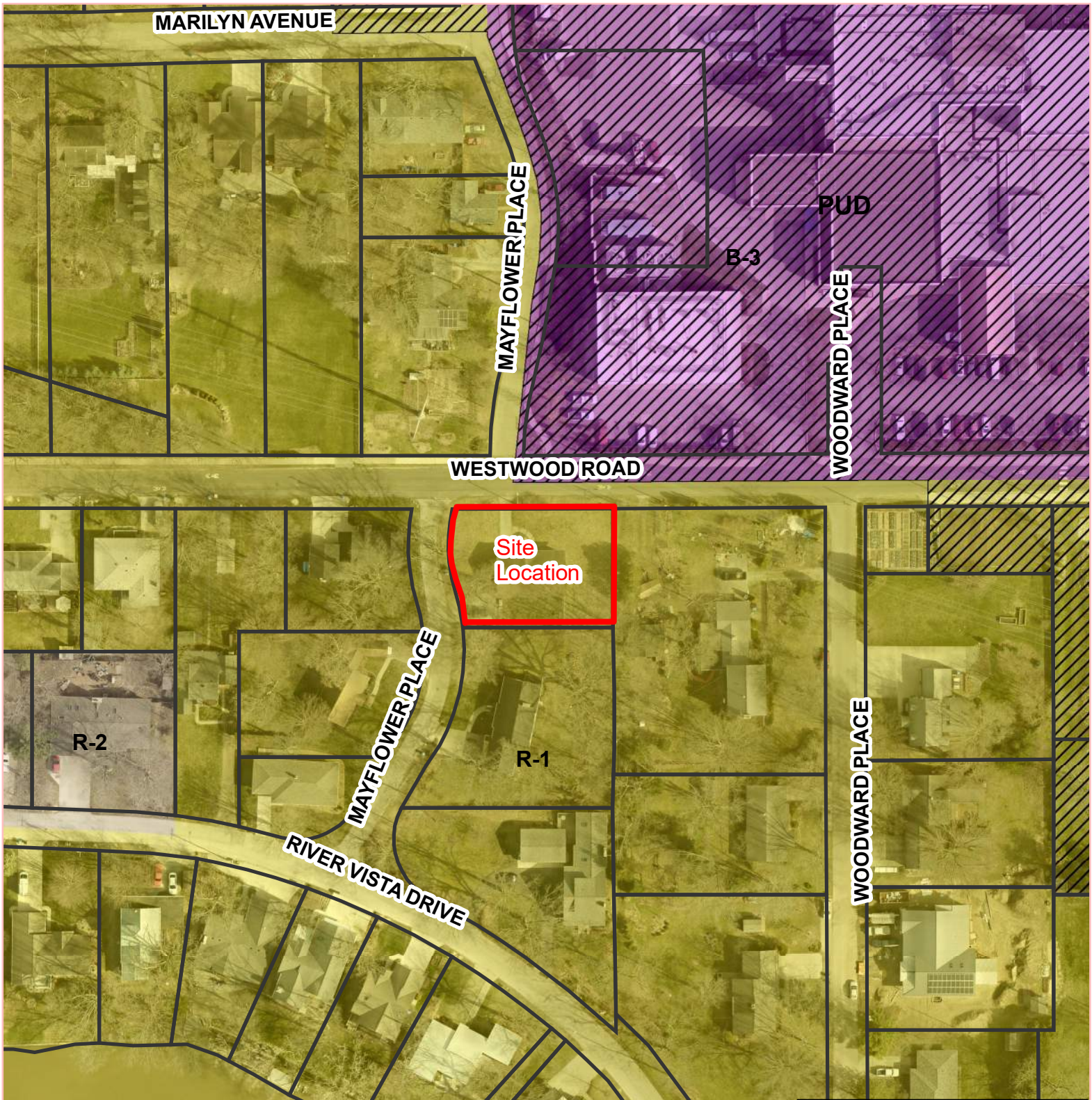
From Mayflower Place, looking east at two-vehicle parking area



Looking northeast from Mayflower Place



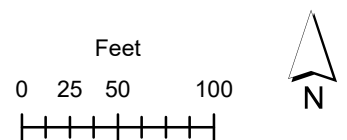
Looking south along Mayflower Place



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400 Westwood Road

2023 Aerial
Printed August 4, 2025



The City of Goshen
Department of

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

I purchased my current home at 1910 Mayflower Place, Goshen in the spring of 2020. I was delighted to move into this neighborhood where I first lived while attending Goshen College from 1990 to 1994. Throughout the years I longed to return and enjoyed many walks while on break from my job at Goshen Hospital. This neighborhood is home to me/I care about it a great deal. Within days of moving in, I did realize the one major drawback, which was the house next door at 400 Westwood Road. This house had tenants who were dealing heroin, fighting and generally causing disturbances constantly. Police were there regularly, the entire neighborhood was upset by the chaos, by the garbage that was constantly strewn in the yard and by feeling threatened by the volatility of the renter who was known to verbally and physically attack individuals at random. I reached out to the owner to voice my concerns and was advised to mind my own business. I continued to reach out to him following each disturbance and finally after a particularly bad incident where several people went to jail, the owner agreed to sell to me. The house was in HORRIBLE condition (see pics) and he required a high price. It was a duplex, according to him, so I moved forward with the purchase in order to clean up my neighborhood and to use the income to pay to fix the house. The house needed to be gutted. I went through several contractors who refused to do the work based on the condition, the amount of human and animal feces etc. in the home. I started the work on my own, carrying out dumpster after dumpster of waste. I was eventually able to find a contractor who took the job. I spent a very large sum of money and a great deal of time having the house redone (see photos). It is beautiful. I have used the upstairs as a short-term rental, usually for traveling medical providers from the hospital, but also families of residents at the college and Greencroft as well as tourists visiting this wonderful town. I have enjoyed hosting my guests a great deal. Many have voiced how much they love the neighborhood, and some have made connections with neighbors while on walks. One family who came to visit ended up buying a house in the neighborhood. My ex/my son's father and his wife live downstairs which makes it very convenient for my son to be in connection with both of his parents. They help me to clean/work on the house. The combined rent of the two units has allowed me to nearly pay off the construction loan. I was planning to purchase a new roof soon, with the goal of continuing to rent both units to pay for this.

I've had many in the neighborhood thank me for the work I have done to improve this property. There have been no issues since I have taken over ownership.

I was recently made aware that the individual who sold me the home applied to have the duplex approval withdrawn in 2015. Based on this information, I was told I could no longer rent both units in the home without zoning approval. I am currently seeking this approval based on the following factors:

The home has historically/always been used as a duplex

There have been zero complaints/issues since my purchase of the property

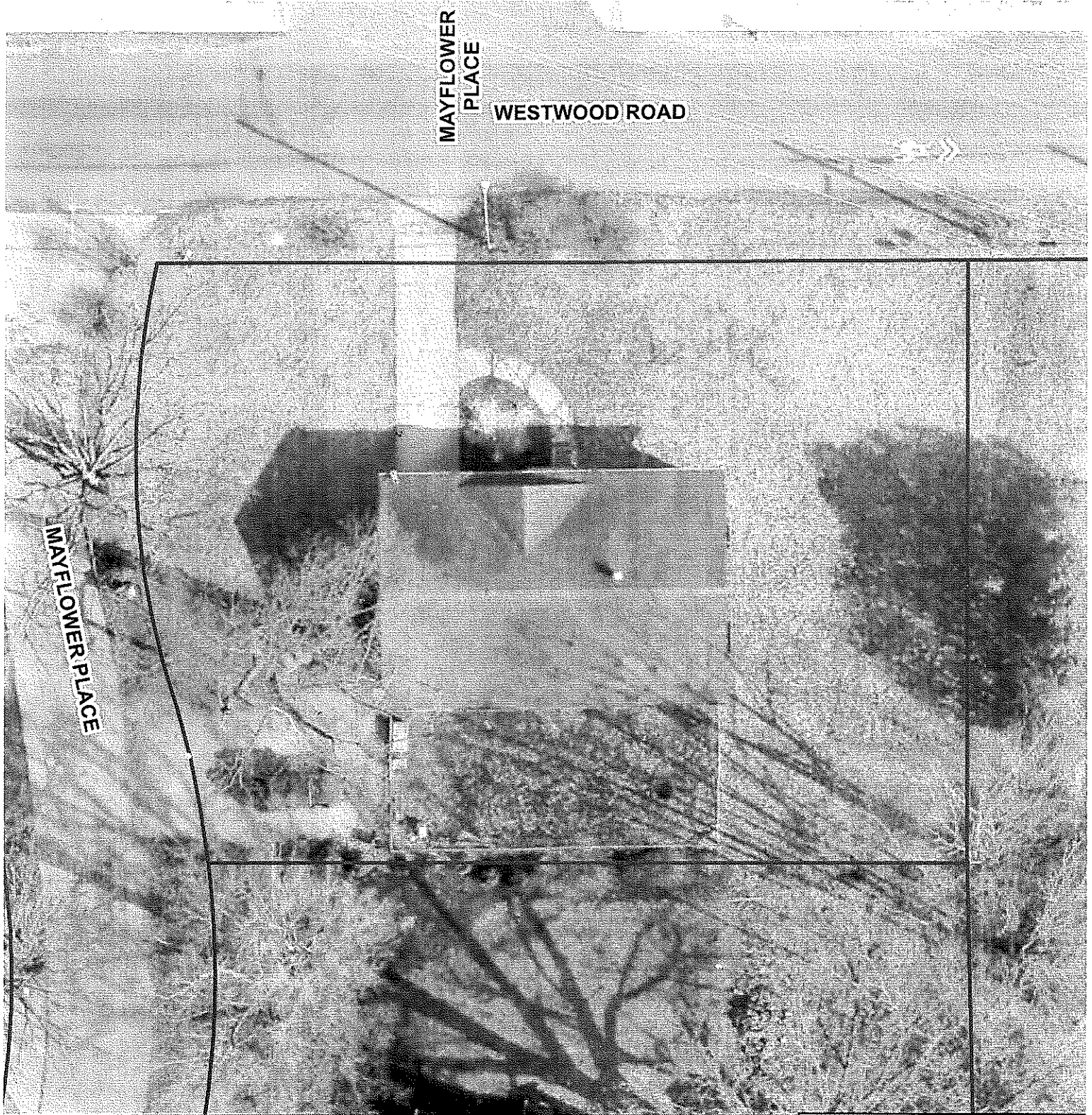
Not being allowed to use both units will cause financial hardship for me/keep me from continuing to improve the property as I have planned.

Not being allowed to use both units will cause emotional hardship for our family as I would need to ask my son's father to leave.

Again, I love this neighborhood. I have sat on the board for two terms, am active in planning events and am engaged with my neighbors. I have never received feedback that it's current use is causing any type of issue. It appears to fit well with the character of the neighborhood with the exception of it's the aging roof.

I respectfully and hopefully request that my variance be approved.

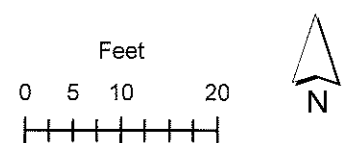
to be provided mta



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400 Westwood Road

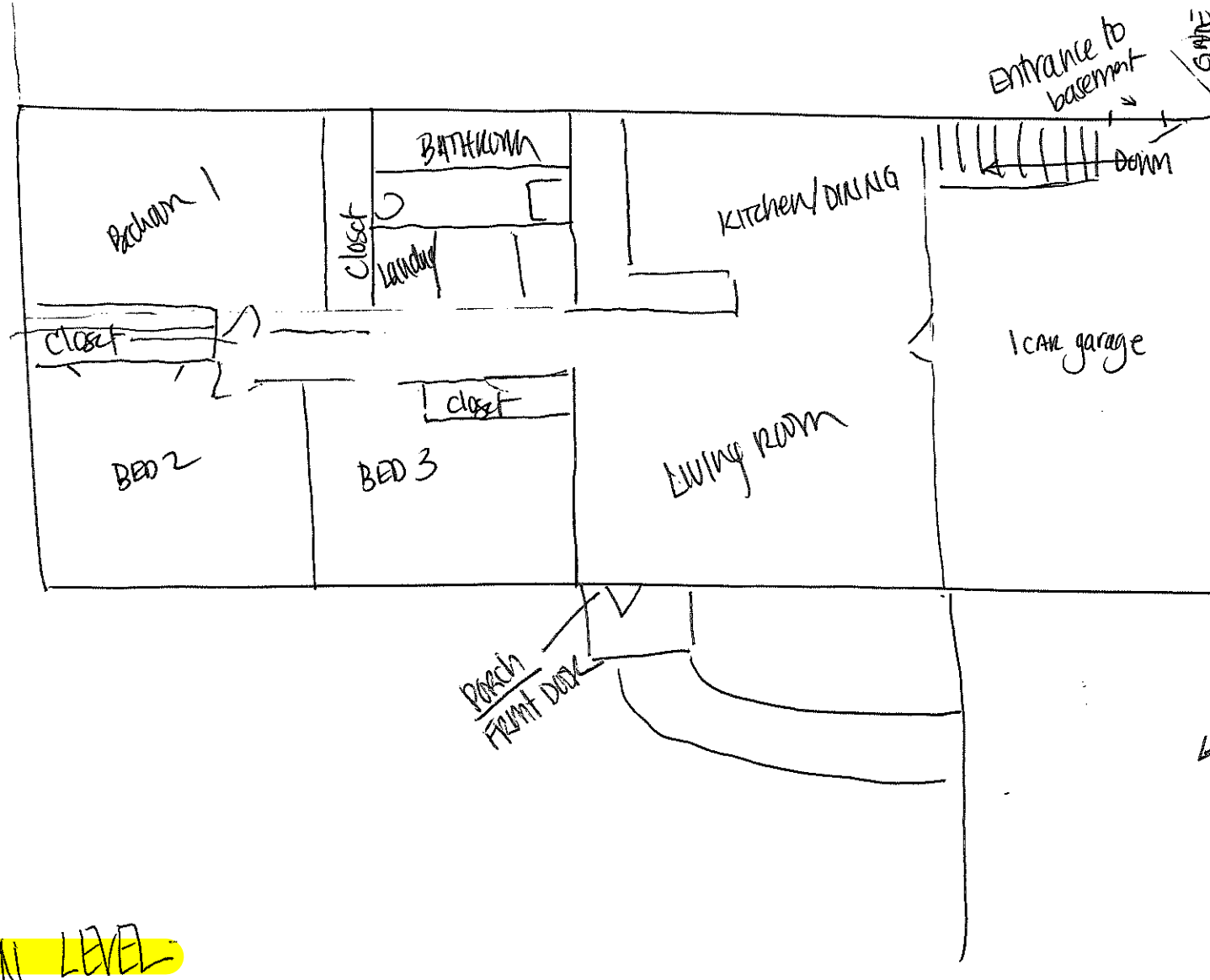
2023 Aerial
Printed August 4, 2025



1 inch = 20 feet

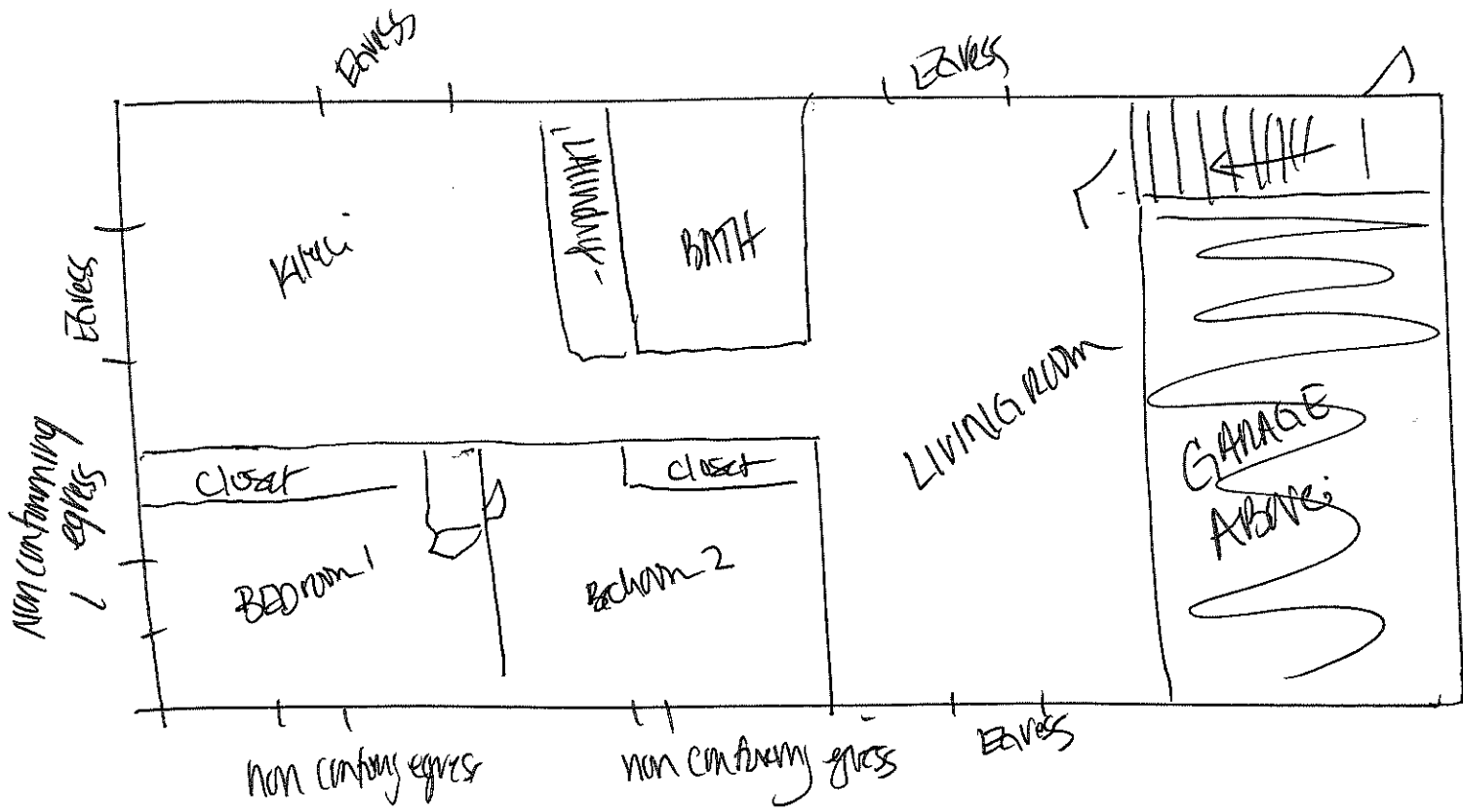
The City of Goshen
Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46526
Phone: 574-534-3600 Fax: 574-533-8626

Fenced YARD



MAIN LEVEL

BRASNET



LOCATION: 923 S 7th Street
CASE NUMBER: 25-24DV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Bontrager-Singer, LLC

REQUEST: The applicant requests a developmental variance to allow a fence 6' in height in the front yard along Jackson Street where fences cannot exceed 4' in height

LOT SIZE: ±7,920 SF; ±213' of frontage (±48' on 7th Street & ±165' on Jackson Street); ±165' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 40

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Parkside

THOROUGHFARES: 7th Street & Jackson Street

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5130*, Fence Regulations
 - B. Fences Permitted in Residential and Business Districts
 - 1. Fences and walls not exceeding four feet in height shall be permitted in the front yard.

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

The Planning office has not been contacted by any adjacent property owners regarding this variance. However, the Planning office may still be contacted with questions and statements of support or opposition to the variance between the time of this report's delivery and the public hearing.

ANALYSIS

The subject property is a single family home on the northwest corner of the intersection of 7th Street and Jackson Street in the Parkside neighborhood. Surrounding zoning is R-1 and uses are primarily single family, although a nearby church and a gas station are located to the west along Main Street. The subject home is two stories with an approximate footprint of 1,292 SF and a detached one-stall garage is located on the west side of the property along the alley.

The petitioner is proposing to install a privacy fence 6' in height between the home and the garage in order to provide seclusion for use of the yard. The majority of the fence will be located adjacent to the property line in the front yard along Jackson Street. Because fences cannot exceed 4' in height in the front yard, a developmental variance is needed.

Staff recommends approval of the request. While the property has two front yards, the front of the home faces 7th Street. The property's frontage along Jackson Street serves similarly to a side yard, where a fence 6' in height would be permitted. A fence height of 6' provides better privacy than one 4' in height, which is reasonable given the property is on a corner and adjacent to a gas station.

Recently, the BZA has provided similar approvals for fences on corner lots, including 6' tall fences at 1212 S 8th Street in February 2025, 1301 West Avenue in April 2024, 702 S 6th Street in July 2023, 1017 S 14th Street in November 2023, and a 1105 Baker Avenue in June 2021.

FINDINGS OF FACT

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

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The proposed fence will be located completely on the subject property and outside the public right of way. There is an approximately 8' grass and tree buffer between the fence and the street paving along Jackson. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** While the property has two front yards, the front of the home faces 7th Street. The property's frontage along Jackson Street serves similarly to a side yard, where a fence 6' in height would be permitted. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** A fence height of 6' provides better privacy than one 4' in height, which is reasonable given the property is on a corner and adjacent to a gas station. *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 vehicles parked on unimproved surfaces on the subject property shall be removed within thirty (30) days.



Looking northwest across the intersection of 7th Street and Jackson Street



Looking west along the south property line fronting Jackson Street



Looking northeast across Jackson Street



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923 S 7th Street

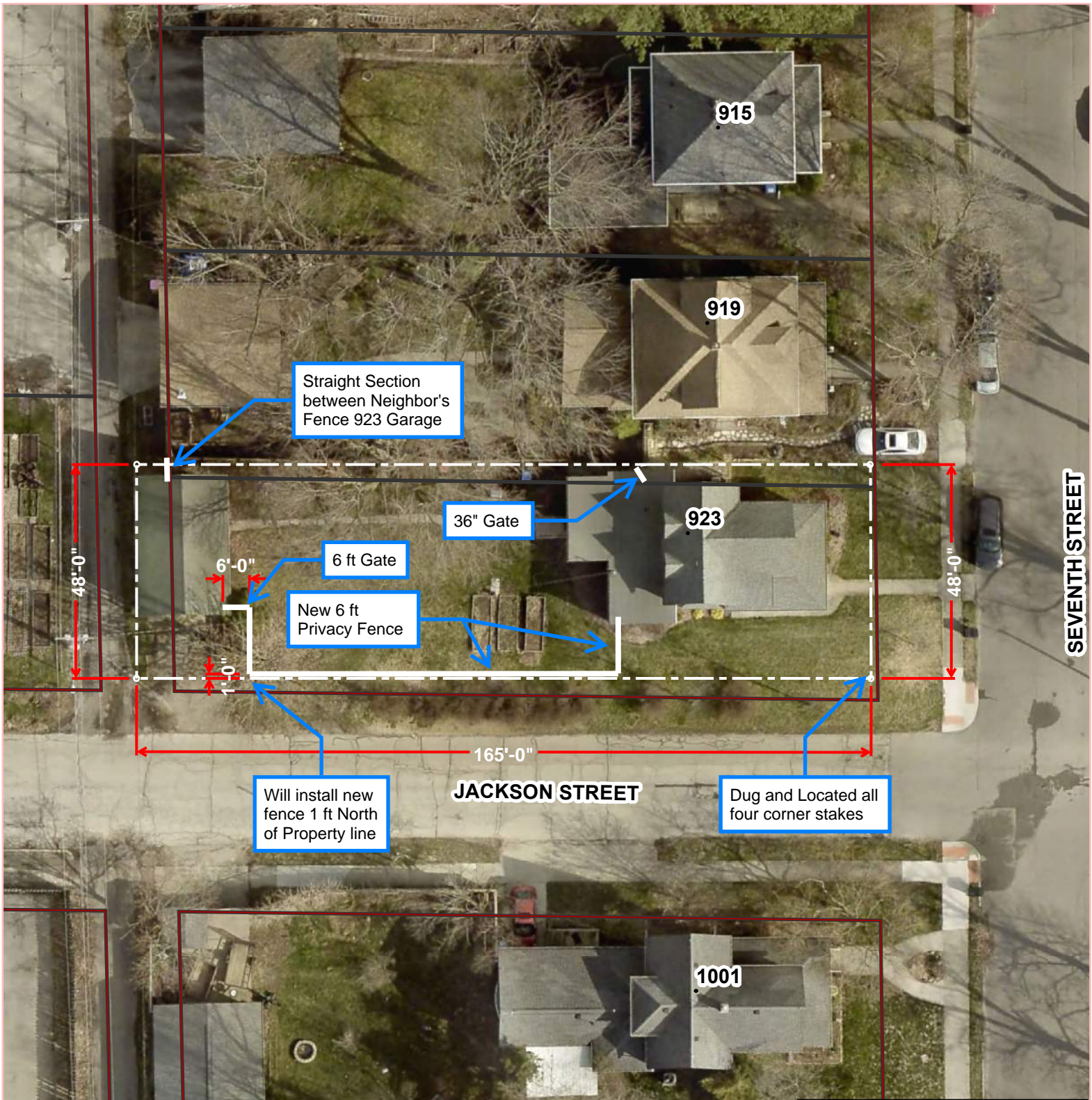
2023 Aerial
Printed July 28 2025

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1 inch = 100 feet



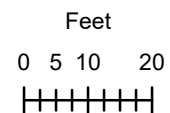
The City of Goshen
Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626



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923 S 7th St

2023 Aerial
Printed July 28 2025



1 inch = 30 feet

The City of Goshen
Department of
Planning & Zoning

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

LOCATION: Proposed Lot 1 of HHI Kercher Properties 24 Subdivision
CASE NUMBER: 25-09UV & 25-25DV

DATE: August 26, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: HHI Kercher RD Properties 24, LLC (owner); Jones Petrie Rafinski & Yoder, Ainley, Ulmer & Buckingham, LLP (agents)

REQUEST: The applicant requests a use variance to allow a gas station with a convenience store approximately 234' from another gas station along the north side of Kercher Road where gas stations are a conditional use requiring a minimum distance of 500' from other gas stations, and developmental variances to allow two freestanding signs where one is permitted, an illuminated freestanding sign 22' in height and 90 Sf in area where freestanding signs cannot exceed 20' in height and 60 SF in area, a parking and driving aisle setback of 20' along Kercher Road where a minimum of 35' is required, and for the variance to be effective when the secondary subdivision is approved and recorded

LOT SIZE: ±4.48 acres; ±1,224' of frontage (±479' on U.S. 33; ±385' on Kercher Road; ±360' on Supreme Court); ±718' of depth

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 20

SPECIAL INFORMATION

PUBLIC UTILITIES: City water & sewer available

AREA DEVELOPMENT: Industrial, commercial, residential

NEIGHBORHOOD: None – Lincolnway East/U.S. 33 Commercial Corridor

THOROUGHFARES: Lincolnway East/U.S. 33, Kercher Road, & Supreme Court

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5200*, Conditional Uses
B. Gasoline Service Stations (Minor Repair Only) Gasoline service stations shall be permitted in the B-2, B-3, and B-4 Commercial District and M-1 Industrial District provided that they meet the following requirements:
 - 1. Such uses shall be located a minimum of 500 feet from another gasoline service station or drive-in establishment on the same side of the street, as measured by a line drawn along the right-of-way of said street between the closest property lines
- ◇ Goshen Zoning Ordinance, *Section 5100.3*, Permitted Signs by District
C. Signs permitted in the B-2, B-3 and B-4 Commercial Districts, and the M-1 and M-2 Industrial Districts, are as follows:
 - 4. With the exception of Planned Shopping Centers and Planned Industrial Parks, there may be only one freestanding sign per zoning lot
- ◇ Goshen Zoning Ordinance, *Section 5100.2*, Permitted Signs Types
A. Freestanding Signs
 - 2. Height and Area

a. The maximum height and area of permitted freestanding signs shall be limited to the following:

Lot Width	Maximum Height	Maximum Area
Over 200 feet	20 feet	60 square feet

- ◇ Goshen Zoning Ordinance, *Section 4230.3*, Area, Width, and Yard Regulations of the M-1 District
- B. Front Yard. Front yards shall be measured from the front property line and the building line and shall be as follows:

2. On arterial streets, the front yard shall be a minimum distance of 35 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 located on the northeast corner of the intersection of Lincolnway East (U.S. 33) and Kercher Road, and is also bounded to the east by Supreme Court Drive. It is the proposed Lot 1 of a two-lot subdivision that has not yet been platted. Lot 1 is approximately 4.48 acres in size and is zoned Industrial M-1. Adjacent properties are a mix of commercial and industrial businesses; a single family home is located to the southwest across the intersection of Lincolnway East and Kercher Road.

The property was formerly a box truck manufacturing facility. All structures have been removed, and it is currently vacant and heavily vegetated. The petitioners are proposing to develop the proposed Lot 1 as a gas station with a convenience store. Gas stations are a conditional use in the M-1 District. One of their conditions is that they must be located a minimum of 500' from any other gas stations on the same side of the street. There is an existing gas station along Kercher Road at a distance of 234' from the subject property, so a use variance is required.

Developmental variances are also being requested to allow the following:

- Two freestanding signs where only one is allowed per zoning lot
- One of the above-mentioned signs will be 22' in height at 90SF in area where freestanding signs cannot exceed 20' in height and 60 SF in area. This sign will be located in the southwest corner of the site at the intersection of the Lincolnway East and Kercher Road.
- A front yard parking and driving aisle setback of 20' where 35' is required along Kercher Road

Staff recommends approval of the use and developmental variances. While the proposed gas station is adjacent to another gas station along Kercher Road, it is approximately eight-tenths of a mile from the nearest gas station along Lincolnway East (1906 Lincolnway East). Lincolnway East is the busier of the two streets. Points of access to and from the site along all three street frontages have been proposed and will be reviewed for safety considerations by both INDOT and the Goshen Engineering Department.

Additionally:

- Although the proposed Lot 1 is large—and the underlying parcel even larger—its frontage along three streets, two of which are major arterials, limit its viability as an industrial facility. Smaller commercial uses, such as the proposed gas station, are likely more appropriate for the site.
- Two proposed freestanding signs for the site are reasonable. It has a combined frontage of over 1,200' along three frontages, two of which are major arterials. The ample frontage will allow the signs without being detrimental to the character of the area.
- The proposed large pylon sign is also reasonable. The Zoning Ordinance allows signs of 22' and 90SF in area for sites zoned Commercial B-3 along the same stretch of corridor. The need for the variance arises

because the site is zoned M-1, where the sign allowance is slightly less. Still, the property is on the same commercial corridor as those B-3 properties.

Staff's only concern with the proposed site plan is the reduced setback along Kercher Road. Within the front yard, a tree lawn will need to be established, and with the presence of east-west powerlines along Kercher Road, adequate space will need to be provided for trees so that they are a minimum distance of 20' from the powerlines.

The site plan indicates smaller species trees will be planted in this yard; Staff recommends a condition that the trees along Kercher Road and Supreme Court be of a large species, requiring a minimum height at maturity of 40'. Large species trees have a significantly greater capacity to capture stormwater and shade paving, reducing the heat island effect. With the substantial area of hard surface planned for the project, those tree qualities are important. Measurements show large species may have enough space within a 20' setback along Kercher, but the site designers will need to adjust the setback if a revised plan shows large trees cannot be grown healthily in the proposed tree lawn.

FINDINGS OF FACT

Staff recommends **approval** of a use variance to allow a gas station with a convenience store approximately 234' from another gas station along the north side of Kercher Road where gas stations are a conditional use requiring a minimum distance of 500' from other gas stations, and developmental variances to allow two freestanding signs where one is permitted, an illuminated freestanding sign 22' in height and 90 Sf in area where freestanding signs cannot exceed 20' in height and 60 SF in area, a parking and driving aisle setback of 20' along Kercher Road where a minimum of 35' is required, and for the variance to be effective when the secondary subdivision is approved and recorded, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** Points of access to and from the site along all three street frontages have been proposed and will be reviewed for safety considerations by both INDOT and the Goshen Engineering Department. The proposed signs will not interfere with vehicle 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.** While the proposed gas station is adjacent to another gas station along Kercher Road, it is approximately eight-tenths of a mile from the nearest gas station along Lincolnway East (1906 Lincolnway East). Lincolnway East is the busier of the two streets. There is ample frontage to accommodate two large freestanding signs. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The proposed gas station is on major arterial streets, one of which is a U.S. highway. The adjacent gas station is on the less busy of the two streets. There is not another gas station adjacent to the subject property along Lincolnway East within eight-tenths of a mile. *The standard is confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the subject property.** Although the proposed Lot 1 is large—and the underlying parcel even larger—its frontage along three streets, two of which are major arterials, limit its viability as an industrial facility. Smaller commercial uses, such as the proposed gas station, are likely more appropriate for the site. *The standard is confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** The proposed gas station is located at the nexus of a commercial corridor and an industrial corridor. Use as a gas station adheres to the Comprehensive Plan's objective to "ensure compatibility and smooth transitions between different land uses" (Land Use 2.1). *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall be effective when the secondary subdivision is approved and recorded.
2. Required street trees planted along Kercher Road and Supreme Court shall be large species, and the setback to the paving shall be increased if the lawn is inadequately sized to accommodate such species.



Looking west along Kercher Road from the southeast corner of the proposed Lot 1



Looking north along Supreme Court Drive from the southeast corner of the proposed Lot 1



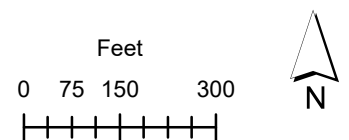
Looking south across Lincolnway East from the northwest corner of the Proposed Lot 1



On the north side of the proposed Lot 1 looking southwest across the site



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1 inch = 300 feet

Lot 1
HHI Kercher Rd Properties 24, LLC

2023 Aerial
 Printed August 11, 2025

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

EXHIBIT A

NARRATIVE SUMMARY OF LB G2 HOLDINGS, LLC / LASSUS BROS. OIL, INC. MAJOR SUBDIVISION AND ZONING APPROVALS

1. **Background.** The petitioner, LB G2 Holdings, LLC (the “Petitioner”), is an affiliate of Lassus Bros. Oil, Inc. of Fort Wayne (“Lassus”). Lassus began in 1925 and is a fourth-generation family-owned business that owns and operates 35 Lassus Handy Dandy convenience stores throughout northern Indiana and northwest Ohio. Lassus has operated its Goshen store, located at 1001 W. Pike St., since 2021. Clean store environments, customer courtesy, and good compensation and working conditions are all part of the Lassus daily operations and culture.

Lassus also shares its profits within the communities in which it operates. The Lassus Foundation was started as a way to give back to those communities. Presently, the Lassus Foundation donates to over 70 charities and the customers of Lassus are given the opportunity to choose a favorite charity from that list. It is a core value of Lassus to be a contributing member of the communities in which it is located.

Lassus and Petitioner are in the process of acquiring approximately 4.48 acres of real estate located at the northeast corner of US33 and E. Kercher Road from HHI Kercher Rd. Properties 24 LLC (“HHI”), an unaffiliated third-party seller. The site is currently vacant land, formerly occupied by Supreme Corporation. Lassus intends to redevelop the front 4.48 ac. corner site to build a new Lassus Handy Dandy gas and convenience store (the “Project”).

The planned Lassus Handy Dandy convenience store will be approximately 5,700 SF, and contain an Elmo’s Pizza & Subs (the Lassus proprietary pizza and sub sandwich business). A pick-up window will be located at the northeast end of the building, primarily to support phone-in and online/app ordering pick-up. The front fuel canopy will have up to 8 fuel dispenser islands to serve up to 16 vehicles. The parking lot will be a combination of concrete and asphalt, with extra-wide drive areas (+40’) and parking for approximately 55 cars, not including cars being parked at the fueling canopy (16).

2. **Project Site.** The proposed Project site is approximately 5.2 gross acres (prior to RW dedications) and will be approximately 4.48 useable acres (after RW dedications) and located on the northeast corner of US 33 and E. Kercher Road, which is currently zoned M-1 Industrial. The Project site will be created by splitting off (subdividing) a larger 7.87 acre site (Tax ID#20-11-24-376-008.000-015), currently owned by HHI, an unaffiliated third-party seller. HHI also owns the adjacent parcel (Tax ID 20-11-24-376-023.000-015) which is included in the subdivision process. The site is currently vacant, formerly occupied by Supreme Corporation.

3. **Project Summary and Requests.** The following is a summary of the approval or changes needed for the Project to be presented to the Goshen City Plan Commission, Board of Zoning Appeals, and City Council:

A. **Subdivision.** The creation of a 2-lot Major Subdivision by splitting HHI’s 8.8 acre site into two undeveloped parcels/lots to be sold and redeveloped. These two lots will be completely independent of each other, and will share no improvements, access points, utilities, or drainage following the completion of the primary and secondary subdivision process. The first lot (Lot #1) is intended to be purchased by the Petitioner and subsequently redeveloped for use by Lassus. The second lot (Lot #2) will remain in

possession of HHI with no known plans for its future use or redevelopment. Petitioner has agreed to dedicate new right of way along the north side of E. Kercher Rd. to 40' from the centerline, in conjunction with the subdivision plan. Petitioner submitted a petition to approve the subdivision with the Goshen Planning Department.

B. *Variances.* To develop the Project Site, the Petitioner seeks the following variances:

(i) Gas stations with convenience stores are classified as gasoline service station (minor repair) and are permitted as a Conditional Use in an M-1 District. However, Petitioner seeks a use variance to permit a gasoline service station within 500' of another gasoline service station along the north side of Kercher Road, separated by US33.

(ii) Petitioner seeks a developmental variance to permit a 22' tall, 90 SF freestanding pylon sign on the front corner of the Project Site located at the northeast corner of US33 & E. Kercher Road. Attached hereto as Schedule 3.B.(ii) is an example of the proposed freestanding pylon sign. In the B-3 District corridor in which the Project Site is located, a sign not exceeding 22' in height and 90 SF is allowed; therefore, the Petitioner's sign is consistent with similar signs in the area.

(iii) Petitioner seeks a developmental variance to permit a second, smaller, 8' tall, 40 SF freestanding monument sign on the north end frontage (approx. 420' feet north of corner) of the Project Site along US33. Attached hereto as Schedule 3.B.(iii) is an example of the proposed freestanding monument sign. Petitioner contends the second, smaller sign is a reasonable request for the Project because of the long frontages (+/- 475') of the Project Site.

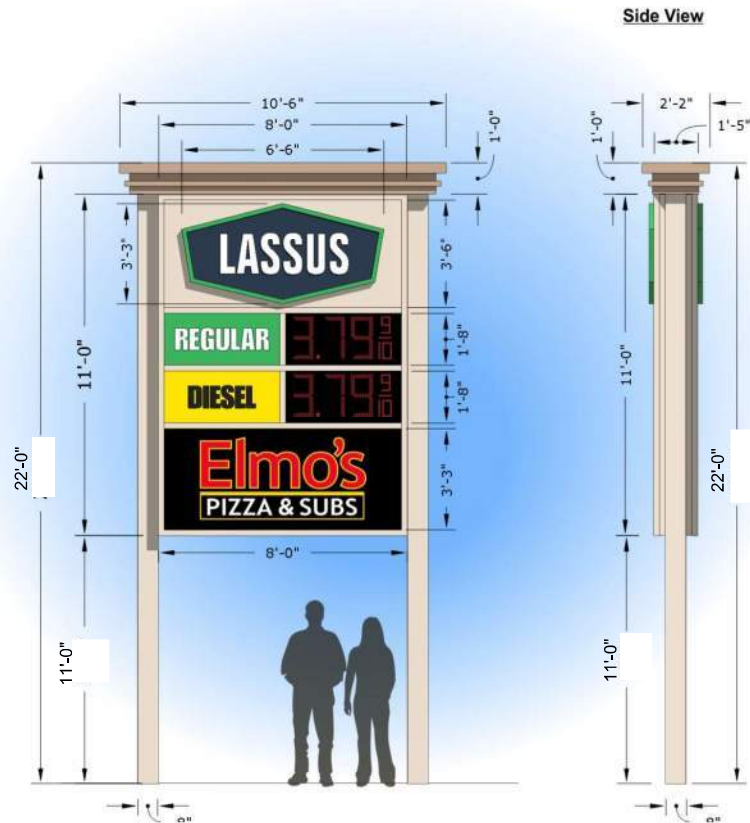
(iv) Developmental variance to permit a reduction of the parking/aisle setback along E. Kercher Rd. from 30' to 20'. Such setback reduction is not only consistent with the surrounding area developments, but in many instances is actually more than the surrounding developments, particularly along Kercher Road.

(v) Petitioner requests that BZA variances not follow the standard expiration because development of the Project Site will be beyond the standard expiration period for the variances.

4. **Summary.** This Summary is part of, and is to be combined with, formal signed Petitions on City of Goshen required forms, relative to the zoning changes, the Major Subdivision, property legal descriptions, and other endeavors herein referenced.

LB G2 Holdings, LLC and Lassus Bros. Oil, Inc.
Dated: July 30, 2025.

NOTE: Due to Limitations of the Printing Process, Printed Colors May Vary from Those of Final Production.



Double-Face Internally-Illuminated Pylon Sign



Note: Renderings for representational purposes only. Signs are not to scale and may appear larger or smaller than shown.

NOTE: Due to Limitations of the Printing Process, Printed Colors May Vary from Those of Final Production.



Double Face Monument Sign: Aluminum Cabinet with 2" Aluminum Divider Bars; Flat Faces Decorated with "Regular" & "Diesel" Graphics; (4) Daktronics Fuelight FL-5000 16" Fuel Digits; "Lassus" Flat Polycarbonate Face with Two Levels of Embossing; Decorative Aluminum Top Cap; Base to be Brick with Decorative Aluminum Bottom Cap.

 <div>CREATIVESIGN RESOURCES</div> <div>www.CreativeSignResources.com</div>	<div>4707 East Washington Blvd. Fort Wayne, Indiana 46803</div> <div>ph: 260.425.9618 fx: 260.420.5551</div> <div></div>	Client / Project Name Lassus Monument Sign / Option B		Project Manager Ron Mitchel	Beginning Date 8-5-2025
		Location(s) TBD		Designer Christin Golden	Scale 1/2" = 1'
				Drawing Number 250262-01	Page Number 1 of 1
		<div>Client Approval _____</div> <div>Copyright © 2025 Creative Sign Resources, LLC This drawing is the property of Creative Sign Resources and its subsidiaries. It is not to be exhibited, reproduced, or altered without permission. All trademarks and copyrighted materials are the property of their respective owners. It is the responsibility of the client to obtain all permissions for use and/or reproduction of said materials. Creative Sign Resources and its subsidiaries assume no responsibility for violation of applicable laws.</div>			

ZONING & SETBACKS

ZONING
EXISTING ZONING - M1

BUILDING SETBACKS
FRONT YARD 35' (US 33 & E KERCHER AVE)
30' (SUPREME COURT)
REAR YARD 10'

PARKING & DRIVE SETBACKS
FRONT YARD 35' (US 33 & E KERCHER AVE REQUIRED)
20' PROPOSED ON E KERCHER AVE,
30' (SUPREME COURT)
REAR YARD 10'

PROPOSED DEVIATIONS FROM CITY REQUIREMENTS

1. A USE VARIANCE IS BEING REQUESTED TO PERMIT THE USE OF A GASOLINE SERVICE STATION WITHIN 500' OF ANOTHER GASOLINE SERVICE STATION ALONG THE NORTH SIDE OF E KERCHER ROAD, SEPARATED BY LINCOLNWAY EAST (US 33).
2. APPLICANT IS SEEKING A DEVELOPMENTAL VARIANCE TO PERMIT A 22' TALL 90 SFT FREESTANDING PYLON SIGN AT NORTHEAST CORNER OF LINCOLNWAY EAST (US 33) & E KERCHER ROAD.
3. APPLICANT IS SEEKING A DEVELOPMENTAL VARIANCE TO PERMIT A 8' TALL 40 SFT FREESTANDING MONUMENT SIGN ON THE NORTH END OF THE LINCOLNWAY EAST (US 33) FRONTAGE, APPROXIMATELY 405' NORTH OF THE CORNER OF THE PROJECT SITE ALONG US 33.
4. APPLICANT IS SEEKING A DEVELOPMENTAL VARIANCE FOR A REDUCED PARKING AND DRIVE AISLE SETBACK ON E KERCHER AVE, WHERE THE REQUIRED SETBACK IS 35' FROM THE RIGHT-OF-WAY LINE AND THE PROPOSED PARKING AND DRIVE AISLE SETBACK IS 20' FROM THE RIGHT-OF-WAY LINE.

LOCATION: 601 N 5th Street
CASE NUMBER: 25-26DV

DATE: August 8, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Artisan Investment Group, LLC (owner)

REQUEST: The applicant requests a developmental variance to allow three on-site parking spaces where a minimum of five parking spaces is required and open parking in the front yard setback along Garden Street where open parking is not permitted for the remodel of a nonconforming three-unit residential dwelling

LOT SIZE: ±5,280 SF; ±172' of frontage (±40' on 5th Street & ±132' on Garden Street); ±132' of depth

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 44

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Chamberlain

THOROUGHFARES: 5th Street & Garden Street

TOPOGRAPHY: Declines westward

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
Multi-family dwelling units require a minimum of one and one-half on-site parking spaces per one- or two-bedroom dwelling
- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Design Standards for Parking Facilities
 - A. Parking facilities may occupy any portion of a lot, provided that
 - 1. Open parking spaces may be located in any yard, except a front yard or the street side of a corner lot

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 located in the Chamberlain neighborhood on the northwest corner of the intersection of 5th Street and Garden Street. Zoning is R-1, but the property is configured as a three-unit dwelling, with two units on the main floor and one unit in the upstairs. Surrounding homes are properties are predominantly single family homes. The home has an approximate footprint of 2,326 SF. A concrete pad and scattered gravel located largely in the Garden Street right of way are the only onsite parking.

The petitioners are proposing a complete remodel of the building. Interior changes include new flooring, painting, new cabinets, and new windows. The exterior will get a new roof and siding. The footprint of the home will remain the same and there is no change to the number of the occupants the units can house, so the proposed rehab

of the non-conforming property is acceptable. However, the scope of the rehab requires that the property is brought into to compliance with Zoning Ordinance requirements for parking.

For multi-family dwelling units, a minimum of one-and-one-half onsite parking spaces needs to be provided for each one- or two-bedroom dwelling. Four-and-one-half parking spaces rounded to five is thus required for the remodel. The petitioner is proposing to install an approximately 20'x30' asphalt pad from the alley, which will serve as three open parking spaces. Development variances will be needed because the three spaces will fall short of the minimum five required and because the pad will be located in the minimum 25' front yard setback along Garden Street where open parking is prohibited.

Staff recommends approval of the variances. With approval, the three-unit home will remain non-conforming, subject to maintenance allowed by the non-conforming section of the Zoning Ordinance. Each of the three units has only one bedroom, so it's plausible that the onsite parking spaces will adequately accommodate residents. Additional parking is available on 7th Street. Clearly delineated, hard surface parking spaces will be added to the property where parking appears to have been haphazard and possibly in violation of the Zoning Ordinance.

As part of this project, gravel and concrete in the right of way along Garden Street will be removed and replaced with grass, allowing improved stormwater capture of runoff from the street. The large maple tree in the back yard may be removed with the project and will need to be replaced elsewhere on the property as it currently counts as one of three required street trees. Board of Works approval for the drive approach exceeding 24' in width will be required, as will a right of way permit.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow three on-site parking spaces where a minimum of five parking spaces is required and open parking in the front yard setback along Garden Street where open parking is not permitted for the remodel of a nonconforming three-unit residential dwelling, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** As part of this project, gravel and concrete in the right of way along Garden Street will be removed and replaced with grass, allowing improved stormwater capture of runoff from the street. *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.** Clearly delineated, hard surface parking spaces will be added to the property where parking appears to have been haphazard and possibly in violation of the Zoning Ordinance. *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.** Even if the home is converted to single family, requiring two onsite parking spaces, it will be difficult to impossible to provide those spaces without encroaching in the front yard. *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. Board of Works approval for the drive approach exceeding 24' is required.
5. A right of way permit is required.
6. Gravel and concrete outside the approved parking area shall be removed and replaced with grass.
7. The large street tree in the back yard shall be replaced with a new large species tree elsewhere on the property if it is removed.



Looking northwest across 6th and Garden intersection



From Garden Street looking north at site of proposed parking area



From alley looking north at proposed parking area



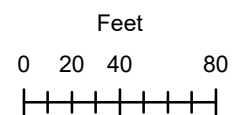
Looking northeast from Garden Street



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601 N 5th St

2023 Aerial
Printed August 11, 2025



1 inch = 80 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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601 N 5th Street

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1 inch equals 20 feet

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