

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, October 28, 2025, 4:00 pm
Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 9/23/25
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV.** Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- V. Developmental & Use Variances** – public hearing items
- 25-27DV** – Carole A Miller and Raber Patio Enclosures & Furniture request a developmental variance to allow a rear (south) building setback of 10’ where a minimum of 25’ is required for the addition of an approximately 196 SF sunroom. The subject property is generally located at 1640 Autumn Blaze Lane and is zoned Residential R-3 District.
- 25-11UV** – Chelsea M Curtis & Clayton L Chrisman request a use variance to allow a hair salon in a detached accessory building where beauty shops are a permitted use in the Commercial B-1, B-2, B-3, & B-4 Districts. The subject property is generally located at 605 Skyview Drive and is zoned Residential R-1 District.
- 25-28DV** – Goshen College, Inc. and Abonmarche Consultants request developmental variances to allow a non-illuminated freestanding sign 14 Sf in area and 6’ in height on the corner of Main Street & River Vista Drive and a non-illuminated freestanding sign 7 Sf in area and 8’ in height along River Vista Drive where only ground signs are permitted. The subject property is generally located at 400 Reservoir Place and is zoned Residential R-1 District.
- VI.** Audience Items
- VII.** Staff/Board Items
- *11-07UV – Owner request to rescind use variance 11-07UV, 415 Park Court*
 - *BZA Rules of Procedure – Proposed Amendment Related to Notices & Electronic Meetings*
 - *Discussion regarding form of motions*
 - *2026 BZA Calendar*
- 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

Minutes - Goshen Board of Zoning Appeals
Tuesday, September 23, 2025, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Lee Rohn, Mathew Fisher, and Tom Holtzinger. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney Don Shuler, and Youth Advisor, Ezra Tice. Absent: Hesston Lauver, James Loewen

II. Approval of Minutes from 8/26/25: Fisher/Rohn 3-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Fisher 3-0

IV. Postponements/Withdrawals – None

V. Use & Developmental Variances – public hearing items

25-10UV The Board of Commissioners of the County of Elkhart, IN and Elkhart County Community Corrections Advisory Board request a use variance to permanently allow offenders with low- and moderate-level domestic violence convictions to use the work release facility where Variance 22-13UV allowed low-level offenders for a period of three years. The subject property is generally located at 201 N Cottage Avenue and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan provided background information for this site, noting that early on, the BZA did not want any violent offenders housed at this facility and variances from the 1980's onward enforced that decision. In November 2022, the applicants requested that offenders with certain low-level convictions be permitted at the facility. At that meeting the BZA granted approval to allow a certain list of convictions, referred to as low-level violent crime convictions, for a period of three years. The applicants are here today to ask for permanent approval of that variance and to add some minor updates to the list of permitted offenders. That list is included in today's packet, and the petitioners are here to discuss the changes. He went on to say that staff's analysis of the updated list, is that it will eliminate the possibility of any offenders using deadly weapons from using the facility but would allow Level 6 felony convicts of criminal confinement or resisting law enforcement. He explained that when this was discussed a few years ago, it was unclear if this request would be injurious to the general welfare and if it would adversely impact the neighborhood. He went on to say in the three years this variance has been in place, the Planning Office has not been aware of any issues. He pointed out that this request was advertised throughout the neighborhood and the Planning Office received no feedback or comments from the public. He also noted the last page in the packets contains a list of offenses that Staff feels should be prohibited in the facility. Staff recommends permanent approval of this request and of the proposed changes.

Petitioner Presentation:

Nathan Tipton, Director of Court Services for Elkhart County, 1905 Reliance Road, spoke on behalf of the petitioner. He explained these people are currently in our community and the work release center provides the stopgap between holding someone in the county jail or having them in the community on probation. Although victims are safe when the offender is in jail, they're receiving no rehabilitation or treatment. When someone is on probation, they are in the community, able to get jobs and treatment they need, but are not allowed to be around the victims. In cases of domestic violence, we often see those people have nowhere else to go and a lot of times they end up moving back into the home, violating the rules, even if they don't offend again. Community corrections is the stopgap that gives them a place where they're secure. They are there every night and checking in. He also pointed out there are many more opportunities for treatment as opposed to being in the county jail. They feel these people will be in the community anyway and this allows them to be in the facility where they can be watched and receive the treatment they need.

Regarding the changes Mr. Deegan mentioned, the first one removes any crimes involving a deadly weapon, meaning no violent offenders are permitted in community corrections. The next is changing criminal confinement. This change would allow the lowest level of criminal confinement offenders in a facility while not allowing higher level offenders. The final change would be to allow the level 6 offenders into the work release.

Kristine Osterday, Chair of the Community Corrections Advisory Board and Judge of Elkhart Superior Court #1, 1905 Reliance Road, also spoke on behalf of the petitioner. She stated she oversees all the domestic battery charges in Elkhart County, and echoed Mr. Tipton's comments about the importance of removing the offender from the home where the victim still resides. She stated that as judge, it's not her intent to place violent offenders in the work release facility and understands the concerns. She went on to say that by the nature of the definition, some of the lower-level violent offenders are not appropriate for the department of corrections because of the short sentence and if they're short sentenced, they're most likely to serve at the jail where the program is very limited, or they're on probation. She went on to say a lot of people fall between these two categories. They need the additional support, but it's also important that they remain in the community and receive the intensive programming and treatment which is what they receive at the work release facility.

Helen Calvin, Director, Elkhart County Community Corrections, 201 N Cottage Avenue, also spoke to the request. She stated since the previous variance was approved in 2022, they have served approximately 76 individuals with low level felonies. Of these 76 individuals, 66 have not received any new charges since their release from the program.

She stated she and the assistant director reached out to the neighborhood last week and of the neighbors they spoke with, the main concern they voiced was parking on the side streets. She stated this has nothing to do with today's variance request and was an issue prior to the approval of the temporary variance. Other neighbors asked that no sex offenders be permitted in the facility. She stated she feels the program has been a success and asked that permanent approval be granted, along with approval for the revised list.

Judge Osterday added that historically the work release facility did not require any type of monitoring when offenders left the facility, but following a request to the Community Corrections Board, it was decided that those living in the work release facility have an ankle monitoring device. They are now monitored when they leave the building, with this change being implemented since the previous appearance before this Board. This has improved the safety of the community significantly by identifying people that are violating no contact and protective orders.

Mr. Rohn asked how much discretion she has when placing someone in this program, noting he wants to make sure she and other judges are able to use their discretion when determining if someone is eligible for this facility.

Judge Osterday stated judges have a fairly wide amount of discretion, noting that most of the judges are seeing what they refer to as stipulated plea agreements, where the plea agreement spells out the sentence. With that being said, she also has the discretion to reject a plea agreement if she thinks it's inappropriate.

Mr. Holtzinger asked how many additional people they anticipate adding if this request is granted.

Ms. Calvin stated they will make the best evidence-based decisions possible, by placing people that should be there for the intensive programming and supervision. It will open up more opportunity, but only in a way that makes sense.

Audience Comments:

Cory Martin, 707 N 5th Street, also spoke to the petition. He introduced himself as Chaplin at the Elkhart County Jail and the Executive Director of the Elkhart County Jail Ministry. He explained that he and his family have lived in this neighborhood for approximately 14 years. He spoke in favor of this variance three years ago and is here again to speak in favor of today's variance request. In addition to doing all the ministry inside the Elkhart County jail, they also organize and run all the ministry opportunities inside the work release. This includes chaplains that visit work release regularly and special programming for the participants, both inside and outside work release. He also holds Holy Alliance on Sunday mornings in the Post Youth Center on Lincoln Avenue. He

noted that just a few weeks ago, there were 90 people in attendance, all from work release and their families. He also explained that the jail ministry pays for the following services:

- Licensed professional therapist
- Maple City Dental for dental needs
- Goshen eye doctor to provide eyecare and glasses
- Bicycles for transportation
- Clothing for job interviews, etc.

He stated to make Goshen and the surrounding area a safe place for all, it's important to be able to offer these programs and services to those at the work release center.

Jeff Taylor, County Administrator, 117 N 2nd Street, also spoke to the petition. He stated the commissioners support this request. They feel this is a great program and a benefit to the community.

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 25-10UV with the 3 conditions and 2 commitments listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

VI. Audience Items - None

VII. Staff Board Items - None

- 6-month extension request from 10/22/25 to 4/22/26 for 25-08DV, 323 W Wilden Avenue

This request was heard in April for a new single-family home on a vacant lot. The request was for reduced setbacks for the building and parking. The petitioner isn't ready yet but anticipates developing this property within 6-months.

Action:

A motion was made and seconded, Fisher/Holtzinger to approve a 6-month extension for 323 W Wilden, from 10/22/25 to 4/22/26. The motion passed unanimously by a vote of 3-0.

VIII. Adjournment: 4:28 pm Rohn/Fisher

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 1640 Autumn Blaze Lane
CASE NUMBER: 25-27DV

DATE: October 28, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Carole A Miller (owner); Raber Patio Enclosures & Furniture (agent)

REQUEST: The applicants request a developmental variance to allow a rear (south) building setback of 10' where a minimum of 25' is required for the addition of an approximately 196 Sf sunroom

LOT SIZE: ±10,011 SF; ±83' of frontage; ±120' of depth

APPLICABLE ZONING: Residential R-3

NOTICES SENT: 25

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Maplewood Estates

THOROUGHFARES: Autumn Blaze Lane

TOPOGRAPHY: Level

VARIANCE OF DEVELOPMENTAL STANDARDS

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

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

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

ANALYSIS

The subject property is an attached single-family home located on the south side of Autumn Blaze Lane in Maplewood Estates. The property is zoned Residential R-3 and is surrounded by a mixture of single family attached and detached homes and assisted living facilities which were approved by variance. The home is one-story and approximately 2,701 in area, including its attached two-stall garage.

A concrete patio currently extends from the home into the rear yard. The applicants are proposing to build an approximately 14'x14' sunroom in its place. A developmental variance is required because the sunroom will have a rear (south) setback of 10' where a minimum of 25' is required.

Staff recommends approval of the request. The configuration of the home on the property creates the need for the variance. At approximately 46', the front building setback far exceeds the minimum required 25' and results in the building's location further south into the property; as a result, the sunroom, which is a reasonable size and use for a residential property, must encroach in the rear yard. All other developmental requirements will be met. The home will still maintain a 10' rear setback, allowing room for movement around the building.

The proposed setback is not out of character with the area and is not expected to adversely impact the use and value of adjacent properties. The building on the property directly to the east, for example, is an assisted living facility that has a rear (south) setback of 6' approved by variance 16-32DV. In June 2024, the BZA approved a

developmental variance (24-18DV) allowing a rear building setback of 20' where 25' is required for a patio roof at 1616 Clover Creek Lane, which is one street to the north in Maplewood Estates.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a rear (south) building setback of 10' where a minimum of 25' is required for the addition of an approximately 196 Sf sunroom, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** All other developmental requirements will be met. The home will still maintain a 10' rear setback, allowing room for movement, including emergency ingress and egress, around the building. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The proposed setback is not out of character with the area and is not expected to adversely impact the use and value of adjacent properties. The building on the property directly to the east, for example, is an assisted living facility that has a rear (south) setback of 6' approved by variance 16-32DV. *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 home on the property creates the need for the variance. At approximately 46', the front building setback far exceeds the minimum required 25' and results in the building's location further south into the property; as a result, the proposed sunroom, which is a reasonable size and use for a residential property, must encroach in the rear 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. A building permit is required.
5. The two tax parcels that comprise the subject property shall be combined into one parcel at the time a zoning clearance is issued. This condition shall not apply if deemed not possible by the Elkhart County Auditor.



From Autumn Blaze Lane looking south at the front of the subject home



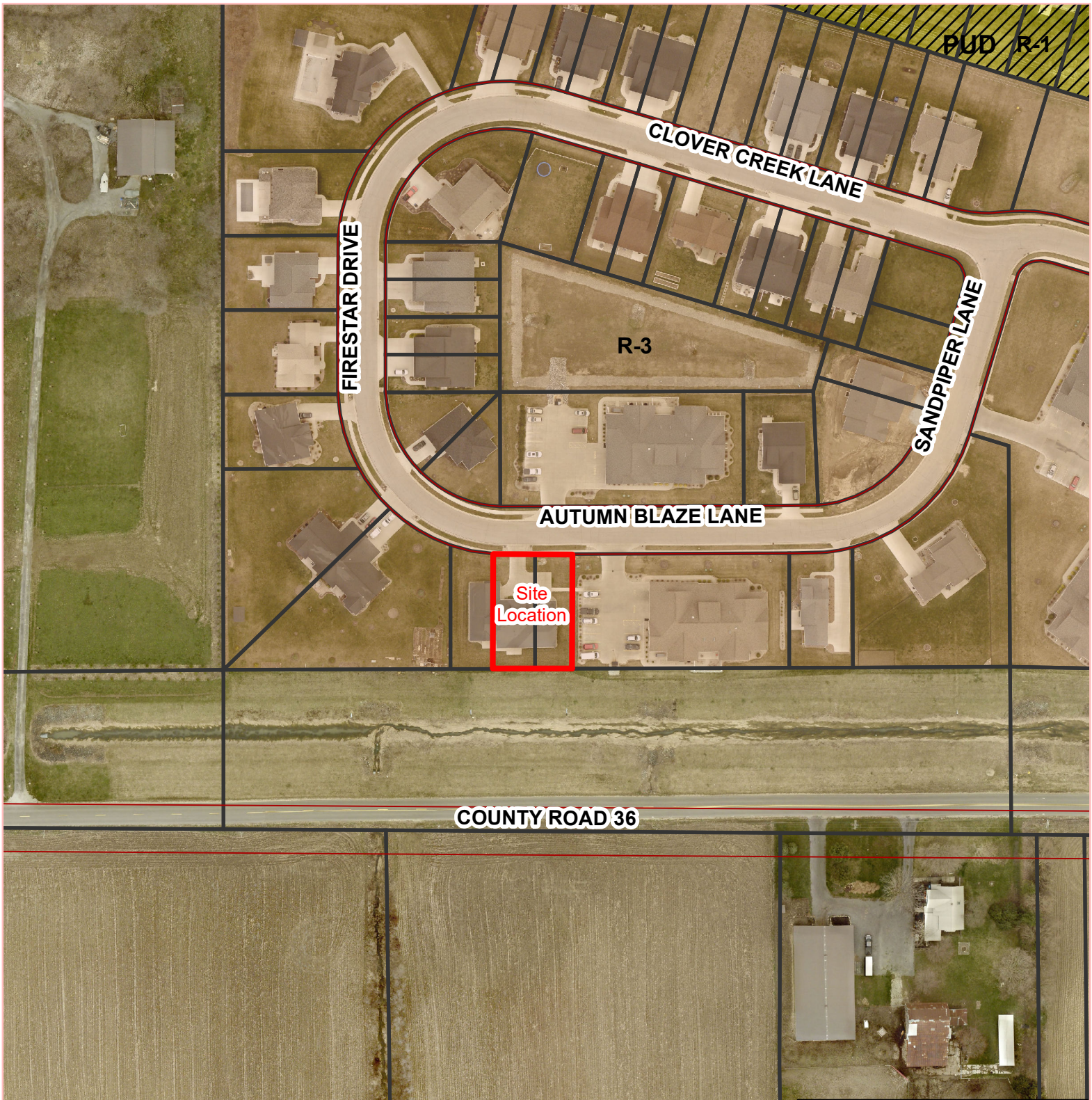
Looking northwest across rear of property



Looking north at proposed location of sunroom



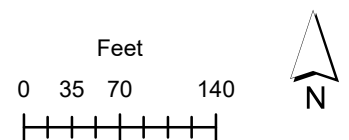
Looking northeast



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1640 Autumn Blaze

2023 Aerial
Printed September 24, 2025



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



Relax, Refresh, and Renew

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

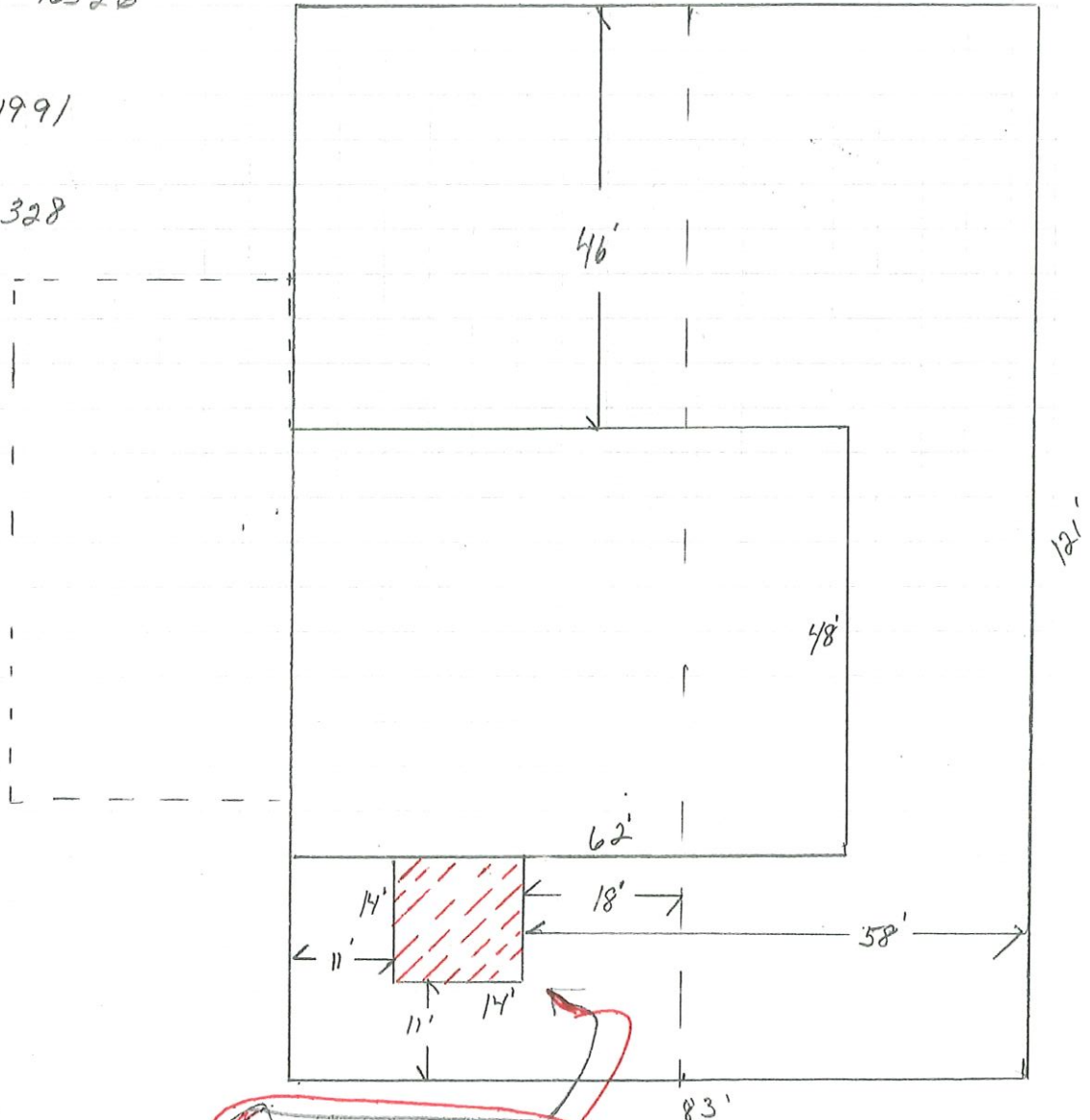
Dave Frey
Project Coordinator
cell 260-463-6914
store 260-768-7100
fax 260-768-7140

N
1" = 20'

Carole Miller
1640 Autumn Blaze Ln
Goshen, In 46526

Phone
574-312-1991

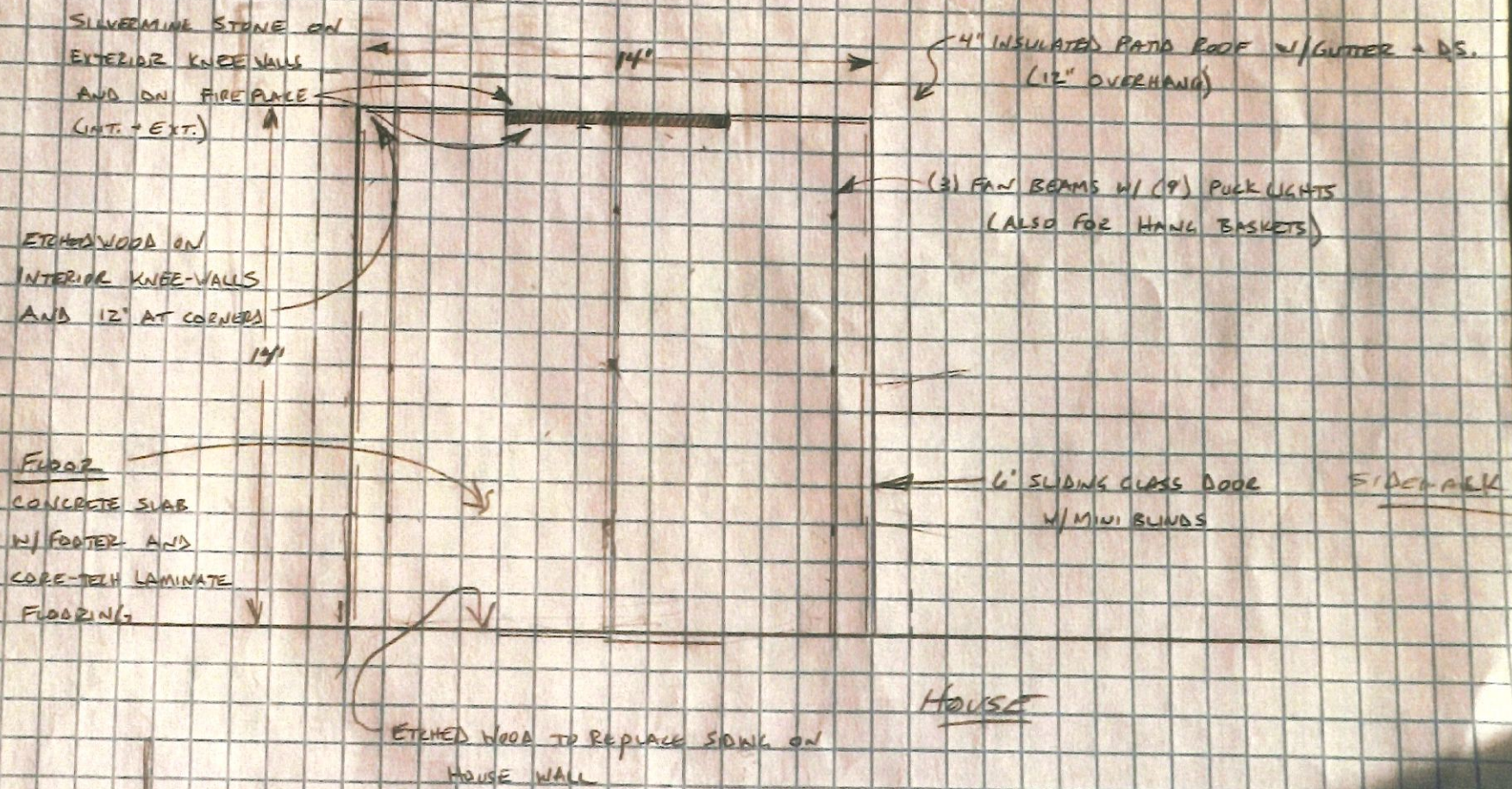
Cost 68,328



Proposed 14' x 14'
sunroom

10' setback to overhang

CAROL MILLER
1640 AUTUMN BLAZE LN
GOSHEN, IN 46528
574-312-1991
24.ELORAC@MAIL.COM



MANT. PG. 10 CW BAUGHN

LOCATION: 605 Skyview Drive
CASE NUMBER: 25-11UV

DATE: October 28, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Chelsea M Curtis & Clayton L Chrisman (owners)

REQUEST: The applicants request a use variance to allow a hair salon in a detached accessory building where beauty shops are a permitted use in the Commercial B-1, B-2, B-3, & B-4 Districts

LOT SIZE: ±3.2 Acres; ±319' of frontage; depth varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 33

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water & sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Scenic Hills Estates

THOROUGHFARES: Skyview Drive

TOPOGRAPHY: Largely wooded; elevation varies, inclining northwards

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses
Beauty shops are listed as a permitted use in the Commercial B-1, B-2, B-3, & B-4 districts

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

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

ANALYSIS

The subject property is a single-family home on an approximately three-acre lot in the northern limits of the City. It is located at the end of a cul-de-sac on Skyview Drive where zoning is R-1 and surrounding properties are similarly large and single family. The North Meadow Estates neighborhood is directly to the east and also predominantly single family. Improvements to the property include a one-story home with a footprint of approximately 2,128 SF, a detached garage approximately 672 SF in area, and a small shed.

The petitioners are proposing to use a portion of the detached garage as a hair salon. One of the occupants of the home will run the business, which includes the following details:

- Approximately 230 SF of salon floor space—large enough for one stylist
- Hair care services will include cuts, colors, styles, and perms
- Will serve no more than six clients per day

In September of this year, the Board of Works approved allowing the garage, which is considered a subordinate structure to the home, to be connected to City water and sewer, and also allowing a driveway expansion that will be partially surfaced with gravel.

Hairdressing falls under the Zoning Ordinance category of beauty shop, which is a permitted use in the in the B-1, B-2, B-3, and B-4 districts; it is not permitted the R-1 District unless it meets the definition of home occupation.

In this instance, where utility services are being added to a detached structure, the residential character of the property is being changed, so it is not a home occupation. A use variance is thus required.

Staff recommends approval of the use variance with conditions and commitments. The primary concern is the impact commercial activity will have on the residential make-up of Skyview Drive, so approval should stipulate that:

- The residence remains the primary use, with the hair salon as an accessory use
- The salon can only have one stylist, appointment-only customers, and follows the description from the applicant's letter
- The property cannot be subdivided or separated in a manner that the building with the salon is under separate ownership from the home

If the use variance is approved with conditions and commitments, all developmental requirements will be met, including the required minimum parking for the home and salon (four total spaces). Any construction related to the salon use will be built to meet Building Code requirements. The property is over three acres in size, located at the end of a cul-de-sac, and can accommodate a small salon in a detached structure that would be permitted by right in the primary structure. Detached garages are permitted on residential properties. The proposed salon will be entirely inside a detached garage that is setback approximately 85' from the right of way, making it difficult to notice and low intensity.

FINDINGS OF FACT

Staff recommends **approval with conditions and commitments** of a use variance to allow a hair salon in a detached accessory building where beauty shops are a permitted use in the Commercial B-1, B-2, B-3, & B-4 Districts, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** If the use variance is approved with conditions and commitments, all developmental requirements will be met, and any improvements related to the salon use will be built to meet Building Code requirements. *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.** Detached garages are permitted on residential properties. The proposed salon will be entirely inside a detached garage that is set back approximately 85' from the right of way, making it a difficult to notice and low intensity. There is ample parking on the subject property to meet the minimum requirements for the home and salon. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The property is over three acres in size, located at the end of a cul-de-sac, and can accommodate a small salon in a detached structure that would be permitted by right in the primary structure. *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 proposed salon is very close to meeting the definition of a home occupation, which is permitted by right in the R-1 District. Because the detached subordinate structure will be connected to City utilities, it alters the residential character of the property so a variance is needed. However, all developmental requirements will be met, and it will be difficult to notice the commercial use on the subject residential property. *The standard is confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** Approval of the proposed salon supports Goshen's Comprehensive Plan's objective of "promot(ing) the development of small businesses and entrepreneurship networks" (Economic Development 3.5) *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, Fire, and Departments is required.
5. The salon shall be connected to City water and sewer.

If approved, the following Commitments shall apply:

1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. The entire property shall remain under single ownership; it shall not be subdivided in a manner that results in the subject detached garage being on a separate lot from the home.
3. The salon use shall be accessory to the residential use, which shall remain the primary use of the property.
4. The salon shall accommodate one stylist only, be appointment-based only, and be as described in the document "605 Skyview_Salon_Owner Letter Received 10/6/25"



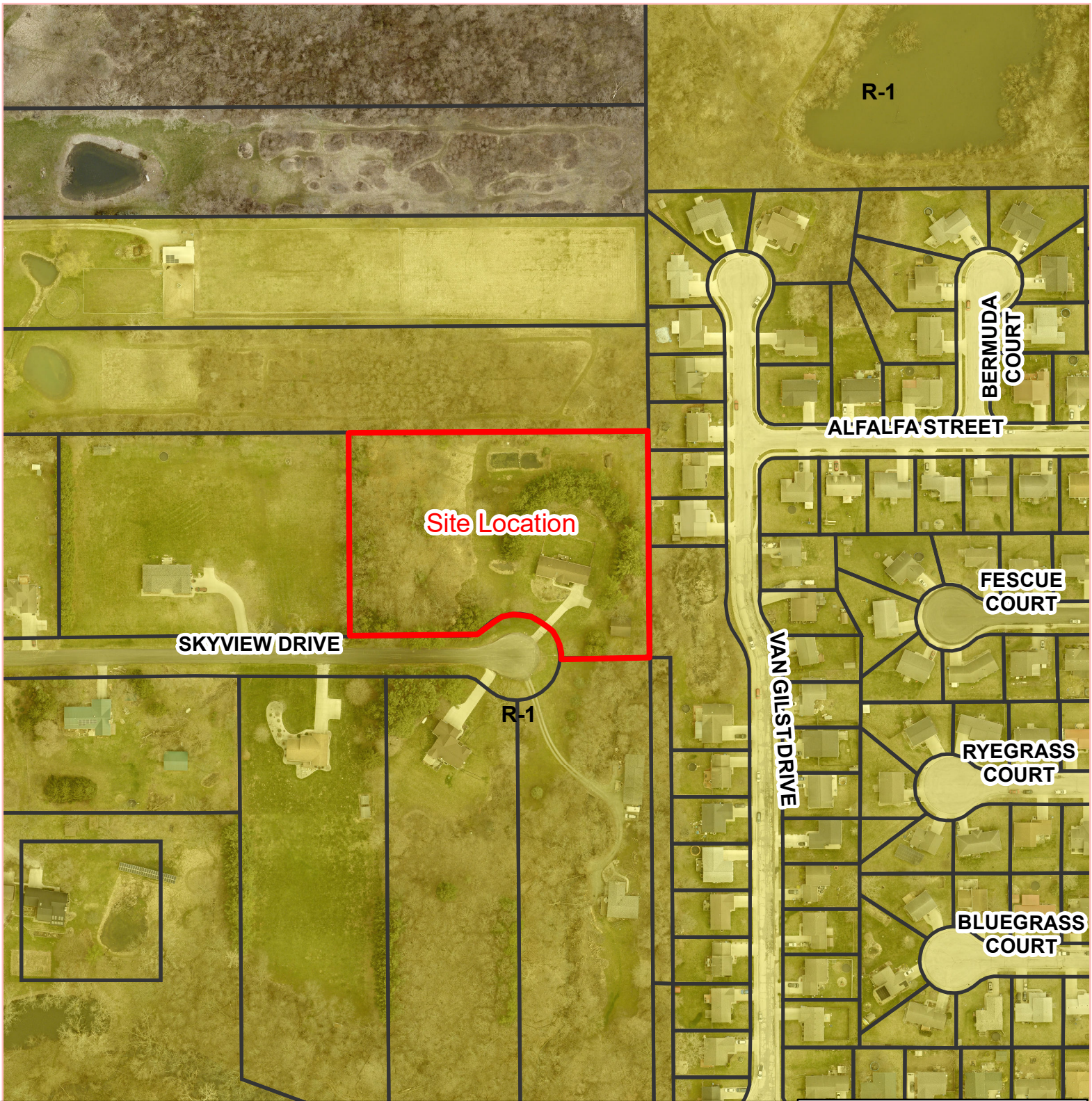
Looking northeast from Skyview Drive



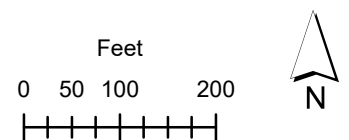
Looking east



Looking north



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1 inch = 200 feet

605 Skyview Dr

2023 Aerial
Printed October 7, 2025

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

City of Goshen

Board of Zoning Appeals

Re: Request for Use Variance – 605 Skyview Drive

Dear Members of the Board,

I am writing to respectfully request the approval of a use variance for my property located at [605 Skyview Dr Goshen IN, 46528]. We are seeking permission to operate a small studio salon within a subordinate structure on the property. We have already received approval from the Board of Works for the construction of a driveway to the subordinate structure, as well as the connection of water and sewer services to the building. With those approvals in place, we now turn to you for consideration and support for this variance.

The proposed salon space will be modest in size, measuring 11'7" x 20', and will accommodate just one stylist. Services offered will include a full range of hair care, such as cuts, colors, styles, and perms. On average, the salon is expected to serve approximately no more than 6 clients on an average workday. This limited scale will keep traffic and activity minimal, ensuring little to no disruption to the surrounding neighborhood.

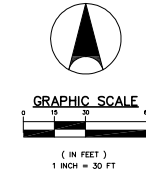
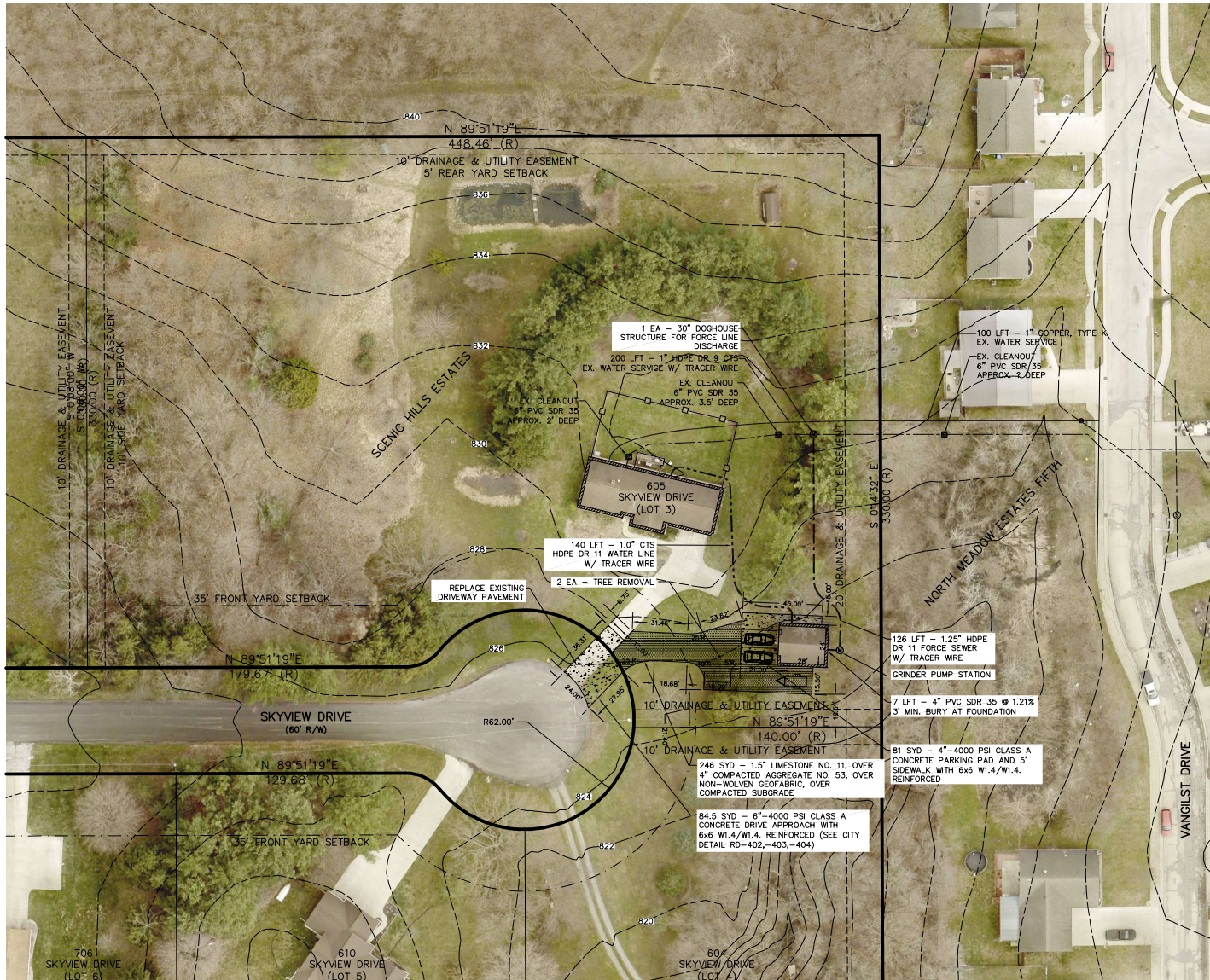
Our decision to propose the salon within the subordinate structure is twofold: first, to maintain a clear separation between work and home life, and second, to make operating my business more sustainable in the long term. Establishing this space at home will allow me to save money compared to continually renting a chair or salon space elsewhere.

Looking ahead, as my family begins to establish and we prepare for the future of raising children, this arrangement will also provide me with the flexibility to slow down when needed while still being able to serve clients on a part-time basis. Having a professional yet small-scale salon on our property offers the best balance between continuing my career and preparing for family life.

We believe this project will be a positive addition that benefits both our family and the community. It allows us to provide a needed, community-based service while preserving the residential character of our neighborhood. We respectfully ask for your approval of this variance and greatly appreciate your time, thoughtful consideration, and support.

Thank you very much for your attention.

Sincerely, Clayton Chrisman & Morgan Brew



DRAWINGS PRODUCED
ON 11"x17" PAPER ARE
HALF (1/2) SIZE

PROPERTY INFORMATION

SUBDIVISION

SCENIC HILLS ESTATES, A PART OF THE WEST 1/2 OF
THE SOUTHWEST 1/4, SECTION 4, TOWNSHIP 36,
RANGE 6 EAST, PLATTED AUGUST 13, 1979

SETBACKS (PRIMARY STRUCTURE)

FRONT YARD - SKYVIEW ROAD - 35'
REAR YARD - 25'
SIDE YARD - 8'

SETBACKS (ACCESSORY STRUCTURE)

FRONT YARD - SKYVIEW ROAD - 35'
REAR YARD - 5'
SIDE YARD - 5'

ZONING

RESIDENTIAL R-1

PROPERTY COVERAGE

PARCEL AREA - 139,392 SFT
STRUCTURE - 1960 SFT
COVERAGE PERCENTAGE - 1.41%

REQUIRED SALON PARKING

1 SPACE PER TWO EMPLOYEES
3 SPACES PER OPERATOR STATION
4 TOTAL SPACES REQUIRED

UTILITY CARD INFORMATION

SANITARY SEWER

INSTALLATION YEAR - 07/22/2002
PLUMBER - TAYLORS MAINLINE
SEWER LATERAL IN R/W - POLYVINYL CHLORIDE (PVC)
SEWER LATERAL ON PROPERTY - POLYVINYL CHLORIDE (PVC)
DEPTH OF SEWER MAIN - UNKNOWN'
DEPTH OF LATERAL AT CURB - 3'
DEPTH OF LATERAL AT HOUSE - 2'

WATER SERVICE

INSTALLATION YEAR - 06/28/2005
PLUMBER - UNKNOWN
WATER MATERIAL PUBLIC SIDE - 1" COPPER
WATER MATERIAL CUSTOMER SIDE - 1" HDPE DR 9 CTS
W/ TRACER WIRE
WATER SERVICE FROM WATER MAIN TO CURB STOP
NOTED TO BE COPPER. SERVICE ENTRY INTO HOME IS
COPPER.

OWNER
DEVELOPED
PLAN

No.	Revision	Pre-bid	Post-bid	Date

ELKHART CO.
ELKHART TWP
HOME BUSINESS
IN ACCESSORY BUILDING
1 CHAIR HAIR SALON

CHRISMAN PROPERTY
605 SKYVIEW DRIVE

SITE PLAN

Project No.	2025-0001
Approved by	DKS
Designed by	DKS
Drafted by	DKS
Date	SEPT 2025
Scale	1" = 20'
Sheet	V100

LOCATION: 400 Reservoir Place
CASE NUMBER: 25-28DV

DATE: October 28, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Goshen College, Inc (owner); Abonmarche Consultants (agent)

REQUEST: The applicants request developmental variances to allow a non-illuminated freestanding sign 14 Sf in area and 6' in height on the corner of Main Street & River Vista Drive and a non-illuminated freestanding sign 7 Sf in area and 8' in height along River Vista Drive where only ground signs are permitted

LOT SIZE: ±17.33 Acres; ±1,938 of frontage (±747' on Main Street; ±764' on River Race Drive; ±427' on Reservoir Place); Depth Varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 40

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential, commercial, institutional

NEIGHBORHOOD: Historic Racemere Peninsula

THOROUGHFARES: Main Street, River Vista Drive, & Reservoir Place

TOPOGRAPHY: Relatively level; heavily wooded; partially bounded to the west by the Goshen Dam Pond

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5100.3*, Permitted Signs by District
 - A. Signs permitted in the A-1 Agricultural District and R-1, R-1S, R-1, R-3, and R-4 Residential Districts are as follows:
 - 2. Only Ground Signs are permitted

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

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

ANALYSIS

The subject property is an approximately 17-acre tract on the south side of the Historic Racemere Peninsula neighborhood. It is bounded to the east by Main Street, to the north by River Race Drive, and to the west by the Goshen Dam Pond and Reservoir Place, where it is accessed.

The property has long been owned and used by Goshen College. It includes an approximately 2,015 SF cabin, a 1,000 SF open air pavilion, and Witmer Woods, which is an approximately 13-acre woodland and trail area. The property is used for recreational, ceremonial, and educational purposes. It is zoned R-1 and is not part of Goshen College's PUD.

The petitioners are proposing to install two non-illuminated signs on the property that will need approval of developmental variances because the R-1 District permits small ground signs only. Request details include the following:

1. A freestanding sign located in the northeast corner of the property at the intersection of Main Street and River Race Drive. This sign will be 6' in height and 4.25' x 3.25' (14 SF) in area
2. A freestanding sign located along River Race Drive that is 8' in height and 2.5' x 2.7' (7 SF) in area

Staff recommends approval of the request. The property is zoned R-1 but is not a residential use and does not have the character of a residential property. It is over 17 acres in size and has close to 2,000' of frontage along three streets, so two signs will be relatively inconspicuous. The proposed signs are non-illuminated, so they will not shine on adjacent properties or produce an unsightly glare in the neighborhood.

The property is unique—it is a large tract used by a college for recreation and other auxiliary uses that are low in intensity. Installation of two non-illuminated signs that are small in size relative to the site is reasonable.

The petitioners have proposed to locate the sign along River Vista Drive 1' from the property line. Where freestanding signs are permitted, they are required to be placed a minimum of 5' from property lines, and there should be a condition that the proposed signs also meet the minimum 5' setback. On a property this size, there is no reason not to meet the required minimum setback.

FINDINGS OF FACT

Staff recommends **approval** of developmental variances to allow a non-illuminated freestanding sign 14 Sf in area and 6' in height on the corner of Main Street & River Vista Drive and a non-illuminated freestanding sign 7 Sf in area and 8' in height along River Vista Drive where only ground signs are permitted, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** If approved with the recommended conditions, the signs will be located a minimum of 5' from all property lines, a distance clear enough not to interfere with traffic and maneuvering around the property. *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 signs are non-illuminated, so they will not shine on adjacent properties or produce an unsightly glare in the neighborhood. The subject property is over 17 acres in size and has close to 2,000' of frontage along three streets, so two signs will be relatively inconspicuous. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** The property is unique—it is a large tract used by a college for recreation and other auxiliary uses that are low in intensity. Installation of two non-illuminated signs that are small in size relative to the site is reasonable. *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. Engineering approval is required.
5. The signs shall be installed a minimum of 5' from all property lines and outside any vision clearance areas.



Looking southwest across Main Street at the northeast corner of the property



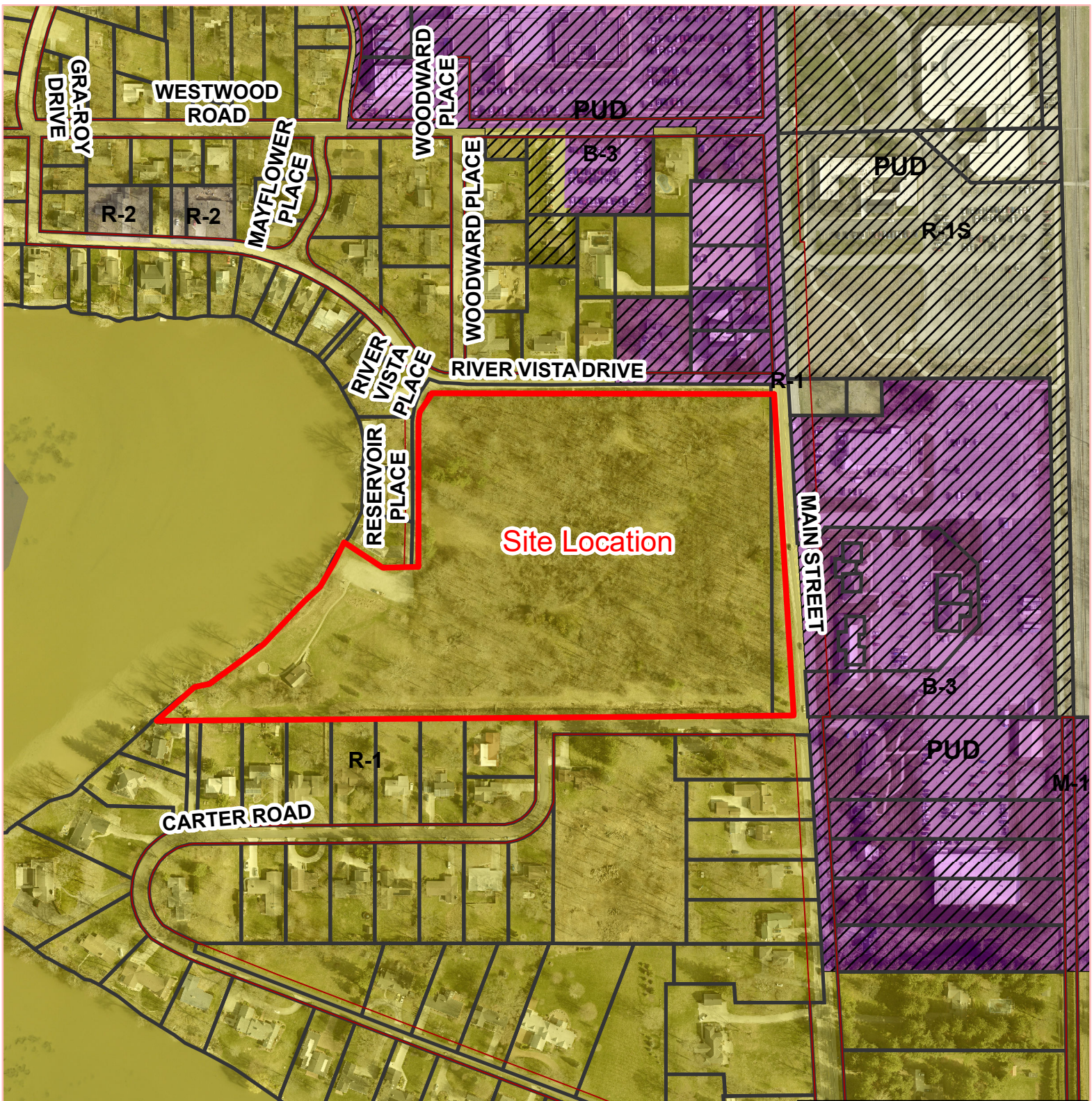
Looking southwest across River Race Drive at the approximate location of one of the signs



Looking east along River Race Drive



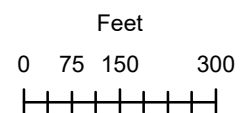
Looking south along Reservoir Drive



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400 Reservoir Place

2023 Aerial
Printed October 9, 2025



1 inch = 300 feet



The City of Goshen
Department of

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

O:\PROJECTS\2025\25-0926 GOSHEN COLLEGE 2025 CAMPUS SIGNAGE - PHASE 1 (D-PD)\25 CIVIL\24 CAD\PLANS\25-0926 WITMER WOODS SITEDWG SP-01 (S09) TOM RUNKLE 10.8.2025 2:33 PM



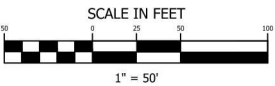
PROPOSED SIGN LOCATIONS PLAN



DIRECTIONAL SIGN 3 ELEVATION (NOT TO SCALE)



DIRECTIONAL SIGN 1 ELEVATION (NOT TO SCALE)



Calvin Swartzendruber
Karen Swartzendruber
415 Park Ct
Goshen, IN 46528

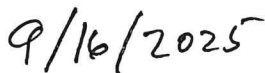
We, the undersigned, do hereby request that use variance 11-07UV be rescinded, effectively immediately, as the use for which it was established (beauty shop) no longer exists, and there are no plans for this use to continue. The beauty salon ceased operations on March 13, 2020. The space formerly used by the beauty shop has reverted to single family residential use for storage, a workshop/home office, and half bath.



Calvin Swartzendruber



Karen Swartzendruber



Date



Date

Goshen Board of Zoning Appeals
204 E. Jefferson Street, Suite 4
Goshen, Indiana 46528
574-534-3600

TO: Calvin & Karen Swartzendruber
415 Park Court
Goshen, IN 46528

RE: 11-07UV – 415 Park Court

You are hereby notified that the request for a use variance to allow for a one chair beauty shop in an R-1 zoning district, a 19' x 14' building addition will be added to the rear of the existing home to accommodate the beauty shop for the property generally located at 415 Park Court and zoned Residential R-1, was heard at the meeting of the Goshen Board of Zoning Appeals on June 28, 2011, and was acted upon as follows:

DENIED _____ APPROVED XX TABLED _____ WITHDRAWN _____

With approval the following conditions shall apply:

1. The approval shall be for a beauty shop with one chair only.
2. The owner/operator shall reside on the premises.
3. One unlighted, flush-mounted wall sign less than two (2) sq. ft. in area shall be allowed.
4. Customers will be scheduled by appointment only. Therefore there will be only one customer at a time. Two customers may overlap briefly when arriving or leaving.
5. There will be a maximum of eight customers per day.
6. One vehicle or less per hour on average is allowed.
7. Customer vehicles will be parked on the driveway away from the street.
8. There will be no regular deliveries or pick-ups to the property.
9. Hours of operation will be 9:30 am to 6:00 pm Monday through Friday only.
10. No other services besides hair service will be offered.
11. Any retail sales are to be incidental to the hair service provided. No other retail sales will be allowed.

When the Board's action is one of approval, the authorization is granted contingent upon a paid filing fee and any conditions placed on the petition by the Board. Deviation from said requirements and conditions automatically cancels and terminates the approval or permit. If approved, this variance is granted for a period of six (6) months, and shall become null and void unless a Building permit has been issued and substantial progress has been made.



Rhonda L. Yoder, AICP
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405
Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185
rhondayoder@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Zoning Appeals Members
FROM: Rhonda Yoder, City Planner
DATE: October 28, 2025
RE: Proposed Amendment to BZA Rules of Procedure Related to Notices & Electronic Meetings

On June 24, 2025, the BZA adopted the following resolutions:

- Resolution 2025-BZA01, Resolution of the Goshen Board of Zoning Appeals Adopting a Policy to Provide Public Notice of Meetings
- Resolution 2025-BZA02, Resolution of the Goshen Board of Zoning Appeals Adopting an Electronic Meetings Policy to Allow Members of the Board of Zoning Appeals to Participate in Meetings by an Electronic Means of Communication

Both resolutions impact the BZA Rules of Procedure, and the proposed Rules amendment is shown below in red and is also provided in the attached full document, red line and clean copy.

II. Meetings

1. Regular sessions of the Board shall be conducted on the fourth Tuesday of each month or as otherwise provided by the Board.
2. Special sessions may be called by the Chair or by any two (2) members upon written request to the Recording Secretary, who shall notify all members of such meeting by verbal or written notice, provided that the time for any regular or special meeting may be fixed at any duly called session of the Board.
3. A majority of the entire membership of the Board shall constitute a quorum.
4. Action by the Board is not official unless it is authorized by a majority of the entire membership of the Board. When a vote of the Board does not result in an official action of the Board as set forth in this rule, the appeal or petition shall be automatically continued and set for hearing at the next regularly scheduled meeting of the Board.
5. A member of the Board who is not physically present at a meeting of the Board may participate in the meeting of the Board by any electronic means of communication following Indiana Code 5-14-1.5-3.5 and Resolution 2025-BZA02 (Exhibit D, incorporated herein by reference). A member who intends to participate by an electronic means of communication must notify Board staff no later than one week prior to the date of the meeting and must provide the reason for participating electronically.
6. A member of the Board may not participate in a hearing or decision concerning a zoning matter in which he or she has a disqualification under IC 36-7-4-909. A member shall declare his/her own disqualification. Questions as to whether such disqualification is appropriate may be determined by the Chair of the Board or the Board's attorney. The Board shall enter into its records the fact that a regular member has such a disqualification, and the name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

7. Public notice of ~~the date, time, and place of~~ any meetings shall be given by the Board's staff following Indiana Code 5-14-1.5 and Resolution 2025-BZA01 (Exhibit E, incorporated herein by reference). ~~at least forty-eight (48) hours before the meeting.~~ Public notice shall be given by:
 - a. Posting a copy of the notice at Goshen City Hall; ~~the principal office of the public agency holding the meeting or if no such office exists, at the building where the meeting is to be held~~
 - b. Publishing the notice on the City of Goshen's website; and
 - c. ~~Depositing in the US mail with postage prepaid, or delivering~~ Transmitting the notice by electronic mail to all news media which deliver to the Board or the Goshen Clerk-Treasurer's Office ~~by January 4~~ an annual written request for such notices ~~not later than December 31~~ for the next succeeding calendar year ~~to the Board.~~
8. An agenda of all regular and special meetings shall be posted at the entrance to the location of the meeting prior to its commencement.

The full resolutions are inserted as appendices.

Related to electronic meetings:

- Advance notice is required, as a special link to the meeting will need to be emailed to the member who is participating electronically prior to the meeting, and this comes from staff outside the Planning office.
- The reason for participating electronically is required, as electronic participation is limited to two times in a calendar year unless the participation is due to:
 - military service;
 - illness or other medical condition;
 - death of a relative; or
 - an emergency involving actual or threatened injury to persons or property.
- Members may not participate electronically in a meeting at which the BZA may take action to:
 - Establish or increase a fee; or
 - Establish or increase a penalty.
- During a meeting where a member is participating electronically:
 - At least 50% of members must be physically present (three members must be in person).
 - All votes taken must be by roll call vote.
 - A member may participate in final action only if the member can be seen and heard.

**RULES FOR THE BOARD OF ZONING APPEALS
CITY OF GOSHEN, INDIANA**

I. Memberships, Vacancies and Staff

1. The Board of Zoning Appeals ("the Board") shall consist of five members who shall be appointed in accordance with IC 36-7-4-902 and 905. Each citizen member shall confirm that he/she meets all applicable residency requirements for appointment by executing and filing with the Board a certification of residency in the form set forth in Exhibit A of these Rules and incorporated herein by reference.
2. None of the Board members may hold other elective or appointive office, except as permitted in IC 36-7-4-902 and 905.
3. If a vacancy appears among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.
4. The appointing authority may also appoint an alternate member to participate with the Board in any hearing or decision in which a regular member is disqualified under IC 36-7-4-909 or otherwise unavailable to participate in the hearing or decision.
5. A member who misses three (3) consecutive regular meetings may be treated as resigned at the discretion of the respective appointing authority.
6. Officers and Employees
 - a. At the first meeting of each year, the Board shall elect a Chair, Vice-Chair and Secretary from its members.
 - b. The Chair shall preside over all regular and special meetings of the Board. The Vice-Chair may act as a Chair during the absence or disability of the Chair. In the event both the Chair and Vice-Chair are absent from a regularly scheduled meeting, a temporary Chair shall be elected from the membership to chair the meeting.
 - c. The Board may appoint and fix the compensation of a Recording Secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensations therefore fixed by the City Council.
 - d. The Recording Secretary shall be the custodian of the records and shall conduct all official correspondence. The Recording Secretary shall keep accurate minutes and records of all proceedings of the Board which shall be presented to the Board at the succeeding meeting for approval. When so approved, the minutes shall be signed by the Chair and attested to by the Secretary. All minutes and records shall be filed in the Office of the Board and are public records. The Board may record the proceedings of each meeting to substantiate and clarify the official minutes.

II. Meetings

1. Regular sessions of the Board shall be conducted on the fourth Tuesday of each month or as otherwise provided by the Board.
2. Special sessions may be called by the Chair or by any two (2) members upon written request to the Recording Secretary, who shall notify all members of such meeting by verbal or written notice, provided that the time for any regular or special meeting may be fixed at any duly called session of the Board.
3. A majority of the entire membership of the Board shall constitute a quorum.

4. Action by the Board is not official unless it is authorized by a majority of the entire membership of the Board. When a vote of the Board does not result in an official action of the Board as set forth in this rule, the appeal or petition shall be automatically continued and set for hearing at the next regularly scheduled meeting of the Board.
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6. A member of the Board may not participate in a hearing or decision concerning a zoning matter in which he or she has a disqualification under IC 36-7-4-909. A member shall declare his/her own disqualification. Questions as to whether such disqualification is appropriate may be determined by the Chair of the Board or the Board's attorney. The Board shall enter into its records the fact that a regular member has such a disqualification, and the name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.
7. Public notice of ~~the date, time, and place of~~ any meetings shall be given by the Board's staff following Indiana Code 5-14-1.5 and Resolution 2025-BZA01 (Exhibit E, incorporated herein by reference). ~~at least forty-eight (48) hours before the meeting.~~ Public notice shall be given by:
 - a. Posting a copy of the notice at ~~Goshen City Hall; the principal office of the public agency holding the meeting or if no such office exists, at the building where the meeting is to be held~~
 - b. Publishing the notice on the City of Goshen's website; and
 - c. ~~Depositing in the US mail with postage prepaid, or delivering~~ Transmitting the notice by electronic mail to all news media which deliver to the Board or the Goshen Clerk-Treasurer's Office by January 1 an annual written request for such notices not later than December 31 for the next succeeding calendar year ~~to the Board.~~
8. An agenda of all regular and special meetings shall be posted at the entrance to the location of the meeting prior to its commencement.

III. Appeals and Variance Requests

1. Appeals
 - a. Any person or persons, firm or corporation, jointly or severally aggrieved by any requirement of the Zoning Ordinance, decision or determination made by an administrator, official or Board charged with its enforcement may file an appeal with the Board of Zoning Appeals. All appeals shall be filed within thirty (30) days from the date of the action from which such an appeal is taken.
 - b. Upon appeal, the Board may reverse, affirm, or modify any order, requirement, decision, or determination so appealed. For this purpose, the Board has all the powers of the official, officer, Board, or body from which the appeal is taken.
 - c. In deciding an appeal, the Board's decision shall be based upon the Goshen City Zoning and/or Subdivision Ordinances, Rules and Procedures established by the Board, and/or any other relevant statutes or case law. The Board shall make a decision which upholds the intent and purposes of the above Ordinances, rules or other authority, and shall enter written findings of fact on all appeal decisions. A majority vote of the entire membership of the Board is required to overturn a decision of the Code Enforcement Officer, Zoning Administrator or a designated staff member.
2. Petitions for Variances
 - a. The Board shall have the power to hear and decide all requests for variances.

- b. The Zoning Administrator, or a designated staff member, shall determine if an application for a variance is a variance of use or a variance from the developmental standards.
- c. The Board, in granting approval of a variance, may impose reasonable conditions and impose or allow commitments concerning the use or development of the parcel of land in question as part of its approval. Such condition(s) and commitment(s) shall be specifically stated and recited to the petitioner. The Board may impose a time limit upon the fulfillment of any such requirement(s). The petitioner shall be required to notify the Board's staff of the fulfillment of such requirement(s). In the event any condition of the decision has not been fulfilled or the time for compliance has expired, the staff shall issue a request to the petitioner to show cause before the Board why the decision should not be revoked and rescinded. The Board may investigate the matter and take such remedy as it deems appropriate.

IV. Filing Procedures

- 1. Applications or petitions shall be filed with the Zoning Administrator, or a designated staff member, on the form prescribed and legible at least twenty (20) days prior to the date of the hearing to be held by the Board.
- 2. The following items must be filed with the application or petition:
 - a. In appeals, the ruling or order from the administrative official on which the application is based.
 - b. Applications for variances shall be accompanied by a site plan with the following information:
 - i. North arrow and scale;
 - ii. Property boundary lines with dimensions of any existing and proposed structures from property boundary lines;
 - iii. Any other information the applicant or Board deems necessary to help in decision making.
 - c. Any other pertinent data which will assist the Board to determine whether the application for a variance should be granted based upon the standards set forth in the Goshen City Zoning Ordinance.
 - d. Such data and/or information necessary for a clear understanding and intelligent action by the Board.
 - e. The application is to be filed by the legal owner or his or her attorney. If the application is filed by any person other than the legal owner or his or her attorney, the staff may require such authorization in writing from the legal owner.
 - f. Filing fee.
 - g. A list containing the names and addresses of "interested persons" (as defined below) entitled to notice.
- 3. Appeals and applications will be docketed and placed on the calendar when all data required has been filed.

V. Interested Persons and Notice Provisions

Pursuant to IC 36-7-4-920, the Board establishes the following rules regarding the definition of interested persons and notice requirements in cases of administrative appeals and variances.

- 1. "Interested Persons" for purposes of appeals and variance requests shall be defined as all property owners within 300 feet of the boundaries of the property which is the subject of the appeal, or petition.

2. Notice shall be given by the Board to all interested persons by First Class mail postmarked at least ten (10) days prior to the hearing. Proof of such mailing shall be made by affidavit in the form provided by the Board.
3. Public notice of the hearing shall also be given at least ten (10) days prior to the hearing by insertion of one legal advertisement in a newspaper of general circulation in the County. This notice shall be given by the Board, and at the cost of the petitioner or applicant.

VI. Public Hearings and Procedural Rules

1. Order of Business

Order of business at regular meetings shall be as listed below, except that said order of business may be changed by the Chair upon the consenting vote of the majority of those members present:

- a. Roll Call
 - b. Approval of past minutes
 - c. Filing of zoning ordinance and staff reports
 - d. Withdrawals/Postponements
 - e. Public hearings
 - f. Audience items
 - g. Staff/Board items
 - h. Adjournment
2. The order of presentation on all petitions or applications shall be as follows:
 - a. The Secretary shall read the application received.
 - b. The Board's staff shall appear before the Board at the hearing and present evidence in support of or in opposition to the granting of the variance or the determination of any other matter.
 - c. The petitioner and/or those appearing on his/her behalf shall present evidence in support of the application.
 - d. Those in the public who wish to comment on the application.
 - e. Response by petitioner to matters raised by public comments.
 - f. Questions by the Board.
 3. Written comments are not required. Both written and in person comments will be permitted.
 4. Every person speaking on the application shall state his/her name and address and shall abide by the order and directions of the Chair. Discourtesy or disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with as the Chair deems proper.
 5. Pursuant to IC 36-7-4-900 et seq., a person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board. However, not less than five days before the hearing, the staff may file with the Board a written statement setting forth any facts or opinions relating to the matter.

VII. Tabling, Dismissal and Withdrawal

1. Tabling by Board's Staff

The Staff is permitted to accept a tabling request and approve such request only once if the following criteria are met:

- a. A letter requesting the tabling is received by the Staff, on or before the Wednesday before the hearing. This letter must contain the following:
 - i. The request to table until the following hearing.
 - ii. A statement that the petitioner will send out at his or her cost the new notice of hearing and time, either using the form the Board uses or a form received by and approved by the Staff.
- b. The petitioner shall submit with the request for tabling a copy of the letter to be sent by the petitioner to all persons who have received notice. The letter shall contain the following information:
 - i. All information used to describe the petition from the original notice letter.
 - ii. A statement that the petition is tabled until the next hearing.
 - iii. A statement that new notices of hearing will be sent out 10 days prior to next hearing giving date and time as prescribed by these rules.
- c. A separate statement that the letters (item 1-b) have been (or will be) sent with post marks on or before the Friday before the hearing.

2. Tabling by the Board

- a. The Board at the beginning of every meeting or at the advertised time may consider a request by a petitioner to table an item set for public hearing. The board at its discretion may grant the request.
- b. The Board may accept public comment for the record even if a tabling has been granted and even when petitioner/representative is not present.
- c. The Board can at its discretion deny the request for tabling which will require the hearing to take place as required.

3. Dismissal by the Board

- a. The Board can, if no representative is present to demonstrate reasons to table, dismiss, at its discretion, with resubmission only at the discretion of the Board. After six (6) months from the date of tabling, the matter may be resubmitted without the Board's approval.
- b. The Board can accept public comment for the record prior to the action for dismissal.

4. Withdrawal Acceptance by Board Staff

The Staff is permitted to accept withdrawal and approve the withdrawal at its discretion only if the following items are complied with:

- a. A letter requesting the withdrawal is received on or before the Wednesday before the hearing by the Staff.
- b. The petitioner must submit with the letter for withdrawal a copy of the letter to be sent by the petitioner to all persons who have received notice. The letter shall contain the following information:
 - i. All information used to describe the petition from the original notice letter.
 - ii. A statement that the petition is withdrawn.
- c. A separate statement that the letters (item 4-b) have been (or will be) sent with post marks of no later than the Friday before the hearing.

5. Withdrawal at the Public Hearing

The Board can require at its discretion, for failure to show, that resubmission be permitted only after six (6) months.

VIII. Final Disposition of Cases

1. The final disposition of any appeal before the Board of Zoning Appeals shall be in the form of an order either reversing or modifying the requirement, order, decision, or determination appealed from or affirming the order and denying the appeal. Specific findings of fact shall be made in support of the Board's decision. The Board may dismiss an appeal for lack of prosecution or for lack of jurisdiction.
2. The final disposition of cases, other than appeals, duly filed and brought before the Board shall be in the form of a Motion, properly adopted, specifically setting forth such disposition and stating all findings of fact in support of the decision.
3. The Board shall make its decision on any appeal or other petition either:
 - a. at the meeting at which the matter is first presented; or
 - b. at the conclusion of the hearing on that matter if it is continued.
4. The Board shall file a copy of its decision in its office within five (5) days after the matter has been decided.
5. All members present shall vote on every question unless excused from voting due to a disqualification or excused from voting by a majority of the members present.
6. No case may be withdrawn by the petitioner after the vote has been ordered by the presiding officer.
7. When the petitioner has failed to appear at two consecutive meetings to prosecute his or her appeal or petition, said appeal or petition may be dismissed for lack of prosecution.
8. No appeal or decision, which has been decided adversely against the petitioner, shall be placed on the docket for consideration by the Board within a period of six (6) months from the date of the decision previously rendered except upon motion of a member adopted by the unanimous vote of all members present at the regular meeting thereof.

IX. Commitments

1. Power to Require Commitments:
The Board may require or allow the owner of a parcel of land subject to a petition before the Board to make a written commitment concerning the use or development of that land as permitted by IC 36-7-4-1015.
2. Creation of the Commitment Document:
This commitment document may be created by the Board attorney/staff or the owner of the property and shall include all terms of commitments set forth by the Board and/or the owner in addition to the standard terms in the commitment form adopted by the Board; the resulting commitment document shall be in substantially the form set forth in Exhibit B of these Rules and incorporated herein by reference. The completed commitment form shall be approved by the Board staff and then signed by the owner in front of a notary public. The commitment shall be effective immediately upon execution by the owner.
3. Recording of the Commitment Document:
The completed form will then be recorded in the Office of the Elkhart County Recorder by the owner at the owner's expense with a copy of the recorded commitment delivered to the Board staff within ten (10) days after recording for placement in the petition or application file. No zoning clearance shall be issued until the recorded commitment has been delivered to the Board staff.
4. Notice of the Commitment:

The owner shall give notice of the commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the parcel of real property. The owner and any subsequent owner and/or any other person or persons acquiring an interest in any portion of the parcel of real property shall be bound by the terms of the commitment.

5. Enforcement of the Commitment:

For the purposes of enforcement of the written and recorded commitment the Board and/or the Zoning Administrator shall be designated as the specially affected person entitled to enforce all written commitments; also any property owner adjacent to the parcel of real property or any specifically affected person listed in the commitment are entitled to enforce the terms of the commitment separately and independently from the Board and/or Zoning Administrator.

6. Violations of the Commitment:

If any person fails to comply with the commitment that person and that property shall be considered to be in violation of the Zoning Ordinance and the commitment itself, and the commitment shall be enforced in accordance with the provisions of the Zoning Ordinance (Article VI, Section 6260, Violation and Penalty) and/or IC 36-7-4-1015.

7. Modification and Termination of the Commitment:

A commitment may contain terms providing for its own expiration or terms providing for automatic termination. A commitment does not automatically terminate upon: (1) a legislative body's adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the parcel of real property, or (2) a change in the land use on the parcel of real property to which the commitment relates. However, an owner may request to voluntarily terminate a variance and any related commitment in their entirety by filing a written request with the Board; the Board shall consider the request at a public meeting without a public hearing or notice; if the Board grants the request and terminates the variance and any related commitment in their entirety, the Zoning Administrator shall execute and record a Termination of Commitment substantially in the form set forth in Exhibit C of these Rules and incorporated herein by reference. Except as otherwise stated above or in the commitment, any commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice is given in accordance with these rules.

8. Effect of the Commitment on the Board:

Requiring or allowing a commitment to be made does not obligate the Board to adopt, approve or favorably recommend the petition to which the commitment relates.

X. Amendments

Amendments to these rules of procedure may be made by the Board of Zoning Appeals at any regular meeting upon the affirmative vote of three members. The suspension of any rule of procedure may be ordered at any meeting by the unanimous vote of those present.

Approved on: _____

Chair

EXHIBIT A

**GOSHEN CITY ADVISORY BOARD OF ZONING APPEALS
CERTIFICATION OF RESIDENCY**

My residence means the place where I have my true, fixed, and permanent home and principal establishment; and to which I have, whenever absent, the intention of returning to. With this understanding, I hereby affirm, under the pains and penalties for perjury, that the following representations are true to the best of my belief and knowledge:

____ I am a resident of the incorporated area of the City of Goshen, Elkhart County, State of Indiana; or

____ I am not a resident of the incorporated area of the City of Goshen, Elkhart County, State of Indiana, but I am a resident of Elkhart County, State of Indiana and an owner of real property located in whole or in part in the incorporated area of the City of Goshen, Elkhart County, State of Indiana.

Dated: _____

(Signature)

(Printed Name)

EXHIBIT B

Result Letter/Commitment Date: _____

Case # _____

Grantor:

Grantee:
City of Goshen Board of Zoning Appeals
204 E Jefferson Street, Suite 4
Goshen, IN 46528

The following shall be referred to as "the Real Estate":

Common Address: _____

Current Tax Code #: _____

Legal Description: See Attachment A

The request for a *use/developmental* variance to permit _____
_____ for the Real Estate, zoned _____, was heard at the meeting of the City of Goshen
Board of Zoning Appeals on _____, and was acted upon as follows:

DENIED ____ APPROVED ____ TABLED ____ WITHDRAWN ____

When the Board's action is one of approval, the authorization is granted contingent upon any conditions and commitments placed on the petition by the Board. Deviation from said conditions and commitments may result in the City of Goshen Board of Zoning Appeals rescinding the approval or permit.

The Grantor, jointly and severally, agree to abide by these conditions:

1. The variance is granted for a period of six (6) months, and shall become null and void unless a Building permit has been issued and substantial progress has been made.
2. The City of Goshen Board of Zoning Appeals approval shall not be effective until this Commitment form has been executed, recorded and returned to the City of Goshen Board of Zoning Appeals staff.
3. No zoning clearance shall be issued until this recorded Commitment has been delivered to the Goshen City Board of Zoning Appeals staff.
- 4.
- 5.

The Grantor, jointly and severally, agree to abide by these commitments concerning the use and/or development of the Real Estate:

- 1.
- 2.
- 3.

Further, the Grantor, jointly and severally, agree to the following concerning the procedures associated with maintenance and enforcement of this Commitment:

1. That this Commitment shall be recorded in the Elkhart County Recorder's Office.
2. That the Grantor shall give notice of this Commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate.

- 3. That any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate shall be bound by the terms of this Commitment even if it is unrecorded.
- 4. That the City of Goshen Board of Zoning Appeals and/or the City of Goshen Zoning Administrator are authorized to enforce the terms of this Commitment.
- 5. That any property owner adjacent to the Real Estate or any specifically affected persons listed below are entitled to enforce the terms of this Commitment separately and independently from the City of Goshen Board of Zoning Appeals and/or the City of Goshen Zoning Administrator; specifically affected persons are: _____
- 6. This Commitment does not automatically terminate upon a legislative body’s adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the Real Estate, or a change in the land use on the Real Estate to which this Commitment relates. However, this Commitment and any related variance may be voluntarily terminated in their entirety pursuant to the City of Goshen Board of Zoning Appeals Rules of Procedure.
- 7. This Commitment may be modified or terminated only by a decision of the City of Goshen Board of Zoning Appeals after public hearing, except as otherwise stated herein.
- 8. That any and all signatories to this document as a Grantor warrant, jointly and severally, to the City of Goshen Board of Zoning Appeals that all persons having interest in the Real Estate have reviewed this Commitment and have signed this document.
- 9. This Commitment shall be effective immediately upon execution by the Grantor.

_____, City of Goshen Board of Zoning Appeals Secretary

Agreed this the _____ day of _____ 201__ by the following owner(s):

Print Name & any title

Print Name & any title

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, and acknowledged the execution of the foregoing instrument this _____ day of _____, 201__.

IN WITNESS WHEREOF, I hereunto subscribe my name and affixed my official seal,

My Commission Expires: _____

Notary Public

I, _____, did prepare this document and do affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Exhibit C

TERMINATION OF COMMITMENT

This is to certify that the Commitment given by _____, as Grantor, to the City of Goshen Board of Zoning Appeals, as Grantee, executed on the ____ day of _____, 20____, and recorded on the ____ day of _____, 20____, as Document No. 20____-_____, in the Office of the Recorder of Elkhart County, Indiana, is hereby terminated and released in its entirety as to the following described real estate in Elkhart County, Indiana:

IN WITNESS WHEREOF, the City of Goshen Board of Zoning Appeals, Grantee aforesaid, by and through its Zoning Administrator, has hereunto set its hand and seal this ____ day of _____, 20____.

City of Goshen Board of Zoning Appeals

By: _____
_____, its Zoning Administrator

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the City of Goshen Board of Zoning Appeals, by _____, its Zoning Administrator, and acknowledged the execution of the foregoing Termination of Commitment this ____ day of _____, 20____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: _____
_____, Notary Public
Resident of Elkhart County, Indiana

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law (_____).

Prepared by: _____

RESOLUTION 2025-BZA02

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

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

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

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

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

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

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

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

Section 2. Limitations

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

Section 3. Technological Failure

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

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

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

Section 4. Minutes or Memoranda

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

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

Section 5. Declared Emergencies

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

Section 6. Definitions

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

Section 7. Application

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

Section 8. Intent of Policy

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

Section 9. Effective Date

This resolution shall be effective from and after adoption.

PASSED and ADOPTED by the Goshen Board of Zoning Appeals on June 24, 2025.

Thomas Hotfeger
Matthew R. [Signature]
Jim M. Towen
[Signature]
[Signature]

EXHIBIT E

RESOLUTION 2025-BZA01

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

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

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

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

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

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

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

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

PASSED and ADOPTED by the Goshen Board of Zoning Appeals on June 24, 2025.

Thomas Holmgren
Matthew R. [Signature]
Jim M. [Signature]
Robert [Signature]

**RULES FOR THE BOARD OF ZONING APPEALS
CITY OF GOSHEN, INDIANA**

I. Memberships, Vacancies and Staff

1. The Board of Zoning Appeals ("the Board") shall consist of five members who shall be appointed in accordance with IC 36-7-4-902 and 905. Each citizen member shall confirm that he/she meets all applicable residency requirements for appointment by executing and filing with the Board a certification of residency in the form set forth in Exhibit A of these Rules and incorporated herein by reference.
2. None of the Board members may hold other elective or appointive office, except as permitted in IC 36-7-4-902 and 905.
3. If a vacancy appears among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.
4. The appointing authority may also appoint an alternate member to participate with the Board in any hearing or decision in which a regular member is disqualified under IC 36-7-4-909 or otherwise unavailable to participate in the hearing or decision.
5. A member who misses three (3) consecutive regular meetings may be treated as resigned at the discretion of the respective appointing authority.
6. Officers and Employees
 - a. At the first meeting of each year, the Board shall elect a Chair, Vice-Chair and Secretary from its members.
 - b. The Chair shall preside over all regular and special meetings of the Board. The Vice-Chair may act as a Chair during the absence or disability of the Chair. In the event both the Chair and Vice-Chair are absent from a regularly scheduled meeting, a temporary Chair shall be elected from the membership to chair the meeting.
 - c. The Board may appoint and fix the compensation of a Recording Secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensations therefore fixed by the City Council.
 - d. The Recording Secretary shall be the custodian of the records and shall conduct all official correspondence. The Recording Secretary shall keep accurate minutes and records of all proceedings of the Board which shall be presented to the Board at the succeeding meeting for approval. When so approved, the minutes shall be signed by the Chair and attested to by the Secretary. All minutes and records shall be filed in the Office of the Board and are public records. The Board may record the proceedings of each meeting to substantiate and clarify the official minutes.

II. Meetings

1. Regular sessions of the Board shall be conducted on the fourth Tuesday of each month or as otherwise provided by the Board.
2. Special sessions may be called by the Chair or by any two (2) members upon written request to the Recording Secretary, who shall notify all members of such meeting by verbal or written notice, provided that the time for any regular or special meeting may be fixed at any duly called session of the Board.
3. A majority of the entire membership of the Board shall constitute a quorum.

4. Action by the Board is not official unless it is authorized by a majority of the entire membership of the Board. When a vote of the Board does not result in an official action of the Board as set forth in this rule, the appeal or petition shall be automatically continued and set for hearing at the next regularly scheduled meeting of the Board.
5. A member of the Board who is not physically present at a meeting of the Board may participate in the meeting of the Board by any electronic means of communication following Indiana Code 5-14-1.5-3.5 and Resolution 2025-BZA02 (Exhibit D, incorporated herein by reference). A member who intends to participate by an electronic means of communication must notify Board staff no later than one week prior to the date of the meeting and must provide the reason for participating electronically.
6. A member of the Board may not participate in a hearing or decision concerning a zoning matter in which he or she has a disqualification under IC 36-7-4-909. A member shall declare his/her own disqualification. Questions as to whether such disqualification is appropriate may be determined by the Chair of the Board or the Board's attorney. The Board shall enter into its records the fact that a regular member has such a disqualification, and the name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.
7. Public notice of any meetings shall be given by the Board's staff following Indiana Code 5-14-1.5 and Resolution 2025-BZA01 (Exhibit E, incorporated herein by reference). Public notice shall be given by:
 - a. Posting a copy of the notice at Goshen City Hall;
 - b. Publishing the notice on the City of Goshen's website; and
 - c. Transmitting the notice by electronic mail to all news media which deliver to the Board or the Goshen Clerk-Treasurer's Office an annual written request for such notices not later than December 31 for the next succeeding calendar year.
8. An agenda of all regular and special meetings shall be posted at the entrance to the location of the meeting prior to its commencement.

III. Appeals and Variance Requests

1. Appeals
 - a. Any person or persons, firm or corporation, jointly or severally aggrieved by any requirement of the Zoning Ordinance, decision or determination made by an administrator, official or Board charged with its enforcement may file an appeal with the Board of Zoning Appeals. All appeals shall be filed within thirty (30) days from the date of the action from which such an appeal is taken.
 - b. Upon appeal, the Board may reverse, affirm, or modify any order, requirement, decision, or determination so appealed. For this purpose, the Board has all the powers of the official, officer, Board, or body from which the appeal is taken.
 - c. In deciding an appeal, the Board's decision shall be based upon the Goshen City Zoning and/or Subdivision Ordinances, Rules and Procedures established by the Board, and/or any other relevant statutes or case law. The Board shall make a decision which upholds the intent and purposes of the above Ordinances, rules or other authority, and shall enter written findings of fact on all appeal decisions. A majority vote of the entire membership of the Board is required to overturn a decision of the Code Enforcement Officer, Zoning Administrator or a designated staff member.
2. Petitions for Variances
 - a. The Board shall have the power to hear and decide all requests for variances.
 - b. The Zoning Administrator, or a designated staff member, shall determine if an application for a variance is a variance of use or a variance from the developmental standards.

- c. The Board, in granting approval of a variance, may impose reasonable conditions and impose or allow commitments concerning the use or development of the parcel of land in question as part of its approval. Such condition(s) and commitment(s) shall be specifically stated and recited to the petitioner. The Board may impose a time limit upon the fulfillment of any such requirement(s). The petitioner shall be required to notify the Board's staff of the fulfillment of such requirement(s). In the event any condition of the decision has not been fulfilled or the time for compliance has expired, the staff shall issue a request to the petitioner to show cause before the Board why the decision should not be revoked and rescinded. The Board may investigate the matter and take such remedy as it deems appropriate.

IV. Filing Procedures

1. Applications or petitions shall be filed with the Zoning Administrator, or a designated staff member, on the form prescribed and legible at least twenty (20) days prior to the date of the hearing to be held by the Board.
2. The following items must be filed with the application or petition:
 - a. In appeals, the ruling or order from the administrative official on which the application is based.
 - b. Applications for variances shall be accompanied by a site plan with the following information:
 - i. North arrow and scale;
 - ii. Property boundary lines with dimensions of any existing and proposed structures from property boundary lines;
 - iii. Any other information the applicant or Board deems necessary to help in decision making.
 - c. Any other pertinent data which will assist the Board to determine whether the application for a variance should be granted based upon the standards set forth in the Goshen City Zoning Ordinance.
 - d. Such data and/or information necessary for a clear understanding and intelligent action by the Board.
 - e. The application is to be filed by the legal owner or his or her attorney. If the application is filed by any person other than the legal owner or his or her attorney, the staff may require such authorization in writing from the legal owner.
 - f. Filing fee.
 - g. A list containing the names and addresses of "interested persons" (as defined below) entitled to notice.
3. Appeals and applications will be docketed and placed on the calendar when all data required has been filed.

V. Interested Persons and Notice Provisions

Pursuant to IC 36-7-4-920, the Board establishes the following rules regarding the definition of interested persons and notice requirements in cases of administrative appeals and variances.

1. "Interested Persons" for purposes of appeals and variance requests shall be defined as all property owners within 300 feet of the boundaries of the property which is the subject of the appeal, or petition.
2. Notice shall be given by the Board to all interested persons by First Class mail postmarked at least ten (10) days prior to the hearing. Proof of such mailing shall be made by affidavit in the form provided by the Board.

3. Public notice of the hearing shall also be given at least ten (10) days prior to the hearing by insertion of one legal advertisement in a newspaper of general circulation in the County. This notice shall be given by the Board, and at the cost of the petitioner or applicant.

VI. Public Hearings and Procedural Rules

1. Order of Business

Order of business at regular meetings shall be as listed below, except that said order of business may be changed by the Chair upon the consenting vote of the majority of those members present:

- a. Roll Call
 - b. Approval of past minutes
 - c. Filing of zoning ordinance and staff reports
 - d. Withdrawals/Postponements
 - e. Public hearings
 - f. Audience items
 - g. Staff/Board items
 - h. Adjournment
2. The order of presentation on all petitions or applications shall be as follows:
 - a. The Secretary shall read the application received.
 - b. The Board's staff shall appear before the Board at the hearing and present evidence in support of or in opposition to the granting of the variance or the determination of any other matter.
 - c. The petitioner and/or those appearing on his/her behalf shall present evidence in support of the application.
 - d. Those in the public who wish to comment on the application.
 - e. Response by petitioner to matters raised by public comments.
 - f. Questions by the Board.
 3. Written comments are not required. Both written and in person comments will be permitted.
 4. Every person speaking on the application shall state his/her name and address and shall abide by the order and directions of the Chair. Discourtesy or disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with as the Chair deems proper.
 5. Pursuant to IC 36-7-4-900 et seq., a person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board. However, not less than five days before the hearing, the staff may file with the Board a written statement setting forth any facts or opinions relating to the matter.

VII. Tabling, Dismissal and Withdrawal

1. Tabling by Board's Staff

The Staff is permitted to accept a tabling request and approve such request only once if the following criteria are met:

- a. A letter requesting the tabling is received by the Staff, on or before the Wednesday before the hearing. This letter must contain the following:

- i. The request to table until the following hearing.
 - ii. A statement that the petitioner will send out at his or her cost the new notice of hearing and time, either using the form the Board uses or a form received by and approved by the Staff.
 - b. The petitioner shall submit with the request for tabling a copy of the letter to be sent by the petitioner to all persons who have received notice. The letter shall contain the following information:
 - i. All information used to describe the petition from the original notice letter.
 - ii. A statement that the petition is tabled until the next hearing.
 - iii. A statement that new notices of hearing will be sent out 10 days prior to next hearing giving date and time as prescribed by these rules.
 - c. A separate statement that the letters (item 1-b) have been (or will be) sent with post marks on or before the Friday before the hearing.
2. Tabling by the Board
- a. The Board at the beginning of every meeting or at the advertised time may consider a request by a petitioner to table an item set for public hearing. The board at its discretion may grant the request.
 - b. The Board may accept public comment for the record even if a tabling has been granted and even when petitioner/representative is not present.
 - c. The Board can at its discretion deny the request for tabling which will require the hearing to take place as required.
3. Dismissal by the Board
- a. The Board can, if no representative is present to demonstrate reasons to table, dismiss, at its discretion, with resubmission only at the discretion of the Board. After six (6) months from the date of tabling, the matter may be resubmitted without the Board's approval.
 - b. The Board can accept public comment for the record prior to the action for dismissal.
4. Withdrawal Acceptance by Board Staff
- The Staff is permitted to accept withdrawal and approve the withdrawal at its discretion only if the following items are complied with:
- a. A letter requesting the withdrawal is received on or before the Wednesday before the hearing by the Staff.
 - b. The petitioner must submit with the letter for withdrawal a copy of the letter to be sent by the petitioner to all persons who have received notice. The letter shall contain the following information:
 - i. All information used to describe the petition from the original notice letter.
 - ii. A statement that the petition is withdrawn.
 - c. A separate statement that the letters (item 4-b) have been (or will be) sent with post marks of no later than the Friday before the hearing.
5. Withdrawal at the Public Hearing
- The Board can require at its discretion, for failure to show, that resubmission be permitted only after six (6) months.

VIII. Final Disposition of Cases

- 1. The final disposition of any appeal before the Board of Zoning Appeals shall be in the form of an order either reversing or modifying the requirement, order, decision, or determination appealed from or

affirming the order and denying the appeal. Specific findings of fact shall be made in support of the Board's decision. The Board may dismiss an appeal for lack of prosecution or for lack of jurisdiction.

2. The final disposition of cases, other than appeals, duly filed and brought before the Board shall be in the form of a Motion, properly adopted, specifically setting forth such disposition and stating all findings of fact in support of the decision.
3. The Board shall make its decision on any appeal or other petition either:
 - a. at the meeting at which the matter is first presented; or
 - b. at the conclusion of the hearing on that matter if it is continued.
4. The Board shall file a copy of its decision in its office within five (5) days after the matter has been decided.
5. All members present shall vote on every question unless excused from voting due to a disqualification or excused from voting by a majority of the members present.
6. No case may be withdrawn by the petitioner after the vote has been ordered by the presiding officer.
7. When the petitioner has failed to appear at two consecutive meetings to prosecute his or her appeal or petition, said appeal or petition may be dismissed for lack of prosecution.
8. No appeal or decision, which has been decided adversely against the petitioner, shall be placed on the docket for consideration by the Board within a period of six (6) months from the date of the decision previously rendered except upon motion of a member adopted by the unanimous vote of all members present at the regular meeting thereof.

IX. Commitments

1. **Power to Require Commitments:**

The Board may require or allow the owner of a parcel of land subject to a petition before the Board to make a written commitment concerning the use or development of that land as permitted by IC 36-7-4-1015.
2. **Creation of the Commitment Document:**

This commitment document may be created by the Board attorney/staff or the owner of the property and shall include all terms of commitments set forth by the Board and/or the owner in addition to the standard terms in the commitment form adopted by the Board; the resulting commitment document shall be in substantially the form set forth in Exhibit B of these Rules and incorporated herein by reference. The completed commitment form shall be approved by the Board staff and then signed by the owner in front of a notary public. The commitment shall be effective immediately upon execution by the owner.
3. **Recording of the Commitment Document:**

The completed form will then be recorded in the Office of the Elkhart County Recorder by the owner at the owner's expense with a copy of the recorded commitment delivered to the Board staff within ten (10) days after recording for placement in the petition or application file. No zoning clearance shall be issued until the recorded commitment has been delivered to the Board staff.
4. **Notice of the Commitment:**

The owner shall give notice of the commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the parcel of real property. The owner and any subsequent owner and/or any other person or persons acquiring an interest in any portion of the parcel of real property shall be bound by the terms of the commitment.

5. Enforcement of the Commitment:

For the purposes of enforcement of the written and recorded commitment the Board and/or the Zoning Administrator shall be designated as the specially affected person entitled to enforce all written commitments; also any property owner adjacent to the parcel of real property or any specifically affected person listed in the commitment are entitled to enforce the terms of the commitment separately and independently from the Board and/or Zoning Administrator.

6. Violations of the Commitment:

If any person fails to comply with the commitment that person and that property shall be considered to be in violation of the Zoning Ordinance and the commitment itself, and the commitment shall be enforced in accordance with the provisions of the Zoning Ordinance (Article VI, Section 6260, Violation and Penalty) and/or IC 36-7-4-1015.

7. Modification and Termination of the Commitment:

A commitment may contain terms providing for its own expiration or terms providing for automatic termination. A commitment does not automatically terminate upon: (1) a legislative body's adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the parcel of real property, or (2) a change in the land use on the parcel of real property to which the commitment relates. However, an owner may request to voluntarily terminate a variance and any related commitment in their entirety by filing a written request with the Board; the Board shall consider the request at a public meeting without a public hearing or notice; if the Board grants the request and terminates the variance and any related commitment in their entirety, the Zoning Administrator shall execute and record a Termination of Commitment substantially in the form set forth in Exhibit C of these Rules and incorporated herein by reference. Except as otherwise stated above or in the commitment, any commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice is given in accordance with these rules.

8. Effect of the Commitment on the Board:

Requiring or allowing a commitment to be made does not obligate the Board to adopt, approve or favorably recommend the petition to which the commitment relates.

X. Amendments

Amendments to these rules of procedure may be made by the Board of Zoning Appeals at any regular meeting upon the affirmative vote of three members. The suspension of any rule of procedure may be ordered at any meeting by the unanimous vote of those present.

Approved on: _____

Chair

EXHIBIT A

**GOSHEN CITY ADVISORY BOARD OF ZONING APPEALS
CERTIFICATION OF RESIDENCY**

My residence means the place where I have my true, fixed, and permanent home and principal establishment; and to which I have, whenever absent, the intention of returning to. With this understanding, I hereby affirm, under the pains and penalties for perjury, that the following representations are true to the best of my belief and knowledge:

____ I am a resident of the incorporated area of the City of Goshen, Elkhart County, State of Indiana; or

____ I am not a resident of the incorporated area of the City of Goshen, Elkhart County, State of Indiana, but I am a resident of Elkhart County, State of Indiana and an owner of real property located in whole or in part in the incorporated area of the City of Goshen, Elkhart County, State of Indiana.

Dated: _____

(Signature)

(Printed Name)

EXHIBIT B

Result Letter/Commitment **Date:** _____

Case # _____

Grantor:

Grantee:

City of Goshen Board of Zoning Appeals
204 E Jefferson Street, Suite 4
Goshen, IN 46528

The following shall be referred to as "the Real Estate":

Common Address: _____

Current Tax Code #: _____

Legal Description: See Attachment A

The request for a *use/developmental* variance to permit _____
_____ for the Real Estate, zoned _____, was heard at the meeting of the City of Goshen
Board of Zoning Appeals on _____, and was acted upon as follows:

DENIED _____ APPROVED _____ TABLED _____ WITHDRAWN _____

When the Board's action is one of approval, the authorization is granted contingent upon any conditions and commitments placed on the petition by the Board. Deviation from said conditions and commitments may result in the City of Goshen Board of Zoning Appeals rescinding the approval or permit.

The Grantor, jointly and severally, agree to abide by these conditions:

1. The variance is granted for a period of six (6) months, and shall become null and void unless a Building permit has been issued and substantial progress has been made.
2. The City of Goshen Board of Zoning Appeals approval shall not be effective until this Commitment form has been executed, recorded and returned to the City of Goshen Board of Zoning Appeals staff.
3. No zoning clearance shall be issued until this recorded Commitment has been delivered to the Goshen City Board of Zoning Appeals staff.
- 4.
- 5.

The Grantor, jointly and severally, agree to abide by these commitments concerning the use and/or development of the Real Estate:

- 1.
- 2.
- 3.

Further, the Grantor, jointly and severally, agree to the following concerning the procedures associated with maintenance and enforcement of this Commitment:

1. That this Commitment shall be recorded in the Elkhart County Recorder's Office.
2. That the Grantor shall give notice of this Commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate.

3. That any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate shall be bound by the terms of this Commitment even if it is unrecorded.
4. That the City of Goshen Board of Zoning Appeals and/or the City of Goshen Zoning Administrator are authorized to enforce the terms of this Commitment.
5. That any property owner adjacent to the Real Estate or any specifically affected persons listed below are entitled to enforce the terms of this Commitment separately and independently from the City of Goshen Board of Zoning Appeals and/or the City of Goshen Zoning Administrator; specifically affected persons are: _____
6. This Commitment does not automatically terminate upon a legislative body's adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the Real Estate, or a change in the land use on the Real Estate to which this Commitment relates. However, this Commitment and any related variance may be voluntarily terminated in their entirety pursuant to the City of Goshen Board of Zoning Appeals Rules of Procedure.
7. This Commitment may be modified or terminated only by a decision of the City of Goshen Board of Zoning Appeals after public hearing, except as otherwise stated herein.
8. That any and all signatories to this document as a Grantor warrant, jointly and severally, to the City of Goshen Board of Zoning Appeals that all persons having interest in the Real Estate have reviewed this Commitment and have signed this document.
9. This Commitment shall be effective immediately upon execution by the Grantor.

_____, City of Goshen Board of Zoning Appeals Secretary

Agreed this the _____ day of _____ 201__ by the following owner(s):

Print Name & any title

Print Name & any title

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, and acknowledged the execution of the foregoing instrument this _____ day of _____, 201__.

IN WITNESS WHEREOF, I hereunto subscribe my name and affixed my official seal,

My Commission Expires: _____

Notary Public

I, _____, did prepare this document and do affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Exhibit C

TERMINATION OF COMMITMENT

This is to certify that the Commitment given by _____, as Grantor, to the City of Goshen Board of Zoning Appeals, as Grantee, executed on the ____ day of _____, 20____, and recorded on the ____ day of _____, 20____, as Document No. 20____-_____, in the Office of the Recorder of Elkhart County, Indiana, is hereby terminated and released in its entirety as to the following described real estate in Elkhart County, Indiana:

IN WITNESS WHEREOF, the City of Goshen Board of Zoning Appeals, Grantee aforesaid, by and through its Zoning Administrator, has hereunto set its hand and seal this ____ day of _____, 20____.

City of Goshen Board of Zoning Appeals

By: _____
_____, its Zoning Administrator

STATE OF INDIANA)
)SS:
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the City of Goshen Board of Zoning Appeals, by _____, its Zoning Administrator, and acknowledged the execution of the foregoing Termination of Commitment this ____ day of _____, 20____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: _____
_____, Notary Public
Resident of Elkhart County, Indiana

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law (_____).

Prepared by: _____

RESOLUTION 2025-BZA02

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

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

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

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

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

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

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

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

Section 2. Limitations

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

Section 3. Technological Failure

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

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

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

Section 4. Minutes or Memoranda

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

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

Section 5. Declared Emergencies

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

Section 6. Definitions

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

Section 7. Application

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

Section 8. Intent of Policy

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

Section 9. Effective Date

This resolution shall be effective from and after adoption.

PASSED and ADOPTED by the Goshen Board of Zoning Appeals on June 24, 2025.

Thomas Hotfeger
Matthew R. [Signature]
Jim M. Towen
[Signature]
[Signature]

EXHIBIT E

RESOLUTION 2025-BZA01

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

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

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

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

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

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

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

C. The public notice of meetings shall be given by:

1. Posting a copy of the notice at Goshen City Hall.
2. Publishing the notice on the City of Goshen's website at least forty-eight (48) hours in advance of the meeting shall serve as notice to any person (other than news media) who delivers to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.
3. Transmitting the notice by electronic mail to all news media which deliver to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.

D. Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or location of a regular meeting or meetings is changed. This does not apply to executive sessions.

E. If an agenda is utilized for a meeting, a copy of the agenda shall be posted at the entrance to the location of the meeting prior to the meeting.

F. This policy to provide public notice of meetings shall be effective immediately. Upon the effective date of this policy, all prior policies on providing public notice of meetings, specifically including the policy adopted February 26, 2013, shall be repealed.

G. This policy is intended to be consistent with the Indiana Open Door Law codified at I.C. 5-14-1.5 et seq. as in effect on April 25, 2025, and is incorporated hereto by reference. In the event that I.C. 5-14-1.5 et seq. is amended in such a way to conflict with any provision in this policy, then this policy shall be amended to comply with the statutory amendment.

PASSED and ADOPTED by the Goshen Board of Zoning Appeals on June 24, 2025.

Thomas Holmgren
Matthew R. [Signature]
Jim M. [Signature]
Robert [Signature]

PROPOSED FORM OF MOTION

I move to adopt the staff recommendations as the findings of the Board, and based on these findings I further move that the petition number _____ be **GRANTED** with the conditions (and/or commitments) listed in the Staff Report.

I move to adopt the staff recommendations as the findings of the Board, and based on these findings I further move that the petition number _____ be **DENIED** with the reasons listed in the Staff Report.

ALTERNATE MOTION: NOT ADOPTING STAFF ANALYSIS

I move to adopt the following findings of the Board (**list findings**): _____

And based on these findings I further move that the petition number _____ be **granted**, with the following conditions and commitments (**Conditions and/or commitments must be listed.**)

OR

I move to adopt the following findings of the Board (**list findings**): _____

And based on these findings I further move that the petition number _____ be **denied**.

.....

Before granting a **Use Variance** the BZA must determine that:

- a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- c) The need for the variance arises from some condition peculiar to the property involved;
- d) Strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- e) The approval does not interfere substantially with the Comprehensive Plan.

Before granting a **Developmental Variance** the BZA must determine that:

- a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
- c) Strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought

GOSHEN CITY PLAN COMMISSION 2026

MEETING DATES

JANUARY	20
FEBRUARY	17
MARCH	17
APRIL	21
MAY	19
JUNE	16
JULY	21
AUGUST	18
SEPTEMBER	15
OCTOBER	20
NOVEMBER	17
DECEMBER	15

FILING & SITE PLAN DEADLINE

DECEMBER	30, 2025
JANUARY	28
FEBRUARY	25
APRIL	01
APRIL	29
MAY	27
JULY	01
JULY	29
AUGUST	26
SEPTEMBER	30
OCTOBER	28
NOVEMBER	25

GOSHEN CITY BOARD OF ZONING APPEALS 2026

MEETING DATES

JANUARY	27
FEBRUARY	24
MARCH	24
APRIL	28
MAY	26
JUNE	23
JULY	28
AUGUST	25
SEPTEMBER	22
OCTOBER	27
NOVEMBER	24
DECEMBER	22

FILING & SITE PLAN DEADLINE

JANUARY	07
FEBRUARY	04
MARCH	04
APRIL	08
MAY	06
JUNE	03
JULY	08
AUGUST	05
SEPTEMBER	02
OCTOBER	07
NOVEMBER	04
DECEMBER	02

The Plan Commission normally meets on the third Tuesday of each month at 4:00 p.m., and the Board of Zoning Appeals normally meets the fourth Tuesday of each month at 4:00 p.m. Both meetings are held in the Council Chambers, Goshen Police and Courts Building, 111 E. Jefferson Street, Goshen, Indiana. Questions about the filing procedures should be directed to the Planning and Zoning Department at 204 E. Jefferson Street, Suite 4, Goshen, IN 46528; planning@goshencity.com; 574-534-3600.