

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, January 27, 2026, 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** 2026 Board of Zoning Appeals Appointments
 - *Tom Holtzinger – Reappointed by Mayor, four-year term, 1/1/26-12/31/29*
 - *Hesston Lauver, Plan Commission citizen member appointment to BZA, four-year term, 1/20/26-12/31/29*
- III.** Election of 2026 Officers
 - Chair
 - Vice Chair
 - Secretary
- IV.** Approval of Minutes from 11/25/25
- V.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- VI.** Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- VII.** **Use & Developmental Variances**– public hearing items

26-01UV & 26-01DV – HYL Enterprises, LLC & Abonmarche Consultants request a use variance to allow an approximately one-acre shed sales area with un-screened outside display where contractors materials and supplies is a conditional use requiring outside storage areas screened by an opaque fence at least six feet in height and outside storage areas subordinate in area to the principal use building on the property, and a developmental variance to allow a side (east) setback of 5' to the sales area where a minimum of 10' is required. The subject property is generally located at 2909 Peddlers Village Road and is zoned Commercial B-3 District.

26-02UV - Cherry Creek, LLC and Campus Center for Young Children request a use variance to allow a childcare center for up to 75 children with an outdoor play area of approximately 1,995 Sf where child care centers are a conditional use requiring a minimum of 50 Sf of fenced outdoor play area per child. The subject property is generally located at 811 Fairways Drive (Lot 67, Cherry Creek Subdivision, Phase 1, Section 1) and is zoned Residential R-3 PUD.
- VIII.** Audience Items
- IX.** Staff/Board Items
 - 6-month extension request from 2/26/26 to 8/26/26 for 25-18DV, 120 N Main Street
 - BZA Residency Forms for Tom Holtzinger and Hesston Lauver
- X.** 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 1/1/26 - 12/31/29
- Hesston Lauver, Appointed by Plan Commission, Term 1/20/26 - 12/31/29
- Lee Rohn, Appointed by Council, Term 1/1/25 - 12/31/28

Minutes - Goshen Board of Zoning Appeals
Tuesday, November 25, 2025, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** The meeting was called to order with the following members present: Hesston Lauver, Lee Rohn, James Loewen, Tom Holtzinger, and alternate member Craig Yoder. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney Don Shuler, and Youth Advisor, Ezra Tice. Absent: Mathew Fisher
- II.** Approval of Minutes from 10/28/25: Lauver/Rohn 5-0
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Lauver/Rohn 5-0
- IV.** Postponements/Withdrawals – None

V. Use & Developmental Variances – public hearing items

25-12UV & 25-29DV – Willits Holdings, LLC. requests a use and developmental variance to amend Variance 24-05UV & 24-17DV to add event centers to the list of permitted uses and to allow the property to continue to share water service with the adjoining property where separate water service is required by January 1, 2026, and to allow an inadequate number of parking spaces where a minimum of 21 spaces are required. The subject property is generally located at 1009 Chicago Avenue and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained the BZA approved a use variance in 2024 which allowed this property to have a number of Commercial B-3 uses including galleries, art and photography studios, fitness studio, offices, beauty and hair salons, retail sales, second-hand stores, variety stores, and restaurants. Several developmental variances were also approved at the time. Part of the approval stipulated that off-site parking, provided by agreement with other properties, must meet minimum zoning ordinance requirements, and that the property gets water service separation from the adjacent property by January 1, 2026. Today's request is to amend the existing variance, by adding an event center to the list of possible uses. A request is also being made to change the date for when the water service separation must occur. The event center will require a minimum 21 parking spaces, explaining the petitioner has provided agreements with The Depot and an adjacent church, for the use of those parking lots. He went on to explain based on the parking requirements for The Depot, they will only be able to provide three spaces, so a variance is required for inadequate parking.

Staff recommends approval of the request with conditions and commitments. He explained the request for the water separation is reasonable because the anticipated Indiana Avenue project has not occurred, and the water separation had been planned in conjunction with the City's project.

Mr. Deegan explained that there are some parking concerns with the event center use, pointing out that numerous sites have parking agreements with each other, noting the Old Bag Factory also has parking agreements with The Depot and the church. He went on to say that The Depot parking lot sees a lot of use, and having an event center could present a problem. Staff recommends restricting hours for the event center to times when the church and The Depot are not in use. With these restrictions, event center hours would be limited to weeknights after 5:00 pm, Saturday and Sunday, beginning at 1:00 pm. It would also be permitted during times when the church and The Depot are not in operation. This ensures that the event center is not operating at the same time as events at the other properties.

Mr. Loewen asked for clarification regarding the water service/separation.
Mr. Deegan asked the Director of Public Works to address this question.

Dustin Sailor, Director of Public Works & Utilities, spoke to Mr. Lowen's question. He explained that the City's ordinance states that each individual service metered site needs to have a separate water service going into the facility. Part of the reason is that if the customer does not pay their bill, the intent is that the curb stop can be shut

off in the public right-of-way and not affect multiple properties. He went on to say the original intent was for the City to reconstruct Indiana Avenue, but with utility relocates and funding issues, that project has been delayed. TIF funds are being sought and they're currently looking for construction in 2027.

Mr. Deegan concluded, noting that no comments were received from the public regarding this request.

Petitioner Presentation:

Lorrie Willits, 21948 Shirley Drive, spoke on behalf of the petitioner. She stated following last year's variance approval, the lower level has become a salon, and the upper floor is her photography studio. The proposed event center would also be located on the upper level. She went on to say the building can comfortably accommodate 80 people and the goal is to offer packages combined with the log cabin located next door, where up to 16 guests can stay the entire weekend. She stated she understands the parking concerns, noting that Thursdays appear to be the busiest time for The Depot. She also noted that the Carriage Barn events would not overlap with the church or The Depot's schedules. She stated her focus is on small events, 80 people or less, and is not advertising for full capacity. The goal is to keep the space comfortable and more efficient.

Mr. Holtzinger asked if the hours of operation proposed by Staff are sufficient.

Ms. Willits stated that they're acceptable with the understanding that parking at The Depot is only at capacity on Thursday's when they have their big sale. She said she will observe whatever hours the Board allows.

Mr. Tice asked if The Depot were to be in operation on a weeknight after 5:00 pm, would the event center be permitted to operate?

Mr. Deegan stated that based on the language in the staff report and the recommended commitments, he doesn't think it would be permitted.

Mr. Lauver pointed out that nothing has been taken into consideration regarding Bread & Chocolate's event center.

Mr. Deegan stated staff considered the petitioner's observation during the past 10 years, where she stated that Bread & Chocolate doesn't use many parking spaces in the lot, but because staff has not observed the property as she has, so approval is based on her comments.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

Mr. Loewen questioned if Commitment #3 could be changed to eliminate the section stating "any dates and times when the uses at 1013 Division Street and 501 N Indiana Avenue are not in operation" thus giving the applicants parking rights for hours outside the weekdays and on weekends. If the Depot would like to expand their hours, they would have to negotiate with the applicant and work it out instead of the applicant being precluded from operating her business activity during weekends.

Mr. Rohn commented we're talking about the good neighbors of the church and The Depot. What we're looking at is some parking from The Depot, but most from the church. The Depot has their own parking. They're counting on a little overflow from the church, probably one day per week.

Mr. Deegan stated his understanding is that the Old Bag Factory has parking agreement with The Depot for overflow during events. He commented it's difficult to know about potential parking issues because there is a circular parking agreement between the various sites.

Action:

A motion was made and seconded, Lauver/Yoder, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-12UV & 25-29DV with the 4 conditions and 4 commitments, listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

25-30DV – The City of Goshen, Indiana requests a developmental variance to allow use of a well for a tree nursery where connection to City water is required. The subject property is generally located at 4106 Dierdorff Road and is zoned Agricultural A-1 District.

Staff Report

Mr. Deegan explained this parcel is currently being used as the City's tree nursery. A shed and fence were installed in April of this year and the City is requesting to use a well for irrigation. A developmental variance is required because the zoning ordinance requires connection to City water and sewer. Staff recommends approval of the request noting that water service is not available to this property. The well is for agricultural purposes, not drinking water and is surrounded by hundreds of acres of farmland.

There were no public inquiries regarding this request. He also pointed out that the well has already been installed.

Mr. Yoder recused himself at 4:34pm.

Petitioner Presentation:

Dustin Sailor, City of Goshen Engineering, spoke on behalf of the petitioner. He explained that this property was originally purchased for the development of a community wellfield. He advised they are currently working towards that process and will only use a fraction of the property for the wellfield. Because of setback requirements for the wells and for access to the aquifer system they had to purchase a larger piece of ground and felt the nursery would be a good use of the land. He stated they support Planning's recommendation and ask for approval of the request.

Mr. Loewen asked how much land the tree nursery occupies.

Mr. Sailor stated the property was purchased for the public water system and the nursery uses approximately 3 acres of the approximately 78-acre site. In order to buffer the residential area to the north, they plan to place the larger operation of the water plant farther to the south, and plant wildflowers on the balance of the property.

Mr. Rohn asked what size this well is.

Mr. Sailor replied this well has a 4 gal/minute pump.

Theresa Sailor, Department of Environmental Resilience, also spoke to the petition. She stated it's a 4" well, the same size as a residential well. She went on to say they requested a 25 gallon per minute flow to make sure they can irrigate all the way to the back side. She also explained the well is in the west part of their 3.2-acre space and they need the ability to water trees 300' to the east.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Loewen/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-30DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

Mr. Yoder rejoined the meeting at 4:39 pm.

25-13UV & 25-31DV – The City of Goshen, Indiana requests a use variance to allow a solar array on cemetery property with a 35' front setback along Indiana Avenue where cemeteries are a conditional use requiring a minimum 50' setback from all property lines to buildings and structures and where solar arrays are not a permitted primary use in the R-1 District, and a developmental variance to allow a fence 6' in height in the front yard setback along Indiana Avenue. The subject property is generally located at 802 N Indiana Avenue and is zoned Residential R-1 District.

Staff Report

Mr. Deegan provided background information for this property, noting the most recent use of the property was for a public drop-off recycling site on an approximately 1.5-acre section. Included in that approval was a variance for signs. That use has now been discontinued, and the City is looking at using a larger portion of the west side of the cemetery for a large solar array to serve the wastewater treatment plant. The conditional use requirements for cemeteries requires a minimum 50' setback from adjacent property lines to structures and this will have a 35' setback along Indiana Avenue. A use variance is also required because the R-1 District does not permit solar arrays as a primary use.

A developmental variance is also required for a 6' fence in the front yard setback along Indiana Ave which will surround the solar array.

Staff recommends approval of the request noting the cemetery has no plans for using this portion of the property and this use has the potential to be a major cost savings for the wastewater treatment plant, noting they use more energy and have higher emissions than any other public facility in the City.

With the approval, Staff recommends removing the previous variances for signage for the drop-off site and installing an evergreen tree buffer along the north side of the solar array.

Petitioner Presentation:

Dustin Sailor, Director of Public Works for the City of Goshen, spoke on behalf of the petitioner. He stated this project is being proposed to support the wastewater treatment plant. As mentioned by Staff, it represents the largest carbon footprint for the City, noting the electric monthly cost for the treatment plant is approximately \$40,000. This solar field would allow the City to take advantage of tax credits, currently available through the end of the year, offering a 33% reduction in the cost and would allow them to offset approximately 33% of their energy costs. Peak savings would be in the summer, noting that it doesn't have the same benefit in the winter. There is a long substantial benefit over the life of the facility, approximately 25 years. Estimated savings for the wastewater treatment plant would be approximately two million dollars.

He explained the Staff Report mentions the cancellation of the existing variances and asked that they be given at least 8 months before action is taken. That will give them time to get the site cleaned up and the signs removed. He also asked that the variance be valid for one year instead of 6-months. They are currently in the process of securing bids for this project and anticipate beginning construction by mid-2026.

Mr. Holtzinger asked if there are any plans to put something under the solar, perhaps plantings?

Mr. Sailor stated they have been in contact with Environmental Resilience, and they are developing a planting scheme. He said the City's goal is to limit maintenance wherever possible, so they're looking at a low-maintenance planting mix.

Mr. Loewen asked if they have determined what species of evergreen trees will be planted.

Mr. Sailor stated they will work with Environmental Resilience and let them determine the best species for the location.

Mr. Rohn questioned how many years these solar panels will last.

Mr. Sailor stated they have between 25–30-year life expectancy.

Mr. Rohn asked how long they will need to remove the existing signs from the property and if the fence will be the same as the fence on the wastewater site.

Mr. Sailor stated they're asking for 8 months to remove the signs, and the fence will match the wastewater site.

Mr. Deegan pointed out that, if necessary, the 6-month approval can also be granted a 6-month extension by the Board prior to its expiration date.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Rohn/Lauver, to adopt the Staff recommendations as the findings of the Board, and based on these findings, approve 25-13UV & 25-31DV with the 6 conditions listed in the Staff Report, amending condition #6 to read “Variances 23-07UV & 23-12DV allowing signage for the recycling center shall be null and void once the site has been redeveloped”.

Mr. Yoder stated he feels this solar field is inappropriate in a residential neighborhood. He asked if there is a location on the wastewater site where this solar array could be placed.

Mr. Sailor stated the only option for expansion of the wastewater site is to expand to the east and he has a masterplan on file showing the clear water tanks going into that area. He went on to say he can't in good faith say the City won't need that empty space in the next 25 years.

Mr. Tice asked for confirmation that there will be a line of trees between the residential area and the solar panels. Mr. Rohn confirmed that is correct.

The motion passed by a vote of 4-1. (Holtzinger, yes; Loewen, yes; Lauver, yes; Rohn, yes; Yoder, no.)

VI. Audience Items

None

VII. Staff Board Items

None

VIII. Adjournment: 4:55 pm Lauver/Loewen

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 2909 Peddlers Village Road
CASE NUMBER: 26-01UV & 26-01DV

DATE: January 27, 2026
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: HYL Enterprises, LLC (owner); Abonmarche Consultants (agent)

REQUEST: The applicants request a use variance to allow an approximately one-acre shed sales area with un-screened outside display where contractors materials and supplies is a conditional use requiring outside storage areas screened by an opaque fence at least six feet in height and outside storage areas subordinate in area to the principal use building on the property, and a developmental variance to allow a side (east) setback of 5' to the sales area where a minimum of 10' is required

LOT SIZE: ±5.5 acres; ±156' of frontage; depth varies

APPLICABLE ZONING: Commercial B-3

NOTICES SENT: 17

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water & sewer

AREA DEVELOPMENT: Commercial, residential

NEIGHBORHOOD: None; north of Brookside Manor

THOROUGHFARES: Peddlers Village Road

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◊ Goshen Zoning Ordinance, *Section 5200*, Contractors Materials & Supplies (outside storage included) Contractors materials and supplies, including outside storage, shall be permitted in the B-3 Commercial District provided that they meet the following requirements:
 - B. The outside storage areas shall be screened by an opaque fence at least six feet in height
 - C. The outside storage areas shall be subordinate in area to the principal use structure on the property which use must be a contractors materials and supply operation
- ◊ Goshen Zoning Ordinance, *Section 4210.3*, Area, Width, and Yard Regulations of the B-3 District
 - C. Side Yard. Each lot shall have two side yards measured from the building to the lot line and shall be as follows:
 2. Interior lots shall have two side yards; each side yard shall have a width of not less than ten feet, except where party walls are used.

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 5.5-acre tract on the north side of Peddlers Village Road. It is zoned Commercial B-3 and has been an auction house for many years. A mix of commercial uses adjoin the property to the west and north, including self-storage, a fire station, a semi-truck terminal, auto sales, and a childcare center. To the east along Peddlers Village Road are two single family residences, and to the south is Brookside Manor

mobile home park. The auction house building is approximately 13,000 SF and is the only building on the property; other improvements include undefined gravel parking and driving areas and a several small concrete pads around the building.

In spring of last year, the Planning Office became aware that an approximately one-acre portion of the property along Peddlers Village Road was being used for shed sales. After staff made contact with the property owner and explained that such use would need City approval, the owner decided to seek permanent approval.

The applicant has submitted a site plan and an application for use and developmental variances. Shed sales, which is not explicitly categorized by the Zoning Ordinance, is akin to contractors' materials and storage (with outside storage). Contractors' materials and storage is a conditional use in the B-3 District with two conditions that are not met with the proposed use:

1. Areas of outside storage are required to be screened by a fence. The proposed shed display area will not be screened.
2. The outside storage area cannot exceed the area of the principal use structure. In this case, the approximately one-acre sales area is larger than the 13,000 SF auction house, which is the principal use building.

Because the conditional use requirements are not met, a use variance is required. Additionally, the B-3 District requires a minimum side setback of 10'. The applicant has proposed a 5' side setback along the east property line to the shed sales area, so a developmental variance is required.

Staff recommends approval of the request. The size and configuration of the site, along with its commercial nature, justify the variance. Specifically:

- The auction house and its parking areas are centered on the approximately 5.5 acre site, leaving an open grass site along Peddlers Village Road that is ideal in size for an outdoor shed sales area
- The subject property is zoned Commercial B-3, and surrounding properties are largely commercial
- Peddlers Village Road is an arterial street with nearby access to the commercial corridor on Elkhart Road/U.S. 33, Peddlers Village Road, and County Road 17
- Although the use requires screening of outside storage areas, the proposed sales area is intended to be visible from the street and will not be as unsightly as contractors' materials and supplies
- While not screened, the sales lot will include three street trees along Peddlers Village Road
- The portion of the subject property that will be used for shed sales has been a vacant grass area for many years; the earliest GIS aerials in Planning records show it vacant as far back as 2003.
- Adjacent residential uses are already buffered: the single-family home to the east is buffered by a private drive and dense evergreen trees; the mobile home park to the south is buffered by right of way and approximately 60' of lawn and landscaping
- The proposed 5' setback along the east property line will not impact the adjacent property negatively because that area is a driveway

FINDINGS OF FACT

Staff recommends **approval** of a use variance to allow an approximately one-acre shed sales area with un-screened outside display where contractors materials and supplies is a conditional use requiring outside storage areas screened by an opaque fence at least six feet in height and outside storage areas subordinate in area to the principal use building on the property, and a developmental variance to allow a side (east) setback of 5' to the sales area where a minimum of 10' is required, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The proposed sales area will meet all developmental requirements other than screening and an interior setback. It will include an aisle for emergency vehicle access if needed. *The standard is confirmed.*
- 2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The subject property is zoned Commercial B-3, and surrounding properties are largely commercial. Peddlers Village Road is an arterial street with nearby access to the commercial corridor on Elkhart

Road/U.S. 33, Peddlers Village Road, and County Road 17. The proposed 5' setback along the east property line will not impact the adjacent property negatively because that area is a driveway. *The standard is confirmed.*

3. The need for the variance arises from a condition peculiar to the subject property. Although the use requires screening of outside storage areas, the proposed sales area is intended to be visible from the street and will not be as unsightly as contractors' materials and supplies. *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 portion of the subject property that will be used for shed sales has been a vacant grass area for many years; GIS aerials show it has had no uses for at least 22 years.

5. The approval does not interfere substantially with the Comprehensive Plan. The proposed shed sales is located in a commercial zoning district close to a major commercial corridor, so it will adhere to the Comprehensive Plan's objective of "ensur(ing) compatibility and smooth transitions between different land uses" (Land Use 2.1). *The standard is confirmed.*

With approval, the following conditions shall apply:

1. The variance shall 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, with review through Technical Review, is required.
4. Approval by the Building and Fire Departments is required.
5. If permitted by the Elkhart County Auditor's Office, tax parcels 20-07-31-351-033.000-013 and 20-07-31-351-053.000-013 shall be combined before the zoning clearance is issued.



Looking north across Peddlers Village Road



Looking east along Peddlers Village Road



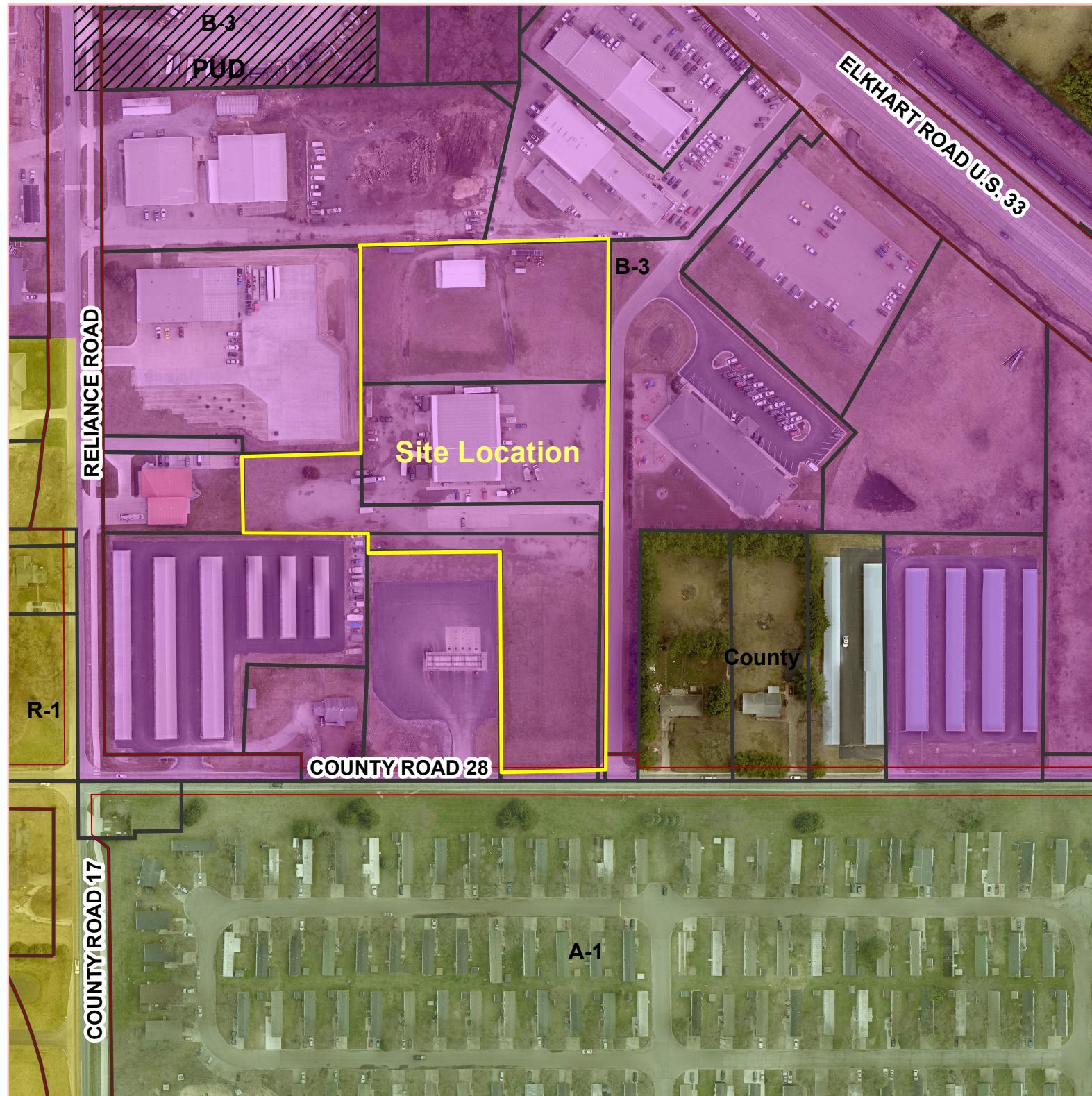
Looking north along east property line where 5' setback is proposed



Looking northwest at entrance to private drive



Looking west along Peddlers Village Road



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

Feet
0 50 100 200
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1 inch = 200 feet

2909 Peddlers Village Rd

2023 Aerial
Printed January 12, 2026

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

PEDDLER'S MINI BARN SALES

BZA EXHIBIT

2909 PEDDLERS VILLAGE RD., GOSHEN, IN 46526

O:\PROJECTS\25-1602 YODER PEDDLERS VILLAGE, GOSHEN - DESIGN\10 SURVEY\18 CAD\25-1602 SITE.DWG SP-01 (Site) ANDREA MILNE 12.11.2025 10:23 AM

DRAINAGE CALCULATIONS

The following drainage calculations are for the proposed tract identified in the Tabulated Site Data. The drainage calculations are in accordance with the City of Goshen Stormwater Drainage Policy and Technical Review Requirements for a 3-inch rainfall depth.

ESTIMATED DRAINAGE AREA #1 = 1.05± Acres
ESTIMATED DRAINAGE AREA #2 = 0.55± Acres

MODIFIED RUNOFF COEFFICIENT CALCULATIONS - AREA #1
Retention Basin (C=1.00) = 0.13± Acres
Proposed Buildings (C=1.00) = 0.48± Acres
Existing Pavement (C=0.95) = 0.13± Acres
Existing Stone (C=0.75) = 0.00± Acres
Lawn / Open Space (C=0.30) = 0.31± Acres
Total = 1.05± Acres

$C = (1.0 \times (0.13+0.48)) + (0.95 \times 0.13) + (0.30 \times 0.31) = 0.79$
1.05± Acres

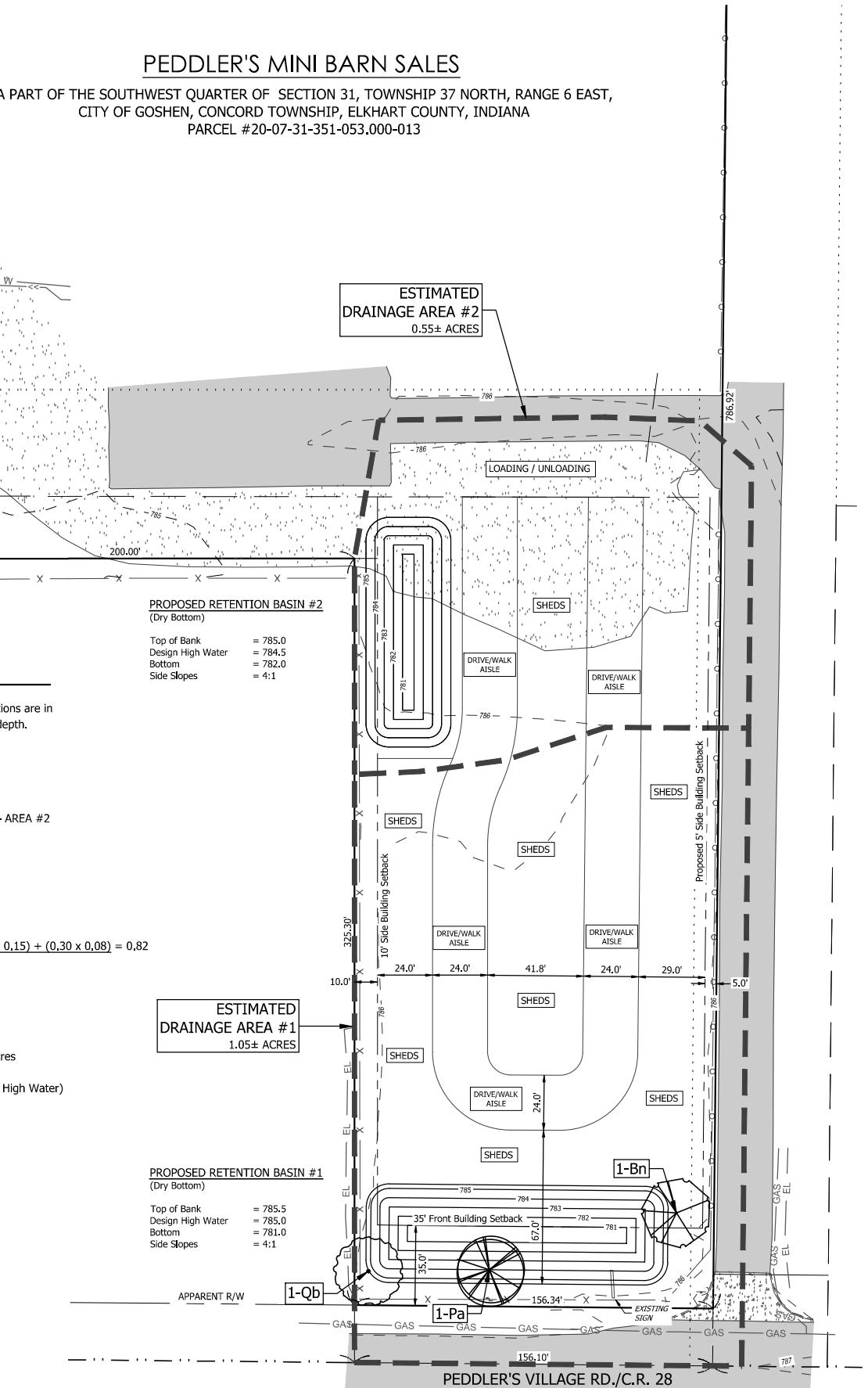
MODIFIED RUNOFF COEFFICIENT CALCULATIONS - AREA #2
Retention Basin (C=1.00) = 0.08± Acres
Proposed Buildings (C=1.00) = 0.16± Acres
Existing Pavement (C=0.95) = 0.08± Acres
Existing Stone (C=0.75) = 0.15± Acres
Lawn / Open Space (C=0.30) = 0.08± Acres
Total = 0.55± Acres

STORAGE VOLUME CALCULATIONS - BASIN #1

Storage Required = $C \times \text{Rainfall Depth} \times \text{Area}$
= $0.79 \times 0.25 \text{ feet} \times 1.05\pm \text{ Acres}$
= 0.21 Acre-Ft
Storage Provided = 0.25 Acre-Ft (Below Design High Water)

STORAGE VOLUME CALCULATIONS - BASIN #2

Storage Required = $C \times \text{Rainfall Depth} \times \text{Area}$
= $0.82 \times 0.25 \text{ feet} \times 0.55\pm \text{ Acres}$
= 0.11 Acre-Ft
Storage Provided = 0.14 Acre-Ft (Below Design High Water)



GENERAL NOTES

1. Current Zoning: Commercial "B-3"
2. Existing Land Use: Vacant Land
Proposed Land Use: Commercial, Mini barn sales (Use Variance will be requested)
3. Requested Variances: A Use Variance will be requested to allow the sale of mini barns where they are not permitted. A Developmental Variance will be requested to allow a 5-ft side setback from the east property line where 10-ft is required.
4. Sanitary and water shall be serviced by City of Goshen municipal sanitary sewer and water.
5. Setbacks shall conform to City of Goshen Zoning Ordinance unless the proper variances have been approved.
6. Site/Building drainage shall be managed onsite with two stormwater retention basins.
7. All landscape shall be in accordance with the City of Goshen Zoning Ordinance unless the proper variances have been obtained.
8. Coordinate with utility companies for relocation of any utilities prior to any construction activity.

TABULATED SITE DATA

Tract for Portable Buildings = 1.28± Acres
Existing City Public Right-of-Way = 0.09± Acres
Net Tract = 1.19± Acres

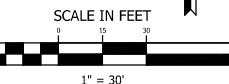
Proposed Land Coverage	Area (Acres)	Percentage
Proposed Portable Buildings (Allowance)	0.55±	46%
Open Space / Landscape Area	0.64±	54%
Total	1.19±	100%

PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
Bn	1	Betula Nigra	River Birch	2.5" CAL	B&B	40'-70' Height at Maturity
Pa	1	Platanus x acerifolia 'Morton Circle'	Exclamation™ London Planetree	2.5" CAL	B&B	55'-65' Height at Maturity
Qb	1	Quercus bicolor	Swamp White Oak	2.5" CAL	B&B	50'-60' Height at Maturity

ISSUE DATE: 12.11.2025
PM: CMWE QA / QC: BEM

ISSUANCE / REVISION DATE
ORIGINAL SHEET IS 24x36", USE DIMENSIONS SHOWN, DO NOT SCALE DRAWINGS
PROJECT NO: 25-1602



LOCATION: 811 Fairways Drive
CASE NUMBER: 26-02UV

DATE: January 27, 2026
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Cherry Creek, LLC (owner); Campus Center for Young Children (agent)

REQUEST: The applicants request a use variance to allow a childcare center for up to 75 children with an outdoor play area of approximately 1,995 Sf where childcare centers are a conditional use requiring a minimum of 50 Sf of fenced outdoor play area per child

LOT SIZE: ± 28,385 SF; ±723' of frontage (±258' on Fairways Drive; ±258' on Kingfisher Way; 98' on Cherry Creek Lane); no side yards

APPLICABLE ZONING: Residential R-3 PUD

NOTICES SENT: 2

SPECIAL INFORMATION

PUBLIC UTILITIES: Will be connected to City water & sewer

AREA DEVELOPMENT: Residential, commercial

NEIGHBORHOOD: Cherry Creek

THOROUGHFARES: Fairways Drive, Kingfisher Way, & Cherry Creek Lane

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◊ Goshen Zoning Ordinance, *Section 5200*, Childcare Centers
Childcare centers shall be permitted in all districts provided they meet the following requirements:
 - C. There is at least 35 square feet of indoor play space and 50 square feet of fenced outdoor play area per child for whom the facility is licensed

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 undeveloped lot (Lot 67) in Cherry Creek Phase One Section One, a mixed-use subdivision that will be primarily residential. Zoning is Residential R-3PUD. Earth excavation and infrastructure development are currently underway for the subdivision. Eventually, single family lots will be built out to the north of Lot 67, while greenspace and retention areas will be located to the south and west. The property will have frontage on three streets and will abut a similarly sized property to the east.

Construction of a two-story building is proposed on the subject property. The first floor will be commercial space and there will be eight residential units on the second floor. The building will have the address 811 Fairways Drive.

The petitioners are proposing to use the first-floor commercial space as a childcare center for up to 75 children. Childcare centers are a conditional use in the R-3 District, and among the conditions is the requirement that there is a minimum of 50 SF of fenced outdoor play area per child for whom the facility is licensed. The proposed

facility will have two outdoor play areas with a combined area of 1,995 SF, which falls short of the minimum required area of 3,750 SF (50 SF multiplied by 75 children). For that reason, a use variance is required.

Staff recommends approval of the request. The need for the variance arises as a result of the size of the property, which is not large enough to accommodate additional outdoor play area. The site plan submitted shows that the property will be fully built out; the two proposed playgrounds make maximum use of available space where there is not building, driveways, and other improvements. Additionally:

- All other requirements of the conditional use will be met, and all other developmental requirements of the Zoning Ordinance and PUD will be met
- The childcare center is also required to be licensed with the State of Indiana. The State requires outdoor play area as well, but that requirement is based on the number of children outside at any one time. The applicants explain that the outdoor play areas have adequate space for children outside at any one time; not all 75 children will be playing outside simultaneously.
- The proposed outdoor play area will be fenced in
- The property is zoned to allow mixed residential and commercial uses
- At less than 29,000 SF in area, the subject property is relatively small considering it will include space for commercial uses and eight residential units. The property will be fully built out.
- Adjacent properties have not yet been developed and occupied, so the use is not being imposed on an established neighborhood
- Supporting childcare services is an objective of the Comprehensive Plan

FINDINGS OF FACT

Staff recommends **approval** of a use variance to allow a childcare center for up to 75 children with an outdoor play area of approximately 1,995 SF where childcare centers are a conditional use requiring a minimum of 50 SF of fenced outdoor play area per child, based on the following:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed outdoor play area will be fenced in. The number of children outside at any time will meet the standards set by the state; at no time will all 75 children be in the outdoor play areas simultaneously. *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 surrounding properties are not yet developed. The outdoor play areas will be fenced in, and all other conditional use requirements for childcare centers will be met, along with all other developmental requirements of the zoning district. *The standard is confirmed.*

3. The need for the variance arises from a condition peculiar to the subject property. The need for the variance arises as a result of the size of the property, which is not large enough to accommodate additional outdoor play area. The site plan submitted shows that the property will be fully built out; the two proposed playgrounds make maximum use of available space where there is not building, driveways, and other improvements. *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 childcare center meets all other conditional use requirements and developmental requirements of the zoning district. It is deficient only in outdoor playground space, although it will still provide enough outdoor play area to meet State requirements. *The standard is confirmed.*

5. The approval does not interfere substantially with the Comprehensive Plan. The proposed development will support numerous goals and objectives of Goshen's Comprehensive Plan, including: "Encourage small-scale, neighborhood commercial development" (Land Use 7); "Promote mixed-use residential and commercial development" (Neighborhoods and Housing 6-2); and "Support and promote comprehensive childcare services" (Community Services & Facilities 2.5). *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.

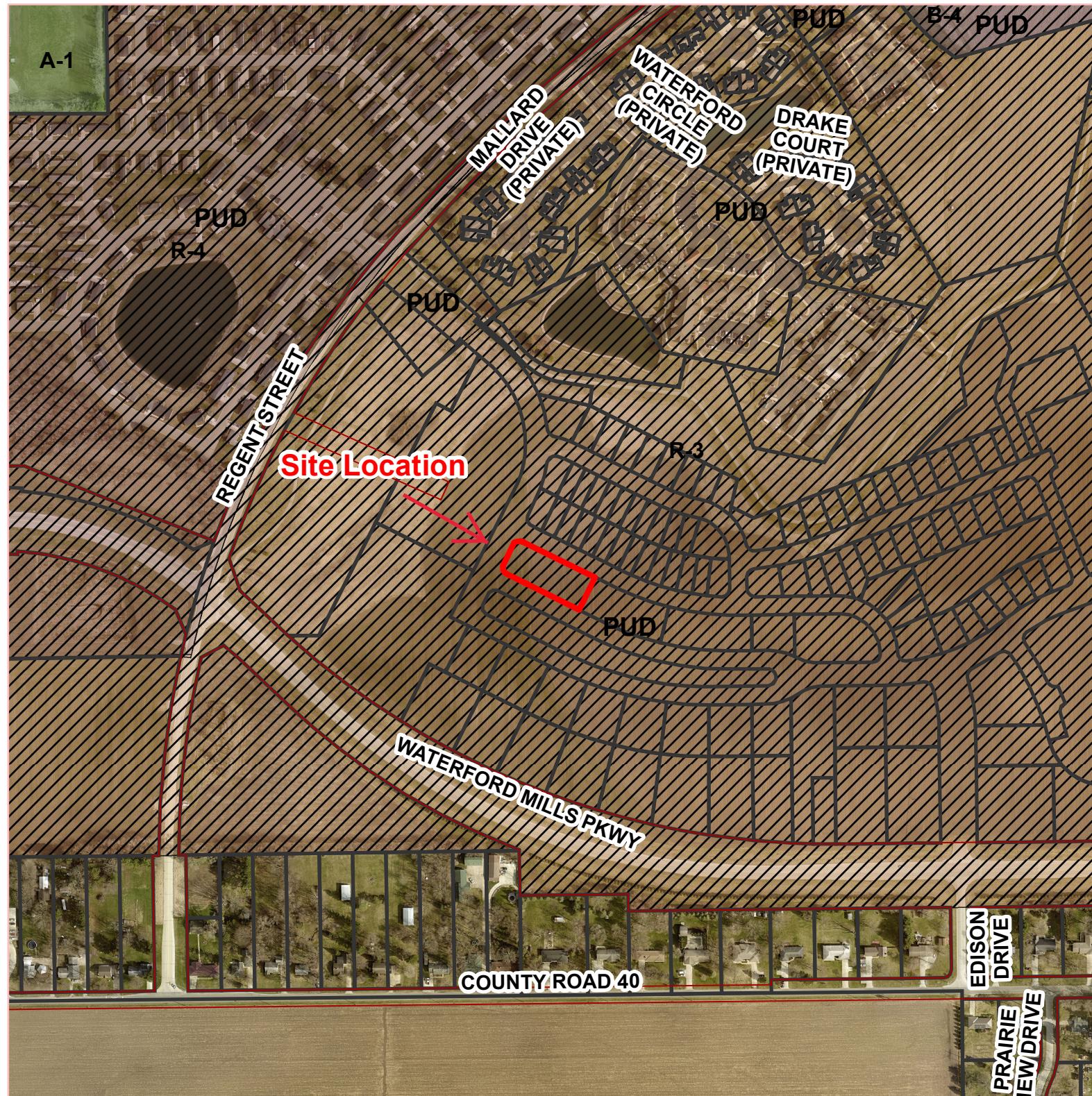
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. Approval by the Building and Fire Departments is required.
5. Technical Review is required.



From southwest corner of Cherry Creek development looking east



From southwest corner of Cherry Creek development looking north



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

811 Fairways Drive

2023 Aerial
Printed January 16, 2026

Feet
0 100 200 400
| | | | | | | |

1 inch = 400 feet

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

Campus Center for Young Children (hereafter referred to as CCYC), is a state licensed, nationally accredited child care center located on the campus of Goshen College. CCYC is one of only three licensed child care centers in Goshen and serves children 13 months through 5 years old, offering year-round programming. Currently, the center is at capacity with 56 children enrolled.

CCYC opened in 1997 with 11 children enrolled and tripled enrollment the first year. Over the past 28 years, CCYC has built a solid reputation for providing the highest quality care available and has maintained an unprecedented retention rate for staff. CCYC has been accredited by the National Association for the Education of Young Children since 2000, placing it in the top 6% of early childhood programs in the nation. Additionally, CCYC has a long waiting list that extends into 2027 and it is not uncommon to receive applications for children who have yet to be born. The need for more high-quality child care in Goshen is great, and CCYC hopes to help alleviate this need by adding a second location.

CCYC is seeking a zoning variance for two playgrounds that will be adjacent to a new site we are planning to occupy in Cherry Creek by the fall of 2027. Per Goshen City ordinance: There is at least 35 square feet of indoor play space and 50 square feet of fenced outdoor play area per child for whom the facility is licensed. However, Indiana State licensing regulation 470 IAC 3-4.7-68 states that: (c) The outdoor play area shall contain at least seventy-five (75) square feet for each child outdoors at any one (1) time.

The playgrounds in question are currently 351 square feet for the infants and toddlers and 1,644 square feet for the older classrooms. Licensing also requires that state ratios be maintained outside, which limits the maximum number of children to the lowest age group to use that area. In this case, that would be a maximum of 20 children on the larger playground, which exceeds the state minimum requirement.

CCYC is requesting the following zoning variances:

- 1) Approving the use of the State licensing requirement of 75 square feet for each child outdoors at any one time; thus, overriding the Goshen Zoning requirement. And,
- 2) Allowing the west side fence to extend to the property line so that the playground can be expanded to 500 square feet for the infants and toddlers. This would make it possible to have 5 children at one time on the playground, when the group size will be not more than 10. The children would be divided into two groups for outdoor play to ensure compliance with State regulations.

The proposed changes will not negatively impact neighboring properties, the general community, or the overall zoning intent. Granting this variance would still be in line with the purpose and intent of the zoning ordinance, as it allows reasonable use of the property while maintaining community standards.

CHERRY CREEK

PHASE ONE - SECTION ONE

A PART OF THE SOUTH HALF OF SECTION 27,
TOWNSHIP 36 NORTH, RANGE 6 EAST, CITY OF GOSHEN,
ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA

GOSHEN COMMUNITY SCHOOLS
INSTR. #2004-35409

SHARED BERM AGREEMENT
BETWEEN CHERRY CREEK, LLC AND
GOSHEN COMMUNITY SCHOOLS
INSTR. #2024-20363

CHERRY CREEK, LLC
INSTR. #2023-00141
INSTR. #2023-19449

ARY DRAINAGE & ACCESS
IT TO BE RELEASED UPON
ON OF FISHERMANS WAY
(SEE 6 OF 10 FOR DETAIL)

The logo for the National Technical Standards (NTS) program, featuring a stylized vertical arrow pointing upwards, with a circular crosshair element in the center.

TOTAL SUBDIVISION AREA
60.73± ACRES

AREA IN RIGHT OF WAY
12.55± ACRES

AREA IN COMMON AREAS
6.98± ACRES

AREA IN LOTS
41.20± ACRES

CITY OF GOSHEN, INDIANA
INSTR. #2001-42758
INSTR. #2001-42759
OPEN AREA

CITY OF GOSHEN, INDIANA
INSTR. #2001-42758
INSTR. #2001-42759
OPEN AREA

CITY OF GOSHEN, INDIANA
INSTR. #2023-20130

13

LINE, SE 1/4, SEC. 27-T36N-R6E

FLOOD NOTE

THIS PROJECT DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL #18039C0262D & #18039C0266D, EFFECTIVE DATE AUGUST 2, 2011.

JOB NO.: 22-1784
DATE: SEPTEMBER, 2025
SHEET 1 OF 12

TOW CHEF 811 GO!



JOB NO: D-2023-24T

ISSUE DATES:

95% REVIEW	10-15-24
FINAL CHECK SET	11-12-24
SUBMITTAL SET	07-22-25
SUBMITTAL SET	09-04-25

REVISIONS:

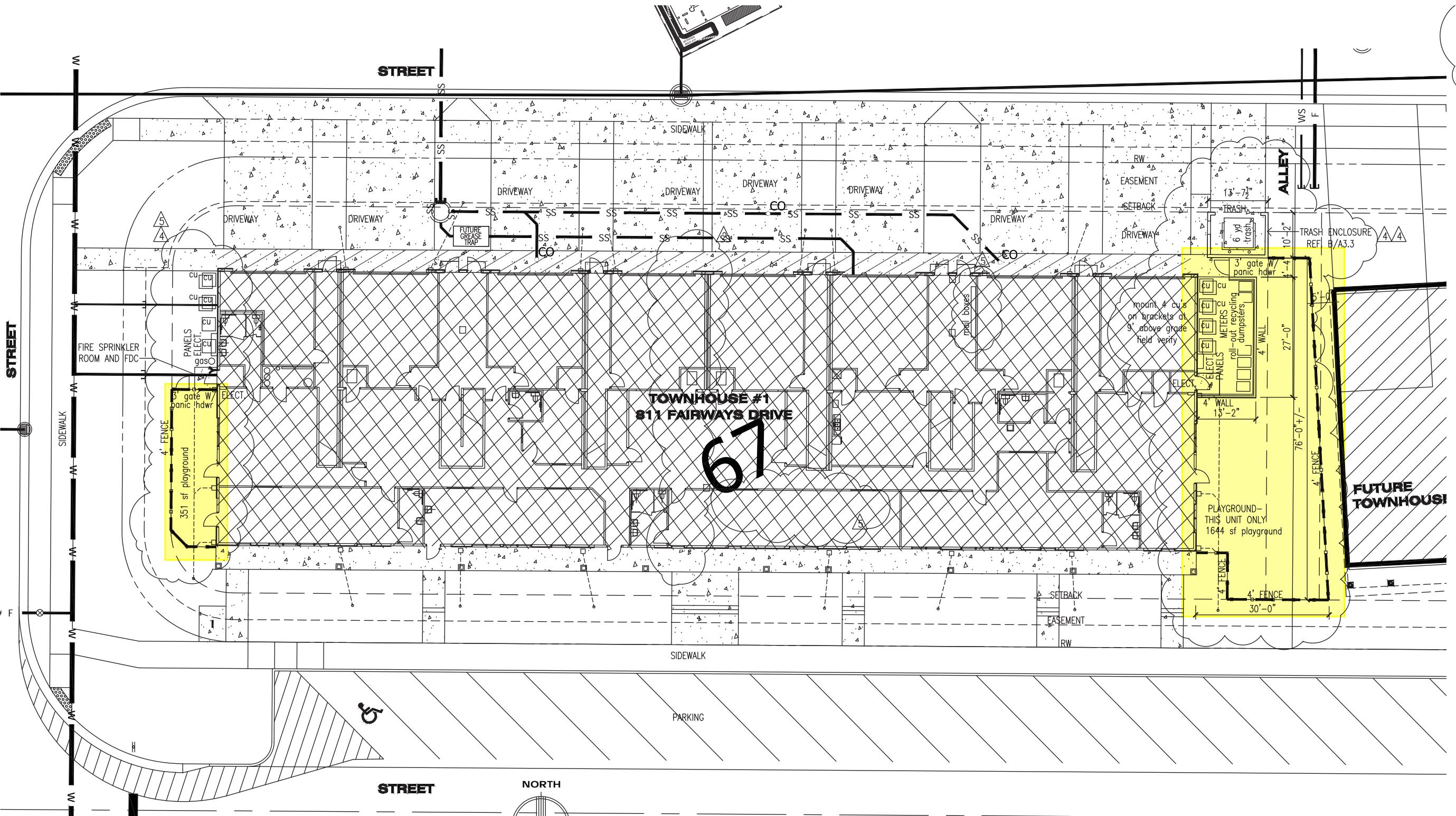
NO.	DATE:
2	OWNER VE 2025-03-26
4	CHILDCARE 2025-09-22
5	CITY/OWNER 2025-11-14

ARCHITECTURAL SITE PLAN

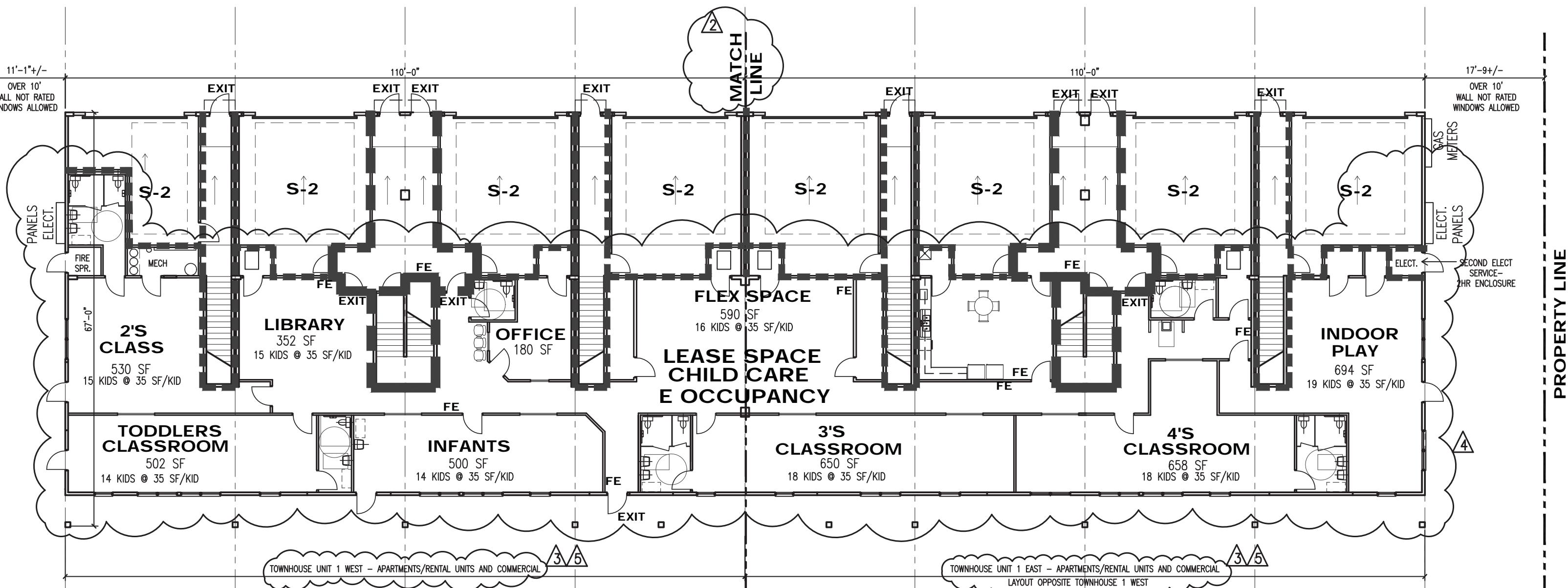
SA.1



A ARCHITECTURAL SITE PLAN



3/32" - 1'-0"



A 1ST FLOOR PLAN

A 3/32" - 1'-0"

1 HR OCC. SEPARATION 60 MIN. DOORS

1 HR FIRE BARRIER 60 MIN. DOORS

F.E.-
FIRE EXTINGUISHER TYPE 2A-10BC
REF. LOCATION ON FLOOR PLANS

— 1 —

20 OCCUPANCY COUNT

INTERIOR WALL & CEILING FINISHES

WALL & CEILING F

(TABLE 803.13 FOR SPRINKLERED BUILDINGS)

INTERIOR WALL & CEILING FINISHES

(TABLE 803.13 FOR SPRINKLERED BUILDINGS)

Deegan, Rossa

From: Michelle Schmidt <accounting@thegardencitychurch.com>
Sent: Monday, December 22, 2025 9:55 PM
To: Deegan, Rossa
Cc: Slavic Sagach
Subject: Fwd: Garden City Church, Inc.

Warning: The sender of this email could not be validated and may not match the person in the "From" field.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Rossa,

On behalf of Garden City Church, we would like to request a six-month extension for the approved petition regarding the use of public parking for the property located at 120 N Main Street.

Could you please provide details on the process required to complete this request?

Thank you for your assistance.

Sincerely,

Michelle Schmidt, Treasurer
Garden City Church, Inc.