

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, September 24, 2024, 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 8/27/24
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV.** Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- V.** **Use & Developmental Variances**— public hearing items
24-09UV & 24-30DV – Artisan Investment Group, LLC requests a use variance to allow a two-family dwelling unit where duplexes are a conditional use in the Residential R-1S and Commercial B-2 Districts and a permitted use in the Residential R-2 and R-3 Districts, and developmental variances to allow three on-site parking spaces where four are required, and open parking in the front yard along Middlebury Street where open parking is prohibited. The subject property is generally located at 205 Middlebury Street and is zoned Residential R-1 District.

24-10UV – Goshen Rental Properties LLC-S Series Elkhart Properties requests a use variance to allow a single family dwelling unit where single family homes are a conditional use in the Commercial B-2 District and a permitted use in the Residential R-1, R-1S, R-2, R-3, and R-4 Districts. The subject property is generally located at 209 Denver Street and is zoned Commercial B-1 District.
- VI.** Audience Items
- VII.** Staff/Board Items
 - 306 Hawthorne – request for a six-month extension for variance 24-15DV
- VIII.** Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, August 27, 2024, 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, Tom Holtzinger, Lee Rohn, Matthew Fisher, and James Loewen. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez.

Mr. Deegan introduced Kimberly Cazabal Gonzalez as the Youth Advisor to the BZA, explaining she was elected by classmates at Goshen High School. She is a non-voting member of the Board and is here to offer input and possibly new perspective. Board members are welcome to ask her questions if they would like her input.

II. Approval of Minutes from 7/23/24: Lauver/Rohn 5-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Loewen 5-0.

IV. Postponements/Withdrawals – none

V. Use & Developmental Variances – public hearing items

24-24DV – Next Step Builders, LLC, Mattie Nisley, and Sun The Willows, request a developmental variance to allow a 13' front building setback where a minimum of 15' is required for the construction of an approximately 120 Sf front porch addition. The subject property is generally located at #3 The Willows and is zoned Residential R-4 District.

Staff Report

Mr. Deegan explained this home is approximately 2400 sf in size and located at The Willows, a manufactured home community. It has a two-stall garage and a concrete porch stoop at the front door. The petitioners would like to replace the stoop with an approximately 120 sf porch. The minimum front setback for lots is 15' and the proposed setback is 13'.

Mr. Deegan reminded Board members that earlier this year a similar request was approved for a home in this community to allow a 10' setback for a porch. He noted this is somewhat common and Staff has encouraged the petitioners to seek a blanket variance to allow this type of setback. He noted he has not heard back, but feels this would eliminate multiple requests of this type.

Staff recommends approval and was not contacted by the public regarding this request.

Petitioner Presentation:

Sam Shultz, Next Step Builders, 2706 Berkey Avenue spoke on behalf of the petitioner. He stated the existing porch stoop is fiberglass and they will build more permanent steps for this porch.

Audience Comments: None

The public hearing was closed.

Staff Discussion:

Mr. Fisher questioned who would need to submit the request to allow a reduced setback for the park.

Mr. Deegan stated it would have to be authorized by the park, but could be submitted by the contractor.

Action:

A motion was made and seconded, Rohn/Loewen, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-24DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

24-25DV – Signtech Sign Services and Goshen Industrial Park Landowners Association request a developmental variance to allow a 160 Sf non-illuminated freestanding sign with an overall height of 16’ to replace a nonconforming sign of the same area installed in the City right of way. The subject property is generally located at the northwest corner of E Kercher Road and Industrial Park Drive and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained a very similar request was submitted and approved by the BZA in 2019. Because the sign was not installed, the variance has expired and a new variance is required. He explained the sign being replaced is actually located within the public right-of-way and because the sign is non-conforming, BZA approval is required. The proposed sign is 16’ in height and 160 SF in area, while the existing sign is 18’ in height and 220 SF in area. Staff recommends approval of the smaller sign, noting it will also provide a cleaner look to the corner. He noted there are no concerns regarding vision clearance and this is the only sign for the industrial park. He also pointed out because this sign is located in the public right-of-way this request must also be heard by the Board of Works. He also noted for the record, a handout was provided prior to the meeting which indicates the 50’ vision clearance area. The handout shows that the existing sign is not located in the vision clearance area and the new sign will also be located outside the vision clearance area.

Petitioner Presentation:

Todd Lehman, 1508 Bashor Rd, Goshen spoke on behalf of the petitioner. He stated the goal was to use the existing steel base structure and the look of the sign matches what the City has been doing for other signage.

Mr. Loewen asked if the sign will be illuminated.

Mr. Lehman stated the sign will be non-illuminated.

Mr. Loewen stated that he understands this sign will meet the vision clearance requirements, but is concerned about the location, questioning if there are any accidents because of these types of signs.

Attorney Kolbus explained that the BOW and Engineering Department will also look at this request and offer comments.

Audience Comments:

None

The public hearing was closed.

Staff Discussion

None

Action:

A motion was made and seconded, Lauver/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-25DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

24-08UV – DJSJ, LLC requests a use variance to allow a single family dwelling unit in an existing two story building where such homes are a permitted use in the Agricultural A-1, Residential R-1, R-1S, R-2, R-3, & R-4 districts and are a conditional use in the Commercial B-2 District. The subject property is generally located at 1501 Lincolnway East and is zoned Commercial B-1 District.

Staff Report:

Mr. Deegan explained this property contains a small primary building, with a shed at the rear of the property. The primary building has most recently been used as a real estate office. This request is to use the building as a single family home, and given it’s small size, it will have one bedroom which will be located on the upper level, with living space on the first floor. The property is zoned Commercial B-1 District, which is for neighborhood commercial uses which causes the need for a use variance.

Staff recommends approval of the request, noting there are single family homes to the south along Lincolnway East, in the same B-1 District and the Meadows of College Green residential neighborhood is located directly west. He pointed out that going forward, variances for this property are likely, regardless of the use. He discussed commitment #3 from the Staff Report which states that residential use of the subject property shall have no impact on the developmental requirements of adjacent properties. This means if a business adjacent to this property wants to develop, no extra screening or additional setbacks shall be required.

Mr. Loewen asked if Lincolnway East is scheduled to be widened.

Mr. Deegan stated INDOT is currently working on a plan for the corridor, but he is not aware of any details at this time.

Petitioner Presentation:

Katie Yoder, 22040 CR 20, Goshen, spoke on behalf of the petitioner. She stated this was a house previously, so there is no need to add a kitchen or bathroom. The plan is to paint and update appliances. This is a single family home with one bedroom and one bathroom. There will be no structural changes to the home.

Mr. Loewen asked if this will be an owner occupied home or a rental. Ms. Yoder responded this will be a rental property.

Audience Comments:

None

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 24-08UV with the 4 conditions and 2 commitments listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

24-27DV – Rob & Rebecca Swihart request a developmental variance to allow a rear building setback of 18' where a minimum of 25' is required for the reconstruction and expansion of an approximately 390 sf attached garage. The subject property is generally located at 618 Emerson Street and is zoned Residential R-1 District.

Staff Report:

Mr. Deegan explained today's request is to remove an attached garage and replace with a garage and a second story playroom. The footprint will be expanded slightly resulting in a rear setback of approximately 18' where 25' is required. The depth of this lot is 30' to 60' less than many similar lots in the same neighborhood, and for this reason, a reduced rear setback is reasonable. He explained that most of the new garage will be in the footprint of the existing garage and adjacent properties along this alley have similar encroachments in the rear yard. Staff was not contacted by the public regarding this request.

Petitioner Presentation:

Rob Swihart, 18280 Buckridge Court, spoke on behalf of the petitioner. He stated his daughter and her family live here and they need additional space. He's available to answer any questions.

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 24-27DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

24-28DV – Skypoint Transit, LLC and Eagle Line Construction, LLC request a developmental variance to allow an 11' front building setback along the west side of the buggy trail where a minimum of 25' is required for the construction of an approximately 496 Sf office. The subject property is generally located at 2525 E Kercher Road and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property contains an RV transport facility which includes a building and a large storage yard. He explained the property is cut diagonally by a trail for horse and buggy access to Wal-Mart. He explained there is a small addition to this building along the west side of the trail which the petitioners wish to demolish and rebuild for office space. The reconstructed addition will be approximately 496 sf and it will have an 11' setback from the west side of the buggy trail. He stated approval is warranted, pointing out the proposed addition will be in approximately the same place as the existing and there is still plenty of room to maneuver through the buggy trail right-of-way. He went on to say the buggy trail acts as a front yard which requires a 25' setback so the 11' setback is the reason for the variance. Approval is warranted noting the proposed addition is largely in the same place as the existing and this area acts more like a side yard than a front yard, pointing out the side yard setback would require a minimum setback of 10'. The Planning Office was not contacted by any member of the public regarding this request.

Petitioner Presentation:

Dewayne Yoder, Eagle Line Construction, 61886 CR 43, Goshen, spoke on behalf of the petitioner. He stated the trail has very little traffic and there are no safety concerns.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Rohn/Loewen, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-28DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

24-29DV – SKR Investments, LLC and Abonmarche Consultants, Inc. request developmental variances to allow a 7' front parking and driving aisle setback along Dierdorff Road where 35' is required and a 0' rear (east) parking and driving aisle setback where 10' is required and for the variance to be valid for one year before the zoning clearance is issued for redevelopment of the site. The subject property is generally located at 2526 Dierdorff Road and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained the petitioner would like to redevelop this property for a plumbing and HVAC business. Improvements include a paved addition for parking along the southwest corner of the site, an addition to the main building for a dispatch office, and an addition for a shop area. A new pole building is also proposed, along with an expanded gravel area for semi maneuvering. The new paving in the southeast corner will be 7' from the Dierdorff Rd property line where a minimum 35' is required. Today's request is also for a 0' setback where 5' is required in the area where the gravel expansion is proposed. Staff recommends an amended approval, explaining the 7' setback from Dierdorff is reasonable because it will match existing paving in the area and is also a result of

the configuration of the property and the need for an expanded driving aisle. The proposed 0' gravel setback is less than ideal and Staff recommends a 3' setback be allowed in this area. He pointed out the BOW will also need to approve this request.

Mr. Holtzinger asked if vegetation would be required in that 3' area.

Mr. Deegan stated he proposed a 3' setback so there would be no gravel in that area so it would have to be some sort of vegetation.

Petitioner Presentation:

Crystal Welsh, Abonmarche, 303 River Race Drive, spoke on behalf of the petitioner. She stated Scott Miller with Bill's Heating is also present and available to answer any questions. The intention here is to improve the property and to allow for a building expansion and a new pole barn. She referred to a photo in the Staff Report showing the existing paving. The intention is to square it off which will allow full size parking spaces to be placed along Dierdorff Road to be utilized by customers or staff. This would still allow free access around the building. She noted some landscaping will be removed, but new landscaping will be added along the street. She went on to say the owner has no problem complying with the 3' setback requirement. She explained the gravel is proposed to allow semi's to maneuver properly and will not be any larger than necessary. She noted for the record they are on next BOW agenda to get approval for the gravel and for a utility issue.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Loewen/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-29DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items - None

VII. Staff/Board Items - None

VIII. Adjournment: 4:37 pm Lauver/Fisher

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 205 Middlebury Street
CASE NUMBER: 24-09UV & 24-30DV

DATE: September 24, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Artisan Investment Group, LLC (owner)

REQUEST: The applicant requests a use variance to allow a two-family dwelling unit where duplexes are a conditional use in the Residential R-1S and Commercial B-2 Districts and a permitted use in the Residential R-2 and R-3 Districts, and developmental variances to allow three on-site parking spaces where four are required, and open parking in the front yard along Middlebury Street where open parking is prohibited

LOT SIZE: ±18,643SF; ±164' of frontage (±82' on Middlebury Street & ±82' on 5th Street); depth varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 22

SPECIAL INFORMATION

PUBLIC UTILITIES: City water & sewer available

AREA DEVELOPMENT: Residential, institutional

NEIGHBORHOOD: Chamberlain

THOROUGHFARES: Middlebury Street, 5th Street

TOPOGRAPHY: Property includes from south to north

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses
Two-family dwelling units are listed as a permitted use in the R-2 and R-3 districts and are conditional uses in the R-1S and B-2 districts
- ◇ Goshen Zoning Ordinance, *Appendix F*, Table of Parking Requirements
Single family dwellings require two onsite parking spaces
- ◇ Goshen Zoning Ordinance, *Section 5110.3*, Parking Design Standards
A.1. Open parking spaces may be located in any yard, except a front yard or the street side of a corner lot

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

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

ANALYSIS

The subject property is a through lot with frontage along Middlebury Street and 5th Street in the Chamberlain neighborhood. Zoning is R-1, and surrounding uses include a mixture of residential uses; Chamberlain Elementary School is directly across Middlebury Street to the south and a medical office is directly to the east. The property has two buildings: a vacant former residence with a footprint of approximately 1,850 SF, and a detached two-story garage with one stall and an approximate footprint of 896 SF.

Planning records show previous use of the property as a two-family home. The primary building layout includes two side-by-side two-story units with separate entrances on the Middlebury Street front porch. In the late 1990s and early 2000s, use of the two apartments lapsed, and the property was ordered to return to a single family status.

They appear to have been vacant ever since. The petitioners are now proposing to renovate the primary building and restore the two-family status. Work includes a new roof, windows and doors, soffit and fascia, along with new water heaters and furnaces, plumbing repairs, floor and drywall replacement, and paint. A use variance will be required for the duplex use because the R-1 District only permits single family homes. The applicant is also requesting developmental variances for the following:

- Four on-site parking spaces are required (two for each dwelling unit), and the petitioner proposes to provide three on-site spaces
- Two of the proposed parking spaces will be in the front yard setback along Middlebury Street

Staff recommends approval of the request, but notes that denying a variance will not create an unnecessary hardship if applied to the subject property. The primary and accessory buildings on the property could be renovated as a single family home and meet the use requirements of the R-1 District. Additionally, Goshen's Comprehensive Plan seeks to "reduce the number of single-family homes that have been converted to multi-family housing" (Neighborhoods and Housing-1.9). Nevertheless, the proposed duplex is justifiable based on the following:

- The subject property and those in its vicinity are not a homogenous block of single family uses. Adjacent properties are a mixture of residential, commercial, and institutional uses, and zoning directly to the south along Middlebury Street is Residential R-2, where duplexes are permitted.
- At over 18,000 SF in area, the subject property is a large lot; it is larger than any surrounding residential properties and would be more than adequate in size for a duplex use if located in the R-2 District, which requires a minimum of 10,000 SF of lot area for a duplex
- The property was previously a duplex, and the primary building is already configured to include two separate apartments. It has separate kitchens and stairways for each unit along with separate entrances.
- The proposed three onsite parking spaces and street level parking along 5th Street will likely be adequate for the two homes. If additional parking is needed in the future, there is ample room in the east and north yards to install additional paving.
- The Comprehensive Plan seeks to promote "smooth transitions between different uses" (Land Use-2.1). With commercial and institutional uses directly adjacent the subject property, the proposed duplex will serve as a transitional use to single family zoning.
- The Board of Works issued a demolition order for the subject home and garage in April 2024 due to the dilapidation of the structures. Approval will allow repairs to proceed and add two housing units to the community where housing is sorely needed

Approval of the developmental variances related to parking is warranted. As already mentioned, there is street parking available along N 5th Street in addition to the property's three parking spaces. The proposed two parking spaces in the front yard along Middlebury Street will be located behind the front wall of the home and in line with parking lot for the adjacent medical office to the east; that property received variance approval to encroach in the front yard. An existing access drive will be used for the parking spaces, and approval of the request will save green space in the remaining yard. There appears to have been some gravel in the proposed location before.

During site inspection of the property, staff noted the presence of debris, materials, and objects on the property that give it an unsightly appearance; these are likely related to business storage. With approval, Staff recommends a condition requiring removal of these items and a commitment preventing future storage use of the property.

FINDINGS OF FACT

Staff recommends **approval** of a two-family dwelling unit where duplexes are a conditional use in the Residential R-1S and Commercial B-2 Districts and a permitted use in the Residential R-2 and R-3 Districts, and developmental variances to allow three on-site parking spaces where four are required, and open parking in the front yard along Middlebury Street where open parking is prohibited, based on the following:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Prior to use as a two-family home, the subject property will be renovated in accordance with Building and Fire Code. The property and the floor area of the proposed units surpass the minimum requirements

for units in the R-2 District, where duplexes are permitted. The proposed parking area meets side setbacks and is deep enough so that cars will not park across the adjacent sidewalk. *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 and those in its vicinity are not a homogenous block of single family uses. Adjacent properties are a mixture of residential, commercial, and institutional uses, and zoning directly to the south along Middlebury Street is Residential R-2, where duplexes are permitted. *The standard is confirmed.*

3. The need for the variance arises from a condition peculiar to the subject property. The property was previously a duplex, and the primary building is already configured to include two separate apartments. It has separate kitchens and stairways for each unit along with separate entrances. *The standard is confirmed.*

4. Strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the subject property. The primary and accessory buildings on the property could be renovated as a single family home and meet the use requirements of the R-1 District. *The standard is not confirmed.*

5. The approval does not interfere substantially with the Comprehensive Plan. The Comprehensive Plan seeks to promote “smooth transitions between different uses” (Land Use-2.1). With commercial and institutional uses directly adjacent the subject property, the proposed duplex will serve as a transitional use to single family zoning. *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. Board of Works approval for a parking and driving surface that is an alternative to hard surface.
6. The drive approach from Middlebury Street located southwest of the porch shall be removed, with the sidewalk replaced and bare soil areas leveled and re-seeded with grass.
7. Within thirty (30) days of this approval, debris, materials, and equipment unrelated to the approved remodel of the buildings shall be removed from the property and adjacent right of way along 5th Street. Items to be removed shall include lawn mowers, riding mowers, and parts thereof; vehicle parts; tires; wheels; tarps; trash; building materials; doors; siding; scrap metal; wheelbarrows; auto repair equipment; bricks; appliances; televisions; wood boards and sheathing; and buckets.
8. The property shall not be transferred until a final Building Department inspection is completed.

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 subject property shall be used for two residential units only; use of any portions of the real estate for storage not related to the subject residences shall be prohibited.
3. If both residential units are vacant for a period exceeding twelve (12) months at any time following the final building inspection, the variance shall be null and void.



Looking northwest



Looking north



Looking west at location of proposed parking area



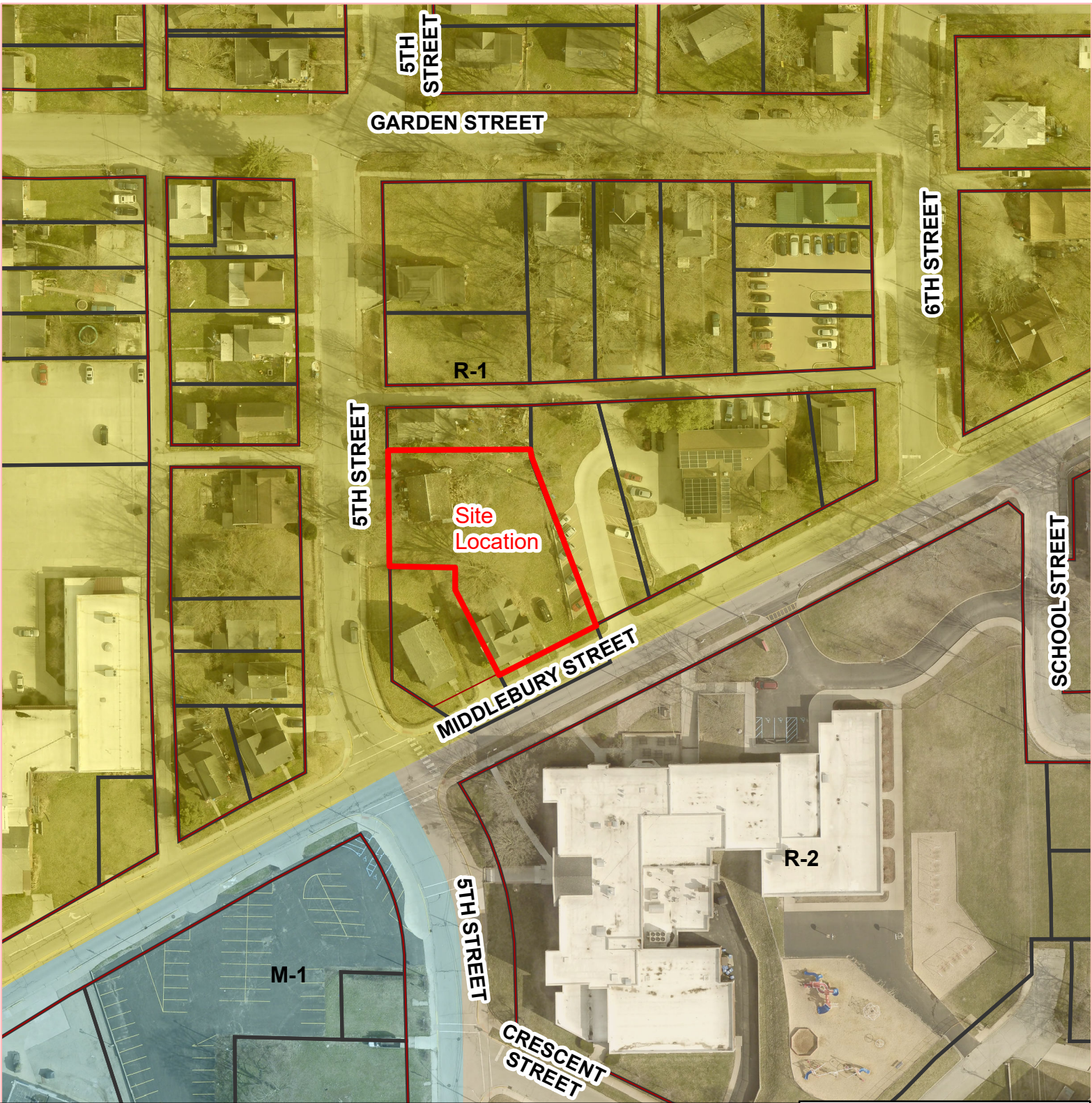
Looking south



From 5th Street, looking northeast at the garage



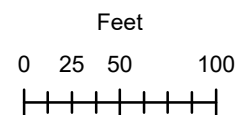
Looking northwest at south side of garage



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

205 Middlebury St

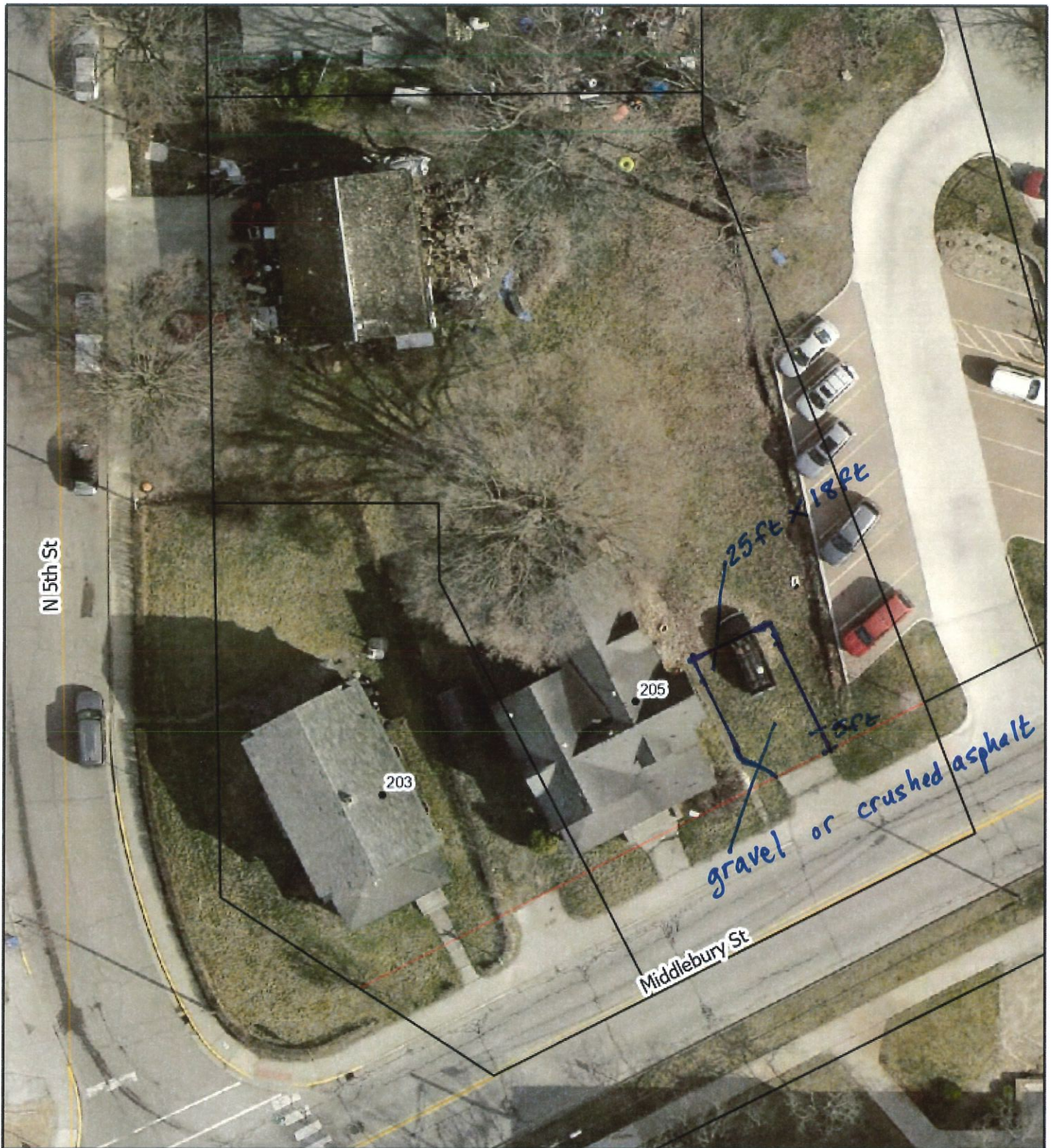
2023 Aerial
Printed September 9, 2024



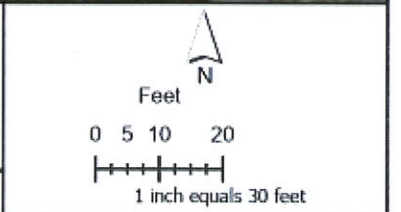
1 inch = 100 feet

The City of Goshen
Department of

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



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.

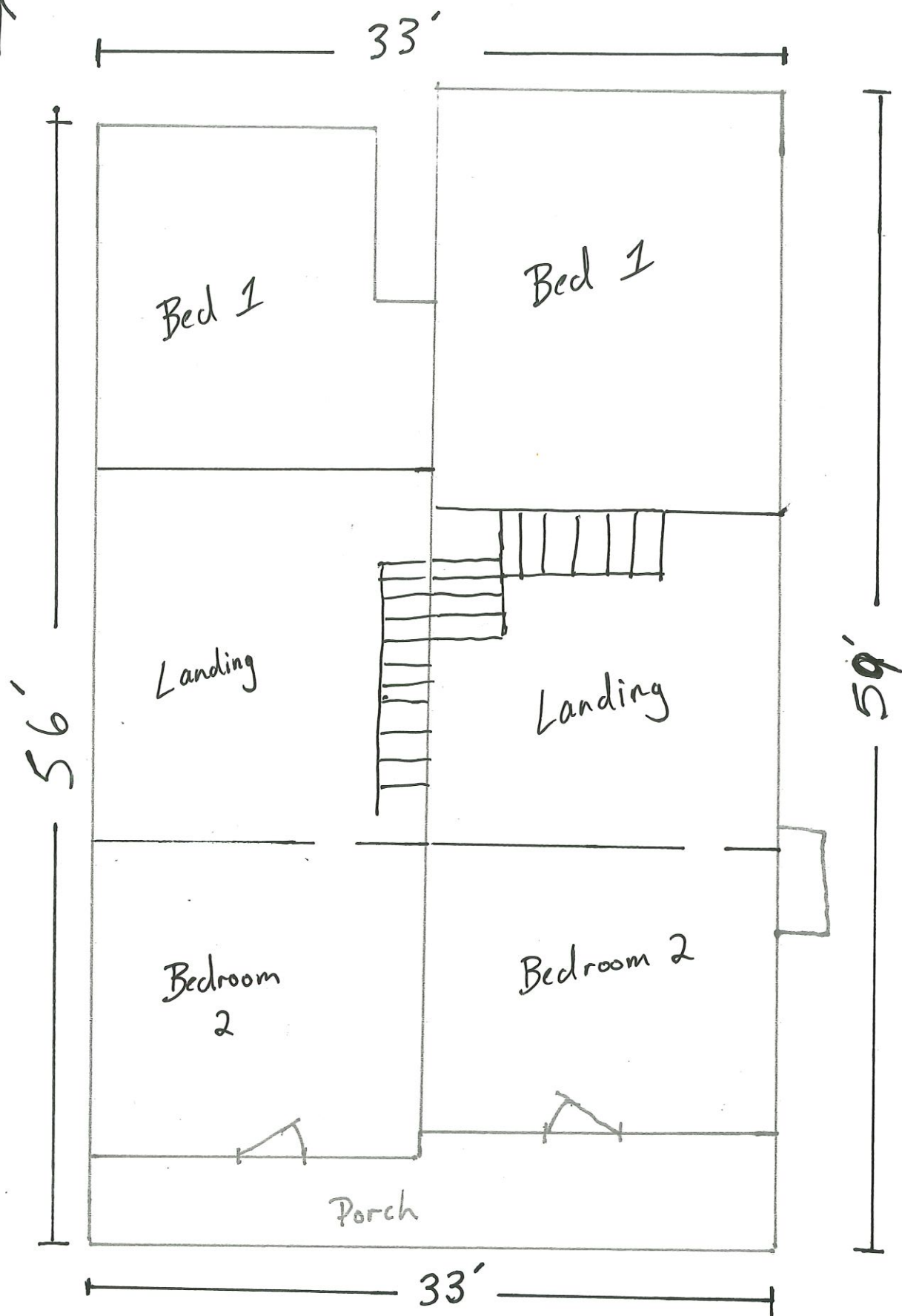


205 Middlebury Street

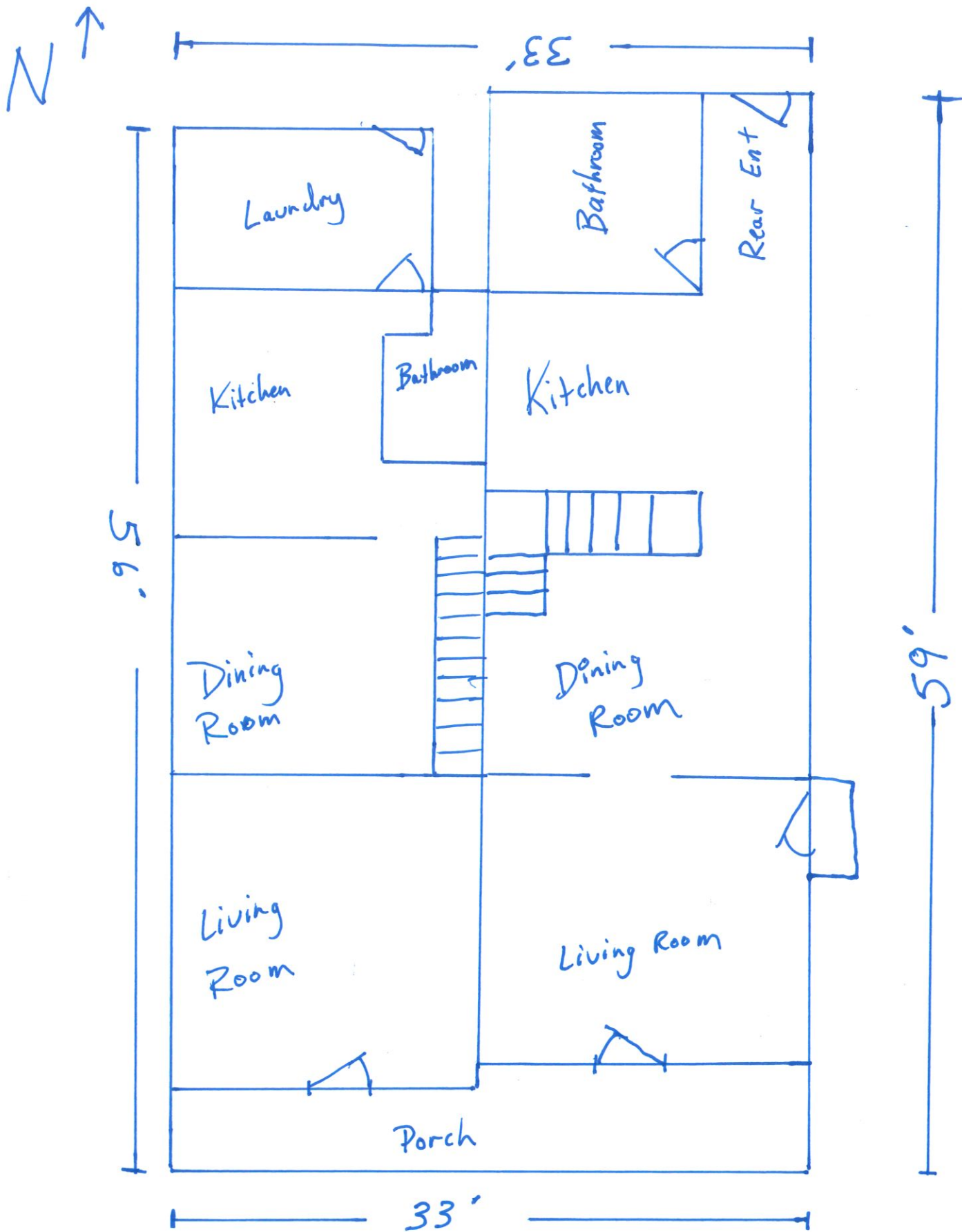
2023 Aerial
Printed on 8/16/2024

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

N ↑



UPSTAIRS 205 Middlebury St



Main level 205 Middlebury St

Scope of Work

Property Address: 205 Middlebury Street Goshen IN 46528

Number of units: 2

Will the footprint of the building be expanded? No

If so, explain: _____

Will any new buildings or parking/driving surfaces be added to the property? No

If so, explain: _____

Will the number of units change? No

If so, explain: _____

Will the number of bedrooms in any of the units increase? No

If so, explain: _____

Detailed Scope of Work – list and describe all improvements being made to the property:

New 2 Meter Electrical Service Base and Breaker Boxes and update wiring to code

New Metal Roof

Replace all windows

Replace all Entry Doors

New soffit and fascia

Update 2 Existing Bathrooms, Including tub/surround, vanities and toilets

Drywall repairs and Paint the interior and exterior of Home

New Flooring on Main level and upstairs

Plumbing Repairs on drain lines and water lines

2 New water heaters

2 New furnaces

LOCATION: 209 Denver Street
CASE NUMBER: 24-10UV

DATE: September 24, 2024
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Goshen Rental Properties LLC-S Series Elkhart Properties (owner)

REQUEST: The applicant requests a use variance to allow a single family dwelling unit where single family homes are a conditional use in the Commercial B-2 District and a permitted use in the Residential R-1, R-1S, R-2, R-3, and R-4 Districts

LOT SIZE: ±8,189SF; ±62' of frontage; ±132' depth

APPLICABLE ZONING: Commercial B-1

NOTICES SENT: 27

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water and sewer

AREA DEVELOPMENT: Residential, commercial

NEIGHBORHOOD: No recognized neighborhood association

THOROUGHFARES: Denver Street

TOPOGRAPHY: Relatively level, entire property is located in Zone AE Fringe of the regulatory floodplain

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of permitted uses
Single family homes are listed as conditional uses in the Commercial B-2 District and permitted uses in the Residential R-1, R-1S, R-2, R-3, and R-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 located on Denver Street, directly west of the Trinity Square/Kroger Shopping Plaza and a short distance south of the Pike Street commercial corridor. The property is over 8,100 SF in area and includes a primary building with an approximate footprint of 1,330 SF. Zoning is Commercial B-1; properties immediately to the north, south, and west are residential properties and R-3 zoning is directly to the west. The shopping plaza is zoned B-4. The property is located entirely in Zone AE Fringe of the regulatory floodplain.

Site history is as follows:

- In August 1981, a zoning clearance was issued permitting a single-family modular home on the property. At that time, zoning was B-1, but no variance is on file, so it's unclear how the approval occurred.
- In July 2018, the BZA approved a use variance allowing the property to be a family care home, which is a conditional use in several residential zoning districts only
- In May 2024, the property transferred to the current owner

The petitioner is requesting to return the building to single family use. Planned remodeling includes new windows, flooring, kitchen and bathroom amenities, and paint. The layout for the home includes three bedrooms

and two bathrooms, and the existing gravel driveway and parking area will be used for required onsite parking. Single family homes are not permitted in the B-1 District, so a use variance is required.

Approval of the single family use is warranted. The B-1 District was established for neighborhood commercial uses, but the predominant land use in the B-1 District along Denver Street is residential, and many of the properties are single family homes. Because the existing building was originally approved as a single family home, it is residential in appearance and single family use is likely to be its most practical use. Denver Street is a narrow two-lane street within a 50' wide stretch of right of way; more intense uses such as commercial businesses are less appropriate on narrow local streets.

FINDINGS OF FACT

Staff recommends **approval** of a use variance to allow a single family dwelling unit where single family homes are a conditional use in the Commercial B-2 District and a permitted use in the Residential R-1, R-1S, R-2, R-3, and R-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.** The proposed home is an existing building with ample setbacks to each property line. Renovation of the home will be performed 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.** The B-1 District was established for neighborhood commercial uses, but the predominant land use in the B-1 District along Denver Street is residential, and many of the properties are single family homes. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The subject property was previously a single family home; is currently laid out as a single family home; and is surrounded along Denver Street and to the west by residential properties. *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.** Because the existing building was originally approved as a single family home, it is residential in appearance and single family use is likely to be its most practical use. *The standard is confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** Allowing use of the residential property in this location adjacent to a large shopping development supports the Comprehensive Plan's goal of promoting mixed-use residential and commercial development (Neighborhoods & Housing N6.2) *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. The viability of the existing street tree designated for this property along Denver Street shall be determined by the City Forester and shall be replaced or pruned if needed no later than April 1, 2025.



Looking west across Denver Street



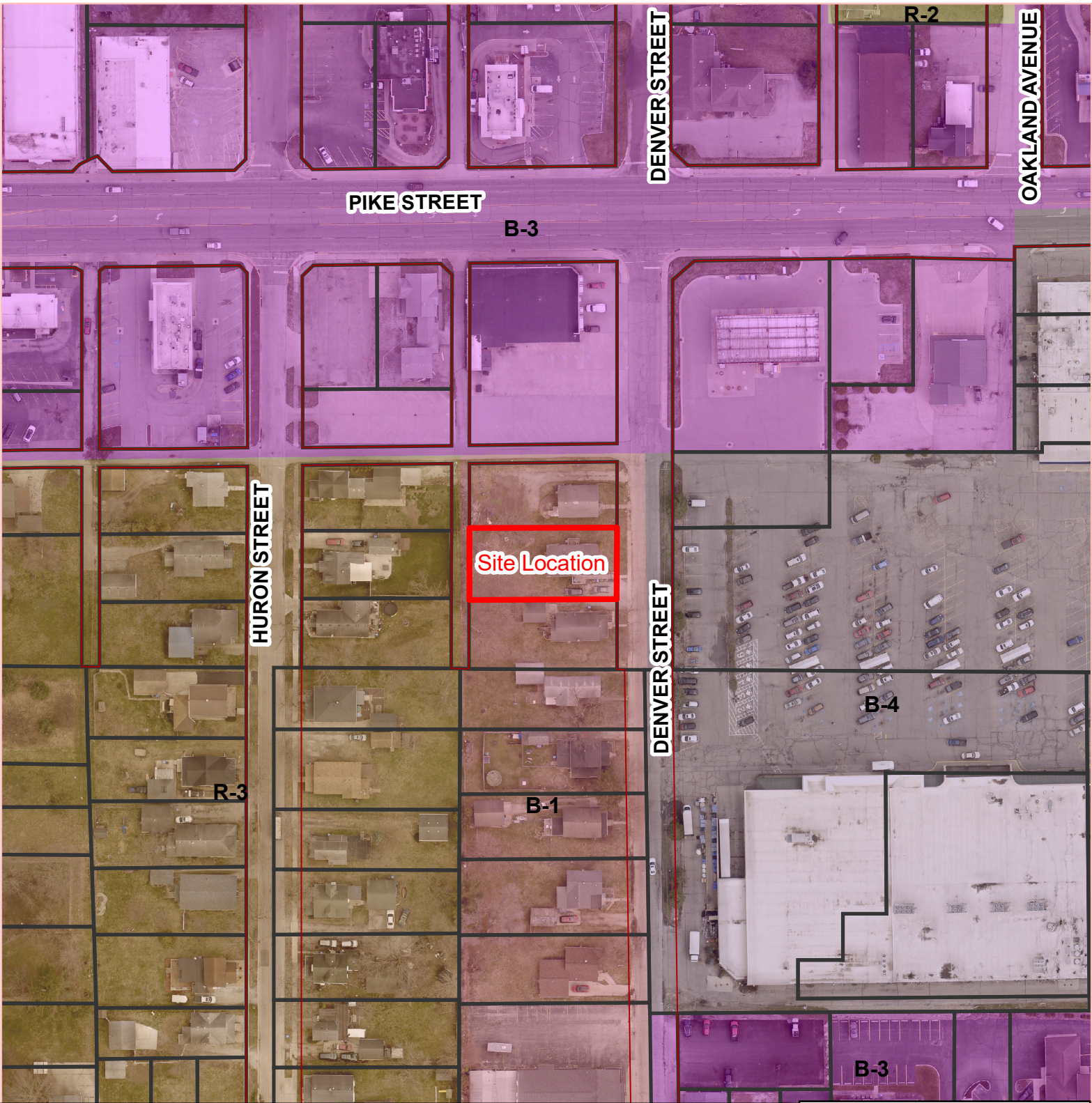
Looking northwest from existing parking area



In back yard looking east



In front yard looking southwest



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.

209 Denver St

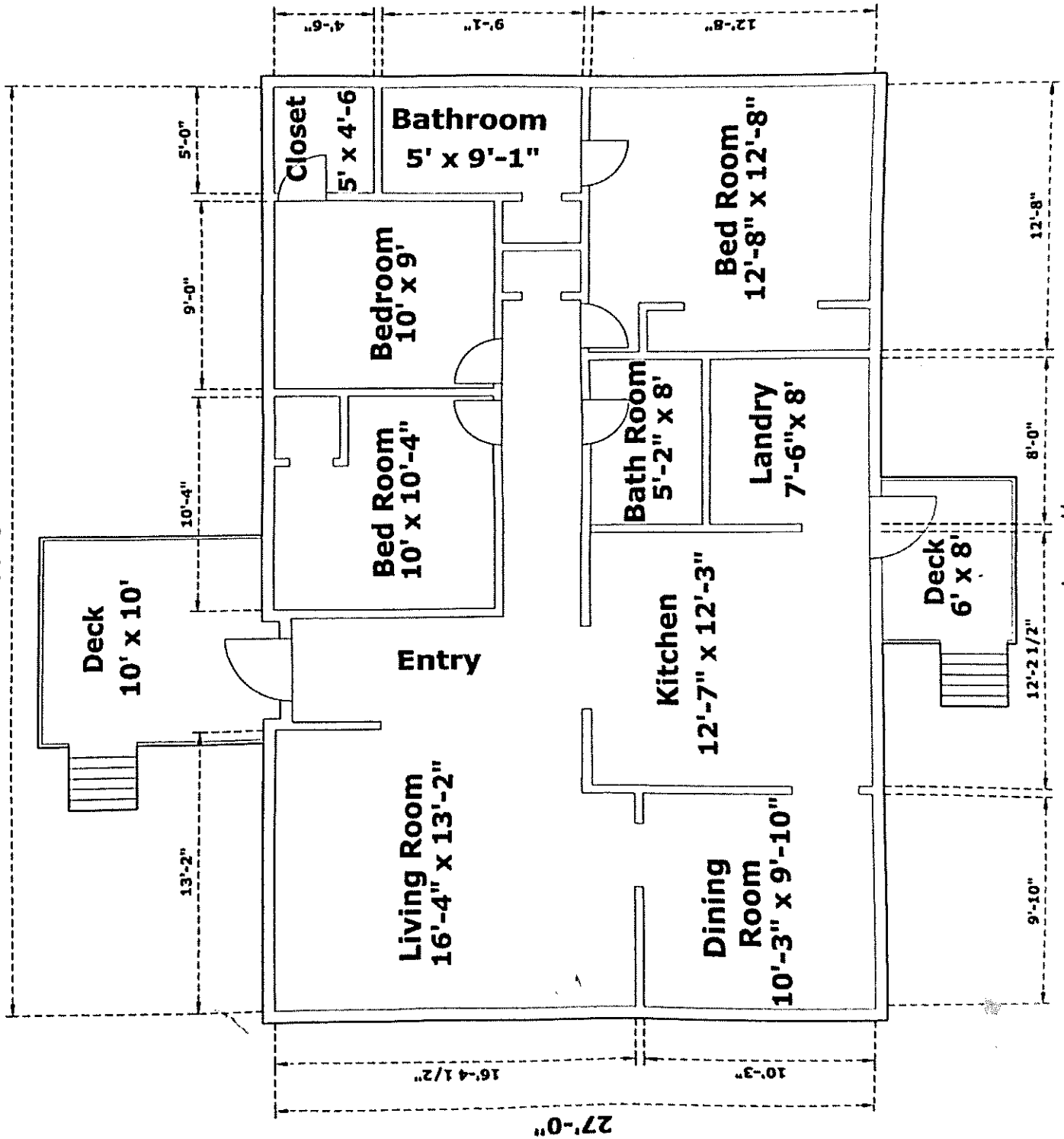
2023 Aerial
 Printed September 6, 2024

Feet
 0 30 60 120

1 inch = 120 feet

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

47105
44'-0"



West

East

North

209 Denver Ave Scope of Work

1. Remove and replace 11 windows
2. New vinyl plank flooring throughout the entire house
3. New paint on the interior of the house
4. New cabinets and countertop in the kitchen

Material Costs

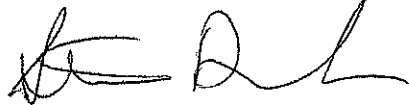
- Windows \$2356.70
- Flooring \$2420.00
- Cabinets and Countertop \$2785.33
- Paint \$452.80

24-15 DV

306 Hawthorne Drive

9-3-2024

Please allow me an additional
6 months to complete my
project. Thank you in
advance.



Steve Doranek