

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 28, 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, Tom Holtzinger, and Hesston Lauver. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez. Absent: James Loewen

II. 2025 Board of Zoning Appeals Appointments
Mr. Holtzinger asked if there is an update on appointments.

Mr. Deegan replied that Lee Rohn was reappointed to another 4 year term by the City Council.

III. Election of 2025 Officers

- *Chair*
- *Vice Chair*
- *Secretary*

Attorney Kolbus advised the Board if they want to keep the same officers, a motion can be made to continue the current officers.

Action:

A motion was made and seconded, Fisher/Rohn, to reappoint the current officers for 2025. (Tom Holtzinger, Chair, Lee Rohn, Vice Chair, and Hesston Lauver, Secretary.) The motion passed unanimously by a vote of 4-0.

IV. Approval of Minutes from 11/26/24:

Mr. Holtzinger advised Board members that absent board member James Loewen requested additional comments be added to the official minutes of the 11/26/24 BZA meeting. Those comments are included in an email (Exhibit A 11/26/24 Minutes) provided to Board members prior to the start of today's meeting.

Action:

A motion was made and seconded, Rohn/Fisher, to approve the minutes and adopt Mr. Loewen's written comments as part of the official record. The motion passed unanimously by a vote of 4-0.

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

VI. Postponements/Withdrawals – None

VII. **Use & Developmental Variances** – public hearing items

25-01UV & 25-01DV – Maple Crest Country Club of Goshen, Inc. and Abonmarche Consultants request a use variance to allow 5' side (south) and 35' side (east) parking and driving aisle setbacks adjacent to a residential property and access from a residential street where golf courses are a conditional use requiring a minimum 50' distance from any adjacent residential uses and zoning districts and access from a collector or arterial street, a developmental variance to allow a front parking and driving aisle setback of 5' along Hackett Road where a minimum of 25' is required, and to allow the variances to be valid for one year before a zoning clearance is issued for the expansion of the golf course parking lot. The subject property is generally located at 611 Hackett Road and is zoned Residential R-1 District.

Mr. Holtzinger noted for the record that he is a past president of Maple Crest and is not presently an officer. He went on to say he was not aware of this proposal until receiving his BZA packet.

Staff Report

Mr. Deegan explained this request is for Maple Crest Country Club, noting that while it is well over 100 acres in

size, most of the land is under the jurisdiction of Elkhart County. There is also an approximately 5 acre parcel on the south side of the property which includes the clubhouse and parking lot, and is the subject of today's request.

He explained that golf courses are a conditional use in the R-1 zoning district and among the conditions they must meet include setbacks of 50' from residential properties and zoning districts, and direct access from a collector or arterial street.

The petitioner would like to reorient some of the existing parking central to the site and add additional parking on the east side of the site. He went on to explain there is a home southeast of these improvements and the parking area does not meet the 50' required setback. He noted there is a 5' south (side) setback for the new parking area and a 35' east setback. He also pointed out the Hackett Road is a collector street with a setback requirement of 25' and the parking and driving aisle setback for the new access drive will be 5'

Staff recommends approval, explaining there is nowhere else to expand the parking area, noting the property creates a need for the variance. The increase to the number of parking spaces is needed for the numerous events which has seen overflow parking in grassy areas. The petitioner has also asked that the approval be granted for one year so it has time to go through the City's plan review process. Landscaping screening has also been provided around the parking lot to buffer vehicle lights between the parking lot and homes.

The Planning Office did not receive any inquiries regarding this request.

Petitioner Presentation:

Tom Runkle, Abonmarche Consultants, 303 River Race Drive, spoke on behalf of the petitioner. He stated Staff's report was very thorough, but added that proposed improvements include replacing the deteriorated existing parking lot, improving the circulation on the site, and eliminating drive cuts to help improve conflicts at Hackett Road. The owner of the country club has also reached out to neighboring property owners to discuss the proposed improvements and there have been no major objections from the homeowners.

Mr. Lauver asked how drainage will be addressed.
Mr. Runkle stated it will be contained subsurface.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Rohn/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-01UV& 25-01DV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-02UV – Ira & Esther Diener (property owners) and Daryl J Borkholder (potential buyer) request a use variance to allow the grazing and pasturage of animals (2 horses) within a fenced area where such use is a conditional use in the Agricultural A-1 District. The subject property is generally located at 321 N 22nd Street and is zoned Residential R-2 District.

Staff Report

Mr. Deegan explained this property is approximately 10 acres in size and contains rugged and highly vegetated land. The home and the property are zoned Residential R-2 District. The petitioners would like to use a portion of this property to keep two horses in a fenced area. A use variance is required because the zoning ordinance only allows horse grazing and pasturage as a conditional use in the Agricultural A-1 District. Based on the lot size and

semi-rural location on the outskirts of the City, Staff recommends approval of the request. The fenced area for the horses will be over 200' from the closest neighboring home and as mentioned previously, the property is rugged terrain and a large ditch.

The Planning Office was not contacted by members of the public regarding this request.

Petitioner Presentation:

Ira Diener, 64622 CR 33, Goshen and spoke on behalf of the petitioner. He stated this is a rural property and he can't see that there will be any negative impact from the horses.

Daryl Borkholder, 8605 W 300 S, Topeka, was also present, and available to answer any questions.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Lauver/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-02UV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-03UV –Matthew Miller (owner) and Ismail Saleh (agent) request a use variance to allow a department store where such uses are permitted in the Commercial B-2, B-3, and B-4 districts. The subject property is generally located at 711 W Lincoln Avenue and 104 Huron Street and zoned Commercial B-1 and Residential R-3 Districts.

Staff Report

Mr. Deegan described this property, noting that it has previously come before the Board for approvals. It contains three parcels and is located along the north side of Lincoln Avenue. Zoning is Commercial B-1 and Residential R-3. The property contains a large one-story commercial building along with a residential home, which is located at 104 Huron Street, but today's discussion is about 711 W Lincoln. Because the property has B-1 and R-3 zoning, the use of the property is difficult without variances. He noted this property is also located in zone AE Fringe of the regulatory floodplain.

The most recent variance granted for this property was for a paintless dent repair business. Today's request is to allow the property to be used for retail sales for new and liquidated merchandise. Staff recommends approval of the request, noting that fire and building departments have reviewed and approved the plans. Based on zoning ordinance calculations, parking will be sufficient for this use. Outside sales and display, as well as outside storage, will be prohibited on this property. Additionally, Staff recommends that semi-trucks be prohibited from accessing the site.

The owner of 111 Denver Street called to ask for additional information on this request, but did not offer an opinion or express any specific concerns.

Petitioner Presentation:

Afaneh Samra, 8501 Broadmoor Drive, Palos Hills, IL spoke on behalf of the petitioner. He stated they don't plan to sell any used merchandise; all merchandise will be new and will include furniture, home décor, home furnishings, etc.

Mr. Holtzinger asked if he feels there is sufficient parking, to which Mr. Samra responded yes.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Fisher/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-03UV with the 6 conditions and 4 commitments listed in the Staff Report.

Mr. Lauver asked if this project will be approved by the building and fire departments prior to opening for business. Mr. Deegan acknowledged that both departments have been involved with review of the request.

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

25-02DV – Richard L Bender requests developmental variances to allow a front building setback along Berkey Avenue of 29' where 30' is required and a side (west) building setback of 7' where 8' is required for the addition of an approximately 989 SF garage and three-season room. The subject property is generally located at 1412 Berkey Avenue and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained the petitioner would like to build an addition to the northwest side of the home, along the Berkey Avenue frontage. The approximately 989 sf addition will include a two-stall garage and a sunroom. The addition will encroach 1' into the (side) west setback and the 1' into the (front) north setback. Both of these encroachments are due to structural overhangs. He explained these encroachments are minimal and will not adversely impact the neighborhood. No public comments were received regarding this request.

Petitioner Presentation:

Richard Bender, 1412 Berkey Avenue spoke on behalf of the petitioner. He stated in order to park in the garage and have room to open car doors, the extra one foot is necessary. He also stated he has contacted Bills Heating regarding the installation of a new sewer line and that should begin next month.

Audience Comments:

Dustin Sailor, Director of Public Works and Utilities, spoke to the request. He stated the Engineering Department would like to reaffirm condition #5 of the staff report, requiring the driveway to be concrete.

Mr. Bender responded that on the site plan he submitted, it shows that the driveway will be concrete and will be poured to the road.

The public hearing was closed.

Staff Discussion:

Action:

A motion was made and seconded, Fisher/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-02DV with the 5 conditions a listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

VIII. Audience Items

None

IX. Staff Board Items

None

X. Adjournment: 4:27 pm Lauver/Fisher

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Hesston Lauver

Hesston Lauver, Secretary