

Minutes - Goshen Board of Zoning Appeals
Tuesday, February 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: Lee Rohn, Mathew Fisher, Tom Holtzinger, James Loewen, and Hesston Lauver. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez.
- II.** Approval of Minutes from 1/28/25: Rohn/Lauver 5-0
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Lauver 5-0
- IV.** Postponements/Withdrawals – None
- V. Developmental Variances** – public hearing items
25-03DV – Nelda Johnson and Nick Johnson request a developmental variance to allow the replacement of a fence 6’ in height in the front yard setback along New York Street where fences cannot exceed 4’ in height. The subject property is generally located at 1212 S 8th Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this is a single-family home, located at the corner of New York and South 8th Street. The petitioners would like to reconstruct a dilapidated, 6’ fence on the property and because it’s a corner lot, it’s subject to the zoning requirement allowing a maximum fence height along the street frontages of 4 feet. This proposal is to allow a 6’ fence along New York Street. Staff recommends approval of the request, noting that the front of the home faces 8th Street and the frontage along New York Street functions as a side yard. He explained this request is reasonable and will improve the appearance of the property and provide reasonable privacy; also pointing out the zoning ordinance requires that fences be maintained and not fall into disrepair. He reminded Board members that several previous approvals have been given for similar requests.

No public inquiries were received regarding this request.

Petitioner Presentation:

Nick Johnson, 15805 Adams Road, Granger, spoke on behalf of the petitioner. He stated this property belongs to his mother who lives there alone. He explained that the 6’ fence will allow privacy between the garage and the home.

Mr. Loewen asked if the fence will also be extended along 8th Street.

Mr. Johnson explained it will be in the same place as it is now.

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/Loewen, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-03DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

25-04DV – Salvation Army of Goshen requests a developmental variance to allow the display of up to four 60 Sf temporary banners for Salvation Army pancake day at separate locations where temporary banners cannot exceed 50 SF in area. In 2025 the banners will be displayed at 1304 Elkhart Road, 2824 Elkhart Road, 200 High Park Avenue, and 444 Lincolnway East.

Staff Report

Mr. Deegan explained this request is not for a specific property, but for four banners, owned by The Salvation Army. These banners are intended to be displayed at various locations in Goshen. He explained the zoning ordinance allows temporary banners in most commercial and industrial zoning districts and one temporary banner, not to exceed 50 SF in area, is permitted on a zoning lot for up to 60 days in a twelve month period. The Planning Office tracks these temporary signs with zoning clearances.

For the past decade, The Salvation Army has been receiving temporary approval for banners to be displayed around the City to advertise their annual event. Approval was granted because the size of the signs has been erroneously stated as less than 50 SF, but it's now been brought to our attention that they exceed 50 SF in area. Although these temporary banners exceed the allowable square footage, Staff recommends approval with the condition that the signs only be displayed on sites where temporary banners are permitted, and that once any or all of the existing banners need to be replaced, they be brought into compliance with current zoning ordinance standards.

No public comments were received regarding this request.

Petitioner Presentation:

Steve Oyer, 219 N 2nd Street, spoke on behalf of the petitioner. He stated he's been in charge of The Salvation Army banners for the past 8 or 9 years and the person he took over from had provided an incorrect size of the banner when filling out the zoning clearance form. He stated he had never checked the size until three or four years ago when the Planning Office asked him to verify it. He realized at that time the size was incorrect, but explained he was afraid if he said anything, the City wouldn't allow him to put the banners up. He was also concerned that The Salvation Army would have to invest in new banners, so he left the incorrect banner size on the zoning clearance. He went on to say he spoke with a couple people about reducing the size of the signs, but found that would be too costly. He finally spoke with the Planning Office and their recommendation was to ask for a variance, so that's what he decided to do.

Mr. Lauver asked how long the signs will be displayed.

Mr. Oyer stated they will be displayed for 30 days; from March 28th through April 28th

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 25-04DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

25-05DV – David K Kendall and Nathan Mateer Rempel request developmental variances to allow a second primary structure where only one primary structure is permitted, a side (south) building setback of 3' where a minimum of 8' is required, no occupied space on the first floor where a minimum of 650 Sf is required, and two on-site parking spaces where a minimum of four are required, for the conversion of a detached garage to a single family dwelling unit. The subject property is generally located at 916 S 8th Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this property contains a single-family home, noting that the surrounding area is mostly single-family homes, but there are also several two and three family homes in this same block of 8th Street. The petitioners would like to expand an existing single stall garage with a second story addition which would serve as an efficiency living unit. A developmental variance is required because the zoning ordinance considers this a second primary structure. A variance is also required in order to retain the 3' side (south) setback, for no living space on the first story, and for a total of 2 parking spaces where a total of 4 spaces are required. He pointed out that although several variances are required, this will not be a large new home in the backyard, but a small studio apartment, for one or two people, located above an existing garage. He went on to say they plan to add two parking spaces from the alley, noting that there is a driveway off of 8th Street and on-street parking is also available. He explained that if approved, commitments requiring connection to city water and sewer will be required, along with a commitment that the property cannot be subdivided and the two structures cannot be sold off separately.

One general inquiry was received regarding this request. The caller offered no comments and voiced no support or opposition to the request.

Petitioner Presentation:

Nate Mateer Rempel, 113 E Madison St, spoke on behalf of the petitioner. He stated he has nothing to add, but is happy to answer any questions.

Mr. Loewen asked if the existing garage will be demolished.

Mr. Rempel stated they will use the existing cinderblock walls and build on top.

Mr. Loewen asked if the two proposed parking spaces from the alley will be new.

Mr. Rempel responded that there are currently no parking spaces off the alley and that these will be new.

Mr. Loewen questioned what the parking signs are along 8th Street.

Mr. Rempel stated there is no parking along the east side of the street, but parking is permitted on the west side of the street.

Mr. Fisher asked if there will be windows on the south side of the structure.

Mr. Rempel stated no windows will be permitted on the south side because of its proximity to a garage on the neighboring property.

Mr. Rohn asked if the new driveway will be gravel or hard surface.

Mr. Deegan stated the Board of Works rejected the request for gravel, so the driveway will be hard surface.

Mr. Loewen asked what the reason is for prohibiting multiple units on a given lot.

Attorney Kolbus stated one reason would be lack of parking.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

None

Action:

A motion was made and seconded, Loewen/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-05DV with the 8 conditions and 2 commitments 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: 4:23 pm Fisher/Rohn

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Hesston Lauver

Hesston Lauver, Secretary