

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, April 22, 2025 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 3/25/25
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV.** Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- V.** **Use & Developmental Variances**— public hearing items
 - 25-04UV** – Michael H Thompson requests a use variance to allow all uses permitted in the Commercial B-2 District without restrictions on a property zoned Commercial B-1. The subject property is generally located at 1001 & 1003 N Main Street and is zoned Commercial B-1 District.
 - 25-08DV** – Lacasa of Goshen, Inc. requests developmental variances to allow a 10’ front building setback along Wilden Avenue where 35’ is required, a 4’ front building setback along 1st Street where 25’ is required, a 4’ side (east) building setback where 6’ is required, and a 3’ front parking and driving aisle setback along 1st Street where 25’ is required, for the construction of an approximately 1,209 Sf single family home. The subject property is generally located at 323 W Wilden Avenue and is zoned Residential R-2 District.
- VI.** Audience Items
- VII.** Staff/Board Items
- VIII.** Adjournment

Minutes - Goshen Board of Zoning Appeals
Tuesday, March 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, Hesston Lauver, and alternate member Craig Yoder. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: James Loewen and Youth Advisor, Kimberly Cazabal Gonzalez

II. Approval of Minutes from 2/25/25: Lauver/Fisher 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

25-06DV – Paul Stauffer & Jennifer E Shell request a developmental variance to allow a fence approximately 5' in height in the front yard where fences cannot exceed 4' in height. The subject property is generally located at 811 N Main Street and is zoned Residential R-2 District.

Staff Report

Mr. Deegan explained that a recent infrastructure project in this area and the widening of the Wilden Avenue and Main Street intersection caused the existing fence and wall around the perimeter of the property to be removed. Those structures, some 100 years old, were located in the front yard and the petitioners would like to reinstall them in a very similar location. This fence is approximately 4.5' in height and because the fence is taller than 4', it requires BZA approval. Staff supports this request, noting that the fence is not located in a vision clearance area and will basically go back into the same area as before.

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

Petitioner Presentation:

Paul Stauffer, 811 N Main Street, spoke on behalf of the petition. He stated that not all of the fence was removed during the recent road work, and the fence being replaced will match the existing.

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/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-06DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

25-07DV – Rollin R & Debra A Handrich and Raber Patio request a developmental variance to allow a rear (south) building setback of 20' where a minimum of 25' is required for an approximately 196 SF sunroom addition. The subject property is generally located at 1812 Woodgate Drive and is zoned Residential R-3 PUD.

Staff Report

Mr. Deegan explained the petitioners are proposing to add a 196 SF three-season room to the southeast corner of the existing home with a 20' rear setback where 25' is required by the ordinance. He advised the size of the property creates the need for a variance and approval is warranted. All other setbacks and developmental requirements will be met.

Staff received letters and emails from the owner of 1728 Woodgate and from the facility director at Greencroft. Both offered support of the request.

Petitioner Presentation:

Rollin Handrich, 1812 Woodgate Drive, spoke on behalf of the petitioner. He stated they are anxious to move forward with this project, but noted for the record that this will be a four-season room and not a three-season room, and the patio will be located on the west side of the addition (not east) as described in the Staff Report.

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 25-07DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items

- 6-month extension request for 24-11UV, 1009 S 9th Street, from 4/22/25 to 10/22/25

Mr. Deegan reminded Board members that in October of last year, they approved a use variance for a beauty salon and other similar uses at 1009 S 9th Street. The petitioner has requested a 6-month extension to give them time to complete the permitting process.

Action:

A motion was made and seconded, Lauver/Rohn, to approve a 6-month extension from 4/22/25 to 10/22/25, for 1009 S 9th Street. The motion passed unanimously by a vote of 5-0.

VIII. Adjournment: 4:10 pm Fisher/Holtzinger

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary

LOCATION: 1001 & 1003 N Main Street
CASE NUMBER: 25-04UV

DATE: April 22, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Michael Thompson (owner)

REQUEST: The applicant requests a use variance to allow all uses permitted in the Commercial B-2 District without restrictions on a property zoned Commercial B-1

LOT SIZE: ± 4.7 acres; ± 230' of frontage; depth varies

APPLICABLE ZONING: Commercial B-1

NOTICES SENT: 42

SPECIAL INFORMATION

PUBLIC UTILITIES: Connected to City water & sewer

AREA DEVELOPMENT: Commercial, residential

NEIGHBORHOOD: North Goshen

THOROUGHFARES: Main Street

TOPOGRAPHY: Inclines northward from south; rear of property is rugged and heavily vegetated

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Appendix E*, Table of Permitted Uses
Many uses listed in the table that are not permitted in the B-1 District are permitted or conditional uses in the B-2 District

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 three-parcel zoning lot approximately 4.7 acres in size located in North Goshen along Main Street. The property is zoned B-1, and is surrounded by a mix of residential and commercial uses. Improvements to the property include an approximately 5,292 SF one-story building and a parking and driving aisle with two access drives from Main Street. A large portion of the west side of the property is an undeveloped, heavily vegetated parcel.

The building is two units, with a carry out and delivery pizzeria in the north end in operation since variance approval in 2004. Planning records on use of the south unit are limited, but it appears a bar & nightclub was operating in the unit in 2006 for a limited period of time. Then in 2023, a use variance was granted allowing an event center in the space. The approval limited the event center's hours of operation until 10pm Sundays through Thursdays and until 11pm on Fridays and Saturdays; alcohol consumption was prohibited by the variance and approval was granted for a trial period of 2 years, which ends in June of this year.

The petitioner is now requesting approval to allow all uses that are permitted in the Commercial B-2 District to be allowed on the subject property, which is zoned Commercial B-1. The B-2 District is the Central Business District and is comprised largely of the City's downtown. The B-1 District, on the other hand, is the neighborhood commercial district and exists in pockets of the City where commercial properties serving the adjacent residential

neighborhood may be located. The petitioner is proposing that the B-2 permitted uses are granted without restrictions.

Common B-2 uses include shops, restaurants, offices, and salons, but the district also allows nightclubs, event centers, gun clubs, hotels, liquor stores, pawnshops, and theaters, among many other uses. Additionally, dwelling units are permitted as a conditional use in the B-2 District.

The majority of the uses allowed in the B-2 District would be well-suited for the subject property, but not without restrictions. For that reason, Staff recommends an amended approval that allows B-2 uses but with the following exceptions:

- No residential uses
- No drive-through uses
- No outside storage
- No outside display and sales of merchandise
- Large capacity vehicles such as box trucks should be parked at the back of the property

Adjacent zoning to the north is commercial, and there are a mix of uses and zoning districts in the vicinity, so commercial uses here are appropriate. Common B-2 uses such as shops, restaurants, offices, and salons will work well on the subject property considering there is ample on site parking. Both the pizzeria and the event center, uses allowed in the B-2 but not the B-1 District, have operated without any apparent injury to the general welfare or detriment to the use and value of surrounding properties, so most B-2 uses will be appropriate.

The recommended restrictions, such as prohibiting outside storage and outside display and sales, are important for protecting the use and value of neighboring residential properties. No types of drive-through businesses should be permitted at this time due to the lack of stacking spaces. Any type of residential uses will need further review when such details are made available to the Board and City departments. B-1 uses should continue to be allowed, and any development should continue to be reviewed with the B-1 developmental standards, including required parking. B-1 developmental standards are generally more restrictive than B-2 standards.

FINDINGS OF FACT

Staff recommends **an amended approval** of a use variance to allow all uses permitted in the Commercial B-2 District without restrictions on a property zoned Commercial B-1, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** If approved with conditions and commitments, the proposed uses will not be injurious to health or welfare of the community. There is ample onsite parking, and all improvements to the property as a result of the uses will meet Building and Fire code. *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.** If approved with conditions and commitments, the proposed uses will not adversely impact the use and value of neighboring properties. Both the pizzeria and the event center, uses allowed in the B-2 but not the B-1 District, have operated without any apparent injury to the general welfare or detriment to the use and value of surrounding properties, demonstrating that B-2 uses will be appropriate. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** With ample area for parking and interior building space, and with access from a State road, the subject property is ideal for uses that may not be appropriate on other properties zoned for neighborhood commercial uses. *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.** There is not enough information available to determine if denying the event center use will create an unnecessary hardship. B-1 uses are permitted on the property. *The standard is not confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** The subject property is located between B-1 and B-3 uses, so approval of B-2 uses will ensure a smooth transition between different land uses (Land Use 3.1). *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 is required.
4. The two storage sheds on the property shall receive zoning clearance approval or be removed from the property within thirty (30) days.

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. This use variance shall replace all previous use variances for the subject property.
3. Permitted and conditional uses of the Commercial B-2 District shall be allowed, except for residential uses, which shall be prohibited.
4. The pizza carryout and delivery restaurant and the event center shall continue to be permitted uses.
5. Commercial B-1 uses shall continue to be allowed.
6. All development, including parking, shall be subject to the requirements of the Commercial B-1 District.
7. All business vehicles exceeding one-ton hauling capacity shall be parked behind (on the west side of) the primary building.
8. Outside storage shall be prohibited
9. Outside display and sales of merchandise shall be prohibited.



Looking south across Main Street



Looking south



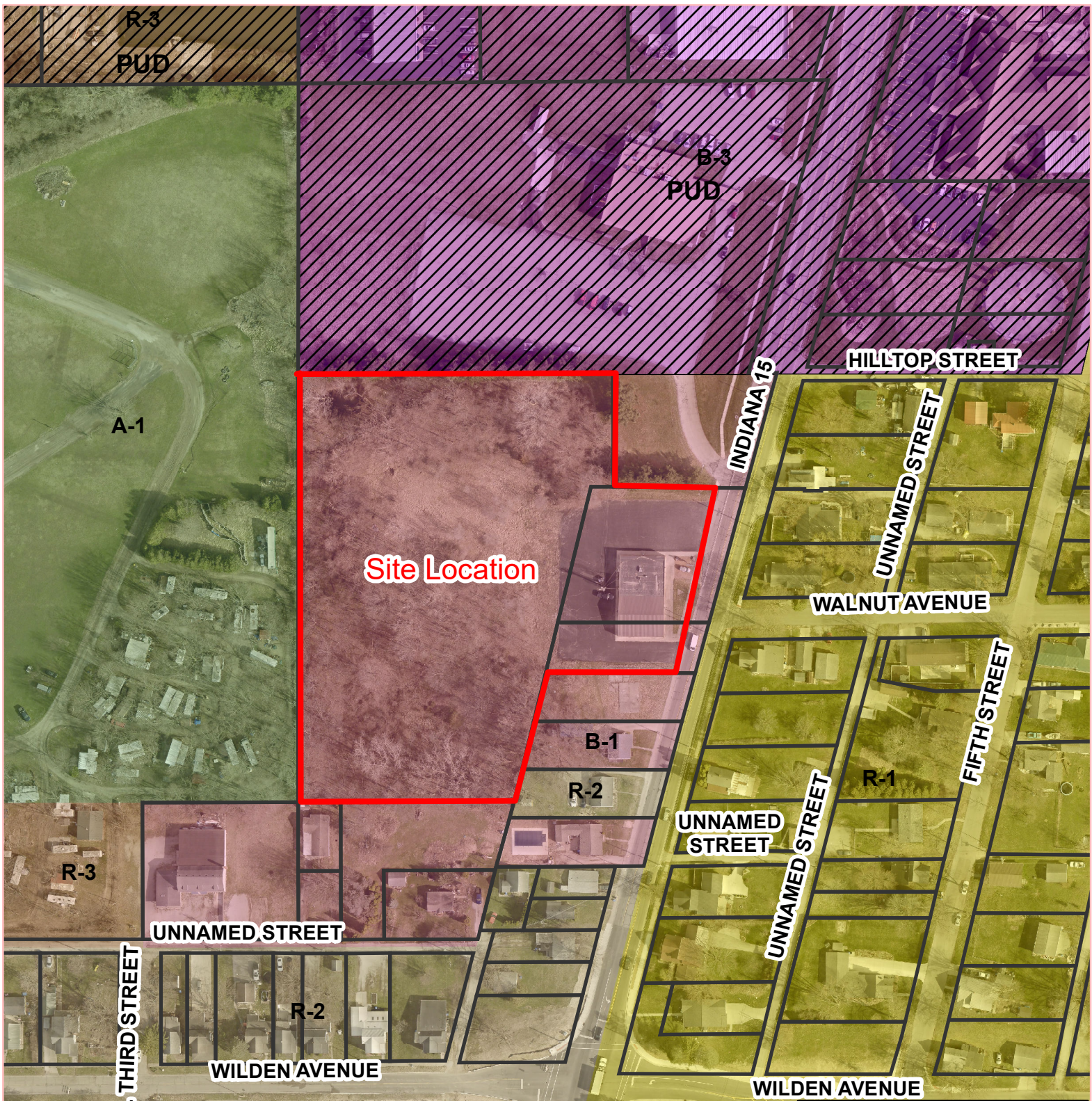
Looking north along Main Street



In rear parking lot looking northeast



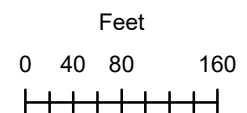
In rear parking lot looking south-southeast



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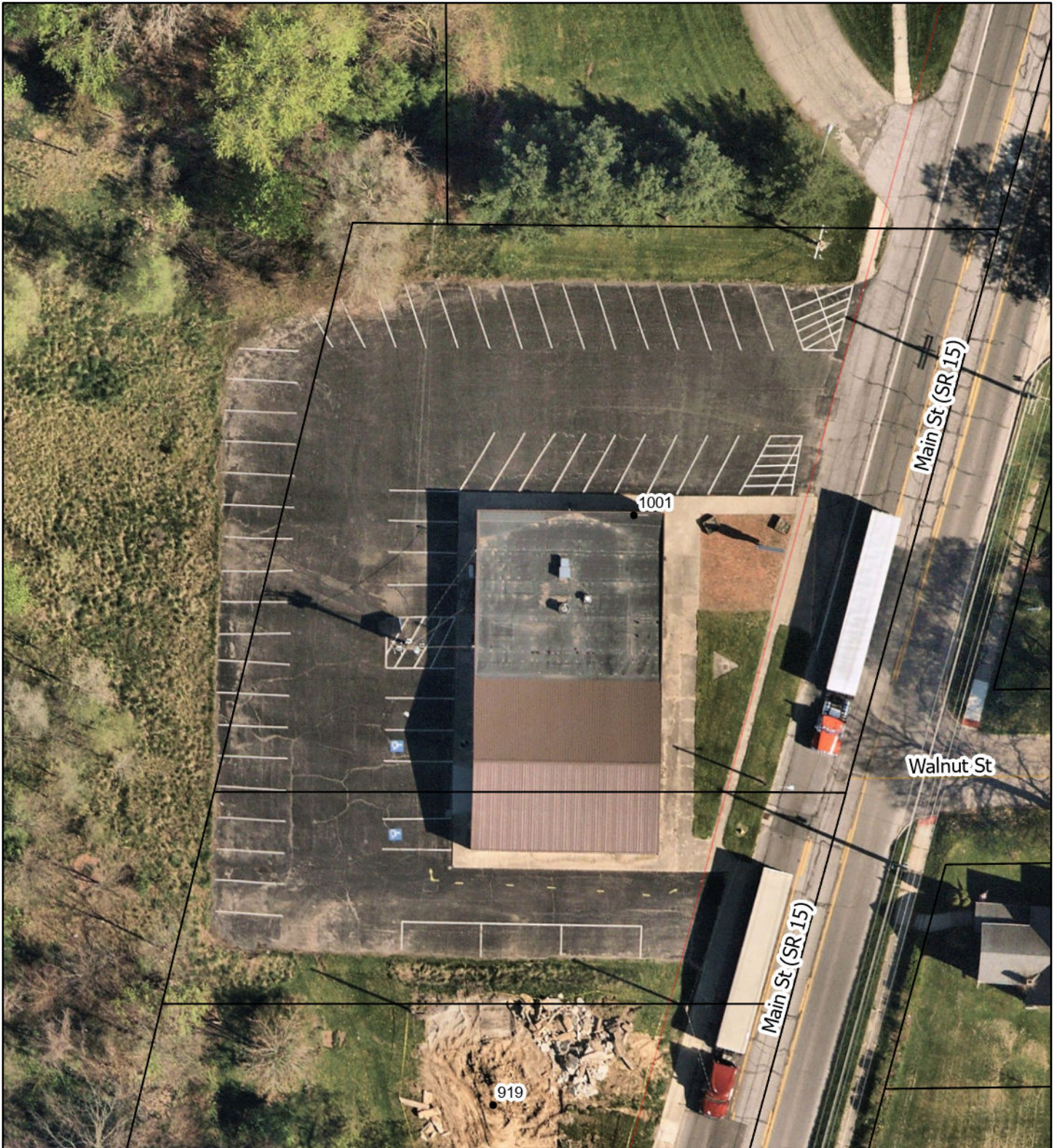
1001-1003 N Main St

2023 Aerial
Printed March 27, 2025

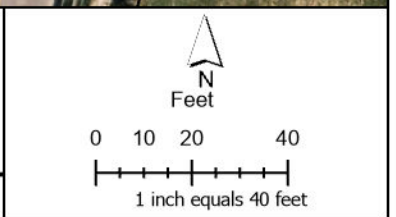


The City of Goshen
Department of
Planning & Zoning

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



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1001 & 1003 N Main Street

2024 Aerial
Printed on 4/9/2025

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

LOCATION: 323 W Wilden Avenue
CASE NUMBER: 25-08DV

DATE: April 22, 2025
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Lacasa of Goshen, Inc. (owner)

REQUEST: The applicant requests developmental variances to allow a 10' front building setback along Wilden Avenue where 35' is required, a 4' front building setback along 1st Street where 25' is required, a 4' side (east) building setback where 6' is required, and a 3' front parking and driving aisle setback along 1st Street where 25' is required, for the construction of an approximately 1,209 Sf single family home

LOT SIZE: ±4,550 SF; ±165' of frontage (±35' on Wilden Avenue & ±130' on 1st Street); ±130' depth

APPLICABLE ZONING: Residential R-2

NOTICES SENT: 28

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer available

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Northside

THOROUGHFARES: Wilden Avenue, 1st Street

TOPOGRAPHY: Contoured: grade inclines easterly and northerly

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4160.3*, Area, Width, and Yard Regulations of the R-2 District
 - B. Front Yard. Front yards shall be measured from the front property line and the building line and shall be as follows:
 - 1. On residential or cul-de-sac streets, the front yard shall be a minimum distance of 25 feet
 - 2. On arterial streets, the front yard shall be a minimum distance of 35 feet.
 - 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 yards shall have two side yards; each side yard shall have a width of not less than six feet.

ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES

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

ANALYSIS

The subject property is a vacant lot on the northeast corner of the intersection of Wilden Avenue and 1st Street. It is a narrow lot with 35' of frontage along Wilden Avenue and a total lot area of less than 5,000 SF, but is a lot of record (Lot 413 of Wilden's Walnut Hill 4th). Zoning is Residential R-2; surrounding properties are predominantly single family but multi-family homes exist throughout the neighborhood. Four other homes on the same side of the same block have been demolished in recent years and are awaiting infill.

Planning records indicate that the property was previously a duplex that was destroyed by a fire in 2005. Following demolition in 2006, the BZA approved variances to allow construction of a new home, which was never built.

The petitioner is now proposing to build a single family home on the site. The proposed home is one story, approximately 1,209 SF in area, and will include a two-car parking pad with access from 1st Street. Developmental variances are needed for setback encroachments that include reduced building setbacks along the Wilden Avenue and 1st Street front yards, and the east side yard. A reduced parking setback along the 1st Street front yard also needs a developmental variance.

Staff recommends approval of the request. The same lot was previously a two-story duplex, so the proposed one-story single-family home will be more appropriate for the size of the property. It has been designed so it is centered between the east and west property lines. The proposed front building setback along Wilden is in keeping with the reduced setbacks of other homes along Wilden Avenue, and the same can be said for its setbacks along 1st Street, where the adjacent home at 320 W Wilden appears to have a 0' front building setback.

It would be impossible to develop the lot without setback variances given its width of just 35'. The BZA has routinely approved infill development similar to the proposed home because it increases the housing supply without the need to expand City infrastructure such as utilities, streets, and sidewalks. All other developmental requirements will be met.

FINDINGS OF FACT

Staff recommends **approval** of developmental variances to allow a 10' front building setback along Wilden Avenue where 35' is required, a 4' front building setback along 1st Street where 25' is required, a 4' side (east) building setback where 6' is required, and a 3' front parking and driving aisle setback along 1st Street where 25' is required, for the construction of an approximately 1,209 Sf single family home, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** The same lot was previously a two-story duplex, so the proposed one-story single-family home will be more appropriate for the size of the property. The BZA has routinely approved infill development such as the proposed home because it increases the housing supply without the need to expand City infrastructure such as utilities, streets, and sidewalks. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The proposed front building setback along Wilden is in keeping with the reduced setbacks of other homes along Wilden Avenue, and the same can be said for its setbacks along 1st Street, where the adjacent home at 320 W Wilden appears to have a 0' front building setback. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** It would be impossible to develop the lot without setback variances given its width of just 35'. All other developmental requirements will be met. *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 of a building permit is required.
5. Approval of the right of way permit for the driveway is required.



Looking north across Wilden Avenue



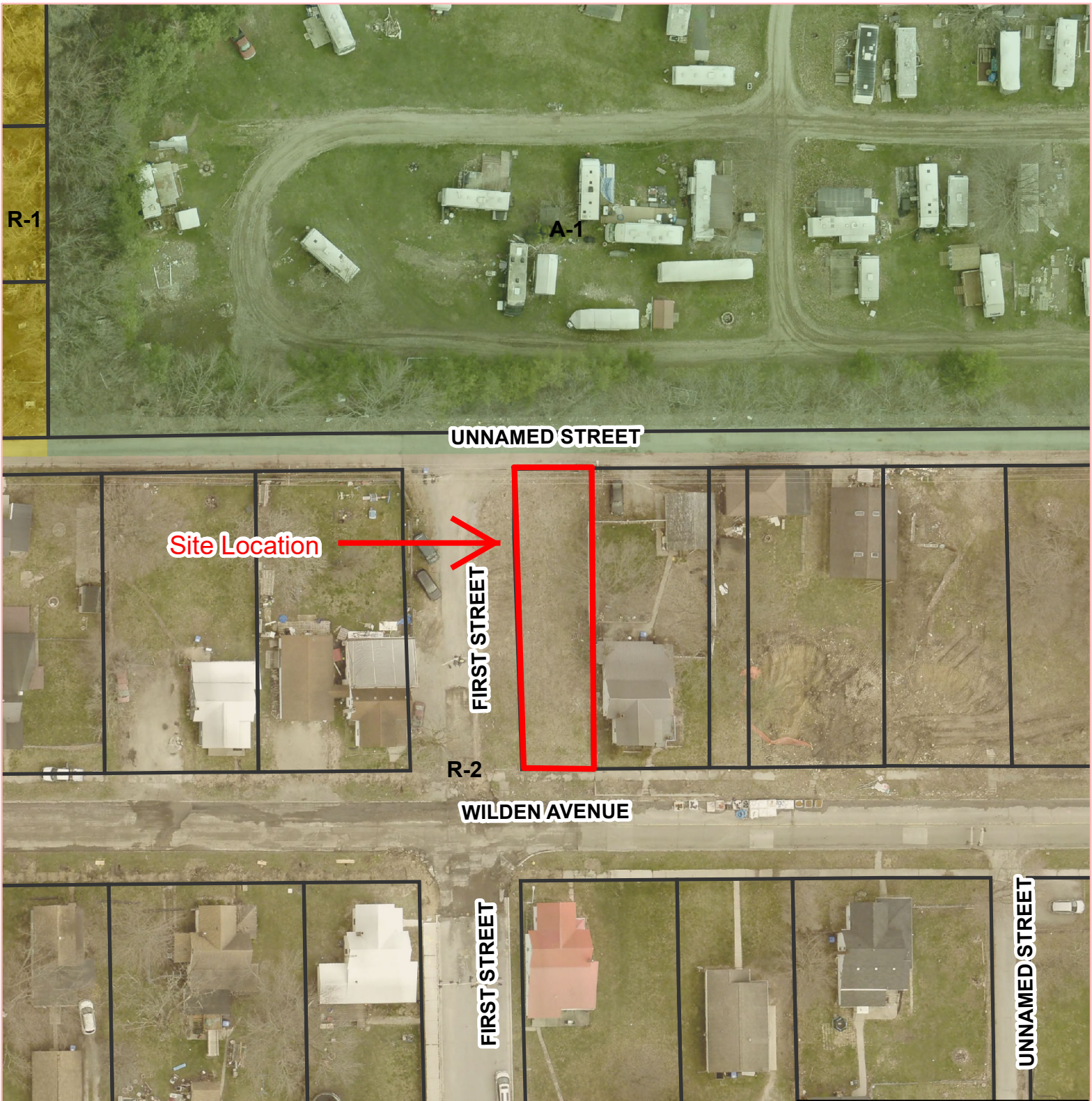
Looking east along Wilden Avenue and across 1st Street



Looking south down 1st Street



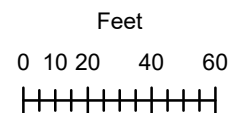
Looking south down the east property line



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323 W Wilden Avenue

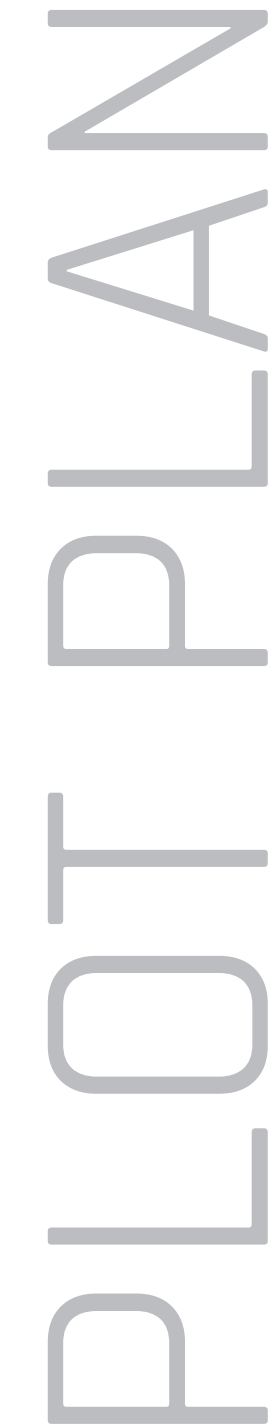
2023 Aerial
Printed April 2, 2025



1 inch = 60 feet

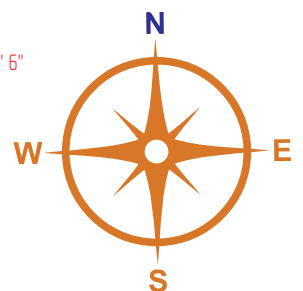
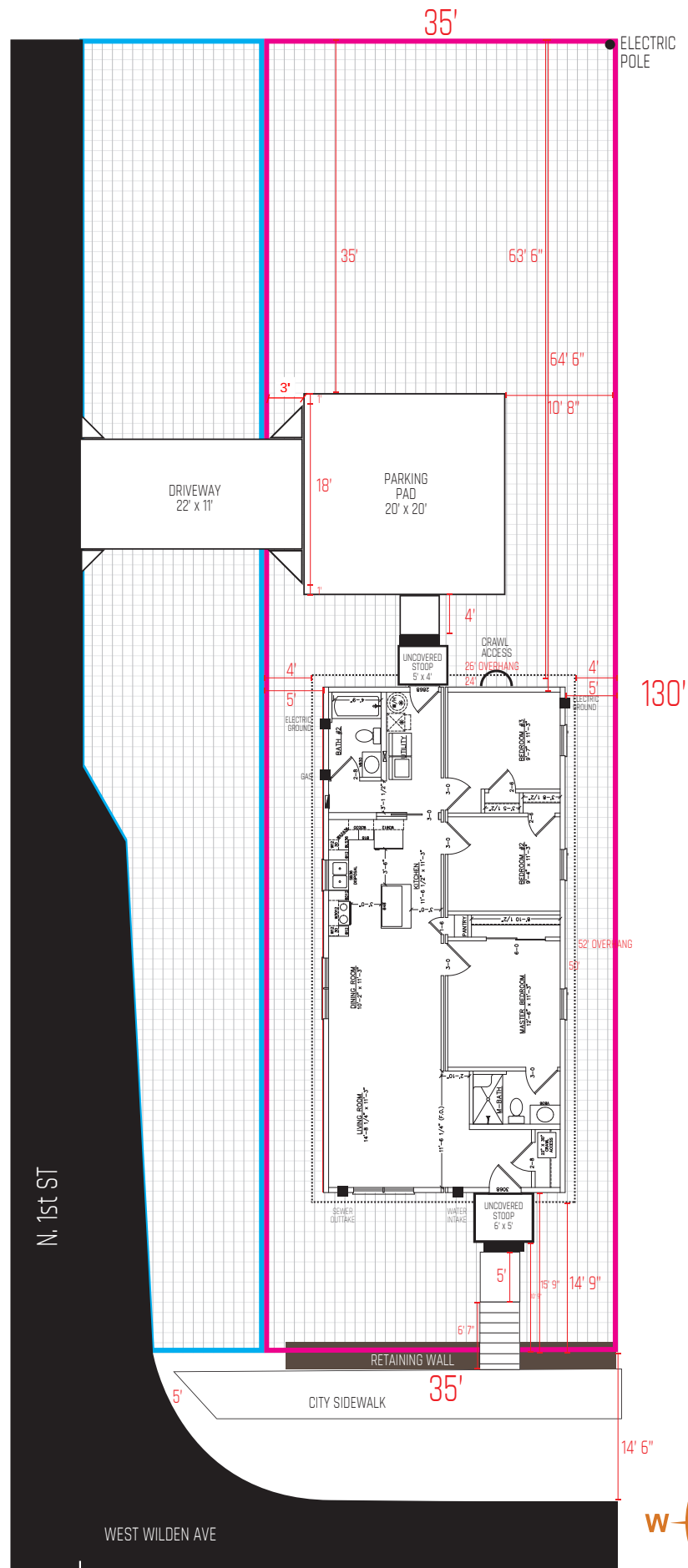
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LaCASA WILDEN
323 W. WILDEN AVE
GOSHEN, IN 46528

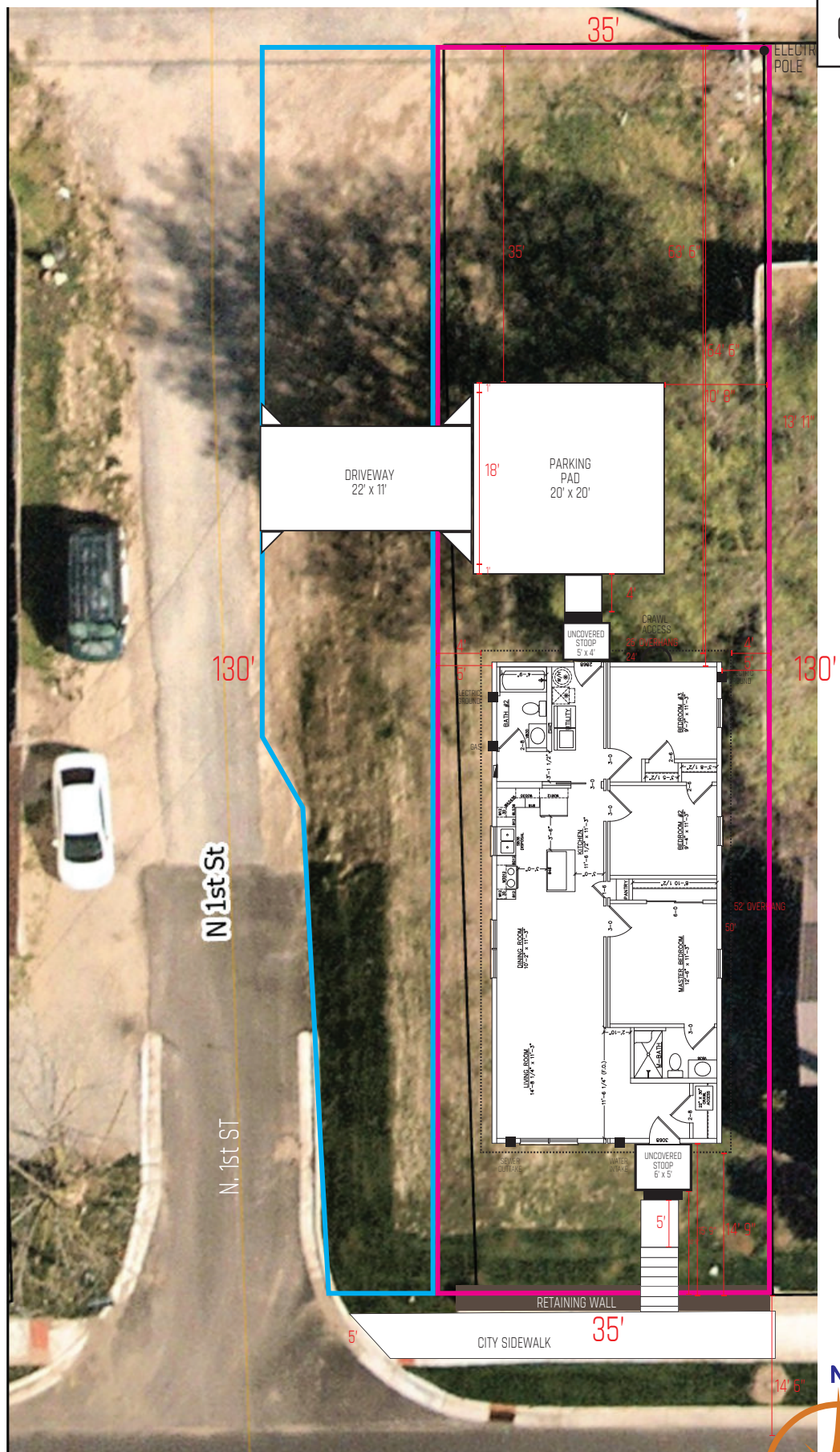
H. CUSTOM



EXISTING ROW LINE
PROPERTY LINES (GIS)



LaCASA WILDEN
323 W. WILDEN AVE
GOSHEN, IN 46528



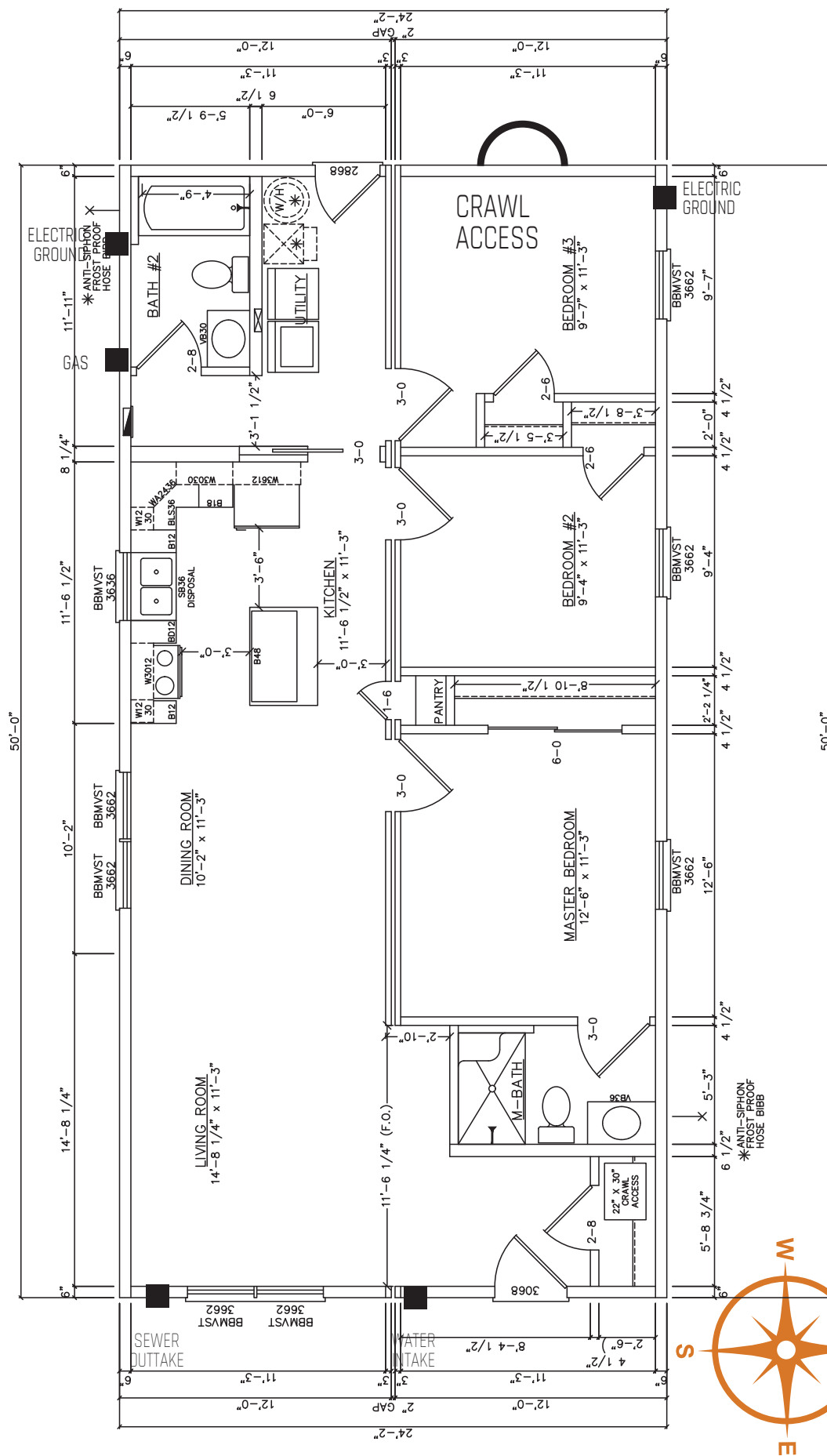
GIS MAP



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LaCASA WILDEN
323 W. WILDEN AVE
GOSHEN, IN 46528





FOUNDATION

LaCASA WILDEN
323 W. WILDEN AVE
GOSHEN, IN 46528

H. CUSTOM

