

Minutes - Goshen Board of Zoning Appeals
Tuesday, April 22, 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: Mathew Fisher, Tom Holtzinger, Hesston Lauver, and James Loewen. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney James Kolbus, and Youth Advisor, Kimberly Cazabal Gonzalez. Absent: Lee Rohn
- II.** Approval of Minutes from 3/25/25: Lauver/Fisher 4-0
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Lauver/Holtzinger 4-0
- IV.** Postponements/Withdrawals – None
- 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.

Staff Report

Mr. Deegan explained this property is just shy of 5 acres in size and is zoned Commercial B-1 District. The property contains an existing pizzeria and an event center. The event center was approved by the BZA in 2023 for a period of two years, at which time it was required to come before the Board for a new hearing. He explained that the area where the event center is located was previously used as a bar and nightclub for a short period of time.

The existing variance will expire in June of this year, so the applicant is making a new request to the Board. He explained this request is to allow all Commercial B-2 uses on the property without restrictions. He provided a brief overview of the B-2 uses and regulations, noting that it allows uses such as retail, restaurants, bars, event centers, and many other uses.

Staff supports this request with an amended approval, noting that that a higher intensity use is appropriate for this location. He also pointed out that no complaints regarding the event center have been received over the past two years, making it appropriate for the use to continue. The property has ample parking and vehicles can maneuver without entering Main Street, making the higher intensity district appropriate. He went on to say there is B-3 zoning directly north and the B-2 zoning in this area will not be inappropriate.

Emails and letters of support were received from Jason Miller, 917 N Main Street, and Greg Faubion, 919 N Main Street. The owner of 920 N Main Street called the Planning Office, stating they are unconcerned about the request because it doesn't include an expansion. He pointed out that although no expansion is anticipated, an expansion could happen at a later date and it would include all the B-2 uses if approved today.

He referred Board members to the suggested conditions and commitments listed on page 3 of the Staff Report. He pointed out that condition #2 requires that the two storage sheds on the property receive zoning clearance approval or be removed from the property within thirty days. He went on to say he received a call from the petitioner requesting 180 days to obtain approval. Mr. Deegan stated that's not a big concern, provided he get his application in soon.

In addition to the four conditions of approval listed in the Staff Report, Mr. Deegan discussed commitments 2 through 9 of the proposed commitments, and updated commitment #3 to also prohibit drive-through businesses.

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 and drive-thru businesses, 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.

Mr. Loewen asked why residential and drive-thru uses are not recommended.

Mr. Deegan stated that we haven't had the opportunity to review drive-thru uses, which includes review of stacking and where it would be located, nor have we reviewed residential uses and what impact that might have. He stated if either of these two uses are proposed, he feels it would be best to come back before the Board for review.

Mr. Deegan also noted that commitment #6 would mean that while B-2 uses are permitted, the B-1 developmental standards would be in place for how the property is developed. He clarified that B-2 uses are being approved here, not B-2 development.

Mr. Deegan also noted that a box truck has been parked on the property and a commitment is included to require the truck to be parked behind the building.

Mr. Lauver asked if the previous variance limited hours of operation because of a concern about noise.

Mr. Deegan stated hours of operation were limited and that has been eliminated with this request. He went on to say alcohol was also prohibited with the previous variance.

Petitioner Presentation:

Michael Thompson, PO Box 396, Union, MI, spoke on behalf of the petition. He stated when he appeared before the Board for his previous variance request, a group was present that protested against allowing alcohol on site. He stated that while he wasn't interested in the bar business, it did negatively impact his event center business. He went on to say, he's still not interested, but it might be desired in the future and feels he shouldn't be denied the ability to apply since other nearby establishments have that right. He explained that he requires a signed contract prior to renting the event center and all of the times and conditions are agreed to in the contract. He also pointed out in the two years since he's obtained the variance for the event center, he has had no complaints.

Mr. Holtzinger asked if he plans to continue renting the space as an event center or if he has other plans for the property.

Mr. Thompson stated that it's not presently an event center, although he hasn't given that idea up. He's currently renting to a tenant that's in the upholstery business and expects him to be there long term.

Mr. Lauver asked if Mr. Thompson would be bothered if alcohol was permitted with a midnight curfew.

Mr. Thompson stated it would bother him because it's one more thing he has to comply with.

Mr. Fisher asked where the out buildings are located on the property.

Mr. Deegan stated they're not shown on the plan, but described the approximate location.

Mr. Thompson noted that they are storage containers and he did not go through the permitting process, but he will do that.

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 25-04UV with the following 4 conditions and 9 commitments.

Conditions:

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 180 days.

Commitments:

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 and drive-thru businesses, 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

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

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.

Staff Report

Mr. Deegan explained this property is a vacant lot at the corner of W Wilden Avenue and N 1st Street. Zoning for the property is R-2 and the most recent home on the site was a duplex, which was demolished following a fire nearly 20 years ago. The petitioner would like to build a one-story single-family home facing Wilden Avenue. It will contain a two-car parking pad with access from 1st Street. The following variances are requested:

- 10' front building setback along W Wilden Avenue
- 4' front building setback along 1st Street
- 4' side (east) building setback
- 3' front setback for parking/driving aisle along 1st Street

He explained that Staff supports this request, noting it is an old platted lot with frontage along Wilden of 35'. Because it's a corner lot, any development on this lot will require some developmental variances. He went on to say approval will not harm the neighborhood, pointing out many of the homes in the vicinity are on similar size lots. He also pointed out this will add a home to the City's housing supply without the need for expanding the City's infrastructure. The Planning Office received no inquiries from the public regarding this request.

Petitioner Presentation:

Brad Hunsberger, 202 N Cottage Avenue, spoke on behalf of the petitioner. He stated he has nothing to add, but is happy answer any questions.

Mr. Lauver asked if it wouldn't be better to move the house farther west towards 1st Street to allow more room between the new home and the home on the adjacent lot.

Mr. Hunsberger stated that he agrees it would be best to have more room between the homes, but there is an 60' right-of-way along 1st Street and because the Planning Office generally wants as much setback along street frontages as possible, he didn't explore this possibility.

Mr. Deegan noted that when it gets too close to a property line, firewalls may be required by building code, so centering it on the lot keeps options open for doors and windows.

Mr. Lauver pointed out there's a curb along 1st Street and the grassy space will likely never be used. He asked why a 1' setback can't be in place, allowing the home to be moved 3' farther from the existing home on the adjacent parcel.

Mr. Loewen asked for clarification on the unimproved right-of-way and what requirements are related to it.

Mr. Deegan explained the right-of-way is the area where infrastructure can be built. Utilities (wiring, etc.) can be run in the right-of-way for companies like NIPSCO or communication providers. He went on to explain Staff is reluctant to get close to the right-of-way because there's nothing to say it won't be developed up to the property line in the future.

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/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-08DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

VI. Audience Items - None

VII. Staff Board Items - None

VIII. Adjournment: 4:34 pm Fisher/Lauver

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Hesston Lauver

Hesston Lauver, Secretary