

Minutes - Goshen Board of Zoning Appeals
Tuesday, May 27, 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, Tom Holtzinger, James Loewen, and alternate member, Craig Yoder. Also present were Assistant City Planner Rossa Deegan, and Assistant City Attorney James Kolbus. Absent: Hesston Lauver, Mathew Fisher, and Youth Advisor, Kimberly Cazabal Gonzalez.

II. Approval of Minutes from 4/22/25: Rohn/Loewen 4-0

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

IV. Postponements/Withdrawals – None

V. Use & Developmental Variances – public hearing items

25-09DV - Marlin G & Susie A Groff request a developmental variance to allow a 1' side (east) parking and driving aisle setback where a minimum of 5' is required for the reconstruction of a single family home. The subject property is generally located at 314 W Douglas Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this property contains an approximately 884 sf vacant home and a single-stall garage. The petitioners would like to demolish the home and rebuild. The existing garage and shed would remain. A new concrete drive is proposed along the east property side of the property, with a 1' setback where 5' is required. He went on to say there is an existing driveway, but because the driveway is in disrepair, it's unclear how close it is to the property line. Staff supports this request, pointing out that all other developmental requirements will be met. The new driveway will have a defined setback where the existing driveway does not.

An email of support was received from Dale Shenk of 312 W Douglas and a phone call of support was received from Kay Mabie, owner of 316 W Douglas.

Petitioner Presentation:

Frank Alfrey, Integrity Remodeling, 20029 Regina Road, New Paris, spoke on behalf of the petitioners. He stated the new driveway would lead to the existing detached garage and give a cleaner appearance.

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 25-09DV with the four conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-10DV - Kristen O'Dell & Manotham Mounsithiraj request a developmental variance to allow a front building setback along Garden Street of 9' where a minimum of 25' is required for an approximately 88 SF building addition. The subject property is generally located at 301 Garden Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained the petitioners would like to build a small, 8' x 11' addition to the southeast corner of the first floor of the home, with a 9' setback along Garden Street where a minimum of 25' is required. Staff supports this request, pointing out that similar requests have been approved in the past for corner lots. He noted the setback along 6th Street exceeds the 25' setback requirement and feels the reduced setback along Garden Street is reasonable and will not upset the character of the neighborhood.

Staff received no inquiries or comments from the public regarding this request.

Petitioner Presentation:

Kristen O'Dell, 301 Garden Street spoke on behalf of the petitioner. She is familiar with the Staff Report and has nothing to add.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Loewen asked for clarification of where the addition will be located.

Ms. O'Dell responded it will meet up with the south side of the house, and will not extend as far as the porch.

Action:

A motion was made and seconded, Loewen/Yoder, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-10DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-11DV – Pumpkinvine Properties, LLC and Dyksen & Sons Builders request a developmental variance to amend Variance 24-06DV to install nine additional fixed aluminum frame windows on the north wall of the first story of the building where all visible exterior walls of altered buildings shall be visually compatible to the historical and architectural style, general design, arrangement, size, texture and materials of the existing pre-1910 buildings on Main Street between Clinton Street and Jefferson Street. The subject property is generally located at 206 & 206 ½ N Main Street and is zoned Commercial B-2 HD DD.

Staff Report

Mr. Deegan explained this building is located in the Commercial B-2, Downtown District Overlay. The first floor is currently a vacant commercial space and a residential apartment is located on the second floor. The entire building is being renovated. The apartment is close to being finished, but the commercial space has not been renovated yet. He went on to say the downtown district includes architectural standards that regulate work done to building facades along Main Street, between Jefferson Street and Clinton Street. The intent is to promote the restoration of buildings along the corridor in the pre-1910 style. He reminded Board members that in February, 2024, the petitioners received approval for a number of changes to this building based on those architectural standards and included in that approval, was the installation of three fixed windows on the second story. BZA approval was required because they didn't match the historic double-hung style of the downtown area. The petitioner's would now like to amend the variance to allow 9 additional windows of a similar style, on the first story of the building. Staff supports this request, explaining that the windows are a minor amendment to the approved variance and while they will be visible, the wall where these windows will be located do not front a street and will not alter the character of Main Street. He also noted that the renovation is bringing the building closer to its original style.

Mr. Deegan reported that Bill Davis, the owner of 216 E Clinton Street, emailed the Planning Office stating he had no objections to this request. He also noted this wall faces a parking lot and not the street.

Petitioner Presentation:

Michael Bessinger, 28621 County Road 30, Elkhart, spoke on behalf of the petitioner. He stated the main reason for the windows is because the building owner is having trouble finding a tenant for the back part of the building with some potential tenants stating they like the location, but would like to have windows for natural light. The decision was made to add windows to both the rear and front half of the building to make it more architectural pleasing.

Mr. Loewen asked if there are any plans to make the parking lot to the north anything else.

Mr. Bessinger stated it's his understanding the parking lot is owned by the City.

Mr. Deegan stated this parking lot is owned by the City and he's unaware of any future development.

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/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-11DV with the 7 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-05UV – Her-Ho, LLC (land contract holder) and Daniel Crowder & Anne Swartley (purchasers) request a use variance to allow a single family dwelling unit with fence 6' in height in the front yard where single family 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 505 S 9th Street and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property is zoned Industrial M-1 District and surrounding properties are a mix of industrial and residential zoning and uses. He explained the building on the property has a footprint of 5,188 sf and covers 56% of the property. He gave a brief history of the property, explaining that it appears it was first developed for residential use, then became a printing business. In recent years, it has been used for storage.

The petitioner would like to convert the property into a single family residence which will require a use variance. He went on to say residential use is warranted, provided several conditions and commitments are included in the approval. He explained the petitioner has been working with the building department to understand what will be required to bring this building up to residential code. In order to give this a more residential look, Planning recommends the removal of the driving surface on the east side of the property, the removal of all signs on the property, and going forward, the property should follow the R-1 developmental standards, and not the M-1 standards. It should also be restricted to single family use only. He also noted that the property will have a 6' fence in the front yard, but no variance is required because industrial zoning permits a fence up to 12' in height.

No public comments were received by the Planning Office regarding this request.

Petitioner Presentation:

Daniel Crowder, 620 S 6th Street, spoke on behalf of the petitioner. This property is being purchased for his family which includes 3 small children, explaining that one is a special needs child and that's the reason for the fence. He stated he's ready to remove the parking space in front and replace with sod and landscaping. He's also planning to remove all signs. The residence will be in the front and there's an area on the side that can be used as a safe place for his daughter to play when she can't go outside. He's also been working with the building inspector to determine what work needs to be done to the property. Residential use is the only use planned for this property.

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/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-05UV with the 7 conditions and 3 commitments 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: 4:22 pm Yoder/Loewen

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Hesston Lauver

Hesston Lauver, Secretary