

Minutes - Goshen Board of Zoning Appeals
Tuesday, June 24, 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: Hesston Lauver, Mathew Fisher, Tom Holtzinger, 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 5/27/25: Fisher/Lauver 4-0

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

IV. Postponements/Withdrawals – None

V. Use & Developmental Variances – public hearing items

25-12DV - The City of Goshen and Signtech Sign Services request a developmental variance to allow two non-illuminated freestanding signs not exceeding 6' in height and 12 SF in area where only ground signs are permitted. The subject property is generally located at 1208 Berkey Avenue and is zoned Residential R-1PUD and Agricultural A-1 District.

Staff Report

Mr. Deegan explained this item and the three following requests are all from the same petitioners and are all cemeteries. He provided an overall background for the requests, explaining that cemeteries are conditional uses and permitted in all zoning districts when they meet a certain set of requirements. There is nothing in the conditional use regulations that gives cemeteries additional sign allowances which means they need to meet the sign requirements of the underlying zoning district. Zoning for each of these locations is residential or agricultural which contain some of the most restrictive sign requirements in the zoning ordinance, essentially allowing small ground signs only. He went on to say staff is recommending approval of each of these sign requests, noting that most of these properties are considerably larger than typical residential properties and all signs are non-illuminated. He also pointed out that cemeteries generally need more signage to help people find their way around.

He discovered during his site visit that signs have already been installed at each of these sites without approval and explained that although Staff is recommending approval, if the Board has altered approvals or denials of any of these, we can discuss sign removal at that time.

For this first site, West Goshen Cemetery, the petitioners would like to replace an existing freestanding sign at the entrance and add an easel sign containing cemetery information. Both signs will be approximately 6' in height, will not exceed 12 SF in area, and are non-illuminated. He also pointed out that these signs are approximate 400' from the closest street, Berkey Avenue.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He confirmed that the signs have already been installed. He explained the easel signs have a map on them showing the layout of the entire cemetery and the identification signs gives the history of the cemetery.

Mr. Lauver questioned what the barcode/QR code is for on the signs.

Burt Matteson, Director of Cemeteries, also spoke to the petition. He stated the QR code on the entrance sign provides a link to the cemetery's page on the City website, and the ones on the easel sign provides access to our GIS system and burial search.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Deegan stated for the record that Mary Sutter of 1137 Abby Court inquired about this request. She had no objection when the location was explained.

Action:

A motion was made and seconded, Lauver/Loewen, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-12DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-13DV - The City of Goshen Indiana and Signtech Sign Services request a developmental variance to allow two non-illuminated freestanding signs not exceeding 6' in height and 12 SF in area and non-illuminated internal signs as needed not exceeding 6' in height and 3 SF in area in addition to two existing freestanding signs and numerous small internal signs where only ground signs are permitted. The subject property is generally located at 431 N 1st Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this is Oakridge Cemetery. The request is to add an entrance sign and an easel sign as described in the previous case today. Additionally they'd like to add approximately 8 non-illuminated small signs, internal to the site. These are described as "feature signs" and are 1.5 sf in area and 6' in height.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He stated this request is the same as the previous case and he has nothing to add.

Mr. Loewen asked what the small signs are for.

Mr. Matteson stated most of them address particular historic features of Oakridge Cemetery. Sharis Israel, the old Jewish cemetery, is one example.

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/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-13DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-14DV – The City of Goshen and Signtech Sign Services request a developmental variance to allow three non-illuminated freestanding signs not exceeding 6' in height and 12 SF in area and non-illuminated internal signs as needed not exceeding 6' in height and 3 SF in area in addition to one existing freestanding sign and numerous small internal signs where only ground signs are permitted. The subject property is generally located at 2818 Violet Road and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this request is for Violet Cemetery. The request is to replace the freestanding signs along

Egbert Road and Violet Road and add an easel sign on the west side of the cemetery and add additional non-illuminated 1.5sf signs. He noted there are also several existing internal signs that have not received previous approval and approval of them is included in today's request.

One inquiry was received from Miriam Everest, 19243 CR 40, who contacted the Planning Office with questions regarding this request. She had no comment when the request was explained.

Mr. Loewen asked what the existing unapproved signs are that Staff would like to include in this request.

Mr. Deegan stated one of the signs is similar to the Violet Cemetery sign shown in the Staff Report and the other small signs have been described as internal directional signs.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He pointed out there is a substantial reduction in square footage between the existing signs and the new signs. He commented the new signs are drastically smaller.

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, Louver/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-14DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-15DV – The City of Goshen Parks Department and Signtech Sign Services request a developmental variance to allow one non-illuminated freestanding sign not exceeding 6' in height and 12 SF in area in addition to one existing freestanding sign where only ground signs are permitted. The subject property is generally located at 2000 S Main Street and is zoned Residential R-1S District.

Staff Report

Mr. Deegan explained this request is for Dierdorff Cemetery. It's approximately 1/3 acre in size and located directly south of Goshen College. This cemetery is described as a small pioneer era cemetery. The request is to replace the existing freestanding sign with a new non-illuminated freestanding sign. He went on to say there is also an existing freestanding sign that may be retained. The Planning Office received no public inquiries regarding this request.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He stated this request is for one identification sign only.

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 25-15DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-06UV - Goshen Theater, Inc. and Catitude Café, LLC request a use variance to allow a kennel for a cat lounge with up to 18 cats where kennels are a conditional use in the Agricultural A-1, Commercial B-3, and Industrial M-1 & M-2 districts. The subject property is generally located at 210 S Main Street and is zoned Commercial B-2 HD DD.

Staff Report

Mr. Deegan explained this request is for a first floor, vacant suite where the petitioner would like to open a “cat café”. It’s described in the BZA application as a “safe and welcoming space for cats and humans to interact through reading, relaxing, and playing together”. This will include a gift shop and a lounge area where customers can interact with cats. The cats are being fostered by the business with the purpose of finding homes for them. He explained there will be air filtration, the lounge will be cleaned daily, and cats will be monitored overnight on security cameras.

Staff recommends approval of the request, with conditions and commitments, noting that a recorded commitment is required and must include the letter submitted with the BZA application describing plans for the business. He went on to say sounds and order might be a concern here, but if the cats are kept inside and the area cleaned as stated, that should not be a concern.

He noted for the record that Karen Pletcher, 125 S Main Street and Michelle Horning, 206 S Main Street both requested additional information on this request. No specific comments were received from those inquiries.

Petitioner Presentation:

Brenda Summers, 1701 Berkey Avenue, spoke on behalf of the petitioner. She stated Catitude Café is more of a cat lounge than a food café. She plans to have a gift shop where customers can purchase Catitude merchandise and cat themed items. There is a fee to enter the cat lounge and customers can choose to be in the cat lounge from 30 minutes up to 3 hours. Different rooms are also available for meetings, studying, reading, etc. where customers can go to socialize with the cats. She explained she’s partnering with Here Kitty Kitty rescue and all the cats will be fixed, vaccinated, microchipped, and ready to adopt. When a cat is adopted, the fees will go to Here Kitty Kitty. She has looked into a purification system.

Mr. Holtzinger asked if she’s comfortable with 18 cats, and Ms. Summers responded she would be ok with that.

Mr. Holtzinger asked the BZA youth advisor if she had an opinion on this request.

Ms. Gonzalez stated that she likes that Ms. Summers is concerned about peoples’ opinion regarding any odor and ensuring that everything stays clean.

Ms. Summers also explained that she plans to also have a weekly preschool story time with cats where parents and kids can come in, hear a story and interact with some of the cats. Various evening activities are also planned.

Susan Visser, Executive Director of Goshen Theater, also spoke to the petition. She stated Goshen Theater owns this building and they have discussed this request with Board and staff. Some concerns were brought up regarding odors, but they feel Brenda has come up with a great solution to address any odor and are confident that she has this handled.

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/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-06UV with the 4 conditions and 5 commitments listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-16DV - Mildred C Orama and Freedom Builders request developmental variances to allow development of a lot with an area of approximately 4,005 SF where a minimum of 6,000 SF is required and a width of approximately 30' where a minimum width of 50' is required at the established front lot line, a side (south) building setback of 5' where a minimum of 6' is required, a side (north) parking/driving aisle setback of 2' where 5' is required, and a ground floor area of approximately 440 SF where a minimum of 720 SF is required, for a new single family home. The subject property is generally located at 417 S 3rd Street and is zoned Residential R-3 District.

Staff Report

Mr. Deegan explained this request was originally heard in November, 2024 and approval was granted for 6-months. Because the petitioners did not request an extension, the variance expired in May, 2025. Today's request is identical to the 2024 request. He explained that the lot is smaller than the required minimum lot size and has less frontage than the required by the ordinance. The request is also for a ground floor area of 440 sf where a minimum of 720 sf is required. Variances are also required for a driving aisle with a 2' side (north) setback where 5' is required and a south building setback of 5' where 6' is required. Staff recommends approval of this request.

No public inquiries were received regarding this request.

Petitioner Presentation:

Tonya Detweiler, 1630 Timberline Drive, representing Freedom Builders, spoke on behalf of the petitioner. She stated they waited for their client to secure financing, which took a little more than 6 months. She asked for approval of this request.

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/Fisher, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-16DV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

25-17DV - Douglas D Kaufman and Freedom Builders request a developmental variance to allow a 12' front building setback along River Race Drive where a minimum of 25' is required for the construction of an approximately 352 SF detached garage. The subject property is generally located at 509 S 3rd Street and is zoned Residential R-1.

Staff Report

Mr. Deegan explained this property contains a single family home, and has frontage on River Race Drive and S 3rd Street. River Race Drive was previously an alley, but rebuilt and turned into a street in 2014. Prior to 2014, many of the properties along the former alley had detached garages which still remain and are close to the street.

The applicants would like to construct a new detached garage, approximately 352 sf in size, with an open deck on the roof, a front building setback of 12' where 25' is required, and a driveway from River Race Drive. Staff recommends approval, noting that because this is a through lot with frontage on two streets its difficult to meet zoning ordinance requirements for setbacks. He went on to explain it will have the same setback as the detached garage immediately south, so it won't be out of character with neighboring properties. He further explained if River Race Drive was still an alley, a minimum 5' setback would be required instead of 25'.

He went on to say that this application was received a day prior to the filing deadline, and the Engineering Department reviewed the request after we had accepted the application. They noted that there is a curb-cut on 3rd Street and what looks to be a gravel parking area in the 3rd Street right-of-way. Engineering commented to Planning staff that in order to get a right-of-way permit for River Race Drive, they'd like to see the parking space and curb cut along 3rd Street removed. Mr. Deegan questioned if the width of the garage is wide enough for two vehicles. He explained the Board can approve this and they can make it a two-car garage or they can make the driveway wider to accommodate two vehicles. The concern is that they won't have adequate on-site parking.

Petitioner Presentation:

Tonya Detweiler, 1630 Timberline Drive, representing Freedom Builders, spoke on behalf of the petitioner. She stated she's not prepared to speak for the owner, but if the BZA approves this request, they would present this to the owner, explaining that if the City wants the 3rd Street access removed, he could expand from 16', noting that if they get to 21' or 22', they would begin to have room for two cars. They would leave it up to the homeowner to decide if he wants to expand the garage to accommodate two cars.

Mr. Deegan agreed that the garage would have to be expanded to accommodate two cars because expanding just the driveway would create open parking in the front yard setback and that's not allowed by the zoning ordinance. He explained this is not a Planning problem, but the Engineering Department will have to issue a right-of-way permit.

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/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 25-17DV with the 5 conditions listed in the Staff Report.

Mr. Lauver asked if Engineering would address the storage shed that appears to be in the right-of-way.

Mr. Deegan stated he doesn't know if it received Board of Works approval or not. He also noted that it appears to be a temporary shed, but it's placement in the right-of-way is not something the Planning Office can approve.

Mr. Lauver asked if the BZA can require the shed to be moved.

Attorney Kolbus stated that this would be a Board of Works decision.

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

VI. Audience Items - None

VII. Staff Board Items

- Resolution 2025-BZA01, Resolution of the Goshen Board of Zoning Appeals Adopting a Policy to Provide Public Notice of Meetings

Mr. Deegan referred Board members to the memo included in packets from the Legal Department for the two resolutions. The resolutions are to adopt a policy to provide public notice of meetings and one for an electronic meeting policy. The memo states that it's necessary for each governing body to adopt each of these policies, with the intent to be consistent citywide.

The first resolution is adopting a policy to provide public notice of meetings. This revises a policy that many of the City's governing bodies adopted in 2013 and sets forth the statutory requirements for providing public notice of meetings, including the method in which the governing body will provide notice to all news media and to any person submitting an annual written request for such meeting notices. The public notice must be given at least 48 hours before the meeting and a new requirement is that the notice must also include the website address for live transmission, and archived copies of the live transmission of meetings. Notice shall be given by posting a notice at City Hall, publishing the notice on the City website, and emailing the notice to all news media.

Mr. Deegan stated because this is statutory, it must be adopted.

Attorney Kolbus agreed that the Board has no choice; this resolution must be adopted.

Action:

A motion was made and seconded, Fisher/Lauver, to adopt the policy to provide public notice (Resolution 2025-BZA-01).

Mr. Loewen asked if this is something Planning Staff does.

Mr. Deegan explained this is done by Staff, on behalf of the BZA.

Attorney Kolbus stated beginning July 1st, meetings will be live-streamed, recorded, and stored for a certain period of time. This is now required by state law.

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

- Resolution 2025-BZA02, Resolution of the Goshen Board of Zoning Appeals Adopting an Electronic Meetings Policy to Allow Members of the Board of Zoning Appeals to Participate in Meetings by an Electronic Means of Communication

Mr. Deegan stated the electronic meeting policy is similar to what the Council adopted in January of this year. It sets forth the procedure to allow members to participate by electronic means of communication. All members of the governing body must be able to simultaneously communicate with each other and it must allow the public to simultaneously attend and observe the meetings. The Board will likely need to approve changes to clarify that physical presence would still be required and must meet quorum, and staff will need advance notice from members if they wish to attend electronically.

Attorney Kolbus stated this is not required, but if you wish to participate by means of electronic communication, you must meet the statutory conditions.

Mr. Fisher commented he's in favor of allowing someone to join remotely.

Mr. Loewen asked if the electronic communication is a minimum of audio; not necessarily video.

Attorney Kolbus stated Section 1.B.3, states the member must be seen and heard.

Mr. Loewen asked if the public can also participate by means of electronic communication.

Attorney Kolbus stated the public can only observe and monitor the meeting.

Action:

A motion was made and seconded, Holtzinger/Lauver, to adopt Resolution 2025-BZA-02, noting that the public can only observe, and may not participate in meetings by an electronic means of communication. The motion passed unanimously by a vote of 4-0.

VIII. Adjournment: 4:58 pm

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Hesston Lauver, Secretary