

Minutes - Goshen Board of Zoning Appeals
Tuesday, September 23, 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, and Tom Holtzinger. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney Don Shuler, and Youth Advisor, Ezra Tice. Absent: Hesston Lauver, James Loewen

II. Approval of Minutes from 8/26/25: Fisher/Rohn 3-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Fisher 3-0

IV. Postponements/Withdrawals – None

V. Use & Developmental Variances – public hearing items

25-10UV The Board of Commissioners of the County of Elkhart, IN and Elkhart County Community Corrections Advisory Board request a use variance to permanently allow offenders with low- and moderate-level domestic violence convictions to use the work release facility where Variance 22-13UV allowed low-level offenders for a period of three years. The subject property is generally located at 201 N Cottage Avenue and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan provided background information for this site, noting that early on, the BZA did not want any violent offenders housed at this facility and variances from the 1980's onward enforced that decision. In November 2022, the applicants requested that offenders with certain low-level convictions be permitted at the facility. At that meeting the BZA granted approval to allow a certain list of convictions, referred to as low-level violent crime convictions, for a period of three years. The applicants are here today to ask for permanent approval of that variance and to add some minor updates to the list of permitted offenders. That list is included in today's packet, and the petitioners are here to discuss the changes. He went on to say that staff's analysis of the updated list, is that it will eliminate the possibility of any offenders using deadly weapons from using the facility but would allow Level 6 felony convicts of criminal confinement or resisting law enforcement. He explained that when this was discussed a few years ago, it was unclear if this request would be injurious to the general welfare and if it would adversely impact the neighborhood. He went on to say in the three years this variance has been in place, the Planning Office has not been aware of any issues. He pointed out that this request was advertised throughout the neighborhood and the Planning Office received no feedback or comments from the public. He also noted the last page in the packets contains a list of offenses that Staff feels should be prohibited in the facility. Staff recommends permanent approval of this request and of the proposed changes.

Petitioner Presentation:

Nathan Tipton, Director of Court Services for Elkhart County, 1905 Reliance Road, spoke on behalf of the petitioner. He explained these people are currently in our community and the work release center provides the stopgap between holding someone in the county jail or having them in the community on probation. Although victims are safe when the offender is in jail, they're receiving no rehabilitation or treatment. When someone is on probation, they are in the community, able to get jobs and treatment they need, but are not allowed to be around the victims. In cases of domestic violence, we often see those people have nowhere else to go and a lot of times they end up moving back into the home, violating the rules, even if they don't offend again. Community corrections is the stopgap that gives them a place where they're secure. They are there every night and checking in. He also pointed out there are many more opportunities for treatment as opposed to being in the county jail. They feel these people will be in the community anyway and this allows them to be in the facility where they can be watched and receive the treatment they need.

Regarding the changes Mr. Deegan mentioned, the first one removes any crimes involving a deadly weapon, meaning no violent offenders are permitted in community corrections. The next is changing criminal confinement. This change would allow the lowest level of criminal confinement offenders in a facility while not allowing higher level offenders. The final change would be to allow the level 6 offenders into the work release.

Kristine Osterday, Chair of the Community Corrections Advisory Board and Judge of Elkhart Superior Court #1, 1905 Reliance Road, also spoke on behalf of the petitioner. She stated she oversees all the domestic battery charges in Elkhart County, and echoed Mr. Tipton's comments about the importance of removing the offender from the home where the victim still resides. She stated that as judge, it's not her intent to place violent offenders in the work release facility and understands the concerns. She went on to say that by the nature of the definition, some of the lower-level violent offenders are not appropriate for the department of corrections because of the short sentence and if they're short sentenced, they're most likely to serve at the jail where the program is very limited, or they're on probation. She went on to say a lot of people fall between these two categories. They need the additional support, but it's also important that they remain in the community and receive the intensive programming and treatment which is what they receive at the work release facility.

Helen Calvin, Director, Elkhart County Community Corrections, 201 N Cottage Avenue, also spoke to the request. She stated since the previous variance was approved in 2022, they have served approximately 76 individuals with low level felonies. Of these 76 individuals, 66 have not received any new charges since their release from the program.

She stated she and the assistant director reached out to the neighborhood last week and of the neighbors they spoke with, the main concern they voiced was parking on the side streets. She stated this has nothing to do with today's variance request and was an issue prior to the approval of the temporary variance. Other neighbors asked that no sex offenders be permitted in the facility. She stated she feels the program has been a success and asked that permanent approval be granted, along with approval for the revised list.

Judge Osterday added that historically the work release facility did not require any type of monitoring when offenders left the facility, but following a request to the Community Corrections Board, it was decided that those living in the work release facility have an ankle monitoring device. They are now monitored when they leave the building, with this change being implemented since the previous appearance before this Board. This has improved the safety of the community significantly by identifying people that are violating no contact and protective orders.

Mr. Rohn asked how much discretion she has when placing someone in this program, noting he wants to make sure she and other judges are able to use their discretion when determining if someone is eligible for this facility.

Judge Osterday stated judges have a fairly wide amount of discretion, noting that most of the judges are seeing what they refer to as stipulated plea agreements, where the plea agreement spells out the sentence. With that being said, she also has the discretion to reject a plea agreement if she thinks it's inappropriate.

Mr. Holtzinger asked how many additional people they anticipate adding if this request is granted.

Ms. Calvin stated they will make the best evidence-based decisions possible, by placing people that should be there for the intensive programming and supervision. It will open up more opportunity, but only in a way that makes sense.

Audience Comments:

Cory Martin, 707 N 5th Street, also spoke to the petition. He introduced himself as Chaplin at the Elkhart County Jail and the Executive Director of the Elkhart County Jail Ministry. He explained that he and his family have lived in this neighborhood for approximately 14 years. He spoke in favor of this variance three years ago and is here again to speak in favor of today's variance request. In addition to doing all the ministry inside the Elkhart County jail, they also organize and run all the ministry opportunities inside the work release. This includes chaplains that visit work release regularly and special programming for the participants, both inside and outside work release. He also holds Holy Alliance on Sunday mornings in the Post Youth Center on Lincoln Avenue. He

noted that just a few weeks ago, there were 90 people in attendance, all from work release and their families. He also explained that the jail ministry pays for the following services:

- Licensed professional therapist
- Maple City Dental for dental needs
- Goshen eye doctor to provide eyecare and glasses
- Bicycles for transportation
- Clothing for job interviews, etc.

He stated to make Goshen and the surrounding area a safe place for all, it's important to be able to offer these programs and services to those at the work release center.

Jeff Taylor, County Administrator, 117 N 2nd Street, also spoke to the petition. He stated the commissioners support this request. They feel this is a great program and a benefit to the community.

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 25-10UV with the 3 conditions and 2 commitments listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

VI. Audience Items - None

VII. Staff Board Items - None

- 6-month extension request from 10/22/25 to 4/22/26 for 25-08DV, 323 W Wilden Avenue

This request was heard in April for a new single-family home on a vacant lot. The request was for reduced setbacks for the building and parking. The petitioner isn't ready yet but anticipates developing this property within 6-months.

Action:

A motion was made and seconded, Fisher/Holtzinger to approve a 6-month extension for 323 W Wilden, from 10/22/25 to 4/22/26. The motion passed unanimously by a vote of 3-0.

VIII. Adjournment: 4:28 pm Rohn/Fisher

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Hesston Lauver

Hesston Lauver, Secretary