

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 27, 2026, 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, Lee Rohn, Tom Holtzinger, and Mathew Fisher. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney Don Shuler, and Youth Advisor Ezra Tice. Absent: James Loewen

II. 2026 Board of Zoning Appeals Appointments

- Tom Holtzinger- Reappointed by Mayor, four-year term, 1/1/26 – 12/31/29
- Hesston Lauver, Plan Commission citizen member appointed to BZA, four-year term, 1/20/26 – 12/31/29

III. Election of 2026 Officers

- Chair
- Vice Chair
- Secretary

Mr. Holtzinger explained officers for 2026 need to be appointed, noting that he is willing to serve.

Action:

- A motion was made and seconded Rohn/Fisher to appoint Tom Holtzinger as Chair;
- A motion was made and seconded Rohn/Lauver to appoint Matt Fisher as Vice Chair;
- A motion was made and seconded Fisher/Holtzinger to appoint Lee Rohn as Secretary.

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

IV. Approval of Minutes from 11/25/25: Rohn/Lauver 4-0

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

VI. Postponements/Withdrawals – None

Use & Developmental Variances – public hearing items

26-01UV & 26-01DV – HYL Enterprises, LLC & Abonmarche Consultants request a use variance to allow an approximately one-acre shed sales area with un-screened outside display where contractors materials and supplies is a conditional use requiring outside storage areas screened by an opaque fence at least six feet in height and outside storage areas subordinate in area to the principal use building on the property, and a developmental variance to allow a side (east) setback of 5' to the sales area where a minimum of 10' is required. The subject property is generally located at 2909 Peddlers Village Road and is zoned Commercial B-3 District.

Staff Report

Mr. Deegan explained this property is 5.5 acres in size and zoned Commercial B-3 District. He described the area, noting that the existing auction house on the property is approximately 13,000 SF. He stated the Planning Office became aware last summer, that an approximately 1-acre portion of the property was being used for shed sales and the owner has decided to request permanent approval of shed sales. The zoning ordinance doesn't define shed sales, but the Planning Office considers it similar to contractor's materials and supplies which is a conditional use in the B-3 zoning district. A use variance is required because there are two conditional use requirements that won't be met. Outside storage areas are required to be screened by a fence, and the outside storage area cannot exceed the area of the principal use structure. Neither of these requirements can be met. A developmental variance is also requested for a 5' setback along the east property line where 10' is required.

Staff recommends approval of the requests, pointing out that it's not realistic to screen shed sales and this portion of the property has been a vacant, grassy area for a very long time. He pointed out this site is surrounded by many commercial uses and pointed out that the adjacent mobile home park already has its own screening.

No comments were received from the public regarding this request.

Petitioner Presentation:

Crystal Welsh, Abonmarche Consultants, 303 River Race Drive, spoke on behalf of the petitioner. She stated the operators of the auction house felt this would be a good use of the property and once they became aware approval was required, they contacted Abonmarche for help. They will also file for technical review and will work with the Stormwater management department to ensure they have adequate stormwater management on the site as well.

She noted that Mr. Yoder is present today if anyone has questions for him.

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 26-01UV & 26-01DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

26-02UV - Cherry Creek, LLC and Campus Center for Young Children request a use variance to allow a childcare center for up to 75 children with an outdoor play area of approximately 1,995 Sf where childcare centers are a conditional use requiring a minimum of 50 Sf of fenced outdoor play area per child. The subject property is generally located at 811 Fairways Drive (Lot 67, Cherry Creek Subdivision, Phase 1, Section 1) and is zoned Residential R-3 PUD.

Staff Report

Mr. Deegan explained the proposed use of this property is for a two-story building. The first floor will be for commercial use and the second floor will contain 8 residential units. He pointed out that the Cherry Creek development will also be a mix of commercial and residential uses. The petitioners would like to use the first-floor commercial space for a childcare center that is proposed to have up to 75 children. He noted that childcare centers are a conditional use in the R-3 zoning district and part of those requirements include a minimum 50 SF of fenced outdoor play area for each child at the facility. Based on the submitted plans, 1,995 SF of outdoor play area is proposed, where 3,750 SF would be required. He referred to a drawing included in the Staff Report, pointing out the play areas which would be accessed by different age groups. He also explained that the comprehensive plan supports childcare centers and noted this childcare center proposal is worthy of support.

Mr. Deegan also stated that childcare centers also need state approval, and the state only requires that the amount of outdoor play space is adequate for the number of children outside at any one time. The petitioner states they can meet that requirement, so provided that all 75 children are not outside at one time, that space should be adequate.

He also noted for the record, this neighborhood is not yet developed, so the childcare center will not cause issues within an already developed neighborhood.

No public comments were received regarding this request.

Petitioner Presentation:

Janet Whalen Couch, 59350 CR 11, Elkhart, Executive Director of Campus Center for Young Children, spoke on behalf of the petitioner. She stated she has been in her position since 1997 and is excited to partner with Cherry Creek.

She confirmed Mr. Deegan's comments regarding outdoor play area, noting that the state requirements are 75 SF per child on the playground, and that the most children they would have on the playground at one time would be 20, thereby meeting those requirements. She went on to say they have two playgrounds planned: one for infants and toddlers on one side and one for the three- and four-year-olds on the other side.

Mr. Fisher asked if the requirements are the same for both.

Ms. Couch stated no. She went on to confirm Mr. Deegan's statement that they will be the occupants of the first building to be constructed.

Mr. Lauver asked where drop off/pick up will be located.

Ms. Couch stated it will be in the front.

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 25-02UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

VII. Audience Items

None

VIII. Staff Board Items

- 6-month extension request from 2/26/26 to 8/26/26 for 25-18DV, 120 N Main Street

Mr. Deegan stated a developmental variance was granted several months ago for the old Kline's Building to allow a church use without adequate parking. He went on to say a zoning clearance has not been issued and plans have not been reviewed, so the applicant is requesting a 6-month extension.

Action:

A motion was made and seconded, Rohn/Holtzinger, to grant a 6-month extension request from 2/26/26 to 8/26/26 for 25-18DV, 120 N Main Street. The motion passed unanimously by a vote of 4-0.

- BZA Residency Forms for Tom Holtzinger and Hesston Lauver

Mr. Deegan stated for the record that residency forms were received from Tom Holtzinger and Hesston Lauver. No action is required by the Board.

IX. Adjournment: 4:17 pm Lauver/Fisher

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Lee Rohn

Lee Rohn, Secretary