

*Agenda*  
GOSHEN BOARD OF ZONING APPEALS  
Tuesday, May 26, 2026, 4:00 P.M.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I. Roll Call
- II. Approval of Minutes from 4/28/26
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV. Postponements/Withdrawals – any person having business to come before the Board may request postponement or withdrawal at this time.
- V. **Developmental Variance** – public hearing items  
**26-08DV** – Rickardo Lee Yoder and Curveside Construction request a developmental variance to allow continued use of a well where connection to City water is required for the construction of an addition with an approximately 2,358 Sf barn and 96 Sf breezeway. The property is generally located at 511 W Waverly Avenue and is zoned Agricultural A-1 District.
- VI. Audience Items
- VII. Staff/Board Items
- VIII. Adjournment

BZA Members

- James Loewen, Appointed by Mayor, Term 1/31/24 - 12/31/27
- Matthew Fisher, Appointed by Mayor, Term 1/31/24 - 12/31/27
- Tom Holtzinger, Appointed by Mayor, Term 1/1/26 - 12/31/29
- Hesston Lauver, Appointed by Plan Commission, Term 1/20/26 - 12/31/29
- Lee Rohn, Appointed by Council, Term 1/1/25 - 12/31/28

BZA Alternate Member:

- Craig Yoder, Appointed by Mayor, Term 1/31/24 - 12/31/27

Minutes - Goshen Board of Zoning Appeals  
Tuesday, April 28, 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, James Loewen, Tom Holtzinger, and Mathew Fisher. Also present were Assistant City Planner Rossa Deegan, Assistant City Attorney Don Shuler, and Youth Advisor Ezra Tice. Absent: Lee Rohn
- II. Approval of Minutes from 3/24/26: Lauver/Loewen 4-0
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Fisher/Lauver 4-0
- IV. Postponements/Withdrawals – None

**Developmental Variances** – public hearing items

**26-06DV** – Levi & Rebecca Yoder Smucker and Nathan Mateer Rempel request developmental variances to allow a front building setback of 10' where a minimum of 25' is required for an approximately 420 Sf accessory building, and to allow a side (south) building setback of 7' where a minimum of 8' is required for an approximately 285 Sf addition to the existing home. The subject property is generally located at 1105 S 8<sup>th</sup> Street and is zoned Residential R-1 District.

*Mr. Loewen recused himself at 4:02 p.m.*

*Staff Report*

Mr. Deegan explained this property has frontage on S 8<sup>th</sup> Street and Cottage Avenue, with the home facing S 8<sup>th</sup> Street. This request is for a small addition to the house, and for a small accessory structure at the rear of the property. The overhang on the home addition will have a setback of 7.5' where 8' is required and the accessory building will be located in the front yard along Cottage, at a distance of 10' where 25' is required.

Staff recommends approval of the requests, noting that the addition will match the current setback and the accessory building in the back is in line with other accessory buildings in the neighborhood.

No public comments were received regarding this request.

*Petitioner Presentation:*

Nathan Mateer Rempel, 113 E Madison Street, spoke on behalf of the petitioner. He stated he has nothing to add, but is happy to answer any questions.

*Audience Comments:*

Matt Scott, 1022 S 7<sup>th</sup> Street, spoke to the petition. He stated the rear of his property butts up to Cottage Avenue and is the low point on Cottage Avenue. He stated there are no sewer or storm drains, and he's been working with the Stormwater Department to find a solution to the water issues. His concern is that a 420 SF structure will displace a lot of water, and he fears that water will flow onto his property.

He provided photos (*Exhibit 26-06DV: 1-3*) showing water retention on his property, noting that water has entered his garage on multiple occasions. He went on to say he's not opposed to the structure, just its proximity to Cottage Avenue.

Mr. Deegan clarified that the structure will be 10' from the property line, not 10' from the paving on Cottage Ave.

Mr. Fisher asked Mr. Rempel if he has any thoughts on what effect the construction of this building will have on water drainage.

Mr. Rempel stated this will have a mono-pitched roof so it will all come off of one side. He also suggested

possibly talking with the customer regarding a retention area.

Mr. Deegan asked for confirmation that the structure will be a substantial distance from the actual paving of Cottage Avenue.

Mr. Rempel stated there will be a concrete pad from the structure, coming around to Cottage Ave to allow for bicycles.

Mr. Deegan asked if that was included on the site plan.

Mr. Rempel stated it's not on this plan, but it will be part of Engineering's review.

Mr. Deegan agreed if it is in the right-of-way, Engineering will review, and a right-of-way permit will be required.

*The public hearing was closed.*

*Staff Discussion:*

Mr. Fisher commented that he is friends with Mr. Scott and didn't realize he would be speaking today. He questioned if he is able to vote on this case.

Attorney Shuler commented if he feels it will impact his ability to be impartial, but generally the only conflict that would come into play is if there is some sort of monetary interest or something of that nature.

Mr. Fisher commented he just wanted this to be known before any further discussion.

Mr. Deegan reminded Board members that this is only a setback issue.

*Action:*

A motion was made and seconded, Holtzinger/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 26-06DV with the 4 conditions listed in the Staff Report.

Mr. Fisher commented that he understands Mr. Scott's concern about the water, but agrees the water is an Engineering issue and its unknown if this project will affect that.

The motion passed unanimously by a vote of 3-0.

*Mr. Loewen rejoined the meeting at 4:15p.m.*

**26-07DV** – Lloyd Yoder requests developmental variances to allow a front building setback of 20' from Michigan Avenue where a minimum of 25' is required for an approximately 48 Sf shed, and to allow a front parking and driving aisle setback of 5' along Michigan Avenue where a minimum of 25' is required for a two-stall concrete parking area. The subject property is generally located at 503 W Wilden Avenue and is zoned Residential R-2 District.

*Staff Report*

Mr. Deegan explained this small home does not have a garage for parking, but the property currently contains a small gravel parking pad. The petitioner would like to enlarge and pave the parking area to 25' x 35' with a 5' setback along Michigan Avenue. Additionally, he would like to place a 6' x 8' shed within 20' of W Wilden Avenue where a minimum of 25' is required. Staff supports both of these requests, pointing out the proposed parking is not out of character with the neighborhood and there is no other available parking.

*Petitioner Presentation:*

Lloyd Yoder, 605 Skyview Drive, Middlebury, spoke to the petition. He stated he has good tenants and he's just trying to make this nicer.

*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/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 26-07DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of

**V.** Audience Items  
None

**VI.** Staff Board Items  
None

**VII.** Adjournment: 4:19 pm Lauver/Fisher

Respectfully Submitted:

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Lori Lipscomb, Recording Secretary

Approved By:

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Tom Holtzinger, Chair

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Lee Rohn, Secretary



**EXHIBIT**

26-06 SV:1-3





**LOCATION:** 511 W Waverly Avenue  
**CASE NUMBER:** 26-08DV

**DATE:** May 26, 2026  
**PREPARED BY:** Rossa Deegan

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### **GENERAL INFORMATION**

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**APPLICANT:** Rickardo Lee Yoder (owner); Curveside Construction (agent)

**REQUEST:** The applicants request a developmental variance to allow continued use of a well where connection to City water is required for the construction of an addition with an approximately 2,358 Sf barn and 96 Sf breezeway

**LOT SIZE:** ±11.5 acres; ±26' of frontage; depth varies

**APPLICABLE ZONING:** Agricultural A-1

**NOTICES SENT:** 25

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### **SPECIAL INFORMATION**

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**PUBLIC UTILITIES:** Not connected to City water or sewer

**AREA DEVELOPMENT:** Residential, agricultural

**NEIGHBORHOOD:** None

**THOROUGHFARES:** Waverly Avenue

**TOPOGRAPHY:** Property is bounded along its west side by the Elkhart River; majority of property is located in Zone AE Floodway of the regulatory floodplain, with the remainder located in zone AE fringe; the property is largely undeveloped woodland and pasture

### **VARIANCE OF DEVELOPMENTAL STANDARDS**

- ◇ Goshen Zoning Ordinance, *Section 41.30.10*, Miscellaneous Regulations  
All lots and uses in this district must be served by city sewer and water.

### **ADJACENT PROPERTY OWNERS' SUPPORT, OPPOSITION, AND INQUIRIES**

The Planning office has not been contacted by any adjacent property owners regarding this variance. However, the Planning office may still be contacted with questions and statements of support or opposition to the variance between the time of this report's delivery and the public hearing.

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### **ANALYSIS**

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The subject property is a single family home located at the south end of Waverly Avenue in the center of the City. The property is over 11-acres in size, includes a detached barn and grazing area, and is bounded to the west by the Elkhart River and to the east by the Maple City Greenway and Millrace Canal. It is zoned Agricultural A-1, as are the neighboring properties along Waverly Avenue. The home has a footprint of approximately 3,033 SF and the detached barn is approximately 3,160 SF.

The petitioners are proposing to build an addition to the east side of the home. The proposed addition includes a 48'x49' "barn" connected to the home by an 8'x12' breezeway. The property is not connected to City water, so the petitioners are proposing to serve a new bathroom in the breezeway with an existing well. Because the A-1 District development regulations require connection to City water, a developmental variance is needed.

Staff supports the request on the basis that City water is not available to the property. The closest City water mains are located along Gra Roy Drive, which is on the opposite side of the canal, and on the east side of the bridge on Waverly Avenue, which is over 1,400' away.

The well is existing; using it will not require a new improvement that could impact adjacent properties. While the purpose of the requirement to connect to City water is in large part due to providing safe, regulated water to Goshen residents, in this case, remaining on a personal well is the choice of the petitioner, and will not adversely impact the safety and welfare of residents on other properties. All other developmental requirements will be met.

Note that the property is also not connected to City sewer. The petitioner plans to use the existing septic system for the addition, which in this case is lawful under State statute.

### **FINDINGS OF FACT**

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Staff recommends **approval** of a developmental variance to allow continued use of a well where connection to City water is required for the construction of an addition with an approximately 2,358 Sf barn and 96 Sf breezeway, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** While the purpose of the requirement to connect to City water is in large part due to providing safe, regulated water to Goshen residents, in this case, remaining on a personal well is the choice of the petitioner, and will not adversely impact the safety and welfare of residents on other properties. All other developmental requirements will be met. *The standard is confirmed.*
2. **The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner.** The well is existing; using it will not require a new improvement that could impact adjacent properties. *The standard is confirmed.*
3. **Strict application to the terms of the Zoning Ordinance will result in practical difficulties in the use of the subject property.** The closest City water mains are located along Gra Roy Drive, which is on the opposite side of the canal, and on the east side of the bridge on Waverly Avenue, which is over 1,400' away. *The standard is confirmed.*

With approval, the following conditions shall apply:

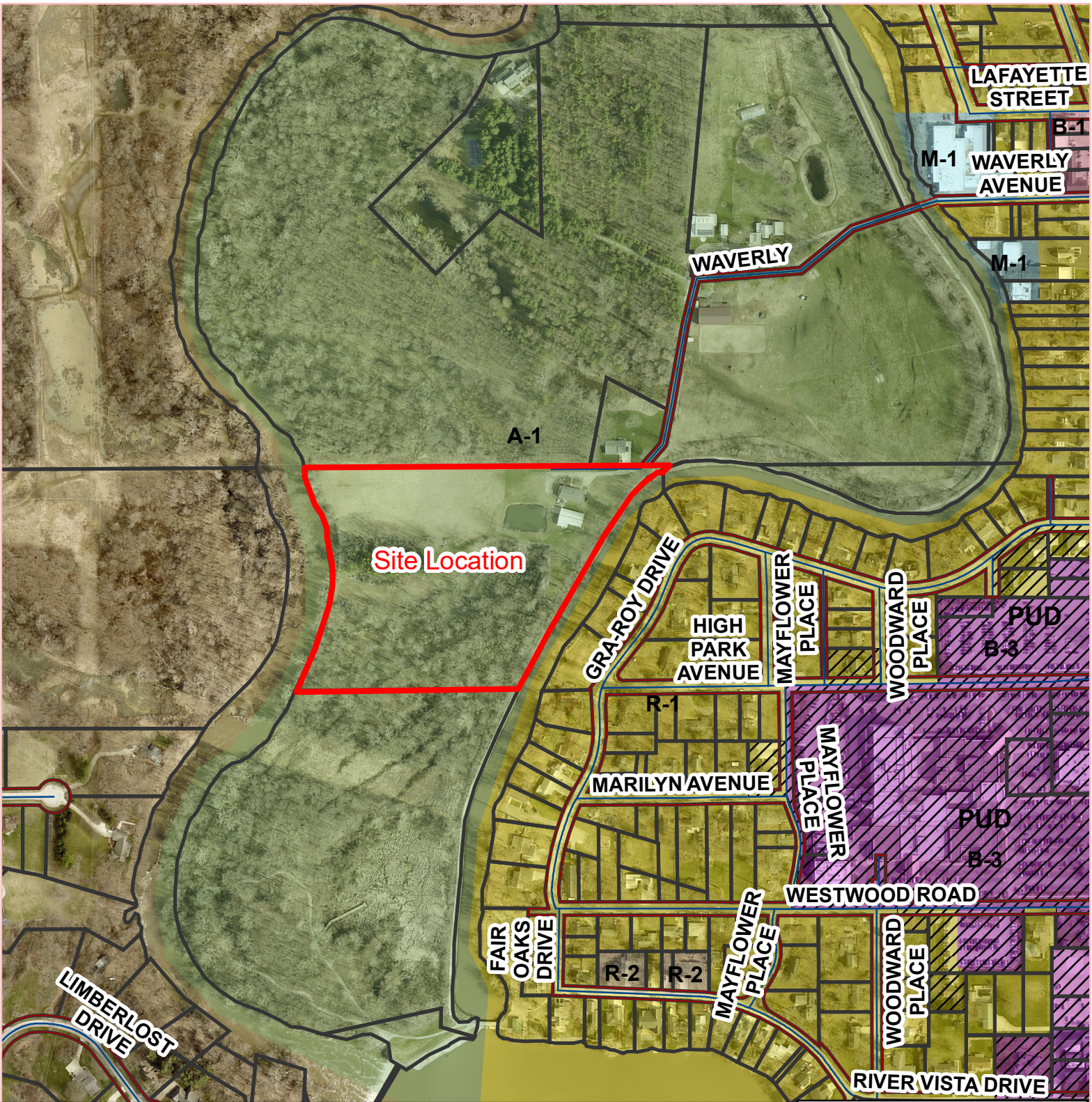
1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. A building permit is required.



Looking west at the proposed location of the path

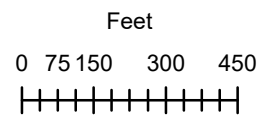


From Waverly Avenue looking south



Site Location

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511 W Waverly

2023 Aerial  
Printed May 11, 2026

The City of Goshen  
Department of  
Planning & Zoning

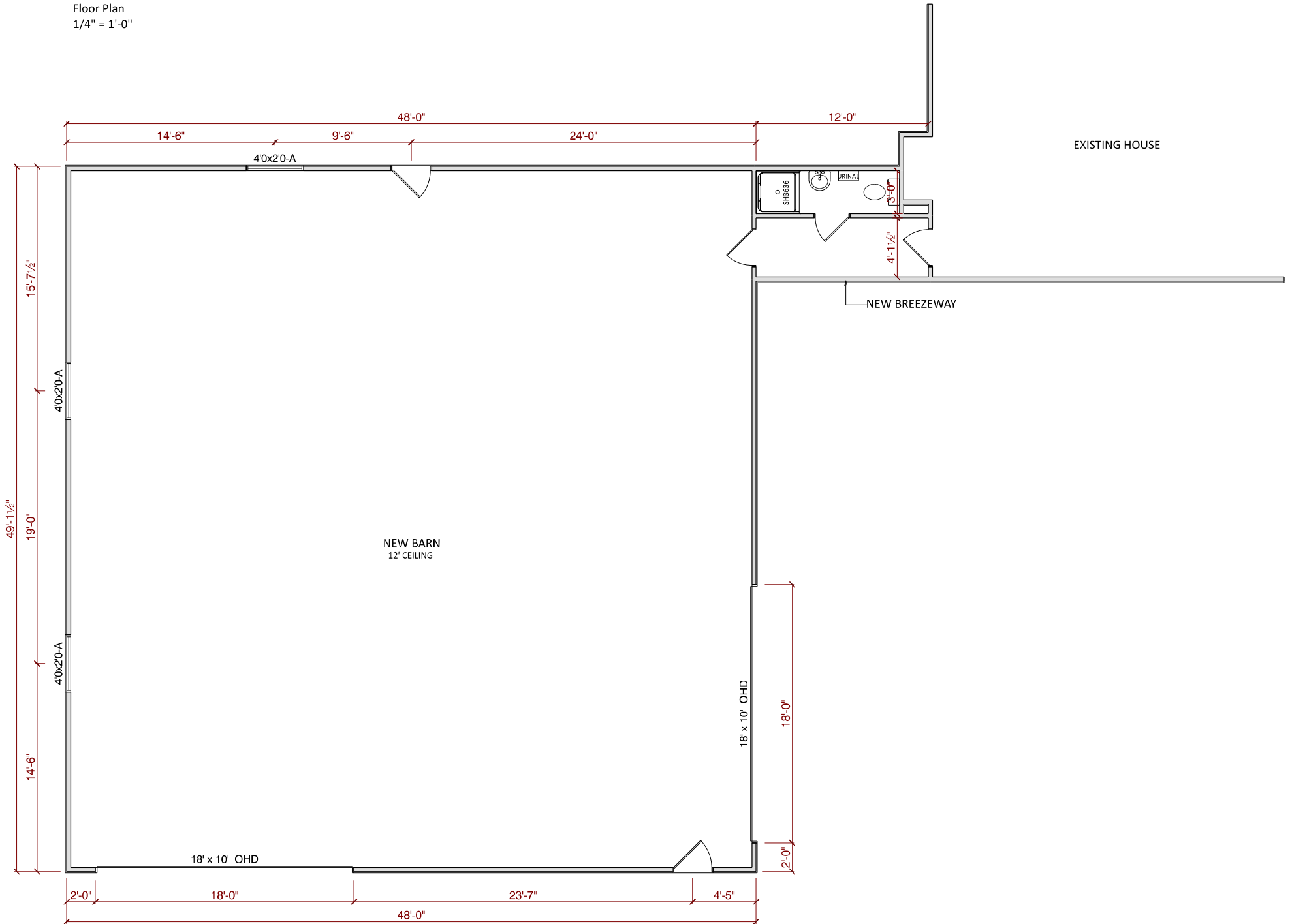
204 East Jefferson Street, Goshen, Indiana 46528  
Phone: 574-534-3600 Fax: 574-533-8626

CURVESIDE CONSTRUCTION  
511 W. Waverly Ave. Goshen  
Site Plan  
1" = 20'

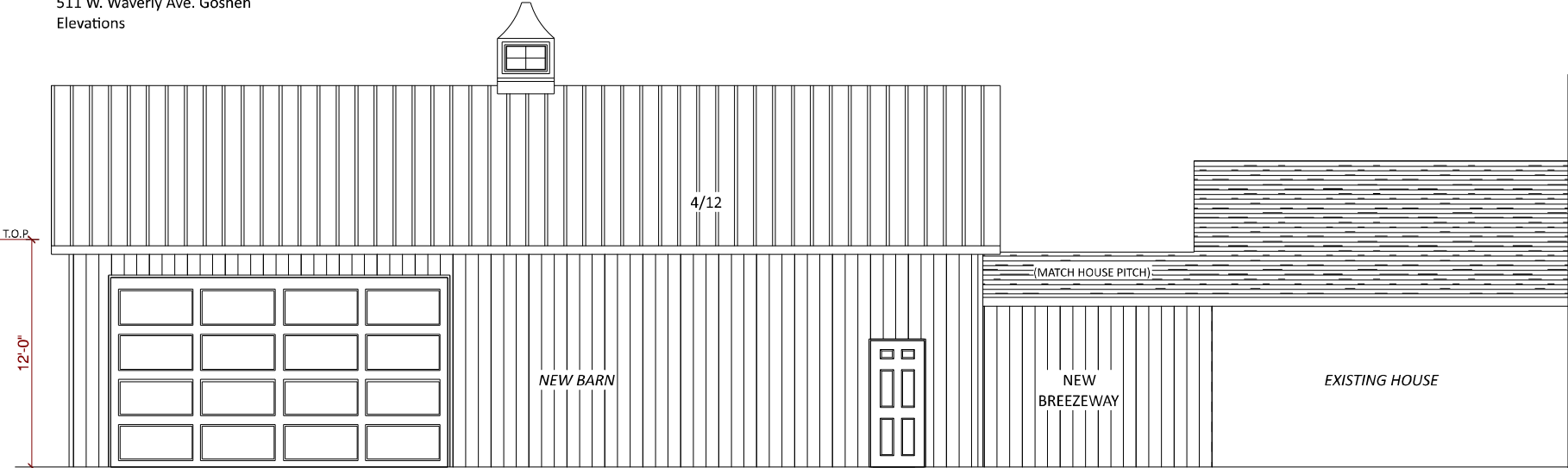
WEST WAVERLY AVE.



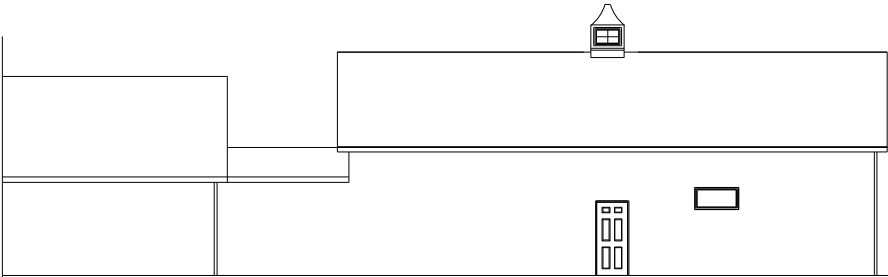
CURVESIDE CONSTRUCTION  
511 W. Waverly Ave. Goshen  
Floor Plan  
1/4" = 1'-0"



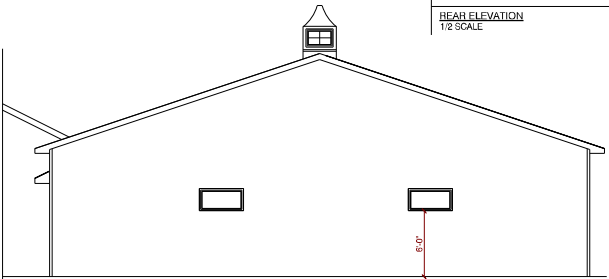
CURVESIDE CONSTRUCTION  
511 W. Waverly Ave. Goshen  
Elevations



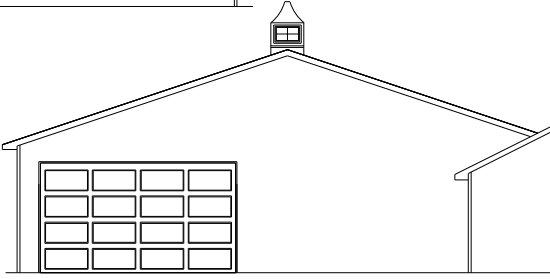
**FRONT ELEVATION**  
1/4" = 1'-0"



**REAR ELEVATION**  
1/2 SCALE



**LEFT ELEVATION**  
1/2 SCALE



**RIGHT ELEVATION**  
1/2 SCALE