

Minutes - Goshen Board of Zoning Appeals
Tuesday, July 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, Tom Holtzinger, Lee Rohn, Mathew Fisher, and BZA alternate member, Craig Yoder. Also present were Assistant City Planner, Rossa Deegan and Assistant City Attorney Don Shuler. Absent: James Loewen

II. Approval of Minutes from 6/23/26: Rohn/Lauver 5-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Lauver/Rohn 5-0

IV. Postponements/Withdrawals – None

V. Developmental Variances – public hearing items

26-11DV – Kevin & Heather Cooper and T Yoder Construction LLC request developmental variances to allow a front building setback of 2' along Clinton Street where a minimum of 25' is required, a rear setback of 11' where a minimum of 25' is required, and building coverage of 52% where a maximum of 35% is allowed for the construction of an approximately 750 SF garage addition, and to allow a fence 6' in height in the front yard along Clinton Street where fences cannot exceed 4' in height. The subject property is generally located at 201 N 2nd Street and is zoned Residential R-3 District.

Staff Report

Mr. Deegan explained a 6' fence is requested in the front yard setback along Clinton Street, and the owner would also like to replace the existing attached garage with a larger 25' x 30' attached garage. Staff recommends approval of the request, noting the property is a small corner lot with two front yards and doesn't have adequate depth to provide any kind of garage outside the setback. No inquiries were received from the public regarding this request.

Petitioner Presentation:

Tony Yoder, T Yoder Construction Company, 23912 CR 30, Goshen, spoke to the petition. He stated they're asking for approval so they can build a garage and install a wider driveway that will get some of the cars off the street.

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 26-11DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

26-12DV – M&H Rentals, LLC and Nuway Construction request a developmental variance to allow a front parking and driving aisle setback of 16' along Kercher Road where a minimum of 35' is required for a parking expansion of 13 spaces. The subject property is generally located at 2556 Southside Park Drive and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property is a corner lot and contains a 10,500 sf building, an access drive from Southside Park Drive, and a parking area with 12 parking spaces. The applicants would like to add a 20' x 130' paved area for additional parking. Because there is no other available space, a 16' setback from the Kercher Road right of way is proposed. Staff recommends approval of the request, pointing out existing parking is insufficient for the number of employees. The improvements are non-structural and will not interfere with the utility easements on the property.

He noted for the record that the owner of 1762 E Kercher Road contacted the Planning office for additional information, but had no comments.

Petitioner Presentation:

Michael Smucker, M & H Rentals, 64570 County Road 19, Goshen, spoke on behalf of the petitioner. He stated their number of employees is growing, and they would like to provide additional parking spaces.

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/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 26-12DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

26-13V – Lori Copsey & Joan Copsey and Revamp Fence & Deck request a developmental variance to allow building coverage of 37% where a maximum of 35% is allowed for the construction of an approximately 260 Sf deck. The subject property is generally located at 509 S 6th Street and is zoned Residential R-1 District.

Staff Report:

Mr. Deegan explained this property contains an approximately 1,698 sf single family home and a detached garage. The petitioner would like to rebuild the deck at the rear of the home which will bring lot coverage to 37% where 35% is permitted. Staff recommends approval of this request, noting the existing deck was built larger than what had been approved and the new deck will actually be 10 sf smaller in area than the existing deck. He pointed out that this is a smaller lot which causes the need for the variance, going on to say that several properties in the neighborhood have also received various approvals in the past. No public comments were received regarding this request.

Petitioner Presentation:

Lori Copsey, 509 S 6th Street, spoke on behalf of the petitioner. She stated she was not aware the deck had originally been built larger than what had been approved.

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/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 26-13DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

26-06UV & 26-14DV – Goshen Community Schools and A&Z Engineering, LLC request a

Use variances for athletic facilities allowing:

- 0' setbacks along 10th Street, 12th Street, and Reynolds Street, where setbacks of 100' are required adjacent to residential use and zoning and where variance 05-04DV allowed setbacks of 90' along 10th Street, 20' along 12th Street, and 71' along Reynolds Street for a soccer field
- Two freestanding signs (scoreboards) up to 20' in height and 144 SF in area where schools are allowed one freestanding sign not exceeding 5' in height and 36 SF in area

Developmental variances for an athletic facility to allow:

- Four light poles up to 80' in height and eight backstop poles up to 20' in height where non-residential structures cannot exceed 25' in height
- A fence along 10th Street, 12th Street, and Reynolds Street that includes sections ranging between 6' and 16' in height where fences cannot exceed 4' in height in the front yard, and
- Allow the variance to be valid for one year before the zoning clearance is issued.

The subject property is generally located at 501 Lincolnway East and is zoned Residential R-1, Commercial B-1, and Industrial M-1 District.

Staff Report:

Mr. Deegan explained this request concerns the southwestern portion of the property around the athletic facilities, along Reynolds Street, 10th Street, and 12th Street, noting that each of these areas are zoned Residential R-1. He went on to explain that because schools are a conditional use in the zoning districts, both the conditional use requirements and the underlying developmental requirements must be met. Although a 2005 approval from the BZA allowed reduced setbacks for the main soccer field, that won't be adequate for the proposed facility. He briefly discussed the following recommended conditions of approval, explaining they will ensure the area blends in well with the neighborhood:

- 7. *The approved freestanding signs shall have sign faces on the north sides only so that no they are not directed at adjacent residential uses.*
- 8. *Fences shall be black metal; bare galvanized fence material shall be prohibited.*
- 9. *Windscreen directly adjacent to residential uses shall be used sparingly and screened by evergreen trees where possible. Windscreen shall be of a high quality material and shall be repaired or replaced as it deteriorates or becomes unfixed from fencing. Windscreen shall not include signage such as logos visible from adjacent streets or residences.*
- 10. *Large species street trees shall be planted along all portions of street frontage on 10th Street, 12th Street, and Reynolds Street, except along the 255' portion of Reynolds Street directly south of the soccer game-field. Trees shall be a mix of evergreen and deciduous varieties.*
- 11. *If determined to be feasible by the Engineering Department, a sidewalk meeting City specifications shall be installed along the Reynolds Street frontage of the subject property as part of this project.*
- 12. *A photometric plan shall be submitted as part of Technical Review demonstrating that athletic field lighting will not exceed 0.5 foot candles along the subject property lines.*
- 13. *The tax parcels that comprise the high school campus shall be consolidated into as few parcels as possible as determined by the Elkhart County Auditor's office.*

No comments were received from the public regarding this request.

Petitioner Presentation:

Chris Pottratz, 861 Parkway Ave, Elkhart, spoke on behalf of the petitioner. He stated that space is very limited

and by converting the game field from grass to turf, they'll be able to use it, and the existing practice field, every day for practice. By doing this, multiple teams will be able to practice at one time. There will also be adequate bleacher space for the crowd which will now include approximately 1600 seats where there are approximately 400 existing seats. He stated even though they're asking for reduced setbacks, there's actually no change to any of the facilities from their current location, explaining that the idea is to basically keep everything where it's located now, which is at the property line. There will be no change to the location of the fence, but it will be replaced with a black, chain-link fence. Lighting will be newer, with very little light spilling over outside the field. He also noted there are no plans to have signs or scoreboards facing the street. Additionally, the public address system will be moved to the opposite side of the field which will allow it to be more contained within the field. They would like to ask that the two following two conditions of approval recommended by Staff not be approved:

- *10. Large species street trees shall be planted along all portions of street frontage on 10th Street, 12th Street, and Reynolds Street, except along the 255' portion of Reynolds Street directly south of the soccer game-field. Trees shall be a mix of evergreen and deciduous varieties.*

He explained they agree that trees should be added where possible, but are concerned that because the trees would take up approximately 30' of space, they would lose too much space on the property. He stated they would like to work with the City to determine how many trees would fit and keep the area as useful as possible for the students.

- *13. The tax parcels that comprise the high school campus shall be consolidated into as few parcels as possible as determined by the Elkhart County Auditor's office.*

Regarding the combination of parcels, he stated that many of them can probably be combined, but has concerns about them being combined as determined by the auditor. He stated there may be good reasons for keeping certain tax parcels separate when the school corporation is doing long-term planning. He asked that the school corporation, and not the auditor, make the final decision about which parcels should be combined.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

Mr. Lauver commented that his biggest concern is eliminating the screening at the end of the practice field.

Mr. Rohn commented that there is currently no screening and that you can't have trees overhanging the soccer goal.

Mr. Deegan pointed out that there was not a variance request to reduce the street trees, which is a requirement of the zoning ordinance. He stated the requirement for large species street trees doesn't have to be included in the approval and staff can approve an alternate plan for different locations, or additional smaller species trees administratively.

Mr. Holtzinger asked if condition #10 could be worded to say appropriate trees.

Mr. Deegan pointed out that the game field was approved by a variance in the past, so it's reasonable that there was no street tree requirement in that approval, and the 255 ft portion of Reynolds St directly south of the game field, gets excluded. He stated there are options in terms of smaller trees, noting that Columnar style trees or narrow spreading trees could be considered.

Mr. Lauver stated he's ready to make a motion to adopt Staff's recommendations.

Action:

A motion was made by Mr. Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 26-06UV & 26-14DV with the 13 conditions listed in the Staff Report.

Mr. Holtzinger asked if Condition #13, regarding the combination of tax parcels, could read "shall be consolidated" instead of "will be consolidated"?

Attorney Shuler stated that at this point, a motion has been made, so it depends if someone is going to second that

motion.

Mr. Lauver confirmed his motion is to accept Staff's recommendations; Mr. Yoder seconded the motion.

Mr. Lauver asked Attorney Shuler what the difference is between the Elkhart County Auditor's Office consolidating the parcels and the school corporation doing it?

Attorney Shuler stated his assumption is that the Auditor would say all of these can be grouped together as one, but the concern raised by Mr. Pottratz is that there could be other reasons, such as the school corporation might not want to combine all the parcels because it could impact their ability to do certain financing projects.

Mr. Deegan added that Staff likes to get as many tax parcels combined as possible, but what the school corporation has suggested is reasonable and if there's wording you'd like to change with that, it's acceptable to Staff.

Mr. Fisher asked how to change the motion.

Attorney Shuler stated a motion can be made to amend the current motion.

Mr. Lauver questioned if anyone had an objection to a conditions, other than #13?

Mr. Rohn stated instead of large species trees for Condition #10, he'd like to suggest street trees.

Mr. Deegan acknowledged that would give them the opportunity to provide an alternate site plan and staff can look at different locations, trees, sizes, etc.

Mr. Rohn stated his choice is to allow "street trees" for #10 and a "recommendation" from the Elkhart County Auditor for #13.

Mr. Deegan pointed out that the school's counsel has stated "as determined by the school corporation", and he's agreeable if they're going to operate in good faith.

A motion was made and seconded, Rohn/Holtzinger, to amend the motion and for condition #10 to read "street trees shall be planted" in place of "large species shall be planted" and condition #13 to read "recommended" instead of "determined". The motion passed by a vote of 4-1. (Holtzinger, yes; Rohn, yes; Fisher, yes; Lauver, yes, Yoder, no.)

Attorney Shuler noted for the record that the amendment passed and now a vote is required, adopting the findings of the Board, with the conditions listed with the two amendments passed by the motion.

A new vote was requested adopting the findings of the Board and based on these findings, approve 26-06UV & 26-14DV with the following conditions:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within one (1) year 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. Approval by the Building and Fire Departments is required.
5. Technical Review is required.
6. Variance 05-04DV is null and void.
7. The approved freestanding signs shall have sign faces on the north sides only so that no they are not directed at adjacent residential uses.
8. Fences shall be black metal; bare galvanized fence material shall be prohibited.
9. Windscreen directly adjacent to residential uses shall be used sparingly and screened by evergreen trees where possible. Windscreen shall be of a high quality material and shall be repaired or replaced as it deteriorates or

becomes unfixed from fencing. Windscreen shall not include signage such as logos visible from adjacent streets or residences.

10. Street trees shall be planted along all portions of street frontage on 10th Street, 12th Street, and Reynolds Street, except along the 255' portion of Reynolds Street directly south of the soccer game-field. Trees shall be a mix of evergreen and deciduous varieties.
11. If determined to be feasible by the Engineering Department, a sidewalk meeting City specifications shall be installed along the Reynolds Street frontage of the subject property as part of this project.
12. A photometric plan shall be submitted as part of Technical Review demonstrating that athletic field lighting will not exceed 0.5 foot candles along the subject property lines.
13. The tax parcels that comprise the high school campus shall be consolidated into as few parcels as possible as recommended by the Elkhart County Auditor's office.

The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items

- 6-month extension for 26-03UV, 611 N Greene Rd, from 8/24/26 to 2/24/27

Mr. Deegan explained that the BZA approved a use variance on February 24, 2026 for a second home. Construction has not been started, so the petitioners are asking for a 6-month extension.

Action:

A motion was made and seconded, Fisher/Rohn to grant a 6-month extension for 26-03UV, from 8/24/26 to 2/26/27. The motion passed unanimously by a vote of 5-0.

VIII. Adjournment: 4:55 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