

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, August 25, 2026, 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 7/28/26
- 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.** **Use & Developmental Variances** – public hearing items

26-16DV – Mark Liechty & Laura Hostetler request a developmental variance to allow a side (east) setback of 2’ where a minimum of 8’ is required for the upward expansion of an attached garage that will increase the building to 20’ in height. The subject property is generally located at 303 Gra Roy Drive and is zoned Residential R-1 District.

26-07UV – Goshen Community Schools request a use variance to allow a playset with a 25’ setback along the east property line where schools are a conditional use requiring structures to be located a minimum distance of 50’ from all property lines when adjacent to residential zoning districts. The subject property is generally located at 412 S Greene Road and is zoned Residential R-1 District.
- VI.** Audience Items
- VII.** Staff/Board Items
 - 6-month extension for 26-05UV & 26-03DV, 320 N Main St, from 9/24/26 to 3/24/27
- 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, 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:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Lee Rohn, Secretary

LOCATION: 303 Gra Roy Drive
CASE NUMBER: 26-16DV

DATE: August 25, 2026
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Mark Liechty & Laura Hostetler (owners)

REQUEST: The applicants request a developmental variance to allow a side (east) setback of 2' where a minimum of 8' is required for the upward expansion of an attached garage that will increase the building to 20' in height

LOT SIZE: ±13,199 SF; ±89' of frontage; depth varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 23

SPECIAL INFORMATION

PUBLIC UTILITIES: City water and sewer

AREA DEVELOPMENT: Residential

NEIGHBORHOOD: Historic Racemere Peninsula

THOROUGHFARES: Gra Roy Drive

TOPOGRAPHY: Relatively level; rear (north) side of property drops to Millrace Canal

VARIANCE OF DEVELOPMENTAL STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 4140.3*, Area, Width, and Yard Regulations of the R-1 District
 - C. Side Yard. Each lot shall have two side yards measured from the building to the lot line and shall be as follows:
 - 2. Interior yards shall have two side yards: each side yard shall have a width of not less than eight feet.

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.

ANALYSIS

The subject property is a single family home located on the north side of Gra Roy Drive in the Historic Racemere Peninsula neighborhood. Zoning is R-1, and surrounding properties are also R-1 and single family. The property is bounded along its rear (north) property line by the Millrace Canal. The home on the property is 1.5 stories and has an approximate footprint of 1,888 SF, which includes an attached two-stall garage.

The petitioners are proposing to expand the height of the rear side of the garage to allow additional storage space. The addition will maintain the same distance from the side property line as exists; however, the current setback is approximately 2' where a minimum of 8' is required. With that being the case, a developmental variance is required for the new portion of the garage.

Staff recommends approval of the request. The proposed addition is to the rear side of the garage and difficult to see from the street. It will match the existing height of the garage. Because the proposed addition will not encroach in the setback any more than the existing building already does, it is unlikely to adversely impact neighboring properties. Likewise, reduced setback is unlikely to create injury where the existing building would

not have, and all improvements will meet building code. The proposed storage addition is reasonable residential use and development; it will be built onto an existing garage where no other portions of the home are suitable for such use.

FINDINGS OF FACT

Staff recommends **approval** of a developmental variance to allow a side (east) setback of 2' where a minimum of 8' is required for the upward expansion of an attached garage that will increase the building to 20' in height, based on the following:

1. **The approval will not be injurious to the public health, safety, morals and general welfare of the community.** Because the proposed addition will not encroach in the setback any more than the existing building already does, it is unlikely to create injury where the existing building has not. All improvements will meet building code. *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.** Because the proposed addition will not encroach in the setback any more than the existing building already does, it is unlikely to adversely impact neighboring properties. The proposed addition is to the rear side of the garage and difficult to see from the street. It will match the existing height of the garage. *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 proposed storage addition is reasonable residential use and development; it will be built onto an existing garage where no other portions of the home are suitable for such use. *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 north across Gra Roy Drive at the front of the home



Looking west at garage in question



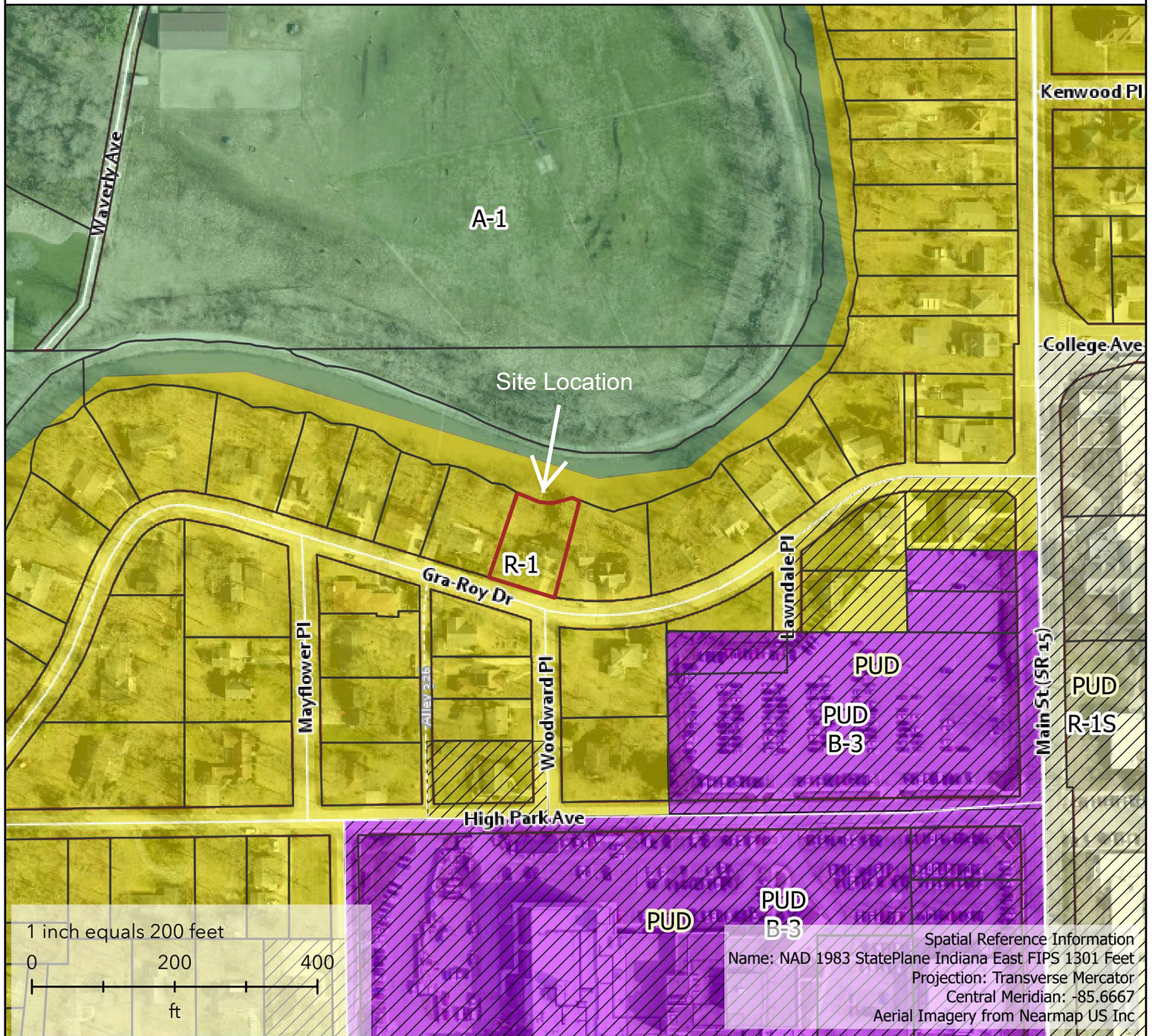
Looking southwest



303 Gra Roy



Printed 8/5/2026 by Planning



Spatial Reference Information
Name: NAD 1983 StatePlane Indiana East FIPS 1301 Feet
Projection: Transverse Mercator
Central Meridian: -85.6667
Aerial Imagery from Nearmap US Inc

Legend

- | | | |
|----------------------|-----------------------|------|
| Parcels - Normal | State Road/US Highway | R-1S |
| ROW | Alley | B-3 |
| Road Segments | Zones | |
| Public Road | A-1 | |
| PUD | R-1 | |

The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

The City of Goshen

Planning & Zoning Department

204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 planning@goshencity.com



Spatial Reference Information
Name: NAD 1983 StatePlane Indiana East FIPS 1301 Feet
Projection: Transverse Mercator
Central Meridian: -85.6667
Aerial Imagery from Nearmap US Inc

Legend

- Address
- Parcels - Normal
- Public Road
- ROW
- Road Segments**
- PUD**
- Easement

The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

The City of Goshen

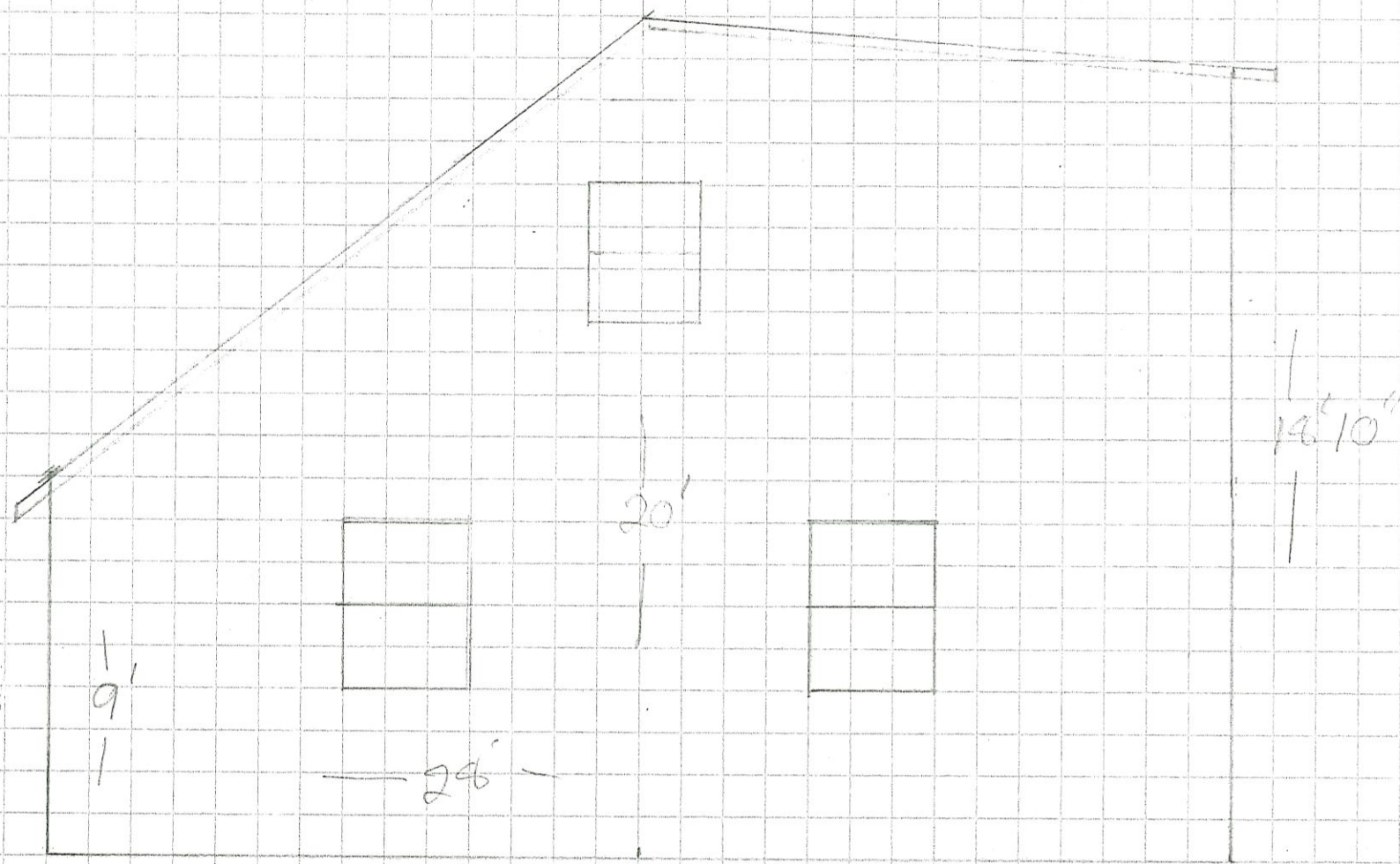
Planning & Zoning Department

204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 planning@goshencity.com

1 Sq = 12"

East Side

Mark Liechty



LOCATION: 412 S Greene Road
CASE NUMBER: 26-07UV

DATE: August 25, 2026
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Goshen Community Schools (owner)

REQUEST: The applicant requests a use variance to allow a playset with a 25' setback along the east property line where schools are conditional use requiring structures to be located a minimum distance of 50' from all property lines when adjacent to residential zoning districts

LOT SIZE: ±8.56 acres; ±1,612' of frontage (±940' on Greene Rd.; ±604' on Pringle Dr.; ±38' on Berkey Rd.); depth varies

APPLICABLE ZONING: Residential R-1

NOTICES SENT: 43

SPECIAL INFORMATION

PUBLIC UTILITIES: City water & sewer

AREA DEVELOPMENT: Residential, institutional, commercial

NEIGHBORHOOD: None

THOROUGHFARES: Greene Road, Pringle Drive, & Berkey Avenue

TOPOGRAPHY: Level

VARIANCE OF USE STANDARDS

- ◇ Goshen Zoning Ordinance, *Section 5200*, Conditional Use Requirements for Schools
Said uses shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential District, provided that they meet the following requirements:
 - A. Buildings and structures, excluding fences, shall be located a minimum of 50 feet from all property lines when adjacent to residential uses or residential zoning district boundary lines.

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.

ANALYSIS

The subject property is Model School, an elementary school on the east side of Greene Road and north of Berkey Avenue. The property is over 8 acres in size, includes four tax parcels, and has access drives from Greene Road, Berkey Avenue, and Pringle Drive. It is zoned Residential R-1, is surrounded by R-1 zoning, and is directly adjacent on all sides to a mix of uses that include homes, a church, parks and athletic fields, and offices. The BZA has granted numerous variances for the property in the previous decades related to signs, portable classrooms, and parking area setbacks.

The petitioners are proposing to remove an old playset on the north east side of the school building and replace it with a new set in a difference location. The new playset will be located inside the concrete walking track along the east property line; it will be placed within an approximately 38'x46' bed of mulch with a setback of 25' from the east property line. The adjacent property to the east, the little league baseball facility, is zoned Residential R-1, and schools must maintain a 50' setback from residential zoning as one of their conditional use requirements.

Because the proposed playset encroaches in that setback, a use variance from the conditional use requirements is needed.

Staff recommends approval of the request based on the following:

- The proposed new playset is replacing an aging playset. It will be located toward the rear of the property and in a location that the school uses for an outdoor play area.
- While the adjacent property is zoned R-1, it has long been used as a baseball complex, a compatible use with elementary school playgrounds that does not need additional buffer
- The availability of safe playing space on the subject property is limited. The proposed location will be in an existing walking track that is part of the outside play area. The petitioners have explained that placing the new structure in the same location is not optimal, as the current location is poorly sited for the adult supervision of children.
- The purpose of the conditional use requirement of a minimum 50' setback between structures and residential zoning districts is to prevent nuisance created by intensely used school structures and uses from adversely impacting residential uses. The subject property has limited space for its new play structure so is proposing a location that, while close to residential zoning, will not be a nuisance to a residential use.

FINDINGS OF FACT

Staff recommends **approval** of a use variance to allow a playset with a 25' setback along the east property line where schools are a conditional use requiring structures to be located a minimum distance of 50' from all property lines when adjacent to residential zoning districts, based on the following:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.** The proposed new playset is replacing an aging playset and will be located in a place for adult supervision than the set it is replacing. *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.** While the adjacent property is zoned R-1, it has long been used as a baseball complex, a compatible use with elementary school playgrounds that does not need additional buffer. *The standard is confirmed.*
- 3. The need for the variance arises from a condition peculiar to the subject property.** The availability of safe playing space on the subject property is limited. The proposed location will be in an existing walking track that is part of the outside play area. The petitioners have explained that placing the new structure in the same location is not optimal, as the current location is poorly sited for the adult supervision of children. *The standard is confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the subject property.** The purpose of the conditional use requirement of a minimum 50' setback between structures and residential zoning districts is to prevent nuisance created by intensely used school structures and uses from adversely impacting residential uses. The subject property has limited space for its new play structure so is proposing a location that, while close to residential zoning, will not be a nuisance to a residential use. *The standard is confirmed.*
- 5. The approval does not interfere substantially with the Comprehensive Plan.** The compatibility of the proposed playset and adjacent athletic field use supports Goshen's Comprehensive Plan's objective to "ensure compatibility and smooth transitions between different land uses" (Land Use 3.1). *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.



Looking northwest



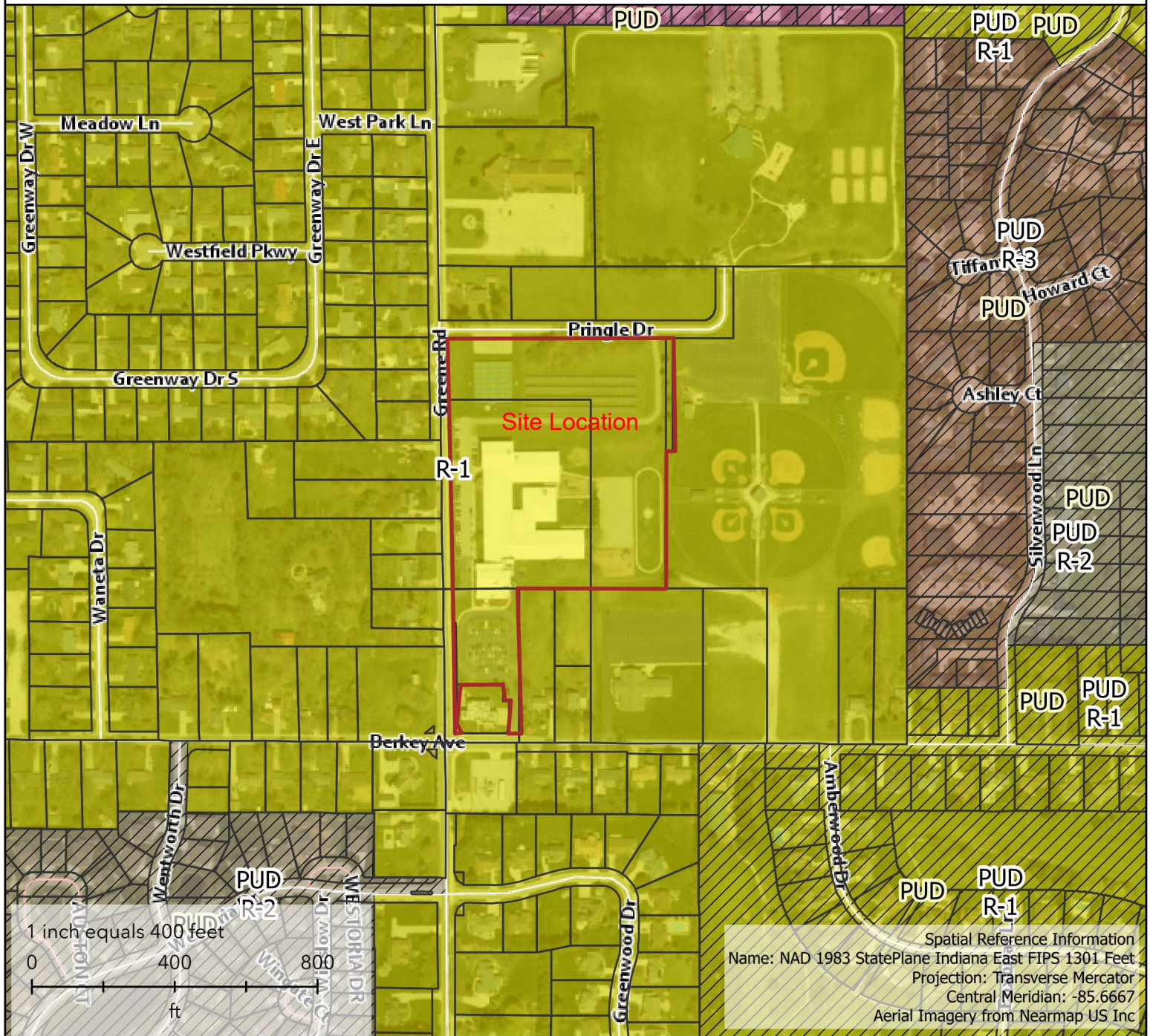
Looking north



412 S Greene Rd



Printed 8/5/2026 by Planning



Legend

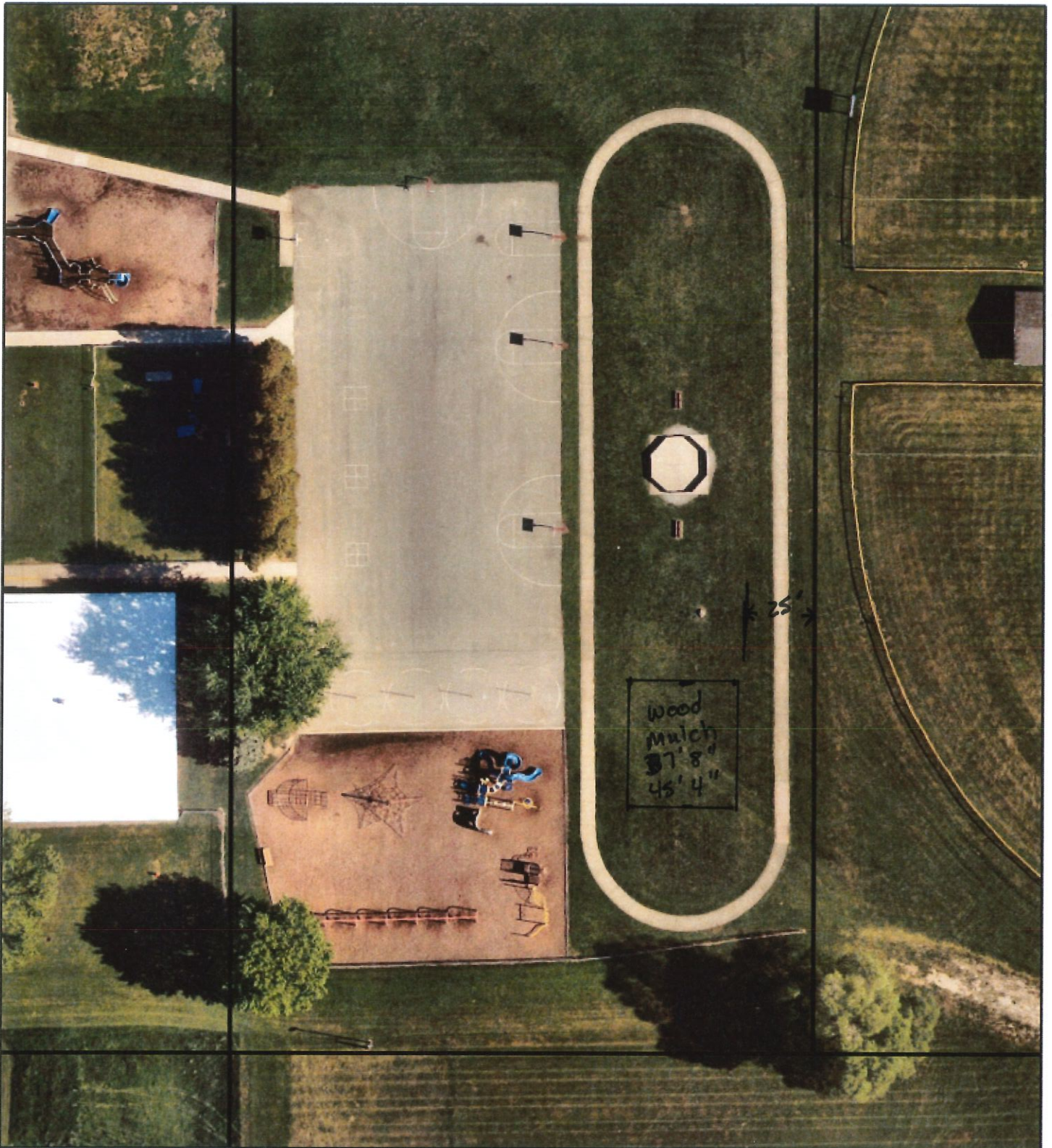
Parcels - Normal	Private Road	R-2
Road Segments	PUD	Zones
Public Road	PUD	R-3
		R-1
		B-1

The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

The City of Goshen

Planning & Zoning Department

204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 planning@goshencity.com



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

412 S Greene - Model Playground

2026 Aerial
Printed on 6/17/2026



0 12.5 25 50
1 inch equals 50 feet

The City of Goshen

Department of
Planning & Zoning
204 East Jefferson Street, Goshen, Indiana 46528
Phone: 574-534-3600 Fax: 574-533-8626

Lipscomb, Lori

Subject: FW: 320 N Main - Variance Expiration

From: Cory Martin <cmartin@ecjailministry.org>
Sent: Thursday, August 6, 2026 3:26 PM
To: Deegan, Rossa <rossadeegan@goshencity.com>
Cc: Lipscomb, Lori <lorilipscomb@goshencity.com>
Subject: Re: 320 N Main - Variance Expiration

Warning: The sender of this email could not be validated and may not match the person in the "From" field.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, please. New Way construction has been busy since we bought the building and we are still waiting on plans and an estimate for the handicap accessible restrooms. We hope to finalize those plans in the next couple of weeks.

Cory Martin
Cell: 574-849-1494



On Thu, Aug 6, 2026, 10:30 AM Deegan, Rossa <rossadeegan@goshencity.com> wrote:

Cory,

We are putting together the BZA agenda for this month. Can you let me know if you would like the variance extension request?

Sincerely,

Rossa Deegan, AICP

Assistant Planning & Zoning Administrator

City of Goshen

[204 E Jefferson St, Suite 4](#)

[Goshen, IN 46528](#)

rossadeegan@goshencity.com

574-534-3505