

Agenda
GOSHEN BOARD OF ZONING APPEALS
Tuesday, October 27, 2026, 4:00 P.M.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 9/22/26
- 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 Variance** – public hearing item

26-08UV – Her-Ho, LLC and Rosalba Gonzalez A. & Pablo Calderon request a use variance to amend use variance 25-05UV, removing a portion of the condition that concrete be removed from the front yard and right of way, allowing continued use of that area for parking for a single-family home. The subject property is generally located at 505 S 9th Street and is zoned Industrial M-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, September 22, 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 James Loewen. Also present were Assistant City Planner, Rossa Deegan and Assistant City Attorney Don Shuler.

II. Approval of Minutes from 8/25/26: Lauver/Rohn 5-0

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

IV. Postponements/Withdrawals – None

V. Developmental Variances – public hearing items

26-15DV – Eric A & Kimberly M Kurtz and Dale Klassen request a developmental variance to allow a second primary structure where only one primary structure is permitted in the Residential R-2 District for the conversion of a detached garage to a single-family dwelling unit. The subject property is generally located at 201 N 22nd Street and is zoned Residential R-2 District.

Staff Report

Mr. Deegan explained this property is approximately 8 acres in size and located in East Goshen. He noted this area is located between neighborhood residential and agricultural properties in the county. The petitioners would like to convert an existing 20' x 16' accessory building into a single-family home. Staff recommends approval of the request, noting that Goshen Engineering has also reviewed this request, and has no concerns regarding utilities. He pointed out there is plenty of existing onsite parking. Staff recommends approval with conditions and commitments, pointing out that condition #10 would require the four tax parcels to be consolidated by the Elkhart County Auditor's Office if feasible.

Mr. Holtzinger asked if the parcels must be consolidated prior to proceeding.

Mr. Deegan stated they must be consolidated or a determination made by the auditor's office that they could not be combined.

Mr. Holtzinger asked if it would be better to recommend the parcels be combined, if possible, instead of requiring they "shall be combined".

Attorney Shuler commented that the condition to combine parcels recommends that the determination be made by the Elkhart County Auditor's Office. If the Auditor's Office determines the existing four parcels are the fewest possible parcels, then parcel consolidation has occurred. Ultimately whatever determination is made by the Auditor's Office will control the number of parcels.

Mr. Loewen recommended having the condition #10 reworded to read "The parcel consolidation *determination* shall occur before the building is occupied" instead of "The parcel consolidation shall occur before the building is occupied."

Mr. Deegan stated with all the other approvals, there should be a recorded commitment stating that the structures won't be separated or transferred separately in the future because they're running on the same utilities.

Petitioner Presentation:

Eric Kurtz, 201 N 22nd Street spoke on behalf of the petitioner. He stated the property was purchased as four separate parcels, but they're in favor of consolidating as much as the Auditor's Office will allow.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Loewen stated for the record that he would like to amend condition #10 to read “The parcel consolidation determination shall occur before the building is occupied”

Action:

A motion was made and seconded, Rohn/Fisher, to adopt the findings of the Board and based on these findings, approve 26-15DV with the following 10 conditions and 2 commitments.

Conditions:

1. If a Building permit is required, the variance shall become null and void unless a Building permit has been issued and substantial progress has been made within six (6) months of the date of 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. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and when all conditions of approval have been met.
4. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and until all conditions of approval have been met.
5. An approved zoning clearance form is required.
6. Approval by the Building and Fire Departments is required. All required permits shall be issued.
7. Approval by the Engineering Department before the zoning clearance is issued is required.
8. Approval by the Board of Works is required.
9. The second primary structure must be connected to City water and sewer.
10. The four tax parcels that comprise the subject zoning lot shall be consolidated into as few parcels as possible as determined by the Elkhart County Auditor’s office. The parcel consolidation determination shall occur before the building is occupied.

Commitments:

1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. The entire property shall remain under single ownership; the two primary structures shall not be sold separately; and the lot shall not be subdivided

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

26-17DV – Goshen Brewing Company and T Yoder Construction, LLC request a developmental variance to allow a 0’ side (east) setback where a minimum of 5’ is required for the construction of an approximately 240 Sf stage canopy. The subject property is generally located at 315 W Washington Street and is zoned Commercial B-2 District and Commercial B-2 HD District.

Staff Report

Mr. Deegan explained today’s request is to add an approximately 12’ x 20’ stage canopy along the east property line. A zero-foot setback is requested for the canopy, and because the B-2 District requires a minimum 5’ side setback, a developmental variance is necessary. Staff supports the request, but would like to amend, requiring a minimum east setback of one foot. The one-foot setback would leave room for a gutter or some sort of ability for rainwater to come off the structure and remain on the property. In discussion with the Engineering Department, the biggest concern was how this structure would impact the existing retaining wall on City property directly to the east. He went on to say the retaining wall goes below grade and there was some concern about accessing it in the future. This canopy was designed with support posts located in the center and based on how they were presented, appear to be approximately 3’ from the property line. Staff recommends the posts remain at least 3’ from the side property line. He pointed out that if this was a rear setback, the B-2 zoning district allows a zero-foot setback, so reduced setbacks in the B-2 District are standard and this is not going to create major issues with

the character of the area. He also commented that this is a small lot with a number of things occurring on the site at any one time. Based on the lack of space the setback is warranted. No public comments were received regarding this request.

Petitioner Presentation:

Jesse Sensing, 315 W Washington Street and Tony Yoder, T Yoder Construction Co, 23912 County Road 30, Goshen, spoke on behalf of the petitioners.

Mr. Yoder explained that the drawings show the columns are approximately 5 ft from the property line, not 3 ft.

Mr. Deegan remarked that he meant from the edge of the concrete, as opposed to the center.

Mr. Yoder stated they would like to avoid the one-foot setback recommended by Staff, but if one-foot is required, it won't kill the project.

Mr. Sensing commented that space is limited and they'd like to have as much space as possible, but agreed with Mr. Yoder that a one-foot setback won't kill the project. They would, however, like to have as much space as possible, even if it's only one foot.

Mr. Loewen questioned if a gutter could be installed to keep rainwater onsite.

Mr. Sensing responded that a gutter will be installed.

Mr. Deegan stated no gutter is shown on the site plan, so if a gutter is installed it needs to be located on the property itself.

Mr. Loewen commented that a gutter would take care of removing water from that area.

Mr. Yoder replied that the property line is currently 6 ½ inches from the bottom of the retaining wall so even if they install a gutter, they'll still be 6 inches from the wall.

Mr. Rohn commented if they approve the zero-foot setback, the gutter will keep the water on their property,

Mr. Yoder confirmed that the gutter will be at the property line.

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/Rohn, to adopt the findings of the Board and based on these findings, approve 26-17DV with the following conditions of approval:

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. The support structure, including all underground foundation, shall be set back a minimum of 3' from the side (east) property line.
5. The contractor shall install a gutter on the east side of the structure as described by the petitioner.

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

26-18DV – Lacasa Inc. requests a developmental variance to allow a 1' side (east) setback where a minimum of 5' is required for the installation of an approximately 341 Sf awning over an existing access ramp. The subject property is generally located at 210 E Lincoln Avenue and is zoned Commercial B-2 HD District.

Staff Report

Mr. Deegan explained this Commercial B-2 District property contains an apartment house, with a ramp at the rear of the building, covered by a small awning, just above the door at the back entrance. The existing awning is in a

state of disrepair, and the petitioner would like to replace it with a larger awning, approximately 11' x 31' that would cover the entire ramp. He went on to say the side of the awning closest to the alleyway will have a one-foot side (east) setback where a minimum of 5' is required. Staff recommends approval of the request, noting the building actually encroaches into the alley right-of-way. He went on to say the awning would be behind the building and out of the driving path of any vehicle. No public inquiries were received regarding this request.

Petitioner Presentation:

Ashley Woodford, 202 N Cottage Ave, spoke on behalf of the petitioner. She stated they support Staff's recommendation and is happy to answer any questions.

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 26-18DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items
None

VIII. Adjournment: 4:27 pm Fisher/Rohn

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Lee Rohn, Secretary

LOCATION: 505 S 9th Street
CASE NUMBER: 26-08UV

DATE: October 27, 2026
PREPARED BY: Rossa Deegan

GENERAL INFORMATION

APPLICANT: Her-Ho, LLC (owner); Rosalba Gonzalez A. & Pablo Calderon (agents)

REQUEST: The applicants request a use variance to amend use variance 25-05UV, removing a portion of the condition that concrete be removed from the front yard and right of way, allowing continued use of that area for parking for a single family home

LOT SIZE: ± 9,240 SF; ±66' of frontage; ±140' depth

APPLICABLE ZONING: Industrial M-1

NOTICES SENT: 26

SPECIAL INFORMATION

PUBLIC UTILITIES: City water & sewer

AREA DEVELOPMENT: Residential, industrial, institutional

NEIGHBORHOOD: Historic Southside

THOROUGHFARES: 9th Street

TOPOGRAPHY: Level

VARIANCE TO BE AMENDED: Use Variance 25-05, which allows a single family home on a property zoned Industrial M-1.

Condition 5 – Concrete, stone, and weeds located in the front yard and the right of way along 9th Street as shown on the 2023 Aerial “505 S 9th Street” shall be removed and the areas stabilized with grass and/or plantings. A right of way permit approved by the Engineering Department will be required, and the work shall be completed and confirmed with a Planning inspection before the Certificate of Occupancy is granted.

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 former commercial building located on the west side of 9th Street in the Historic Southside Neighborhood. It is zoned Industrial M-1 and is bordered to the north and west by industrial zoning. Single family uses and zoning are directly to the west, while a single parcel of R-2 zoning is directly south of the subject property. The building on the property has an approximate footprint of 5,188 SF and covers over 56% of the property.

In May 2025, a use variance was approved for this property allowing it to be used as a single family home. The variance included seven conditions and three commitments. Among those was Condition 5, which states:

Concrete, stone, and weeds located in the front yard and the right of way along 9th Street as shown on the 2023 Aerial “505 S 9th Street” shall be removed and the areas stabilized with grass and/or plantings. A right of way permit approved by the Engineering Department will be required, and the work shall be completed and confirmed with a Planning inspection before the Certificate of Occupancy is granted.

Following the BZA decision, the owner and the party purchasing the property on land contract recorded the variance commitment form, received zoning clearance approval, pulled building permits, and started remodeling the former business into a single family home. The former land contract purchaser is no longer purchasing the property; a new land contract purchaser is seeking permits to continue the remodel to occupy the property as a single family home.

A new variance application has been submitted requesting that a portion of Condition 5 be removed. In their letter to the Board, the applicants explained that they “agree to all conditions...with the exception of having to remove existing parking space in front of the house which is 21x12.”

Staff recommends denial of the request to alter the condition. When the BZA took action to approve the single family use in 2025, it crucially set a number of conditions and commitments in place that would remove former commercial elements of the site from the property so that its appearance would be more in line with residential development. Removing what had been open parking spaces for the printing business along 9th Street and returning the area to lawn was one of those important conditions; it should not be removed. Additionally:

- There is ample parking along the south side of the building, including an overhead door to a garage. While the petitioners state the open paving is a sidewalk, it was used as a demonstrated parking area in the past and can still be used as such. Parking in this existing parking area is not a violation they need to be concerned about. The photographs they provided of vehicles parked partially in the alley are not accurate representations of the available parking.
- A pick up truck shown in the photographs has wheels that project outside its body; the oversize features of the vehicle are not illustrative of a vehicle that necessitates variance approval for a single family home.
- The building itself is very large: it has a footprint that far exceeds most other homes in the neighborhood. If lack of parking is an issue for the types of vehicles they wish to have, the applicants should convert more of the building to garage/parking area
- The pavement in question is largely within the City right of way. Even if the Board were to remove Condition 5, the City may at some future point may remove that area. In fact, removing the pavement promptly avoids future possible conflicts related to how the right of way is used in that location.

FINDINGS OF FACT

Staff recommends **denial** of a use variance to amend use variance 25-05UV, removing a portion of the condition that concrete be removed from the front yard and right of way, allowing continued use of that area for parking for a single family home, based on the following:

- 1. The approval will be injurious to the public health, safety, morals, and general welfare of the community.** Removing the pavement promptly avoids future possible conflicts related to how the right of way is used in that location. *The standard is not confirmed.*
- 2. The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner.** When the BZA took action to approve the single family use in 2025, it crucially set a number of conditions and commitments in place that would remove former commercial elements of the site from the property so that its appearance would be more in line with residential development. Removing what had been open parking spaces for the printing business along 9th Street and returning the area to lawn was one of those important conditions; it should not be removed. *The standard is not confirmed.*
- 3. The need for the variance does not arise from a condition peculiar to the subject property.** There is ample parking elsewhere on the property. *The standard is not confirmed.*
- 4. Strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the subject property.** There is ample parking elsewhere on the property. *The standard is not confirmed.*
- 5. The approval does interfere substantially with the Comprehensive Plan.** In the original variance approval, the Board found that the approved single family use with the conditions and commitments satisfied the Comprehensive Plan’s goal of to “ensur(ing) compatibility and smooth transitions between different land uses” (Land Use 2.1). The removal of the concrete in the front yard, returning the yard to a residential appearance, plays a crucial role in that “smooth transition. *The standard is not confirmed.*



From 9th Street looking west



From alley looking west along south side of building



From alley looking northeast



Looking south along 9th Street

To whomever it may concern..

As given the opportunity to buy in a rent to own lease the property of 505 s 9th st, we are also given the opportunity to convert it from a commercial space into a residential zoning.

Rosalba Gonzalez A, and Pablo Calderon agree to all conditions given by Goshen building dept, with the exception of having to remove existing parking space in front of the house which is 21x12..

We consider that, that is the only parking space for the house, due to the house being aside of the alley.

We did provide pictures of 3 vehicles, of which two of those belong to my sons, who are going to live in the house.. They are the two white trucks which neither one fits in the garage door, which also are not being used as a garage but rather a storage space..

Cars are parked in what seems to be a side walk, which may be subject to constant tickets for parking there and also being in the middle of the alley and being in traffics way.. while working in the lawn there, we were able to observe that this is a busy path for neighbors. We would not like to be a burden on

Neighbors and being in their way while driving through the alley..

House has existing run ins am issuing from prior tenant trying to park too close to house.. this is our respectful petition to keep existing parking space in front of address 505 s 9th st. Thank in advance for taking this matter into consideration

Respectfully

Rosalba Gonzalez A.

Pablo Calderon

Pablo Calderon 10-06-2024



2025-09145

ELKHART COUNTY RECORDER
KAALA BAKER
FILED FOR RECORD ON
06/04/2025 09:13 AM
AS PRESENTED

Result Letter/Commitment
Case #: 25-05UV

Date: May 27, 2025

Grantors:
Her-Ho, LLC
120 E Washington Street
Goshen, IN 46526

Buyers:
Daniel Crowder
Anne Swartley
620 S 6th Street
Goshen, IN 46526

Grantee:
City of Goshen Board of Zoning Appeals
204 E Jefferson Street, Suite 4
Goshen, IN 46528

The following shall be referred to as "the Real Estate":

Common Address: 505 S 9th Street

Current Tax Code #: 20-11-15-102-107.000-015

Legal Description: Lot number sixteen (16) in Wurster's First Addition to the City of Goshen, Indiana with the plat thereof being recorded in Deed Record 59, Page 168, Elkhart County, Indiana.

The request for a use variance to allow a single family dwelling unit with fence 6' in height in the front yard where single family homes are a permitted use in the Agricultural A-1, Residential R-1, R-1S, R-2, R-3, & R-4 districts and are a conditional use in the Commercial B-2 District, for the Real Estate, zoned Industrial M-1 District, was heard at the meeting of the City of Goshen Board of Zoning Appeals on May 27, 2025 and was acted upon as follows:

APPROVED XX DENIED _____ TABLED _____ WITHDRAWN _____

When the Board's action is one of approval, the authorization is granted contingent upon any conditions and commitments placed on the petition by the Board. Deviation from said conditions and commitments may result in the City of Goshen Board of Zoning Appeals rescinding the approval or permit.

The Grantors, jointly and severally, agree to abide by these conditions:

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. Approval by the Building and Fire Departments is required.
5. Concrete, stone, and weeds located in the front yard and the right of way along 9th Street as shown on the 2023 Aerial "505 S 9th Street" shall be removed and the areas stabilized with grass and/or plantings. A right of way permit approved by the Engineering Department will be required, and the work shall be completed and confirmed with a Planning Department inspection before the Certificate of Occupancy is granted.
6. All signs shall be removed from the property and the right of way before the Certificate of Occupancy is granted.
7. If the large species tree on the south side of the home is removed, it shall be replaced by a large species street tree in the front yard.

The Grantors, jointly and severally, agree to abide by these commitments concerning the use and/or development of the Real Estate:

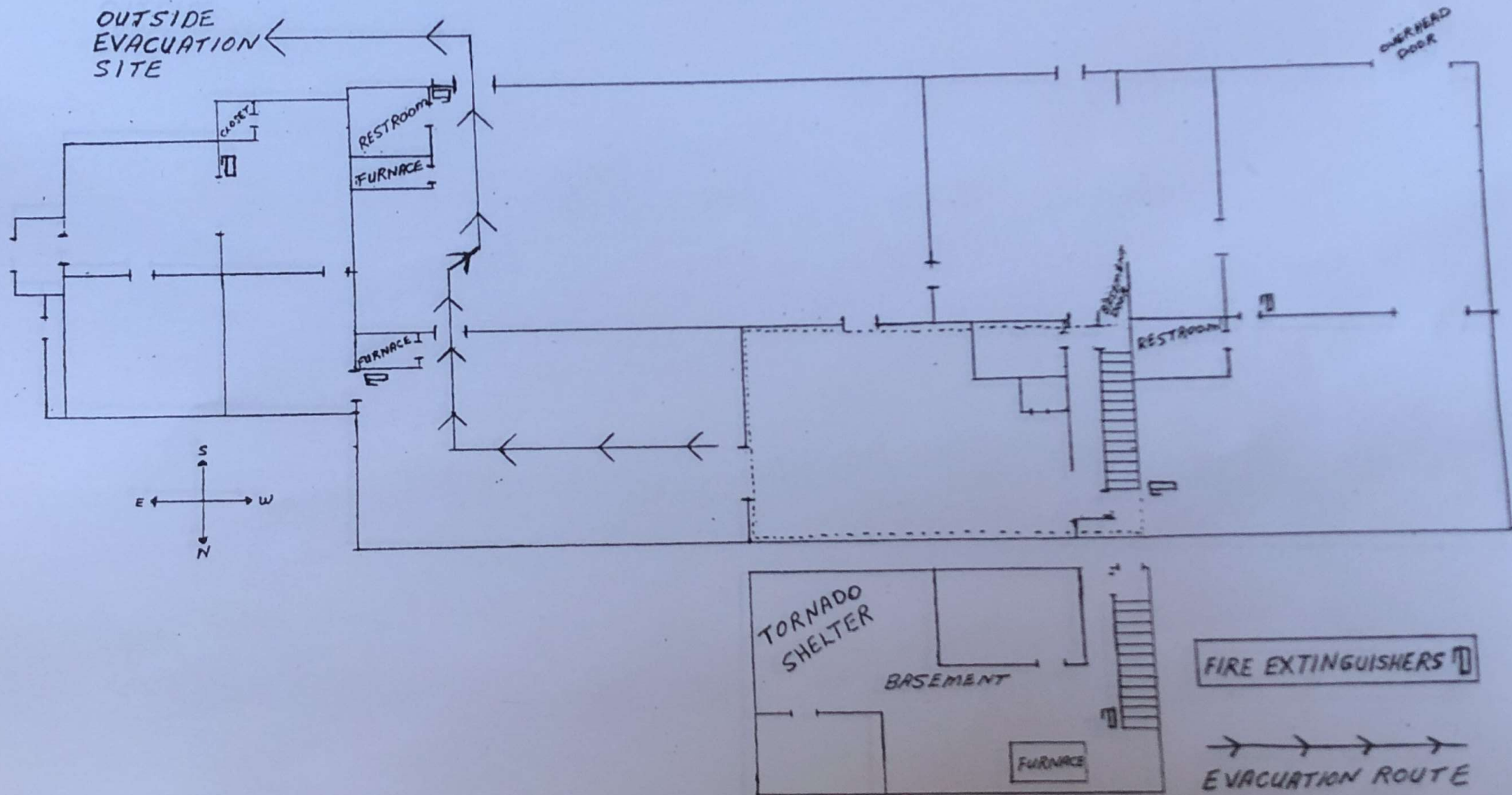
1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. All future development of the subject property shall follow the developmental standards of the R-1 District. Previously approved developmental variances shall not apply to any future improvements.
3. The property shall be a single family residential use only.

Further, the Grantors, jointly and severally, agree to the following concerning the procedures associated with maintenance and enforcement of this Commitment:

1. That this Commitment shall be recorded in the Elkhart County Recorder's Office.
2. That the Grantors shall give notice of this Commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate.
3. That any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate shall be bound by the terms of this Commitment even if it is unrecorded.
4. That the City of Goshen Board of Zoning Appeals and/or the City of Goshen Zoning Administrator are authorized to enforce the terms of this Commitment.

Previously submitted floor plan for building (2022)

505 S. 9th



Parking Plan for 1991 Building Addition (nts)

Two
Permitted additional
parking spaces

(# 9 & 10)

SHADED AREA:
SINGLE SLOPE NEW
ROOF

EXISTING BLDG.
EXISTING RIDGE

EXISTING
TREE TO BE
REMOVED.
23'-4" x 50'-2"
PROPOSED ADDITION

EXISTING OFFICE

RAMP
UP

CONC. WALK

EXISTING
SIDE WALK

5'-8"

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Concrete, stone, and weeds located in these areas shall be removed and the area stabilized with as grass and/or plantings

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.

505 S 9th Street

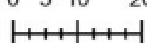
2023 Aerial
Printed on 5/12/2025



N

Feet

0 5 10 20



1 inch equals 30 feet

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

Photo submitted by applicant

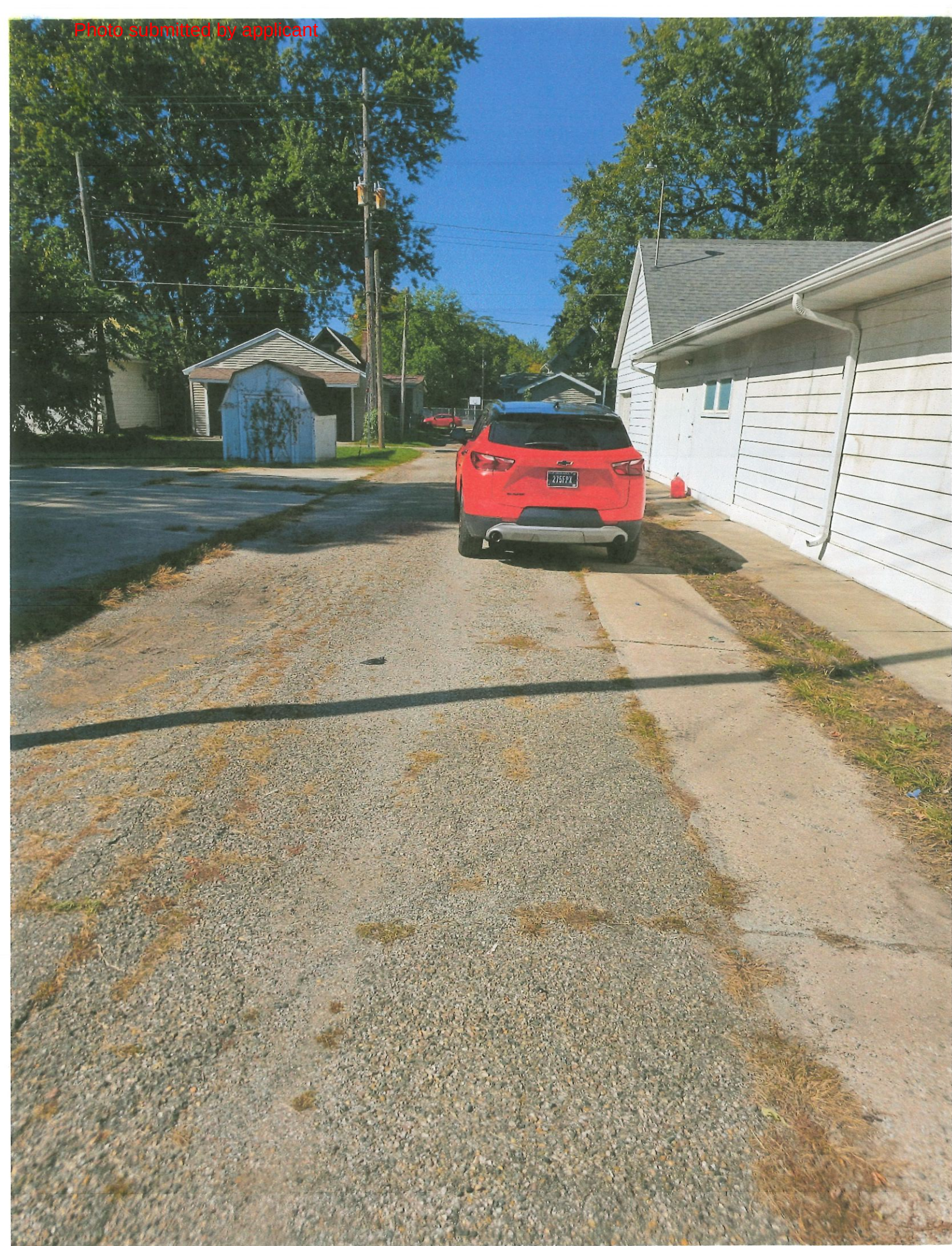


Photo submitted by applicant



Photo submitted by applicant



Photo submitted by applicant



