

Minutes - Goshen Board of Zoning Appeals
Tuesday, September 26, 2017, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street,
Goshen, Indiana

I. The meeting was called to order with the following members present: Richard Aguirre, Aracelia Manriquez, and Doug Nisley,. Also present was Assistant City Planner Jon Hunsberger and Assistant City Attorney Jim Kolbus. Absent: Brad Hunsberger and Tom Holtzinger

II. Approval of Minutes from 8/22/17: Aguirre/Nisley 3-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Nisley/Aguirre 3-0

IV. Postponements/Withdrawals:

V. **Variances** – public hearing items

17-15DV – *Tabled from 7-25-17 and 8-22-17* 7-Eleven, Inc. and National Illumination & Sign Company request developmental variances to permit a new illuminated freestanding sign, with no illumination limitations, approximately 32 square feet in area and approximately 16 feet in height, with an electronic pricing panel, zero foot setback and no landscaping. This variance request was previously approved (16-01DV) and the sign illumination was limited to the hours between 6:00 am to 12:00 am. The variance was not implemented, has expired, and requires a new hearing. The subject property is generally located at 1000 S Main Street and is zoned Residential R-1 District.

**** Tabled to the October 24th meeting at the petitioner's request.****

Assistant Planner Hunsberger read a letter from the property owner requesting this petition be tabled to the October meeting.

Action:

A motion was made and seconded, Aguirre/Nisley to table 17-15DV to the October 24th meeting. The motion passed unanimously by a vote of 3-0.

17-23DV – Archie Sexton requests a developmental variance to allow a front (south) yard setback of 13' where 35' is required along W Lincoln Avenue and to allow a 12' x 30' parking space within the front yard setback (W Lincoln Avenue). The subject property is generally located at 102 N Riverside Blvd and is zoned Residential R-2 District.

Staff Report:

Assistant Planner Hunsberger explained this property is a single-family home, with an attached one stall garage and a single lane driveway leading to the garage. The current driveway is located very close to the intersection of Riverside Blvd and W Lincoln Avenue and is problematic for a vehicle exiting onto Riverside Blvd. Additionally the high volume of traffic on W Lincoln is a safety concern.

The petitioner would like to construct a new concrete parking pad and sidewalk at the rear of the property, extending the entire length of the backyard, from the north/south alley to the rear of the house. The proposed parking area would be setback 13' where 35' is required along W Lincoln Avenue. The parking area will be approximately 12' wide by 30' deep with a 3' wide sidewalk from the parking pad to the rear of the house. The petitioner states a mature tree located immediately east of the house would have to be removed in order to place the parking pad out of the front yard setback along W Lincoln Avenue. While not required, the petitioner would install landscaping along the parking area and the sidewalk.

Staff recommends approval of the requested variance.

Petitioner Presentation:

Archie Sexton, 102 N Riverside Blvd. spoke on behalf of the petitioner. He stated this pad will be used for parking. He explained this is a busy corner and feels this will make it easier for everyone.

Mr. Aguirre questioned if the main reason is to get the truck off of the street.

Mr. Sexton stated he has another vehicle and doesn't have anywhere to park his truck. He cannot park in the grass and the only other place is along Riverside Blvd.

Mr. Aguirre asked if parking his truck along Riverside Blvd reduces visibility at the corner.

Mr. Sexton stated not necessarily because he keeps it parked enough off of the street and is aware of possible visibility concerns.

Assistant Planner Hunsberger noted that one of the things Staff took into consideration is that this is an older home with a single car garage. He explained that any vehicle parked in the driveway would likely extend into the right-of-way so the proposed parking pad would help bring additional parking to the property and also benefit the property and intersection from a safety standpoint.

Mr. Nisley asked if a boat could be parked on this parking pad if the property is sold.

Assistant Planner Hunsberger explained this would be behind the façade of the home so technically a boat could be parked there.

Audience Comments:

Vickie Roeder, 64769 Maxwell's Gate, Goshen, spoke in support of the petition. She stated she is in favor of the request because it will make for a safer environment.

Assistant Planner Hunsberger stated for the record that a letter was received by the Planning Office voicing opposition to the request and distributed a copy of the letter (*Exhibit 17-23DV #1*) to Board members. He explained the letter contained three alternative options and gave a brief overview of those options, pointing out that option #2 was greater than the petitioner's request and could not be considered. He noted there were also two phone calls received by the Planning Office of persons opposed to the request. He stated Staff stands behind the original recommendation.

The public hearing was closed.

Staff Discussion:

Mr. Aguirre asked if Staff felt the options listed in the letter were reasonable.

Assistant Planner Hunsberger answered that option 2 cannot be considered because the setback would be less than the requested 13 feet, exceeding the original request. The other options could be evaluated, but again, Staff stands by their original recommendation.

Mr. Aguirre noted that the written complaint appeared to be opposed because of aesthetics and questioned if there are other such approvals in the area.

Assistant Planner Hunsberger stated there were five developmental variances listed in the Staff Report for reduced setbacks in the area and all were approved.

Mr. Nisley stated that he feels parking on Riverside would be more hazardous and agrees with finding a new location for the truck.

Action:

A motion was made and seconded, Nisley/Aguirre to find with the recommendations and conclusions of the Staff Analysis and approve 17-23DV with the five conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

17-10UV – Elaine Jarrett Estate and Happy Tails Dog Grooming request a use variance to allow a kennel with outside run with the following setbacks: 0' setback (north) where 100' is required, 8' (west) where 300' is required, and 25' (south) where 300' is required for the outside run; and 15' (north) where 100' is required, 63' (west) where 300' is required, and 45' (south) where 300' is required for the building, not meeting the Conditional Use setback requirements of 100' (to adjacent non-residential property lines) and 300' (residential zoning district boundaries). The subject property is generally located at 1503 Fairfield Avenue and is zoned Commercial B-3 District.

Staff Report:

Assistant Planner Hunsberger explained this request is for a dog kennel with an outside run where the setback requirements cannot be met in a Commercial B-3 zoning district. Although the setbacks cannot be met, the proximity to residential uses is limited and will not negatively impact the area. The animals will be boarded inside, with the outdoor run used only for the exercise of the animals. He explained the property is currently used as a pet groom business. The kennel use is complementary as it serves the neighborhood and residents who are likely to be pet owners. Parking requirements for both the grooming business and kennel use will be met. Staff recommends approval of the request for a two year period from the date of this meeting, at which time it must return to the BZA for a new public hearing. He cited the proximity to the new residential development as the reason for this return.

Petitioner Presentation:

Vicki Roeder, 64769 Maxwell's Gate, spoke on behalf of the petitioner. She stated there is adequate room for the kennel use and feels it will be a good addition to the current grooming use. She and the business owners discussed the outside run and decided not to install a fence. It will be used as a walkway for the dogs and dogs will not be kept outside which will keep noise from any barking to a minimum. She pointed out the business owners clean the outside area daily so it should not present a problem for walkers or anyone passing by the location.

Mr. Nisley questioned where the walking area is located.

Ms. Roeder explained where the area is located and noted that the dogs will not leave the property.

Maria Latisnere, 604 Colorado St, also spoke to the petition. She confirmed Ms. Roeder's statement that the dogs will not leave the property.

Mr. Nisley asked if dogs will be boarded overnight and/or for an extended period of time.

Ms. Latisnere stated they intend to board for any amount of time.

Mr. Aguirre questioned how many dogs they intend to board at a time.

Ms. Latisnere stated they would like to keep this on a small scale and don't anticipate keeping more than 20 or 25 dogs.

Mr. Nisley questioned if people might use this as a place to drop strays.

Ms. Roeder stated there will be no fence where people might drop strays; it will be completely enclosed and all animals will enter through the main area.

Mr. Nisley asked if there will be any changes to the exterior of the building.

Ms. Roeder responded that everything will remain as is.

Assistant Planner Hunsberger asked if the dogs will be on a leash when outside.

Ms. Latisnere replied that they will always be on a leash and with a staff member. They will never be outside alone.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Aguirre questioned where the residential development is located.

Assistant Planner Hunsberger stated it is across the street at the former Holiday Inn location. He noted construction has begun on a planned 198 unit complex.

Mr. Aguirre asked how the units will be oriented.

Assistant Planner Hunsberger stated there will be units facing Fairfield Avenue and some will have porches or patios that face Fairfield Avenue. He pointed out that street trees will be planted along Fairfield which will help buffer any sound.

Action:

A motion was made and seconded, Aguirre/Nisley to find with the recommendations and conclusions of the Staff Analysis and approve 17-10UV with the three conditions and one commitment listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

VI. Audience Items:
None

VII. Staff Board Items:
None

VIII. Adjournment: 4:42 pm Nisley/Aguirre

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Richard R. Aguirre, Secretary