

Minutes - Goshen Board of Zoning Appeals
Tuesday, October 24, 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: Brad Hunsberger, Tom Holtzinger and Doug Nisley. Also present was Assistant City Planner Jon Hunsberger and Assistant City Attorney Jim Kolbus. Absent: Aracelia Manriquez, Richard Aguirre

II. Approval of Minutes from 9/26/17: Hunsberger/Nisley 3-0

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

IV. Postponements/Withdrawals:

Assistant Planner Hunsberger stated that item 17-15DV, 1000 S Main Street, which had been tabled from the 7/25/17, 8/22/17 and 9/26/17 meetings, has been withdrawn at the request of the petitioner. No further action is required from the Board.

V. **VariANCES** – public hearing items

17-24DV – Mini Storage Depot at Goshen, LLC, and Professional Permits request a developmental variance to permit the main identification sign for Country Court Center PUD to be illuminated, where illumination (internal or external) of a freestanding sign is not permitted adjacent to a residential use or residential zoning district. The subject property is generally located at 2704 W Wilden Avenue and is zoned Commercial B-3 PUD District.

Staff Report:

Assistant Planner Hunsberger explained this is a 2.842 acre mini storage facility with over 35,000 sf of storage space. The property was rezoned to B-3 in 1977 and in May of 2017 a 36 sf freestanding, non-illuminated sign was permitted, with construction allowing for future internal illumination, if approved at a later date. The sign is located at the front of the property and less than 60 feet from residential uses to the east. There are also three Residential R-2 properties less than 200 feet from the sign, with no buffer between the sign and the properties. While the BZA has approved variances for illuminated signs adjacent to residential zoning districts in the past, these approvals have generally been at locations with buffers between the sign and the residential use. Staff noted the business has operated at this location since the late 1970's without an illuminated sign and without undue hardship. Staff therefore recommends denial of the variance request.

Mr. Aguirre joined the meeting at 4:05 p.m.

Petitioner Presentation:

Garry Potts, Professional Permits, 58171 Dragonfly Ct., Osceola, IN, spoke on behalf of the petitioner. He provided handouts to the Board of a PowerPoint presentation (*Exhibit 17-24DV #1*). The PowerPoint contains photos of the property and the sign that were taken the previous evening and pointed out that the existing sign cannot be read at night. He stated he also looked at some neighboring properties and noted that the business at 2301 W Wilden Ave has an externally illuminated sign and is across the street from residential use. He noted the property at 2112 W Wilden Ave is similar. Although 3016 W Wilden Ave has landscaping around their illuminated sign, there is residential use across the street.

He explained that the existing sign was designed to allow for internal illumination if approved at a later date and they would like to install lighting to allow for safer way-finding for the public. He pointed out the light will not be directed to adjacent properties. He noted that the lighting for each side of the sign would be approximately 100 watts and explained that most channel letter wall mounted signs run between 200 and 250 watts. He stated illumination would only be used when needed to make the sign legible and will not have a negative impact on adjacent properties. He noted the many trains that travel through the area and stated that he felt the loud horns from the trains would be more distracting than the proposed lighting.

Mr. Holtzinger asked what percentage of business is done at night.

Mr. Potts stated he does not have that information, but noted this is a 24 hour, gated facility.

Mr. Holtzinger pointed out that people accessing the site at night have rented a unit and should know the location of the business.

Mr. Potts noted the Google search for this property showed the previous sign had external lights, but stated he did not know if they were ever used.

Assistant Planner Hunsberger stated permission was not granted for lights in the past. He went on to say the storage facility is expanding to the west and that is part of the reason the sign was moved.

Mr. Nisley asked what hours the facility is open.

Mr. Potts stated a key-code allows the property to be accessed 24 hours per day and that it is staffed from approximately 9:00 am to 5:00 pm.

Mr. Hunsberger asked if the rest of the complex is illuminated.

Mr. Potts explained there are wall packs and security lights in the complex.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Nisley stated he does not see the need for an illuminated sign and finds it hard to believe they've lost business because they don't have one.

Mr. Hunsberger pointed out they are expanding so business must be good.

Assistant Planner Hunsberger commented on the illuminated signs mentioned earlier by Mr. Potts, explaining the business located at 2301 W Wilden, is zoned Industrial M-1, with M-1 zoning adjacent. He noted in this case, illumination would likely be permitted. He stated zoning for 2112 W Wilden is also Industrial M-1, but he was unclear about zoning across W Wilden Avenue. He also stated he could not speak to the property at 3016 W Wilden because there is residential zoning across the street and he does not know if any approvals were granted.

Mr. Aguirre asked if the Planning Office had received any comments from area residents.

Assistant Planner Hunsberger stated the Planning Office received no phone calls or correspondence, but previous inquiries had been made at the Police Department asking about a meeting for a sign with lights.

Assistant Planner Hunsberger stated the Board could consider limiting the hours the sign could be illuminated. Mr. Hunsberger asked if it would be better to allow external illumination which could be directed away from the residential properties across Wilden Avenue.

Assistant Planner Hunsberger stated there would be less light pollution with an internally lit sign.

Attorney Kolbus stated his understanding is the request for lighting is for when there is not sufficient natural light, which is basically dusk to dawn.

Mr. Nisley asked Mr. Potts if his client would be interested in having a lighted sign with limited hours of illumination.

Mr. Potts stated the sign is not illuminated now and LED lights can be dimmed if the neighbors find them too bright. He stated they are willing to work with the City and neighbors.

Mr. Nisley stated he would be willing to vote in favor, if the hours of illumination are limited. He asked Mr. Potts what hours he felt his client would agree to have the sign non-illuminated.

Mr. Hunsberger suggested the sign be non-illuminated from the hours of 11:00 pm to 5:00 am.

Mr. Potts stated he felt the sign could be non-illuminated between the hours of 10:00 pm to 5:00 am.

Action:

A motion was made and seconded, Nisley/Aguirre to accept the findings of the Board, determining that the findings of fact have been confirmed by the petitioner's testimony, and approve 17-24DV with four conditions and one commitment. The motion passed unanimously by a vote of 4-0.

VI. Audience Items:
None

VII. Staff Board Items:
None

VIII. Adjournment: 4:38 pm Hunsberger/Nisley

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Richard R. Aguirre, Secretary