

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 23, 2018, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

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

II. 2018 Board of Zoning Appeals Appointments

- *Tom Holtzinger, Re-appointed by the Mayor for a term of four years, 1/1/18 - 12/31/21*
- *Aracelia Manriquez, Re-appointed by the Plan Commission for a term of four years, 1/1/18 - 12/31/21*

Assistant Planner Hunsberger noted for the record that Tom Holtzinger and Aracelia Manriquez have both been reappointed to the Board of Zoning Appeals.

III. Election of Officers for 2018:

A motion was made and seconded, Nisley/Hunsberger to re-appoint Tom Holtzinger as Chair, Aracelia Manriquez as Vice-Chair, and Richard Aguirre as Secretary. The motion passed unanimously by a vote of 5-0.

IV. Approval of Minutes from 11/28/17: Aguirre/Manriquez 5-0

V. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Nisley/Hunsberger 5-0

VI. Postponements/Withdrawals: None

VII. **Variances** – public hearing items

18-01UV & 18-01DV – Kevin and Jeannie Koch request to expand 05-19UV to allow a sewing/tailoring/embroidery business in a Residential R-1 District where similar uses (Specialty Shops, Upholstery Shops and Upholsterers) are permitted in the B-2, B-3, and B-4 Districts, and to allow three non-illuminated flush-mounted wall signs, with a total area of 46 square feet, and two illuminated freestanding signs, with a total area of 22 square feet, where only non-illuminated ground signs are permitted, with a maximum aggregate area for all signs limited to eight (8) square feet, and a developmental variance to allow a total of nine (9) onsite parking spaces, where 14 total onsite spaces are required. The subject property is generally located at 125 S 6th Street and is zoned Residential R-1 District.

Staff Report:

Assistant Planner Hunsberger clarified that this request is to add three new, non-illuminated flush-mounted signs, in addition to the one sign permitted by a previous variance. While the request was for 46 square feet, the total signage area for the wall signs is actually 44 square feet.

He explained this request is an expansion of an existing variance which permits a counseling office in the west end of the structure and residential use in the remainder of the building. This expansion would include a sewing/tailoring/embroidery business, along with the residential and counseling uses. The primary area of

use for the business would be in the previous fellowship hall, located in the basement. The stage area on the main floor will be used as a reception area, and will include a display area and a fitting area.

The second request is to allow additional signage, where only ground signs are permitted in the R-1 zoning district. One new sign would be added to the south side of the building and two signs would be added on the west side of the building. The request is also to allow the business to eventually utilize the existing illuminated, freestanding signs that were installed when the church use was located here. He pointed out that the freestanding signs are nonconforming and any change to them will require further BZA approval.

Although it was advertised that 14 onsite parking spaces are required, parking for all uses here only require 13 spaces. Nine parking spaces are located onsite, with six spaces dedicated to the counseling office and two spaces being used for the residential unit. One open onsite parking space would remain, requiring an additional four spaces. He pointed out that ample public parking is located within 300 feet of the entrance and Staff feels this would not create any negative impact on the area in regards to parking.

Assistant Planner Hunsberger stated that based upon Staff's review, it's felt that all of the standards can be satisfied and therefore Staff recommends approval of the use variance to permit the sewing/tailoring/embroidery business, along with the residential and counseling uses and to allow three new non-illuminated, flush mounted wall signs, in addition to the one existing wall sign. Staff also recommends approval of the developmental variance to allow a total of nine onsite parking spaces where a total of 13 spaces are required. He pointed out that Staff does not recommend approval of the two freestanding signs, noting they are both located within the public right-of-way. He pointed out Engineering will be making updates along 6th Street at some point and because the freestanding signs are both non-conforming, they should be removed.

Petitioner Presentation:

Kevin Koch, 125 S 6th Street, spoke on behalf of the petitioner. He clarified that the one existing wall sign will be removed. He stated the one wall sign facing the south will replace the existing sign, which will make three signs on that end of the building and not four. Regarding the two lighted freestanding signs, he stated he's not concerned with the sign along Washington Street, but they feel the sign along 6th Street adds to the aesthetics of the building and their hope is to do something with the City, as this the entrance to a developing Artisan District. He indicated he would like to work with the City and some of the area businesses regarding the actual wording. He noted he does not want to use the sign to advertise his business, but to identify the developing Artisan row.

Mr. Holtzinger asked if this will have to come back to the BZA for approval if it is not addressed today. Assistant Planner Hunsberger explained out that this sign is in the right-of-way and will require Board of Works (BOW) approval, and any modification of the sign would require BZA approval because the sign is non-conforming.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Attorney Kolbus reminded Board members if the freestanding sign remains along 6th Street, any graphics they might decide to add at a later date would require approval from the BZA and/or the BOW.

Mr. Nisley clarified that the sign could be painted with no review required, but any graphics or project in conjunction with the City would require further approvals.

Mr. Aguirre questioned if anyone is aware of the City’s timeframe for the these projects.

Assistant Planner Hunsberger stated he is not aware of the City’s plans for the 6th Street or artist’s district project.

Action:

A motion was made and seconded, Nisley/Aguirre to accept the findings of the Board and approve 18-01UV & 18-01DV with the following conditions and commitments:

Conditions:

1. 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 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 City of Goshen Board of Zoning Appeals 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. All signs, permanent and temporary, will be submitted to the Planning office for review and approval.
6. An approved zoning clearance form is required.
7. All Building and Fire codes will be met, related to, but not limited to, occupancy of multiple uses and the provision of sanitary facilities for the number of employees on site.

Commitments:

1. Permitted on-site uses include, and are limited to, one single family dwelling, one professional office per 05-19UV, and one sewing/tailoring/embroidery business.
2. The owner of the sewing/tailoring/embroidery business shall reside in the single family dwelling on site.
3. Office hours for the sewing/tailoring/embroidery business shall be generally Monday through Saturday, 9am to 5pm.
4. Business hours for the sewing/tailoring/embroidery business may be extended when participating in the special downtown events that are approved by the Board of Works, such as, but not limited to, First Friday’s.
5. A total of three new non-illuminated, flush-mounted wall signs (limited to a total of 36 square feet in area) for the sewing/tailoring/embroidery business are permitted and to be located as shown in Appendix A of the BZA application, with one wall sign (limited to 8 square feet in area) for the professional office. (These 4 signs are listed on Appendix A as: “Existing Sign Area 1”, “Sign Area 2”, “Sign Area 3”, and “Sign Area 4”).
6. The existing freestanding sign and pole along Washington Street shall be removed before a zoning clearance form is issued.

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

VIII. Termination of Commitment - public hearing item

The City of Goshen Zoning Administrator requests Termination of Commitment 2014-23727 for 14-16UV, executed on November 25, 2014, and recorded on December 5, 2014, as no Building permit was issued and the variance has not been implemented and has therefore expired. The subject property is generally located at 404 Middlebury Street and is zoned Residential R-2 District.

Staff Report:

Assistant Planner Hunsberger stated the variance was never implemented and the Planning Office tried to contact the property owner repeatedly to voluntarily remove the commitment, but because that was not done, it had to come back before the BZA in order to remove it. He asked that the Board make a motion to approve the Termination of Commitment.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Aguirre/Hunsberger, to find with the recommendations and conclusions of the Staff Analysis and approve Termination of Commitment 2014-23727 for 14-16UV, executed on November 25, 2014, and recorded on December 5, 2014. The motion passed unanimously by a vote of 5-0.

IX. Audience Items:

None

X. Staff Board Items:

Assistant Planner Hunsberger noted for the record that the Planning Office has received signed Residency forms for Tom Holtzinger and Aracelia Manriquez.

XI. Adjournment: Nisley/Aguirre 4:23 pm

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Richard Aguirre, Secretary