

Minutes - Goshen Board of Zoning Appeals
Tuesday, March 22, 2016 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

- I.** The meeting was called to order with the following members present: Tom Holtzinger, Kelly Huffman, Felipe Merino, and Ardean Friesen. Also present was Assistant City Planner Abby Wiles and Assistant City Attorney Jim Kolbus. Absent: Aracelia Manriquez
- II.** Approval of Minutes from 2/23/16: Mr. Friesen noted a typographical error in paragraph seven of page six and asked that the extra words "it is" be deleted from the sentence. The minutes were approved as amended, Holtzinger/Merino 4-0.
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Merino 4-0
- IV.** Postponements/Withdrawals: Ms. Wiles stated we have a partial petition being withdrawn today and the petitioner is here to explain.

Robert Heiden, Jones Petrie Rafinski, 412 S Lafayette, South Bend, explained that developmental variance 16-05 DV for the Boys and Girls Club which would allow a parking depth of 17 feet where 21 feet is required is being withdrawn at this time.

Action:

A motion was made and seconded, Holtzinger/Merino to accept the withdrawal of developmental variance 16-05 DV for the Boys and Girls Club which would allow a parking depth of 17 feet where 21 feet is required. The motion passed unanimously by a vote of 4-0.

V. Variances – public hearing items

16-04UV & 16-05DV - The Boys and Girls Club of Greater Goshen, Inc. and Jones Petrie Rafinski request a use variance to permit the expansion of the existing non-conforming use (Boys & Girls Club) to include property located at 403, 405, 407 and 409 N. 7th Street, and developmental variances to permit parking/driving aisle setbacks of 10 feet along Center Street and 12 feet along N. 7th Street, where 25 feet is required, and to permit a primary building setback of 23 feet along Crescent Street, where 25 feet is required, for a building addition. The property is generally located at 306 Crescent Street and 403, 405, 407 and 409 N. 7th Street and is zoned Residential R-2 District.

Staff Report:

Ms. Wiles explained the subject property is the Boys and Girls Club, which has been granted multiple developmental and use variances over the years. Today's request is for several developmental variances for a proposed expansion and renovation of an existing building, construction of a new accessory building and a new off-street parking area.

The use variance is to permit the expansion of the non-conforming use to include 403, 405, 407, and 409 N 7th Street. Adding these properties to the previously approved use variance will allow the club to provide additional parking.

Two developmental variances relate to the development of the proposed parking lot. The petitioners request a ten foot front setback where 25 feet is required along Center Street and a 12 foot front setback where 25 feet is required along N 7th Street. This is predominately a residential neighborhood and many of the homes in this immediate area do not meet the required 25 foot front setback.

A developmental variance to allow a reduced parking stall depth was withdrawn by the petitioner earlier at the beginning of the meeting. The parking lot has been redesigned to meet the stall and driving aisle requirements of the Goshen Zoning Ordinance, and while this will result in a reduction in the number of onsite parking spaces, this is more desirable to the Planning and Engineering Departments. It is expected that a new developmental variance will be filed for the April 2016 meeting.

The final developmental variance is to allow a primary building setback of 23 feet where 25 feet is required along Crescent Street. The existing building has an existing front yard setback of approximately 14 feet along Crescent Street. The proposed building addition will be surrounded by a substantial amount of greenspace.

Staff recommends approval of the requested variances with the conditions listed in the Staff Analysis.

Petitioner Presentation:

Bob Heiden, Jones Petrie Rafinski, 412 S Lafayette, South Bend, spoke on behalf of the petition. He stated Ms. Wiles covered everything in her Staff Report and he has nothing to add.

Audience Comments:

Jose Elizalde, 205 Yorktown Drive voiced support of this project.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Staff members.

Action:

A motion was made and seconded, Huffman/Holtzinger to find with the recommendations and conclusions of the Staff Analysis and approve 16-04UV and 16-05DV with the five conditions listed in the Staff Report. The motion passed by a unanimous vote of 4-0.

16-05UV & 16-06DV - Maple City Health Care Center and Jones Petrie Rafinski request a use variance to permit the expansion of the existing use variances to include property located at 507 N. 6th Street, and a developmental variance to modify a previously approved variance, to permit a parking/driving aisle setback of 3 feet, where 5 feet is required (and 0' was approved), along the south side of the parking lot to be constructed along N. 6th Street, and approval of a new site plan. The subject property is generally located at 213 Middlebury Street and 503, 505 & 507 N. 6th Street and is zoned Residential R-1 District.

Staff Report:

Ms. Wiles explained this property is Maple City Health Care Center, located at the intersection of Middlebury Street and N 6th Street. In 2015, an expansion of the use variance was approved for a 464 square foot building addition. A condition of approval stated the approved site plan for the parking lot along N 6th Street shall be implemented no later than April 28, 2016. To date, the parking lot has not been constructed.

The request today is for a use variance and two developmental variances for a new design of the parking lot, with access from N 6th Street. The use variance is to permit the expansion of the use variance to include property located at 507 N 6th Street. The property was previously used as a neighborhood garden, but is now being redeveloped as a parking lot and the variance must be expanded to include it. This will allow the clinic to maximize space and provide additional parking. Landscape screening is also proposed.

The developmental variances relate to the proposed new design of the parking lot. The variance granted in 2015 included a commitment that, "The site plan for parking improvements and landscaping, titled "X-1897" and dated 07/31/2013, shall be implemented no later than April 28, 2016." Per the recorded and executed commitment form,

“This Commitment may be modified or terminated only by a decision of the City of Goshen BZA after public hearing.” Because a specific site plan was required to be implemented in the approval, approval from the BZA is required to modify this.

As part of the new site plan, a developmental variance is also requested to allow a 3’ side (south) setback along the alley where 5’ is required and 0’ was previously approved. Though the 2015 approval included a zero foot side (south) setback, the approval was tied to the Site Plan “X-1897,” which did not show an access from the alley. Because of the proposed change to the site plan, a developmental variance is needed for a reduced setback.

Staff recommends approval of the requested variances.

Petitioner Presentation:

Bob Heiden, Jones Petrie Rafinski, 412 S Lafayette, South Bend, spoke on behalf of the petitioner. He stated they are maximizing the amount of space for parking. He noted they are also providing onsite retention in the form of permeable pavers.

Mr. Friesen commented he feels this is an improved site plan.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Ms. Wiles explained the landscape requirements to the Board, noting the landscape plans have already been updated, but were not included in the packets. She explained that City Forester Aaron Kingsley provides input on recommended species and provides recommendations on screening adjacent to residential uses. He has reviewed the proposed landscaping on the north and west property lines and noted there will be sufficient screening once it fills in.

Action:

A motion was made and seconded, Huffman/Holtzinger to find with the recommendations and conclusions of the Staff Analysis and approve 16-05UV & 16-06DV with the six conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

VI. Audience Items:

None

VII. Staff Board Items:

- *6-month extension for 15-04UV from 3/24/16 to 9/24/16 for driveway improvements at 1914 Bashor Road*

Ms. Wiles explained a use variance was approved in 2015 to allow a one chair beauty salon. Per condition number five, a turnaround was required to be installed, to be paved with a durable hard surface within 12 months. Additionally, condition number six required the driveway be paved with a durable hard surface within 12 months. The request today is for a six month extension for these improvements, as it has taken longer than expected.

Action:

A motion was made and seconded, Merino/Holtzinger to approve a six-month extension from 3/24/16 to 9/24/16 for 15-04UV. The motion passed unanimously by a vote of 4-0.

- *6-month extension for 15-24UV from 4/27/16 to 10/27/16 for Cabin Coffee*

Ms. Wiles explained a use variance was approved on 10/27/15 to allow the operation of Cabin Coffee at 707 Lincolnway East. The petitioner requests a six-month extension because they are in the process of obtaining the required City and State approvals. Staff recommends approval of the extension.

Motion:

A motion was made and seconded, Friesen/Holtzinger to approve a six-month extension from 4/27/16 to 10/27/16 for 15-24UV. The motion passed unanimously by a vote of 4-0.

VIII. Adjournment: 4:25 pm

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Ardean Friesen, Chair

Kelly Huffman, Secretary