

Minutes - Goshen Board of Zoning Appeals
Tuesday, April 26, 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: Aracelia Manriquez, Tom Holtzinger, Kelly Huffman, and Ardean Friesen. Also present was Assistant City Planner Abby Wiles and Assistant City Attorney Jim Kolbus. Absent: Felipe Merino
- II.** Approval of Minutes from 3/22/16: Holtzinger/Friesen 4-0
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Manriquez 4-0
- IV.** Postponements/Withdrawals: None
- V. Variances – public hearing items**
16-07DV - Scott and Lori Roth request a developmental variance to allow a 27' front yard setback where 35' is required for the addition of an enclosed front porch. The subject property is generally located at 112 Island View Drive and is zoned Residential R-1 PUD District.

Staff Report:

Ms. Wiles explained this property is located in Island View Manor Subdivision and per the plat, the front yard setbacks for this subdivision are a minimum of 35 feet. Planning records indicated that in 1990 the Goshen BZA heard a request for a developmental variance to allow the construction of the home with a 30 foot setback where 35 feet is required. Thirteen property owners submitted a signed petition in opposition to that request.

Today's request is to permit a 27 foot front yard setback where 35 feet is required for a new enclosed front porch. Of the 14 homes in this subdivision fronting Island View Drive, seven have setbacks greater than the required 35 feet, six are at the minimum distance and one appears to have been approved in error with a 25 foot front setback. Because 13 of the 14 homes meet the minimum setback of 35 feet, Staff recommends denial of the variance request.

Petitioner Presentation:

Scott Roth, 112 Island View Drive spoke on behalf of the petition. He stated they are preparing to side the house and are looking for a way to enhance the appearance of the home. He displayed a rendering of what the house would look like with the new porch and stated he had shown the drawing to most of his neighbors. According to Mr. Roth, all of the neighbors that saw the drawing liked what they saw and had no concerns.

Audience Comments:

Daisy Gaspar, 113 W Kercher, spoke to the petition. She asked for clarification on where this porch would be located.

Mr. Friesen explained the property notice she received only shows the approximate property lines and explained that the proposed porch would be on the front of the house and not on the rear.

The public hearing was closed.

Staff Discussion:

Mr. Friesen stated he was not originally in favor of granting this request, but after seeing the drawings of the proposed porch, he does not feel this is substantial and feels this will be a nice improvement to the home. He is in favor of this request.

Ms. Huffman stated she also feels this will look very nice and is in favor of granting the request.

Action:

A motion was made and seconded, Huffman/Holtzinger to accept the findings of the Board, and approve 16-07DV. The motion passed unanimously by a vote of 4-0.

16-08DV - NSKK Petroleum and Professional Permits request developmental variances to allow structural changes, described as cabinet replacements, to a non-conforming freestanding sign, and to allow the addition of an electronic message center to a non-conforming freestanding sign where electronic message centers may be incorporated into a permitted wall or freestanding sign. The proposed freestanding sign is approximately 30' in height and 130 square feet in area where a height of 22' and 90 square feet in area is permitted. The subject property is generally located at 1819 Lincolnway East and is zoned Commercial B-3 District.

Staff Report:

Ms. Wiles explained this request is to allow structural changes, (cabinet replacements), to a non-conforming sign and to allow the addition of an electronic message center to a non-conforming sign where electronic message centers may only be incorporated into a permitted freestanding or wall sign.

In 1997, a freestanding sign was approved at approximately 30 feet in height and 175 square feet in area. The BZA approved the addition of electronic pricing panels in 2005. The sign's location along this corridor allows a maximum height of 22 feet and total of 90 square feet in area.

Today's request is to permit a four panel sign, approximately 30 feet in height and 126 square feet in area. Although many of the signs along this corridor were approved when the Zoning Ordinance permitted taller and larger freestanding signs, several recent sign applications have met the Zoning Ordinance requirements. The BZA previously denied a request from The Car Company to add an electronic message center to a non-conforming sign.

Staff recommends denial of the variances.

Petitioner Presentation:

Garry Potts, 58171 Dragonfly Court, Osceola, spoke on behalf of the petition. He stated Phillips 66 is updating their brand nationwide and the proposed sign is approximately 30 feet in height and 130 square feet in area. He explained the electronic pricing panel is a must for this location and noted there is an overall reduction of 25 percent in the square footage of the sign. He stated that studies have found the letter height on the signs allow for the safest possible motorist travel. He stated some signs that have been brought into compliance are so small that they create public safety issues. He asked that this variance request be granted.

Mr. Holtzinger asked if this particular sign has been proposed based upon the posted speed.

Mr. Potts stated this is branded for the speed limit which he believes to be 45 miles per hour.

Mr. Holtzinger stated this location has a huge sign and most communities are trying to enhance their appearance by requiring smaller signs which still appear to be effective. He understands signs must be large enough to be seen, but other businesses have complied with the zoning ordinance and people do not appear to have trouble finding those businesses.

Mr. Potts stated the overall height will allow the sign to remain at 130 square feet, noting when the sign is updated it will display Phillips 66, Taco Bell, fuel prices and will contain an electronic message center. He stated they are not opposed to lowering the height to 25 feet if the Staff will compromise with them.

Mr. Friesen stated he agrees with Mr. Holtzinger and asked that the sign height be reduced.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Friesen stated this sign looks good, but feels it is too high. He noted he would be in favor of allowing the square footage of the sign to remain, provided the height of the sign is reduced to 25 feet.

Ms. Wiles pointed out that because of the location on this busy corridor, this property is already eligible for a two foot bonus which allows for an overall height of 22 feet and an additional 30 square feet in sign area for a total of 90 square feet. She noted the majority of sign applications received along this corridor have met the requirements of the zoning ordinance.

Ms. Huffman stated the height of this sign would be reduced five feet to an overall height of 25 feet and she feels good about that.

Mr. Holtzinger noted that another three foot reduction would bring the sign height into compliance.

Mr. Merino joined the meeting at 4:43 pm

Ms. Huffman asked what size the sign would have to be to come into compliance with the zoning ordinance.

Ms. Wiles stated the sign would have to be no higher than 22 feet and the overall square footage would have to be reduced to 90 square feet.

Ms. Huffman stated she is concerned that the message sign would become too small to read.

Action:

A motion was made and seconded, Huffman/Friesen to adopt the findings of the Board and approve 16-08DV with a maximum height of 25 feet and a maximum sign area of 130 square feet. The motion passed by a vote of 3-1 (Huffman, yes; Friesen, yes, Manriquez, yes; Holtzinger, no.)

16-09DV - Supreme Corporation requests a developmental variance to allow a directional sign of 15 square feet where eight square feet is permitted. The subject property is generally located at 2572 E Kercher Road and is zoned Industrial M-1 District.

Staff Report:

Ms. Wiles explained this request is to allow a directional sign 15 square feet in area and three feet in height, where eight square feet in area and three feet in height is permitted. The directional sign for the "Supreme Parts Department Employee Parking" will be located at the second entrance to the subject property from Kercher Road off US33, and will meet the five foot setback requirement. The property has substantial frontage along Kercher Road and multiple accesses, multiple buildings, parking/driving areas and storage areas. The petitioner requests a modest increase in the sign area to improve traffic circulation and Staff recommends approval of the variance with the condition that the sign shall be located outside the vision clearance area.

Petitioner Presentation:

Jim Yoder, 2581 E Kercher Rd. spoke on behalf of the petition. He stated there are only two entrances along Kercher Road, not three, and the first entrance is where the sign will be located. He stated one of the reasons for this request is because the parts building is outside the fence of the complex and this sign will help direct people to the parts department. He also noted this sign will not be illuminated.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst the Board.

Action:

A motion was made and seconded, Merino/Holtzinger to find with the recommendations and conclusions of the Staff Analysis and approve 16-09DV with the six 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: 4:48 pm

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Ardean Friesen, Chair

Kelly Huffman, Secretary