

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 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: Aracelia Manriquez, Richard Aguirre, and Tom Holtzinger. Also present was Assistant City Planner Jon Hunsberger and Assistant City Attorney Jim Kolbus. Absent: Kelly Huffman, Cathie Cripe

II. 2017 Board of Zoning Appeals Appointments

- *Appointment by the Mayor to fulfill remainder of term for Felipe Merino 1/1/16 - 12/31/19*

Mr. Hunsberger stated for the record that Cathie Cripe has been appointed and will be present at the next meeting.

- *City Council Appointment*

Mr. Hunsberger stated for the record that the City Council appointment is in process. He noted Kelly Huffman is the current appointment and it is assumed she will be reappointed, but that cannot be confirmed until the Council makes a decision.

III. Election of Officers for 2017:

A motion was made and seconded Aguirre/Manriquez to appoint Tom Holtzinger as Chair. The motion passed by a unanimous vote of 3-0.

A motion was made and seconded Holtzinger/Aguirre to appoint Aracelia Manriquez as Vice-Chair. The motion passed by a unanimous vote of 3-0.

A motion was made and seconded Aguirre/Manriquez to appoint Cathie Cripe as Secretary. The motion passed by a unanimous vote of 3-0.

IV. Approval of Minutes from 12/27/16: Holtzinger/Aguirre 3-0

V. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record:
Holtzinger/Manriquez 3-0

VI. Postponements/Withdrawals: None

VII. **Variances** – public hearing items

17-01UV & 17-01DV – Peter H Jarausch and Elizabeth Richardson request a use variance to permit a ten foot setback (north, south and east) where 500 feet is required for grazing and pasturage of three horses and a developmental variance to permit 2,546 sf of accessory use where 749 sf is permitted (includes a proposed 1,012 sf outbuilding). The subject property is generally located at 1138 N Indiana Avenue and is zoned Residential R-1 District.

Staff Report:

Mr. Hunsberger explained the first variance requested today is a use variance to allow a setback of ten feet where 500 feet is required for the grazing and pasturage of three horses. This is a conditional use in the R-1 zoning district provided certain requirements are met, including that areas where the animals are kept shall

be separated from any residential use or zoning by a minimum of 500 feet. The subject property is long and narrow and cannot meet the 500 foot requirement. The property is approximately 4.27 acres with a single-family dwelling unit and two detached garages.

The second variance request is to permit total accessory area of 2,546 SF where 749 SF is permitted. There is currently 1,534 SF of accessory area with a 1,012 SF outbuilding proposed. The existing home is very small at 750 SF and total accessory area will exceed the allowable accessory square footage by 1,797 SF. All remaining developmental requirements will be met for the outbuilding.

Staff received one public comment supporting the petition and recommends approval of the request.

Petitioner Presentation:

Elizabeth Richardson, 64702 Ravine Road, Goshen spoke on behalf of the petitioner. She stated she is familiar with the Staff recommendation and has nothing to add.

Mr. Holtzinger asked if Ms. Richardson anticipated any additional animals.

Ms. Richardson stated there will be no additional livestock on the property. She also noted that without the developmental variance for the barn she would not want horses on the property because she doesn't feel it would be the proper place for them. She also plans to install a fence and pointed out that the sale of the property is contingent on these variances being approved.

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, Holtzinger/Aguirre, to find with the recommendations and conclusions of the Staff Analysis and approve 17-01UV & 17-01DV with the three conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 3-0.

17-02DV – PMPA Holdings, LLC and Zehr Construction, Inc., request a developmental variance to permit total accessory area of 1048 SF where 831 SF is permitted for the construction of a deck on the rear of the existing home. The subject property is generally located at 101 Woodlawn Drive and is zoned Residential R-1 District.

Staff Report:

Mr. Hunsberger explained this request is for a 192 SF deck on the rear of the existing home. This property contains two lots, approximately 0.92 acres in area. According to county records, the single-family home is 832 SF and total accessory use, which includes the proposed deck, is 1,048 sf. The zoning ordinance requires that the total accessory space be less than the living space of the home and for this reason, a developmental variance is requested. This request is consistent with area development and accessory structures in the neighborhood and all other developmental requirements will be met. No inquiries were received by the Planning Office and Staff recommends approval of the request.

Petitioner Presentation:

Tim Short, Zehr Construction, 914 N 3rd Street, Goshen spoke on behalf of the petitioner. He stated he was familiar with the Staff Recommendations and had nothing to add.

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/Manriquez, to find with the recommendations and conclusions of the Staff Analysis and approve 17-02DV with the three conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 3-0.

17-03DV - First State Bank of Middlebury and Signtech Sign Services, Inc. request a developmental variance to allow a freestanding sign with an area of 98 sf where 36 sf in area is permitted and a height of 16.58 ft, where eight feet in height is permitted in the Historic District. The subject property is generally located at 201 N Main Street and is zoned Commercial B-2 Historic District.

Staff Report:

Mr. Hunsberger explained a corrected sign elevation (*Exhibit 17-03DV #1*) is being presented to Board members for this request. The petitioner has amended his request from a freestanding sign of 98 SF to a freestanding sign of 77 SF in area. Because this amended request is smaller than identified in the public notice, no new notices were required.

The freestanding sign is located on the northwest corner of West Clinton Street and North Main Street and is located within the Historic District of the Central Business District. Planning records indicate the illuminated, freestanding sign was installed in 1988, before the Historic District sign regulations were adopted in 1999. The amended petition would allow a freestanding sign of 77 SF where 36 SF is permitted, and a height of 16' where 8' is permitted. Sign refaces are not permitted in the Historic District, but he pointed out that in 2015, a reface of a non-conforming sign was approved at 101 S Main Street.

No inquiries were received by the Planning Office for this request and Staff recommends approval of the requested variance.

Petitioner Presentation:

Todd Lehman, Signtech, 1508 Bashor Rd, Goshen, spoke on behalf of the petitioner. He stated this request is due to the size of the existing columns which are approximately 10' wide and 9' tall and already exceed what is permitted. The sign will be exactly the same square footage. He stated the sign change is because of a new bank image.

Attorney Kolbus pointed out if this sign was not located in the historic district, it could be refaced.

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, Holtzinger/Aguirre, to find with the recommendations and conclusions of the Staff Analysis and approve 17-03DV with the three conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 3-0.

17-04DV – Interra Credit Union and Professional Permits, request a developmental variance to permit an electronic message center (EMC) of 52% where 50% is permitted in an existing freestanding sign. The subject property is generally located at 300 W Lincoln Avenue and is zoned Commercial B-2 Historic District.

Staff Report:

Mr. Hunsberger explained today's request is to permit an electronic message center (EMC) sign with an area of 52% where 50% is permitted in an existing freestanding sign. An existing freestanding sign will be modified as part of this request. The current sign was previously approved as a variance request to allow a second freestanding sign where one sign is permitted and contained an EMC which meets the requirements. A freestanding, changeable copy sign along W Second Street will become a freestanding static sign, with the proposed EMC sign as the only active sign on the site.

Staff noted no calls or inquiries were received regarding this request and recommend approval of the variance.

Petitioner Presentation:

Garry Potts, 58171 Dragonfly Ct, Osceola, spoke on behalf of the petitioner. He stated the proposed sign would be 35.76 SF and contain a new full color electronic message center (EMC). This proposed sign would have a total EMC area of 52% where 50% is permitted. This reface is to allow the new corporate brand which is being updated throughout all locations. This request has Staff support and he asked that the Board approve the variance request.

Attorney Kolbus noted the request is for 52% coverage where 50% is permitted and asked what square footage the 2% included.

Mr. Potts stated it would be approximately 0.7 square feet.

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, Aguirre/Manriquez, to find with the recommendations and conclusions of the Staff Analysis and approve 17-04DV with the three conditions listed in the Staff Analysis. The motion passed unanimously by a vote of 3-0.

VIII. Audience Items:

None

IX. Staff Board Items:
None

X. Adjournment: 4:25 pm Manriquez/Aguirre

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Ardean Friesen, Chair

Kelly Huffman, Secretary