

Minutes - Goshen Board of Zoning Appeals
Tuesday, April 24, 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: Doug Nisley, Aracelia Manriquez, Richard Aguirre, Brad Hunsberger, and Tom Holtzinger. Also present was Assistant City Planner Jon Hunsberger and Assistant City Attorney Jim Kolbus.
- II. Approval of Minutes from 3/27/18: Nisley/Aguirre 5-0
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Aguirre/Hunsberger 5-0
- IV. Postponements/Withdrawals: None
- V. **Variations** – public hearing items
18-03DV & 18-04UV – Patrick and Julia Huffer request a use variance to allow a trailer in excess of one ton capacity to be parked/stored in a residential area, where the Zoning Ordinance permits only trailers of less than one ton capacity in a residential area, and a developmental variance to allow parking in the front yard setback on a corner lot for the trailer. The subject property is generally located at 1202 Hickory Street and is zoned Residential R-2 District.

Staff Report:

Assistant Planner Hunsberger explained this is a single family home, located on a corner lot. The petitioner requests permission to allow an open parking space in the front yard setback where it is not permitted to park/store a trailer in excess of one ton capacity. The current space is crushed limestone and visibility is not restricted. The Planning Office can confirm that the parking has been in place since at least 2005 and street view photography confirms the trailer has been parked here since at least 2007. He noted that 15 properties in the surrounding neighborhood were identified with open parking spaces in the front yard setback and none of the properties have received a variance. Planning Office records indicate that only one letter of noncompliance is on file. He also noted that trailers in excess of one ton are not permitted in any residential zoning district.

No calls or complaints have been received regarding this trailer parking.

He noted that open parking is not permitted in the residential district and recommends denial of both the use and developmental variations.

Petitioner Presentation:

Patrick Huffer and Julia Huffer, 1202 Hickory Street, Goshen, spoke on behalf of the petitioner. Ms. Huffer stated this trailer has been parked at the property since they purchased it in 2001 and they were not aware they were in violation of any ordinance. She asked that the City reconsider and allow the trailer to remain because they have nowhere else to park it.

Mr. Holtzinger asked if the trailer is parked here all twelve months when not in use.

Mr. Huffer stated yes, noting they use the trailer all summer long. He explained he races motorcycles and there is never more than 1200 pounds inside, although he stated the trailer can probably haul more than that.

Ms. Huffer stated she is not aware of any complaints regarding the trailer.

Mr. Hunsberger asked what the nameplate on the trailer says.

Mr. Huffer stated he thinks it says 3,000.

Mr. Hunsberger asked if that is the capacity it can carry and not necessarily the trailer weight.

Assistant Planner Hunsberger stated the minimum weight for a trailer license plate is 3,000 pounds, noting that does not mean the capacity of the trailer is 3,000 pounds.

Mr. Hunsberger asked what the one-ton reference is in the zoning ordinance.

Assistant Planner Hunsberger stated the one-ton reference is capacity. He explained to Board members he researched industry standards for trailers and explained how the weight or capacity is determined.

Mr. Aguirre asked how this violation was discovered.

Assistant Planner Hunsberger stated it was referred to the Planning Office by Code Enforcement.

Mr. Nisley asked how far the trailer is from the road.

Mr. Huffer stated it is approximately 10 feet from the road. He stated it could be moved farther back on the property and that in the winter it could be placed beside his garage.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Nisley questioned how Staff determined capacity.

Assistant Planner Hunsberger stated it was based upon axle size. He went on to say the property owner would have to provide information if the capacity is less than one ton.

Mr. Holtzinger pointed out this has been parked at the property for 17 years without any complaints.

Assistant Planner Hunsberger noted he has seen the trailer parked here and there is no visual obstruction.

Attorney Kolbus stated if the Board is inclined to grant this petition, a valid commitment could be for as long as the individual lives at the property.

Action:

A motion was made and seconded, Holtzinger/Aguirre to accept the findings of the Board and approve 18-03DV & 18-04UV with three conditions and one commitment. The motion passed unanimously by a vote of 5-0.

18-07DV – Anthony Krabill, Omar & Catherine Lantz, Blue Diamond Development Communities, and Advanced Land Surveying of Northern Indiana, Inc., request developmental variances to allow lot coverage of 35.8% where a maximum of 35% is permitted for two existing homes (Lots 29 A&B) and two proposed homes (Lots 30 A&B). The subject properties are located at 1470 & 1472 Firestar Drive (Lots 29 A&B) and 1510 & 1512 Firestar Drive (Lots 30 A&B) and are zoned Residential R-3 District.

Mr. Hunsberger recused himself at 4:25 pm.

Staff Report:

Assistant Planner Hunsberger explained this request is to allow lot coverage of 35.8% where a maximum of 35% is permitted, for an existing single-family attached dwelling and a proposed single-family attached dwelling. Planning Staff recently misinterpreted the lot coverage rule and with a second project also proposed to have 35.8% lot coverage, it was requested that both properties petition for a variance. All other zoning requirements are, or will be met for the properties.

He noted that no further development will be permitted that will expand the lot coverage. Staff recommends approval of the requested variance.

Petitioner Presentation:

Tonya Detweiler, 1630 Timberline Drive, spoke on behalf of the petitioner. She stated she is the developer of Maplewood Estates and explained the lots are very narrow and it is a challenge to design homes that will fit on the lots.

Mr. Holtzinger asked if these houses are similar to others in the subdivision.

Ms. Detweiler stated yes and that this same home has been built on other lots there, noting that it fits with the design of the neighborhood.

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/Nisley to find with the recommendations and conclusions of the Staff Analysis and approve 18-07DV with the three conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

VI. Audience Items:
None

VII. Staff Board Items:
None

VIII. Adjournment: 4:34 pm Nisley/Aguirre

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Tom Holtzinger, Chair

Richard Aguirre, Secretary