

Minutes - Goshen Board of Zoning Appeals  
Tuesday, August 28, 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: James Ramer, Aracelia Manriquez, Richard Aguirre, Brad Hunsberger, and Tom Holtzinger. Also present was City Planner Rhonda Yoder, Assistant City Planner Rossa Deegan, and Assistant City Attorney Jim Kolbus.

**II.** Ms. Yoder introduced Rossa Deegan as the new Assistant City Planner. He was welcomed by Board members.

**III.** Approval of Minutes from 7/24/18: Hunsberger/Aguirre 5-0

**IV.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Aguirre/Manriquez 5-0

**V.** Postponements/Withdrawals: None

**VI. Variances** – public hearing items

**18-11UV** – Antonio Hernandez (owner) requests a use variance to allow the addition of a bathroom in a basement storage area of a two-unit residential dwelling, without connection to City water. The subject property is generally located at 508 Dewey Avenue and is zoned Residential R-2 District.

*Staff Report:*

Ms. Yoder noted the petitioner is not here and asked if the Board would like to proceed. Attorney Kolbus recommended the Board move on and return to this petition at the end.

**18-12UV** – Wilbur Hershberger (owner) and Ben Hartman (agent) request a use variance to allow the expansion of a non-conforming use, to allow a second accessory structure without a primary use, and the addition of a security light. The subject property is generally located at 218 S 22nd Street and is zoned Residential R-2 District.

*Staff Report:*

Mr. Deegan explained this property contains two accessory structures without a primary structure, making this property non-conforming. He pointed out the garage existed prior to the Zoning Ordinance, but the recently constructed cabin was built without zoning review or approval. He explained the owner states he would like to use this cabin as a gathering place for family and would like a security light on the property. Staff feels this is a reasonable use for the property and recommends approval with conditions and commitments listed in the Staff Report.

He noted one call was received from an adjacent property owner who supported the request, noting the additional light will add extra security to the area.

*Petitioner Presentation:*

Ben Hartman, 340 Hackett Road, spoke on behalf of the petitioner. He stated he is familiar with the staff recommendation and has nothing to add.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

Mr. Aguirre asked if this cabin will be used for storage.

Mr. Deegan stated his understanding is that both the garage and cabin are being used for storage.

Mr. Holtzinger asked if this property has encountered any flooding.

Mr. Deegan stated this property is located in the floodplain, but is unsure if they had any problem during the recent flooding.

Mr. Hunsberger asked when the cabin was built.

Mr. Deegan stated the cabin was discovered in July of this year, but no approvals or permits were issued so it's unknown when the cabin was built.

Mr. Aguirre questioned if today's approval is for something that has already been done.

Mr. Deegan agreed that is correct.

Ms. Yoder stated the cabin is existing, but the lighting has not been finalized. She noted the cabin was discovered when the building inspector went for the electrical inspection. She stated the inspection was stopped until the cabin issue was resolved.

*Action:*

A motion was made and seconded, Ramer/Manriquez, to find with the recommendations and conclusions of the Staff Analysis and approve 18-12UV with the four conditions and three commitments listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**18-13UV** – Management Group Partnership (owner) and DJ Construction (agent) request a use variance to allow the expansion of a non-conforming use, to add a 1,456 square foot warehouse addition. The subject property is generally located at 120 S Greene Road and is zoned Residential R-1 District.

*Staff Report:*

Mr. Deegan explained the Veterinarian and Poultry Supply would like to expand their building to include a 1,456 sf warehouse addition. He explained this is a non-conforming property, located in a residential district. He pointed out that surrounding properties include baseball and football fields at Pringle Park, a fire station, and business offices. He noted the closest residential uses are across Greene Road. He stated the owners have explained that the addition of a warehouse means they can remove storage trucks from the property, thereby improving the aesthetics of the property. Screening along the rear and sides will also make it difficult for the public to see the addition.

Staff recommends approval of the request with the three conditions listed in the Staff Report.

*Petitioner Presentation:*

Pete Garber, 3414 Elkhart Road, spoke on behalf of the petitioner. He stated he is familiar with Staff's report and would like to add that the addition will match the current metal building as closely as possible. He pointed out this is on the northeast corner of the property, hidden behind the building and sheltered from nearby streets. He noted this addition will mean the elimination of eight or nine storage trailers currently on the property. He stated the expansion is not to expand the business, but to make room for items stored in the trailers.

Mr. Hunsberger questioned what type of work is done at this facility.

Mr. Garber stated this is basically a warehouse and that they supply animal health products to farms and industry.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

Mr. Hunsberger asked if there have been prior problems with this business in the terms of traffic, neighbor complaints, etc.

Mr. Deegan stated he is not aware of any problems.

Ms. Yoder pointed out that all developmental requirements will be met and that they are here because the property is non-conforming.

*Action:*

A motion was made and seconded, Hunsberger/Manriquez, to find with the recommendations and conclusions of the Staff Analysis and approve 18-13UV with the three conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**18-23DV** – Zach Tate and Leah Schroeder (owners) request a developmental variance to allow a 3' rear yard (north) setback where 25' is required, for the addition of a 48 square foot enclosed porch. The subject property is generally located at 307 E Monroe Street and is zoned Residential R-1 District.

*Staff Report:*

Mr. Deegan explained this request is for a small porch on the northwest corner of the petitioner's home. This home is on a small parcel of land and difficult to develop without encroaching into setbacks. He explained the existing dwelling unit has a two foot rear setback and the request to expand in the northwest corner will not be as close to the property line as the house is currently. He stated the Comprehensive Plan supports this type of development in high density residential areas. The encroachment into the rear setback does not appear to present any safety concerns and for these reasons, staff recommends approval of the request.

*Petitioner Presentation:*

Zach Tate, 307 E Monroe, spoke on behalf of the petitioner. He stated he is familiar with the Staff Report and has nothing to add.

Mr. Holtzinger stated when the corner has been filled in people will likely not notice the difference.

Mr. Tate stated at some point the back of the house was an enclosed porch. He stated he was unsure when it was expanded out, but the house was squared off on one side, but not on the other. This small addition will make the house square again.

*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/Ramer, to find with the recommendations and conclusions of the Staff Analysis and approve 18-23DV with the three conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

*Staff Discussion:*

Mr. Holtzinger asked Board members how they would like to proceed with the first case, 18-11UV.

Ms. Yoder replied they can proceed if the Board wishes to.

Mr. Holtzinger asked what the group would like to do.

Mr. Aguirre stated he feels they should delay their decision until the petitioner is here and that he would like to make a motion to that effect.

Mr. Holtzinger clarified that the decision to delay would be for one month.

*Action:*

A motion was made and seconded, Aguirre/Hunsberger, to table 18-11UV to the September 25, 2018, meeting and to take action on the request with or without the petitioner at that time. The motion passed unanimously by a vote of 5-0.

**VII.** Audience Items:

None

**VIII.** Staff Board Items:

Mr. Hunsberger noted that he will be absent from the September meeting.

**IX.** Adjournment: 4:17 pm Hunsberger/Aguirre

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Richard Aguirre

Richard Aguirre, Secretary