

Minutes - Goshen Board of Zoning Appeals
Tuesday, October 23, 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, Brad Hunsberger, Aracelia Manriquez, Richard Aguirre, and Tom Holtzinger. Also present was Assistant City Planner Rossa Deegan and Assistant City Attorney Jim Kolbus.
- II.** Approval of Minutes from 9/25/18: Ramer/Aguirre 5-0
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Aguirre/Manriquez 5-0
- IV.** Postponements/Withdrawals: None
- V. Use & Developmental Variances** – public hearing items
18-25DV – Keystone RV Company (owner) and Jones Petrie Rafinski (agent) request a developmental variance to allow the construction of an approximate 4,451 square foot shipping office for an RV storage lot without connection to City sewer. The subject property is generally located at 3393 Lincolnway East and is zoned Industrial M-1 District.

Staff Report:

Mr. Deegan gave background of this property and summarized part of the annexation agreement that applies to this variance. He stated this property is being developed as a shipping yard for Keystone RV, noting that finished units are parked here until shipped. He explained that this proposal meets all of the M-1 developmental requirements, with the exception of connection to City sewer. He stated water and sewer mains have not been extended to the lot, noting that extending the sewer line this far would be a significant cost to both the City and the company. He pointed out that development of the property is taking place simultaneously to annexation from the county, explaining the City and Keystone entered into an annexation agreement on August 28, 2018. As part of this agreement, the City will allow Keystone RV to construct a septic system, provided the new shipping office is not greater than 5,000 SF. Keystone will be responsible for connecting to City water and if the office is ever expanded to greater than 5,000 sf or if another structure is built on the property, connection to City sewer will be required of all structures. He noted from the site plan where the septic field and shipping office will be located.

Staff recommends approval of variance with three conditions and one commitment.

Petitioner Presentation:

Kenneth Jones, Jr., Jones Petrie Rafinski, 200 Nibco Parkway, Elkhart, spoke on behalf of the petitioner. He stated they have worked with City staff and have no issues with Staff's conditions or commitment. He asked that the Board approve the request.

Mr. Aguirre asked how many people will be working in this building and what type work will be performed.

Mr. Jones stated this office will be for administrative work relevant to the units being stored on the lot. They anticipate a maximum of five employees.

Audience Comments:

Nancy Bigler, 16637 County Road 40, Goshen, spoke in opposition to the petition. She stated this development is located directly behind her property and asked for clarification on the location of the septic tanks.

Mr. Deegan pointed out the location on the zoning map.

Ms. Bigler asked if the property owned by Keystone with frontage on County Road 40 would also have a septic system.

Mr. Deegan stated this property has not been annexed and he has no knowledge of it.

Ms. Bigler stated she was told the sewer would be run in front of her home, but that it wouldn't be available for her at this time. She said she was told that if her septic system broke down, she would then be required to connect to City sewer. She questioned why she would be forced to connect to City sewer and Keystone would not.

Rebuttal:

Kenneth Jones, Jr., addressed Ms. Bigler's concerns regarding the septic, noting that he's not familiar with the current status of the water/sewer projects on County Road 40, but is involved in a lot of the water/sewer projects his company works on. He stated even though many of these homes along County Road 40 are outside the City, if someone needs to make a repair or rebuild a replacement system and a public sewer collection system is within 300' of their property line, it is generally up to the discretion of the health department official to determine if they will need to connect to City sewer. If the homeowner can demonstrate that it is not financially feasible for the property owner to connect and there is a reasonable alternative, they will usually allow you to obtain a permit. He pointed out to audience members where the septic tanks would be located in relation to their properties, noting the septic would be at the northeast corner of the property, directly adjacent to the small office building subject to this request.

Regarding the Keystone property fronting County Road 40 and located between two residential properties, Mr. Jones stated there are no plans for that parcel as part of this project. He pointed out that a 100' wide landscape buffer is located along the north end of the property between the industrial use to the north and the residential use to the south. He also explained the landscaping will meet or exceed what is required for the M-1 zoning district.

Mr. Holtzinger asked the location of the eventual sewer connection.

Mr. Jones stated if and when sewer is extended down US 33, it will likely be large enough to serve more than just the proposed building.

Mr. Holtzinger noted if they are not connected to City sewer, they will not be allowed to construct a building over 5,000 sf.

Mr. Jones agreed with Mr. Holtzinger's comment and also pointed out this project will connect to City water now.

Mr. Hunsberger asked if the RV storage lot is currently lit.

Bob Pettit, 2642 Hackberry Drive, spoke to lighting concerns. He stated the storage lot is lit with a 30' pole from the north side of the property.

Mr. Aguirre asked if there are any plans to construct additional buildings to this site.

Mr. Pettit stated their intention for the next 15-20 years, is to ship units from this site, noting they will exit onto US33.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Ramer/Manriquez to find with the recommendations and conclusions of the Staff Analysis and approve 18-25DV with the three conditions and one commitment listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items:

None

VII. Staff Board Items:

- *Six-month extension request for 18-17DV, River Art Apartments, S 3rd Street and Jefferson Street from 12/26/18 to 6/26/19*

Mr. Deegan explained that Insite Development and Abonmarche Consultants have requested a six-month extension of 18-17DV which was approved in June for a 40 unit multi-family dwelling. Additional time is needed to complete designs prior to construction.

Action:

A motion was made and seconded, Aguirre/Hunsberger to grant a six-month extension for 18-17DV from 12/26/18 to 6/29/19. The motion passed unanimously by a vote of 5-0.

- *Six-month extension request for 18-15DV, 123 N 6th Street*

Mr. Deegan explained LaCasa, Inc. has requested a six-month extension for 18-17DV, granted in June for minimum lot size and reduced rear setback for the construction of a new single-family home.

Action:

A motion was made and seconded, Ramer/Manriquez, to grant a six-month extension for 18-15DV, 123 N 6th Street, from 12/26/18 to 6/26/19. The motion passed by a vote of 4-0, with one abstention (Hunsberger).

VIII. Adjournment: 4:32 pm Aguirre/Hunsberger

Respectfully Submitted:

 /s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

 /s/ Tom Holtzinger
Tom Holtzinger, Chair

 /s/ Richard Aguirre
Richard Aguirre, Secretary