

Minutes - Goshen Board of Zoning Appeals  
Tuesday, November 27, 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: Angela McKenna, 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 10/23/18: Aguirre/Manriquez 5-0
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: McKenna/Hunsberger 5-0.
- IV. Postponements/Withdrawals: None
- V. **Use & Developmental Variances** – public hearing items  
**18-26DV** – RC Holdings, LLC (property owner), and Granite Ridge Builders (agent), request a developmental variance to allow a (south) side building setback of 3.76' where 6' is required and a (north) side building setback of 4' where 6' is required for the construction of a new single-family home. The subject property is generally located at 1340 Sand Hills Point and is zoned Residential R-3 PUD.

*Staff Report:*

Mr. Deegan explained this request is for the construction of a new single-family home on Lot 12 in Section 1 of The Crossing Subdivision. The footprint of the proposed home is 1,244 sf and all developmental requirements have been met with the exception of the side yard setbacks.

He explained that approximately one-third of the 29 lots have been built, pointing out there are no unique restrictions on this property that warrant changes to the six foot side yard setback. Lots in the R-3 zoning district require a minimum width of 50' and this lot exceeds that requirement. He pointed out there is also ample room in the rear to reorient the home on the lot and voiced concerns that allowing a variance for this property might set a precedent for other undeveloped lots in the subdivision which meet the minimum lot width.

Staff recommends denial of the variance.

*Petitioner Presentation:*

Patrick Martin, Granite Ridge Builders, 2314-2 Eisenhower Drive N, spoke to the petition. He stated they have made changes to the house plans, noting with the exception of the front where the gable end comes down, the 12" overhang has been removed from the north side of the home. He explained that a one foot section would be at 4', with the remainder at the 5'. He stated he brought Dallas Barkman, property owner for Lot 11, with him today. Mr. Barkman's property is located roughly 8' from the property line, which would make the distance from overhang to overhang, approximately 12'. He noted Lot 13 to the south has been sold and house plans for that lot indicate a 25' setback from the adjoining property line. He stated because of this, there will be plenty of distance between the houses.

Mr. Aguirre asked Mr. Martin to comment on Staff's suggestion that the house be reoriented on the lot.

Mr. Martin stated changing the footprint of the house would require the buyers to begin the process over again. He noted reorienting the house would put the front of the house facing Lot 11 and this is not a workable solution.

Mr. Holtzinger asked if he was aware they would have trouble fitting this house on the lot.

Mr. Martin stated as they worked with the customer to design the house, they didn't realize just how close they were.

Mr. Holtzinger asked Mr. Martin to comment on Staff's concerns that this might set a precedent.

Mr. Martin stated there would be nearly 26' between homes on Lot 13 and Lot 12 and the distance between homes on Lots 11 and 12 would also appear on average for the area.

*Audience Comments:*

Dallas Barkman, 1334 Sand Hills Point spoke in support of the petition. He stated he has no issues with the proposed house being built that close to his property line.

Joshua Barba, 1817 Lighthouse Lane, spoke in opposition to the request. He stated he is currently building on the property and understands there are 6' setback requirements which also allows for fire separation. He also noted that Lot 11 is inhabited by a Granite Ridge representative and feels this is in their favor to continue forward with their development.

Mr. Holtzinger asked if he had any difficulty building on his lot.

Mr. Barba stated he chose a wider lot and to fit the house he wanted.

*The public hearing was closed.*

*Staff Discussion:*

Mr. Aguirre asked if Staff had received information on the different overhang mentioned by Mr. Martin.

Mr. Deegan stated that this information would need to be analyzed and understands that the setbacks would be slightly longer than proposed today, but he reiterated Staff's position that they should meet the 6' side yard setbacks. He also pointed out that while the current owner of Lot 11 might be ok with the reduced setback, a future owner might wish to expand to the permitted setback and that should be kept in mind.

Mr. Aguirre asked if there were some tweaks that could be made to the design that would make Staff feel more comfortable with allowing a variance.

Mr. Deegan stated he looked at the design and felt there was ample space in the back yard. He again pointed out that the R-3 has the smallest setback requirements.

Mr. Hunsberger asked if a 2' easement between Lots 12 & 13 could solve the issue of the setback or if the lots would have to be redrawn.

Attorney Kolbus stated an easement would not address the problem and that the lines would have to be redrawn.

Mr. Aguirre asked once again if there are changes the applicant could make that would allow Staff to feel more comfortable.

Mr. Deegan stated they would have to meet the 6' side yard setback and no variance would be required.

Mr. Holtzinger asked Ms. McKenna what she thinks about this request.

Ms. McKenna stated she agrees with Staff and feels this should have been a consideration when they were looking for a lot.

Mr. Holtzinger asked Ms. Manriquez for her thoughts on this request.  
Ms. Manriquez stated she agrees with Staff and also feels this could set a precedent.

*Action:*

A motion was made and seconded, McKenna/Manriquez to find with the recommendations and conclusions of the Staff Analysis and deny 18-26DV for the reasons listed in the Staff Report. The motion passed by a vote of 4-1. (McKenna, yes; Manriquez, yes; Holtzinger, yes; Aguirre, yes; Hunsberger, no)

**18-27DV** – Schrock Homes, Inc., requests a developmental variance to allow a 36 SF illuminated monument sign, 10' in height, where a monument sign, limited to 32 SF in area, is permitted by the Clover Trails Agreement in Lieu of Annexation, Instrument #95 008159, and where sign illumination is prohibited in the R-1 District. The proposed sign will replace an existing sign that is located in the median of Mintcrest Drive at the Plymouth Avenue entrance of Clover Trails subdivision. The location is zoned Residential R-1 District.

*Staff Report:*

Mr. Deegan explained the petitioner would like to update the existing sign at the entrance to Clover Trails Subdivision on Plymouth Avenue and Mintcrest Drive. The facelift would also include a sign for the Northbrooke Subdivision, which is currently being developed and which will be accessed from this entrance. The new sign, a 10' high, 36 SF, and internally lit monument sign, would be placed in the same location. A variance is required because the sign regulations for this subdivision were set by an agreement in lieu of annexation, which allows a monument sign, limited to 32 sf in area. The zoning ordinance also prohibits lighted signs adjacent to residential use.

Staff finds the request reasonable, as it will function as an entrance to both Clover Trails and Northbrook Subdivisions. Staff also finds the request for illumination to be reasonable as nearby subdivisions also have illuminated monument signs.

Mr. Deegan noted for the record that one call was received in support of the variance. Ed Fritz, the senior pastor of First United Methodist Church stated the Life Center property is adjacent to the sign and they have no concerns. Staff recommends approval of the variance request, noting that Board of Works approval is required for development within the right-of-way and a right-of-way permit will be required from Goshen Engineering.

*Petitioner Presentation:*

Adlai Schrock, 2523 Messick Drive, spoke to the petition. He stated they felt this design would best serve both subdivisions and explained they will remove existing concrete in the median area and replace with landscaping. Illumination will make the sign easier to see.

Ms. McKenna asked where the landscaping will be located.  
Mr. Schrock stated most of the area will contain landscaping.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

Ms. McKenna asked if Staff considered limited hours for the lighted signs.

