

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 26, 2016, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Kelly Huffman, Aracelia Manriquez, Felipe Merino, Ardean Friesen, and Tom Holtzinger. Also present was Assistant City Planner Abby Wiles and Assistant City Attorney Jim Kolbus.

Mr. Friesen welcomed Felipe Merino to the Board, noting he has been appointed by the mayor for a term of four (4) years, beginning this year. Mr. Friesen noted he has also been reappointed by the mayor for a four (4) year term, beginning this year.

II. Election of Officers for 2016:

A motion was made and seconded Huffman/Manriquez to appoint Ardean Friesen as Chair. The motion passed by a unanimous vote of 5-0.

A motion was made and seconded Huffman/Friesen to appoint Tom Holtzinger as Vice-Chair. The motion passed by a unanimous vote of 5-0.

A motion was made and seconded Friesen/Holtzinger to appoint Kelly Huffman as Secretary. The motion passed by a unanimous vote of 5-0.

III. Approval of Minutes from 11/24/15: Holtzinger/Friesen 5-0

IV. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Friesen 5-0

V. Postponements/Withdrawals: None

VI. Variances – public hearing items

16-01UV - Vista Community Health Center and Signtech Sign Services request a use variance to allow two illuminated freestanding signs with 60 SF of landscaping per sign where freestanding signs are not permitted. The subject property is generally located at 808 N 3rd Street and is zoned Residential R-2 District.

Staff Report:

Ms. Wiles explained this request is for Vista Community Health Center, which is located in the building commonly known as the Abshire Mansion. The BZA approved use and developmental variances for a medical office in September, 2013. At that time, variances were required to allow a medical office in an R-2 zoning district, access via a residential street, and reduced parking. Today's request is a use variance to allow two illuminated monument style freestanding signs, approximately 30 square feet in area, where freestanding signs are not permitted in any residential zoning district. The petitioners would like to place one freestanding sign along North Main Street and the second sign at the entrance from North Third Street. As proposed, both signs would meet the required setback and landscaping requirements. If this property was zoned Commercial B-1, one 32 square foot freestanding would be permitted. Staff recommends approval of one freestanding sign, which would be consistent with the B-1 requirements, but feels a directional sign could be installed at the North Third Street entrance which could meet the Goshen Zoning Ordinance requirements of three feet in height and eight square feet in area and could be approved administratively. Staff feels because this is a residential neighborhood, a directional sign and one, non-illuminated freestanding sign are more appropriate and would adequately identify the entrance off North Third Street.

Ms. Wiles noted two calls were received regarding this request, with both callers asking for clarification. Once the request was explained, neither caller expressed concerns.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, Goshen, spoke on behalf of the petition. He provided an updated handout to Board members (*Exhibit 16-01UV #1*) indicating what the freestanding sign would look like. He explained the design of the sign has not changed, but the information has and now includes the address on the lower section of the sign. He explained that customers are coming to the Main Street side of the facility and pulling into the shared driveway and this sign would help direct people away from the Main Street side and towards the main entrance on Third Street.

Mr. Friesen asked if the proposed sign is illuminated.

Mr. Lehman acknowledged that it is illuminated.

Mr. Friesen asked if the lettering is illuminated or if the entire sign is illuminated.

Mr. Lehman stated they have discussed this and he would like to see some type of illumination that would only illuminate the basic information after hours. He stated this would be light sensitive or it could be put on a timer so illumination would only be allowed between certain hours. He pointed out the smaller, directional sign is non-illuminated. He stated that he understands the limitation of one freestanding per property, but this property is so large you would not even know the second sign exists. He feels this sign is very important.

Mr. Merino noted for the record that his sister works for Vista Community Health Center and asked Attorney Kolbus if he should recuse himself from the vote.

Attorney Kolbus stated if he personally has no direct, financial interest in the business, then he does not need to recuse himself from the vote.

Mr. Holtzinger noted the business is advertised as North Third Street, so if someone is seeking the address, they will be seeking North Third Street.

Mr. Lehman stated that is correct and that is why the sign on North Main Street notes the entrance is on the Third Street side.

Ms. Wiles stated an alternative to this request would be to install the larger freestanding sign on North Main Street, directing them to the North Third Street entrance. She noted they could also install the freestanding sign on North Third Street and use a directional sign, meeting the requirements, on North Main Street to direct traffic.

Mr. Merino stated he feels the problem with North Main Street is that the traffic moves quickly and if the sign is not lit and showing you where to go, you will likely drive right by it.

Mr. Lehman pointed out that when DJ Construction identifies a building project, they place a 32 square foot sign which is small by industry standards. A directional sign would be even smaller, likely making it ineffective on Main Street.

Ms. Manriquez asked for the business hours.

Kellie O'Connell, Vista Community Health Center, 808 N 3rd Street, also spoke on behalf of the petition. She stated hours are 9:00 am to 5:00 pm Monday, Tuesday and Friday. Thursday hours are 9:00 am to 6:30 pm. The facility is closed on Wednesdays and Saturdays.

Mr. Holtzinger pointed out these are mostly daytime hours and the Board is very careful about limiting signs in neighborhoods. He also pointed out that once people find a location the first time, it is not difficult to find it again.

Ms. O'Connell stated that when this was known as the Abshire Mansion, North Main Street was the only entrance and that is what people know. Employees do not feel North Main Street is a safe entrance so they feel a sign indicating the entrance is on North Third Street is very important. She stated if signs on Third Street are too small, they become difficult to see because the property is so large.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Ms. Huffman stated she has a strong opinion on this. She noted for the record that she is on the Goshen Foundation Board, but has no financial stake in this, thereby seeing no need to recuse herself. She went on to say they have worked hard to have this wonderful facility and understands the need for two signs. She stated she is in favor of allowing the two illuminated signs.

Mr. Friesen agreed and would be in favor of allowing the lettering only of the State Road 15 sign to be illuminated because it can be controlled and on a timer. He stated he has more concerns about the North Third Street sign and would be in favor of allowing it, but without the illumination.

Ms. Huffman stated she feels this facility will continually reach out to new people and feels it will be beneficial if they can provide more information.

Mr. Holtzinger asked Ms. Wiles the reasons for her recommendation.

Ms. Wiles stated she supported one freestanding sign and recommended the directional sign at North Third Street, knowing that there is more visibility on North Main Street. Her intent was that when drivers got to North Third Street, they would see the directional sign and know where to turn into the facility. She went on to say it does not have to be implemented this way and that they could elect to have a directional sign on Main Street and the freestanding sign on North Third Street, but it sounds like that is not what they want to do.

Mr. Holtzinger commented that we need to be careful with granting sign requests because if we always make exceptions, we no longer have a rule.

Mr. Huffman pointed out this is a large property and the freestanding signs are smaller than a construction sign. She asked if Ms. Wiles' preference for the one illuminated freestanding sign would be for the North Main Street side of the property.

Ms. Wiles suggested that if the Board approves these signs, they should allow illumination during certain hours only.

Action:

A motion was made and seconded, Friesen/Holtzinger, to adopt the findings of the Board and approve 16-01UV with the following commitments:

1. One freestanding sign, approximately 30 square feet in area, with illumination of the lettering only, is approved along North Main Street as proposed by the petitioner.
2. The freestanding sign along North Main Street is permitted to be illuminated daily between the hours of 8:00 am and 10:00 pm.
3. A non-illuminated freestanding sign, approximately 30 square feet in area, is permitted on North 3rd Street, as proposed by the petitioner.

The motion passed unanimously by a vote of 5-0.

VII. Audience Items:
None

VIII. Staff Board Items:

- *Six-month extension for a parking/driving aisle expansion at 1608 S 14th Street (15-27DV)*

Ms. Wiles stated a variance was approved in August, 2015 for a parking/driving aisle at 1608 S 14th Street. At the time of the approval, the homeowner agreed to replace the gravel portion of the driveway with paving brick. Because of the weather, the improvements have not been made and the homeowner is requesting a six-month extension.

Action:

A motion was made and seconded, Huffman/Holtzinger to grant a six-month extension through August 22, 2016 for 15-27DV. The motion passed unanimously by a vote of 5-0.

- Board update regarding Home Occupations

Ms. Wiles advised that the Board's request to have the Plan Commission review home occupations has been submitted to Rhonda Yoder and will likely be presented to the Commission at an upcoming meeting.

- *Residency forms for Ardean Friesen and Felipe Merino*

Ms. Wiles stated 2016 residency forms for Ardean Friesen and Felipe Merino have been received and asked that they be entered into record.

Action:

A motion was made and seconded, Holtzinger/Manriquez to accept residency forms into record for Ardean Friesen and Felipe Merino. The motion passed unanimously by a vote of 5-0.

IX. Adjournment: 4:32 pm Huffman/Merino

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Ardean Friesen, Chair

Kelly Huffman, Secretary