

Minutes - Goshen Board of Zoning Appeals
Tuesday, June 30, 2020, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present via electronic communication: Allan Kauffman and Richard Aguirre. Member Tom Holtzinger was physically present, along with Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: Aracelia Manriquez, Scott McKee

Mr. Deegan read the following emergency meeting notice:

We begin this meeting during a declared public health emergency covering all of the State of Indiana. Board members Allan Kauffman and Richard Aguirre are participating in this meeting by electronic communication pursuant to Governor Holcomb's Executive Orders 20-04, 20-09, and 20-30, as well as guidance from Indiana Public Access Counsellor Luke Britt. Board member Tom Holtzinger is physically present in City Council Chambers as we begin this meeting.

Mr. Deegan reminded Board members that all votes must be roll call votes and asked that questions and comments be directly related to the petition.

II. Approval of Minutes from 5/26/20: A motion was made and seconded, Kauffman/Aguirre, to approve the minutes as presented with the following outcome: Kauffman, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 3-0.

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: A motion was made and seconded, Aguirre/Kauffman, to approve the minutes as presented with the following outcome: Kauffman, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 3-0.

IV. Postponements/Withdrawals: None

V. Use and Developmental Variances – public hearing item

20-08DV – Emily Moore and Carol J. Bartos and Priority One Construction, Inc., request developmental variances to allow a single family dwelling to be built on a lot 1,155 SF in area with an established lot line of 33' where such lots must be a minimum of 8,000 SF in area with established front lot lines not less than 66' in width; setbacks of 2' front and rear, where 25' is required, and 3' sides (north and south) where 8' is required; 58% building coverage where no more than 35% coverage is allowed; 528 SF of occupied space on the first floor where a minimum of 950 SF is required; no onsite parking spaces where a minimum of 2 spaces are required; and no trees where a minimum of 1 large street tree is required. The subject property is generally located at 621 ½ S 3rd Street and is zoned Residential R-1 District.

Staff Report:

Mr. Deegan explained the existing single-family house is partially located on a 1,155 SF lot and partially located within the right-of-way along River Race Drive. He explained that River Race Drive was formally an alley, improved to serve the residential development along the Millrace. He gave background information on the structure, noting it appears this residential unit was once a garage or shed, although it's unclear when it became a residential use. He also noted that City records show gas service was extended in 1974 with electric service provided in 1995. He went on to explain that the property is considered non-conforming

because it doesn't meet developmental requirements. He referred to an aerial on page 2 of the Staff Report which shows this structure was once located entirely on a 50' wide lot and explaining that the City purchased the property in 2005 and dedicated the western 15' of the lot as public right-of-way. When the structure was sold in 2019, a portion of the building remained in the right-of-way and the purchase agreement stated the owner may repair and maintain the structure, but if the City needed additional right-of-way in the future, the entire structure and remaining land would be taken by eminent domain.

Today's request is to demolish and rebuild instead of renovating the building. This would remove the portion of the house in the public right-of-way and reduce the lot size to 33' x 35'. For this reason, multiple developmental variances will be required and each were outlined. He further explained that Staff would not normally support relaxing so many of the R-1 standards, but pointed out this dwelling has existed without incident for decades, the adjacent Millrace Co-Housing also has small houses on small lots, and this structure will be removed from the public right-of-way.

Staff recommends approval of this request with multiple conditions, but noted the Planning Office has been contacted by a number of persons regarding this request with the following comments:

- Kay Mabie, 316 W Douglas, opposed, cited lack of parking;
- Merv Helmuth, 712 S 3rd, opposed, felt this lot should be abandoned;
- Merritt Lehman, 629 River Race Drive, opposed, cited lack of onsite parking;
- Amanda & Jessie Sensing, 622 S 3rd Street, support the petition, stating this will enhance the neighborhood.

Petitioner Presentation:

Emily Moore, 619 S 3rd Street, spoke on behalf of the petitioner. She stated she has lived at her residence for approximately 13 years and to her knowledge, this house has always been a rental and in poor condition. She said they reached out to the City in the hopes of purchasing the property for her out of state parents to live in once they retire. She stated she understands neighbor concerns regarding no onsite parking, but it won't be a fulltime residence. She also stated her parents could park their car at her property.

Mr. Holtzinger asked where tenants parked in the past.

Ms. Moore stated they parked adjacent to the curb, near the fire hydrant.

Mr. Kauffman stated this property has been in bad shape for a long time and agrees that this will be an improvement. He commented that there is available parking in the area and doesn't feel that one car will be a major concern.

Mr. Aguirre agreed that this would be an improvement, but asked how Ms. Moore would respond to neighbors that point out a future owner of the property would not have the ability to park at her home.

Ms. Moore replied that a lot of people on 3rd Street only have street parking so this would be consistent with what happens in the neighborhood now.

Craig Stahly, 57930 Stonecreek Ct, also spoke on behalf of the petitioner. He's the contractor for this project and stated the aesthetics of the new house will match what's across the street on River Race Drive. He stated he also understands neighbor concerns, but feels this will improve the property.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Holtzinger agreed with Mr. Kauffman that this will be a vast improvement on the property and make good use of the small lot.

Mr. Aguirre asked if street parking is allowed.

Mr. Deegan referred to the zoning map included in the packets, noting this property is zoned Residential R-1. He noted that River Race Drive, adjacent to this property is approximately 17' wide and was previously an alley, pointing out it was designed to have slower traffic. He stated that in discussions with the City's traffic engineer he discovered that if there are no "No Parking" signs present, parking is not prohibited. He pointed out its not appropriate to park on such a narrow street, but explained this would need to be determined by the Traffic Commission. He went on to say parking is available farther north on River Race Drive, as well as parking north of the Co-Housing project, north along 2nd Street. He also pointed out this house will be within walking district to the downtown area.

Action:

A motion was made and seconded, Kauffman/Aguirre, to find with the recommendations and conclusions of the Staff Analysis and approve 20-08DV with the seven conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Kauffman, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 3-0.

20-05UV – Vine Church, Inc., and Signtech Sign Services request a use variance to allow an approximately 207 SF illuminated wall sign where churches are a conditional use allowing one non-illuminated wall sign not exceeding 36 SF in area. The subject property is generally located at 2616 Peddlers Village Road, Suite 2, and is zoned Commercial B-3 PUD District.

Staff Report:

Mr. Deegan explained this is Suite 2 of an approximate 55,000 SF building known as the Mega Plaza. Planet Fitness occupies Suite 1. This building is part of Peddlers Village PUD and contains a variety of commercial businesses.

He explained that churches are a conditional use in all zoning districts and approved administratively if all conditions are met. He gave background information on previous variances approved for the church, noting a variance was granted in 2010 allowing a church on the property that didn't meet the minimum setback from residential zoning. A number of conditions were included with that approval, one of which limited the size of the congregation. In May, 2019 the BZA approved changes to the 2010 variance and eliminated all of the conditions.

Mr. Deegan referred to the rendering in the Staff Report and explained that today's request is to allow a 207 SF illuminated wall sign on the front façade of the building, where the conditional use requirements limit churches to one non-illuminated wall sign, not to exceed 36 SF.

Mr. Deegan stated that Staff supports this request, pointing out that the illuminated sign does not face any residential zoning district, is visible from both Peddlers Village Road and Elkhart Road, and is surrounded by commercial uses. He also pointed out there is no limit on the size of wall signs in the Commercial B-3 District, provided they do not exceed 40 percent of the signable wall area and 30' in height for two stories. The proposed sign covers approximately 30 percent of the signable wall area and has an overall height of 21'.

Mr. Deegan stated that Staff recommends approval because it fits the character of the surrounding area and won't be harmful to surrounding properties. He noted that the Planning Office was not contacted by any adjacent property owners regarding this request.

Mr. Holtzinger asked how the proposed sign compares to the adjacent sign at Planet Fitness.
Mr. Deegan stated the two signs are comparable.

Petitioner Presentation:

Ed Wright, no address given, spoke on behalf of The Vine Church. He stated as they've expanded over the years, they like to upgrade properties, explaining that this property was deteriorating when they purchased it last year and they knew they had a lot of work to do. They obtained permits and received final building inspections last week. This sign is one of the last steps they need in order to help people find them. He stated they have tried to keep the size and décor of the sign appropriate for the area. They are requesting an illuminated sign because they have Wednesday evening services and feel it's a necessary part of the design.

Mr. Aguirre asked if the sign would be illuminated all of the time.

Mr. Wright stated they are looking at "dusk to dawn" type lighting and that it would be each day and not just when the church is being used. He pointed out the additional lighting would also help with security in the area.

Mr. Aguirre asked if Mr. Wright has received any comments from neighbors concerning the proposed sign.
Mr. Wright stated he has not.

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, also spoke to the petition. He stated when they began working with The Vine Church, they were not aware of the limited size of signs for churches and had done a substantial amount of design work. They felt they came up with a very nice sign and one that was well below the maximum size if it was designed for a commercial business.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Holtzinger stated that he was impressed with the improvements to the building and finds that the proposed sign fits in this commercial environment. He stated this sign is acceptable to him.

Action:

A motion was made and seconded, Holtzinger/Aguirre, to find with the recommendations and conclusions of the Staff Analysis and approve 20-05UV with the four conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Kauffman, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 3-0.

VI. Audience Items:
None

VII. Staff Board Items:
None

VIII. Adjournment: 4:35 pm Aguirre/Kauffman

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Richard Aguirre

Richard Aguirre, Secretary