

Minutes - Goshen Board of Zoning Appeals  
Tuesday, December 22, 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, Aracelia Manriquez, Scott McKee and Richard Aguirre. Member Tom Holtzinger was physically present, along with Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

**II.** Assistant Planner Rossa Deegan read the following statement: We begin this meeting during a declared public health emergency covering all of the State of Indiana. Board members Richard Aguirre, Allan Kauffman, Aracelia Manriquez and Scott McKee are participating in this meeting by electronic communication pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 20-49, 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.

Per Mayor Jeremy Stutsman's Executive Order 2020-16, public attendance at City of Goshen meetings is currently limited to virtual only, following City of Goshen Rules for Virtual Public Meetings. Public comments for the Board of Zoning Appeals will be limited to no more than three minutes per person, and members of the public exceeding the three-minute limit will be muted.

Assistant Planner Rossa Deegan reminded members that because some board members are participating via electronic communication, all votes must be roll call.

**III.** Approval of Minutes from 11/24/20: A motion was made and seconded, Kauffman/Aguirre, to approve the 11/24/20 minutes as presented with the following outcome: Aguirre, yes; Holtzinger, yes; Kauffman, yes; Manriquez, yes; McKee, yes. The motion passed unanimously by a vote of 5-0.

**IV.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: A motion was made and seconded, Aguirre/Kauffman, to file the Zoning/Subdivision Ordinances and Official Staff Reports into Record with the following outcome: Aguirre, yes; Holtzinger, yes; Kauffman, yes; Manriquez, yes; McKee, yes. The motion passed unanimously by a vote of 5-0.

**V.** Postponements/Withdrawals:

**20-13UV & 20-25DV – WITHDRAWN AT THE REQUEST OF THE PETITIONER**

Grey Dog Properties LLC and Jeremy Friesen & Jenny Frech request a use variance to allow soap production where such use is permitted in the Industrial M-1, M-2, and PUD Districts, and a developmental variance to allow no parking spaces where 1 parking space is required. The subject property is generally located at 307 E Purl Street and is zoned Residential R-1.

Note: This withdrawal was accepted by staff on behalf of the Board of Zoning Appeals, and notices of the withdrawal were sent out prior to the BZA meeting in accordance with the BZA Rules.

**VI. Use and Developmental Variances – public hearing items**

**20-14UV & 20-26DV – Len & Marcia Morris and Bud Walterhouse** request a use variance to allow a 20.5' x 40.5' (831 sf) greenhouse where private greenhouses are a conditional use permitting a maximum of 200 sf of occupied space or floor area, and a developmental variance to allow approximately 4,960 sf of detached accessory buildings where the total building footprint area of all detached accessory buildings shall not exceed the building footprint area of the primary residential dwelling. The subject property is generally located at 2614 S Main Street and is zoned Residential R-1.

*Staff Report:*

Mr. Deegan provided a brief summary of the Staff Report, stating this property is a now 5.5-acre single family property with frontage alongside South Main Street and Kercher Road. It is surrounded to the north, south and west by single family homes, and to the east there is a property with grain silos, the Winona Trail and the railroad. The request is to construct a greenhouse, approximately 831 sf, as part of the process in creating a large private garden. The proposed greenhouse would be an addition to the existing accessory structures which include a garage, pool house, shed and barn. Mr. Deegan explained that the request requires a use variance as private greenhouses are permitted as a conditional use in the R-1 District but only with up to 200 sf of floor space. A developmental variance will also be required as the combined footprint of the detached structures will be approximately 4,960 sf, exceeding the footprint of the approximately 3,045 sf home. Mr. Deegan stated staffs support the request given, the size of the property and ample distance from all property lines, it is unlikely the greenhouse will have a negative visual impact to surrounding properties. Furthermore, the petitioners have stated the use of the greenhouse will be for the property owners only and not commercial or distribution to others which supports the Comprehensive Plan's goal of promoting local food systems. Mr. Deegan stated the Planning Office was contacted by two property owners- 2612 South Main Street via email and 2700 Martin Manor Drive by phone. The contact by 2700 Martin Manor Drive wanted an explanation of the petition and did not have any objections. The email from the property owner at 2612 South Main Street was provided to board members.

*Petitioner Presentation:*

Bud Walterhouse, 55615 Riviera Dr, Elkhart, spoke on behalf of the petitioner. He stated this has been a year and a half process. He stated his wife is employed as a gardener for the Morris', and he has been tasked with further property development. He stated the proposed greenhouse will have glass and polycarbonate sides, not plastic. He stated approximately 40 trees have been planted on the property in an effort to further develop the property and provide additional landscaping.

Mr. Holtzinger asked Mr. Walterhouse if the greenhouse will be visible from the road. Mr. Walterhouse replied probably not as it would be behind the house from South Main Street and likely not from Kercher Road.

Mr. Kauffman asked Mr. Walterhouse how far approximately would the greenhouse be from the adjacent property line. Mr. Walterhouse replied approximately 105' to the north, 90' from the south and 90' from the grain bin.

Mr. Kauffman asked whether Mr. Walterhouse or the property owner has had any discussion with the adjacent property owner regarding the petition. Mr. Walterhouse replied there has not been discussion as the neighbors are not on good terms.

Mr. Kauffman asked Mr. Deegan whether new construction can be built closer to a property line in a residential district than what the greenhouse is proposed to be. Mr. Deegan stated that a greenhouse not exceeding 200 sf could be placed 5' from the property line without needing a setback variance.

Mr. Holtzinger asked Mr. Walterhouse if additional screening can be placed between the neighbors. Mr. Walterhouse replied that there are already four large trees and a 7' fence alongside the property line.

Mr. Kauffman asked Mr. Walterhouse whether the existing cement slab will be removed. Mr. Walterhouse replied much of it will be removed, but some will be maintained for a compost pile.

Mr. Aguirre asked Mr. Walterhouse why such a large proposed greenhouse and clarified the purpose is not commercial. Mr. Walterhouse replied that the greenhouse would be for private use only.

Mr. Aguirre asked Mr. Walterhouse how long the petitioners have been neighbors with the adjacent property owners and whether the relationship has always been poor. Mr. Walterhouse stated maybe 10 years, and, yes, the relationship has generally been poor the entire time.

Mr. Aguirre asked Mr. Walterhouse to comment on a claim by the adjacent property owner that the greenhouse would be out of character with surrounding properties. Mr. Walterhouse replied he doesn't believe so, and the petitioner is trying to embrace the historical nature of the property. He further stated that the petitioner has connected with another nearby property owner for landscaping development ideas, citing the other nearby property owner's garden as a "model property".

*Audience Comments:* There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

Mr. Deegan noted the proposed location of the greenhouse on the aerial view. The proposed location of the greenhouse is between the pool and the grain silos, in a grassed area, with a tree line along the property line.

Mr. Kauffman stated he was unsure how the proposed improvements to this property can be problematic for nearby property owners.

Mr. Aguirre asked what percentage of a mid-section of the aerial view will be occupied by the greenhouse. Mr. Walterhouse replied maybe a 10<sup>th</sup> of that section and stated the approximate height is 16'.

Mr. Aguirre asked Mr. Deegan whether there was anything that dictates what types of structures are not permitted due to historical preservation purposes. Mr. Deegan responded no in terms of Goshen City Zoning ordinances or other City ordinances.

*Action:*

A motion was made and seconded, Aguirre/Kauffman, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 20-14UV & 20-26DV with the conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Aguirre, yes; Holtzinger, yes; Kauffman, yes; Manriquez, yes; McKee, yes. The motion passed unanimously by a vote of 5-0.

**VII.** Audience Items - None

**VIII.** Staff Board Items:

- 20-06UV, 2339 Eisenhower Drive North, 6-month extension, 01/28/21 – 07/28/21

Mr. Deegan explained the plans for this item are still being reviewed in the Technical Review process and the variance may expire on 01/28/21 if final approvals have not been granted at that point. A request to extend the variance through 07/28/21 is being made.

*Action:*

A motion was made and seconded, Kauffman/Aguirre, to approve the 6-month extension. A roll call vote was requested with the following outcome: Aguirre, yes; Holtzinger, yes; Kauffman, yes; Manriquez, yes; McKee, yes. The motion passed unanimously by a vote of 5-0.

**IX.** Adjournment: 4:28pm

Respectfully Submitted:

/s/ Meaghan Bylsma  
Meaghan Bylsma, Recording Secretary

Approved By:

/s/ Tom Holtzinger  
Tom Holtzinger, Chair

/s/ Richard Aguirre  
Richard Aguirre, Secretary