

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 26, 2021, 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: Richard Aguirre, Aracelia Manriquez, Mike Potuck, and Lee Rohn. 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, Aracelia Manriquez, Mike Potuck, and Lee Rohn are participating in this meeting by electronic communication pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 20-52, 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. 2021 Board of Zoning Appeals Appointments

- *Lee Rohn - Appointed by Council, 1/1/21-12/31/24*
- *Mike Potuck – Appointed by Mayor to replace Allan Kauffman, 1/1/20-12/31/23*

IV. Election of Officers for 2021:

A motion was made and seconded, Aguirre/Potuck, to appoint Aracelia Manriquez as Chair, with the following outcome: Manriquez, yes; Potuck, yes; Aguirre, yes; Rohn, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

A motion was made and seconded, Aguirre/Potuck, to appoint Tom Holtzinger as Vice-Chair with the following outcome: Manriquez, yes; Potuck, yes; Aguirre, yes; Rohn, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

A motion was made and seconded, Holtzinger/Manriquez, to re-appoint Richard Aguirre as Secretary with the following outcome: Manriquez, yes; Potuck, yes; Aguirre, yes; Rohn, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

V. Approval of Minutes from 12/22/20: A motion was made and seconded, Aguirre/Holtzinger, to approve the 12/22/20 minutes as presented with the following outcome: Manriquez, yes; Potuck, yes; Aguirre, yes; Rohn, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

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

VII. Postponements/Withdrawals
None

VIII. Developmental Variances – public hearing items

21-01DV – Integrity Remodeling and Construction, Inc., requests a developmental variance to allow a 9’ front yard setback where 25’ is required along Harrison Street for a 20’ x 12’ (240 sf) room addition. The subject property is generally located at 1021 W Lincoln Avenue and is zoned Residential R-2 District.

Staff Report:

Mr. Deegan explained the petitioners propose a small addition of approximately 480 sf to this small one-story single family home. The property is located at the corner of Lincoln Avenue and Harrison Street and is surrounded by other single-family residences, with a multi-family housing unit to the west. Because this property has frontage on two streets, they are required to meet the minimum 25’ front setback along both Lincoln Avenue and Harrison Street. He explained the existing home currently has a 9’ setback from Harrison Street and this addition will match that setback. He pointed out this property is surrounded by similar buildings with similar setbacks.

Mr. Deegan stated for the record that the Planning Office was contacted by two neighboring property owners that needed clarification of the request. Following an explanation by Planning staff, neither property owner had concerns regarding this request.

Petitioner Presentation:

Frank Alfrey, 20029 Regina Road, New Paris, spoke on behalf of the petitioner. He stated he was familiar with the Staff Report and had nothing to add.

Mr. Aguirre asked what the existing square footage is and what it will be with the addition.

Mr. Alfrey stated the existing home is approximately 480 sf and once remodeled, the square footage will be 620 sf. (*Post-meeting Note: Square footage is 720 after the addition: 480 sf existing plus 240 sf addition.*)

Audience Comments:

Carlos Perez, 108 N Harrison Street, spoke to the petition. He asked for clarification on the setback.

Mr. Alfrey stated that this addition will not affect any other property and will not change property lines.

The public hearing was closed.

Staff Discussion:

Mr. Aguirre asked if this addition would be in character with the surrounding neighborhood.

Mr. Deegan stated that this is typical and referred Board members to the zoning map included in packets. The map shows small lots with front and side setbacks that don’t appear to meet the minimum standards of the current zoning ordinance.

Action:

A motion was made and seconded, Aguirre/Holtzinger, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-01DV with the 3 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Manriquez, yes; Potuck, yes; Aguirre, yes; Rohn, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

21-02DV – Philip A Kaufman and Richard & Amy Worsham request a developmental variance to allow a 5’ front yard setback where 25’ is required along Cottage Avenue for the construction of a 14’ x 26’ (364 sf) detached garage. The subject property is generally located at 905 S 8th Street and is zoned Residential R-1 District.

Staff Report:

Mr. Deegan explained this property is a through lot, with frontage on S 8th Street and Cottage Avenue. The request is for the construction of a one car garage with a 5’ setback along Cottage Avenue where 25’ is required. He explained the BZA recently approved a similar request at 620 S 7th St. That approval was also for a detached garage with a 5’ setback along Cottage Avenue. In both cases the garages meet the characteristic of the neighborhood.

Staff recommends approval of the request and noted that no inquiries about this request were received by the Planning Office.

Petitioner Presentation:

Richard Worsham, 905 S 8th Street spoke on behalf of the petitioner. He stated that this is very typical of the neighborhood and the intention is that this garage will fit the character of the neighborhood.

Mr. Holtzinger asked if this will allow the property owners to have all of their vehicles out of the right-of-way.

Mr. Worsham stated that no, that they typically park on 8th Street where there is ample parking, but this will allow for a second vehicle or a boat.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Holtzinger/Manriquez, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-02DV with the 3 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Manriquez, yes; Potuck, yes; Aguirre, yes; Rohn, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

- IX.** Audience Items
- None

X. Staff Board Items:

- Residency form for Lee Rohn
- Residency form for Mike Potuck

Mr. Deegan noted for the record that signed residency forms have been received from Lee Rohn and Mike Potuck. New members were welcomed to the BZA.

XI. Adjournment: Manriquez/Aguirre 4:25 pm

A roll call vote was requested with the following outcome: Manriquez, yes; Potuck, yes; Aguirre, yes; Rohn, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Aracelia Manriquez

Aracelia Manriquez, Chair

/s/ Richard Aguirre

Richard Aguirre, Secretary