

Minutes - Goshen Board of Zoning Appeals  
Tuesday, May 25, 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, Tom Holtzinger, and Lee Rohn. Member Aracelia Manriquez was physically present, along with Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: Michael Potuck

**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, Tom Holtzinger, and Lee Rohn are participating in this meeting by electronic communication pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 21-11, Indiana Code 5-14-1.5-3.7 as well as guidance from Indiana Public Access Counsellor Luke Britt. Board member Aracelia Manriquez is physically present in City Council Chambers as we begin this meeting.

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

**III.** Approval of Minutes from 4/27/21: A motion was made and seconded, Aguirre/Holtzinger to approve the 4/27/21 minutes as presented with the following outcome: Holtzinger, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 4-0.

**IV.** 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: Holtzinger, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 4-0.

**V.** Postponements/Withdrawals  
None

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

**21-12DV** – Lena Smediuk and Cut Cost Construction, Inc. request a developmental variance to allow a front building setback of 8' where 30' is required for a 157 sf two-story porch addition. The subject property is generally located at 318 Dewey Avenue and is zoned Residential R-2 District.

*Staff Report:*

Mr. Deegan explained today's request is to allow an 8' front setback where 30' is required for an addition to the front of the home. The addition would include a first and second story porch., with the footprint of the home enlarged by approximately 157 SF, bringing the home 3' closer to the front property line and making the front setback 8' where 25' is required by the Zoning Ordinance. He went on to say Staff feels the variance request is warranted and pointed out existing homes on the same side of the street in this block have an average front setback of 10' and the neighboring property to the south has a setback of approximately 5'. He also noted that all other developmental requirements will be met. The Planning Office received no inquiries regarding this request and recommends BZA approval.

*Petitioner Presentation:*

Chuck Hochstetler, Cut Cost Construction, 20100 County Road 146, New Paris, spoke on behalf of the petitioner. He stated he's joined by the property owner, Lena Smediuk and that they are familiar with the Staff Report and have nothing to add.

Mr. Aguirre asked if this will be an all-season porch.

Mr. Hochstetler responded yes.

*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/Aguirre, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-12DV with the 3 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Holtzinger, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 4-0.

**21-13DV** – Kendall L. Green & Thressa A. Green request a developmental variance to allow a fence 6' in height in the front yard setback where fences cannot exceed 4' in height. The subject property is generally located at 411 N 2<sup>nd</sup> Street and is zoned Residential R-1 District.

*Staff Report:*

Mr. Deegan explained this request is for a 6' fence located within the front yard setback, where the maximum height allowed is 4'. He explained that the petitioner is requesting this variance because she has a dog which has been escaping the existing 4' fence. He went on to say that the lot is just shy of 5,500 SF in area and the footprint of the home and other structures on the property is nearly 2,600 SF, making building coverage nearly 50%. He pointed out that because of the high building coverage, there would be little room for a pet area if the fence is moved back to meet the zoning requirements. He explained the proposed fence would be approximately 10' from the front property line, but would also be located behind the front wall of this home and the home to the south. He advised that no inquiries were received concerning this request and the Planning Office recommends approval.

*Petitioner Presentation:*

Thressa Green, 411 N 2<sup>nd</sup> Street, spoke on behalf of the petitioner. She stated she is familiar with the Staff Report and has nothing to add.

*Audience Comments:*

Jerlyn Yoder, 407 N 2<sup>nd</sup> Street, spoke in support of the petition. She stated she is the next door neighbor to the south and she has no concerns regarding this request.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Board members.

*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 21-13DV with the 5 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Holtzinger, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 4-0.

**21-14DV** – Star Truck Rentals, Inc. and Abonmarche Consultants request a developmental variance to allow a 15' front yard setback where 35' is required for the expansion of a parking/driving aisle. The subject property is generally located at 1715 E Lincoln Avenue and is zoned Commercial B-3 District.

*Staff Report:*

Mr. Deegan explained this property is 9.4 acres in size and Planning records indicate it has been a garage and leasing business since at least 1977. The petitioners would like to make changes to the property which include repaving existing gravel parking and driving areas with asphalt. The parking and driving area would also be expanded by approximately 1.39 acres and a stormwater retention basin would be installed on the southeast corner of the property.

Mr. Deegan stated this project is being reviewed through Technical Review, but a small portion of the new pavement in the front yard setback requires a developmental variance. He referred to the site plan included in the Staff Report which shows the portion of the project requiring a variance, pointing out the existing area of the pavement in the front setback will be pulled back from the right-of-way as it is repaved making the property less nonconforming, and that most of the newly paved area in the front yard setback does not need a variance. He noted that because they are bringing the existing paved area closer to compliance, the overall project will add to the value of adjacent properties and gravel is less likely to be tracked into the right-of-way.

He advised that the Planning Office was contacted by two adjacent property owners, both asking for clarification on the request, and neither having any objection to the request once it was explained. Staff recommends approval.

*Petitioner Presentation:*

Crystal Welsh, Abonmarche Consultants, 1009 S 9<sup>th</sup> Street spoke on behalf of the petitioner. She stated the intention of this project is to make the property more attractive. She noted that there is a small retention area now, but with the extension of the parking lot, stormwater management will be included as part of the project. She also noted that some of the gravel parking will be converted into paved parking.

Mr. Aguirre asked if there have been stormwater issues on this site.

Ms. Welsh stated that she's not aware of any issues. She stated that the owners acquired additional property a couple years ago and some of that property will be used for the stormwater management facility.

*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, Aguirre/Holtzinger, to adopt the staff recommendations as the findings

of the Board, and based on these findings, approve 21-14DV with the 4 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Holtzinger, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 4-0.

**21-15DV** – Caspers Coin & Jewelry Goshen Inc. and Signtech Sign Services, Inc. request a developmental variance to allow a 0' front yard setback where 5' is required for a freestanding sign 18 sf in area and 15' in height. The subject property is generally located at 603 W Pike Street and is zoned Commercial B-3 District.

*Staff Report:*

Mr. Deegan explained this request is to add a sign to an existing freestanding pole structure, located in front of the property, along Pike Street. The 3'x 6' sign will have a zero foot setback where a minimum of 5' is required. He explained that a building addition was approved in 1967 which allowed a 4' front setback. It also appears the right-of-way along Pike Street has been expanded from 66' to 80'. He advised that because there is no other place where this sign can meet the 5' setback requirement, this request is reasonable. The primary use along this corridor is commercial with many prominent free-standing signs and signs close to the right-of-way. He also noted the sign will be completely on the subject property and will not impede traffic or pedestrians. He also noted that one condition of approval is that a temporary sign on the property shall be removed until it has been approved with a zoning clearance.

There were no inquiries regarding this request.

Mr. Holtzinger asked if the post was originally a sign post.

Mr. Deegan stated that the Planning Office has no record of what the post was used for and suggested the question be addressed by the petitioner.

*Petitioner Presentation:*

Todd Lehman, Signtech Sign Services, 1508 Bashor Road spoke on behalf of the petitioner. He stated judging by the way the steel pole is built, he assumes it was previously used for a sign. He said the sign would likely have been free-swinging because there is no lower bar. He stated the sign he installs will not swing and will have a structure built all around it.

Mr. Aguirre questioned the condition of the pole.

Mr. Lehman stated the pole is in great shape and will be reused.

Mr. Aguirre asked how close the sign is to the parking area.

Mr. Lehman stated the sign is on the opposite side of the building from the parking lot.

Mr. Deegan stated it doesn't appear the vision clearance area will be a concern.

*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/Rohn, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-15DV with the 4 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Holtzinger, yes; Rohn, yes; Aguirre,

yes; Manriquez, yes. The motion passed unanimously by a vote of 4-0.

**VII.** Audience Items  
None

**VIII.** Staff Board Items

Mr. Aguirre asked Mr. Deegan if he could provide a report at an upcoming meeting regarding activity for new housing units in Goshen.

Mr. Deegan stated he will look into it and provide information soon.

**IX.** Adjournment: 4:30 pm

Respectfully Submitted:

/s/ Lori Lipscomb  
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Aracelia Manriquez  
Aracelia Manriquez, Chair

/s/ Richard Aguirre  
Richard Aguirre, Secretary