

Minutes - Goshen Board of Zoning Appeals
Tuesday, June 22, 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: Richard Aguirre, Michael Potuck, and Lee Rohn. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: Tom Holtzinger, Aracelia Manriquez

II. Mr. Deegan stated that both the Chair and Vice-Chair are absent from today's meeting and a temporary chair should be chosen from remaining Board members for today's hearing. He asked for a nomination and second.

Action:

A motion was made and seconded, Potuck/Rohn, to appoint Richard Aguirre as temporary chair for today's meeting. The motion passed unanimously by a vote of 3-0.

III. Approval of Minutes from 5/25/21: Rohn/Potuck 3-0

IV. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Potuck/Rohn 3-0

V. Postponements/Withdrawals
None

VI. Developmental Variances – public hearing items

21-16DV – Keystone RV Company and Jones Petrie Rafinski request developmental variances to allow a front yard setback of 20' where 35' is required along Kercher Road, a front yard setback of 3' along Sourwood Drive and a 5' setback along Linden Drive where 30' is required, and to allow 104 parking spaces 18' in length where a minimum of 20' in length is required for a parking lot expansion. The subject property is generally located at 2442 E Kercher Road and is zoned Industrial M-1 District.

Staff Report:

Mr. Deegan explained this property is almost 3 acres in size, with frontage along Kercher Road, Sourwood Drive, and Linden Drive. This property is owned by Keystone RV who has a large manufacturing facility nearby and will use this area for a new 328 space employee parking lot. To accommodate driving aisles and the number of parking spaces, encroachment into the setbacks is required. Additionally, 104 of the parking spaces will be reduced in size to 18' in length instead of the required 20'. He pointed out that the 5' setback requested along Linden Drive is only for the southwest corner of the new paving, with most of the setback along Linden Drive at 12'. He also noted that the setback along Sourwood is 3' at the narrowest point, with a 22' setback for most of the distance. He explained how this parking lot will help eliminate haphazard parking which is a recurring issue in the industrial park. He pointed out there will still be plenty of parking spaces for employees driving longer vehicles and that the petitioner will be able to meet the required 24' driving aisle.

Mr. Deegan noted for the record that the Planning Office was not contacted by any adjacent property owners regarding this request.

Petitioner Presentation:

Matt Schuster, Jones Petrie Rafinski, 300 Nibco Parkway, Elkhart spoke on behalf of the petitioner. He stated access to this parking lot would come from the west end of Linden Drive. He stated that in addition to the requested variances, perimeter fencing is proposed along the property which will prevent vehicles from driving through the right-of-way. He asked that the Board approve the request.

Mr. Aguirre asked if this parking lot is for existing employees or if they anticipate new employees. Mr. Schuster stated this is for existing employees.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Aguirre questioned if this project will be reviewed in Technical Review. Mr. Deegan confirmed that it will.

Action:

A motion was made and seconded, Rohn/Potuck to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-16DV with the 3 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

21-17DV – Larry D. Troyer requests developmental variances to allow a fence 6’ in height in the front yard setbacks on Baker Avenue and Harrison Street where fences cannot exceed 4’ in height. The subject property is generally located at 1105 Baker Avenue and is zoned Residential R-2 District.

Staff Report:

Mr. Deegan explained this property is located at the corner of Baker Avenue and Harrison Street and a 6’ fence is in the front yard setback along both streets. The petitioner would like to replace the existing fence and extend its location along the side and rear property lines. The variance is required because the zoning ordinance allows a fence with a maximum height of 4’ in the front yard setback. He reminded Board members that last month the BZA approved a 6’ fence located behind the front wall of the home along North 2nd Street, pointing out that the proposed fence along Baker will also be located behind the front wall of the house. He also pointed out that the portion of Harrison Street located south of West Goshen Elementary is only a block long, functioning more like an alley than a street, and no homes have true frontage on Harrison. He also noted that the 6’ fence will not face the front doors of any of the homes.

Staff received no inquiries regarding this property and recommends the BZA approve the request.

Petitioner Presentation:

Larry Troyer, 1105 Baker Avenue, spoke on behalf of the petitioner. He stated he is familiar with the Staff Report and has nothing to add.

Mr. Aguirre asked if there was much traffic along Harrison Street.

Mr. Troyer stated that this is a fairly quiet part of the neighborhood, with the majority of the traffic belonging to neighbors.

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, Rohn/Potuck, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-17DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

21-18DV – Newspaper Holdings, Inc. and Schrock Commercial Construction request a developmental variance to allow alterations to the front façade of a building with a cornice and columns made with an exterior finish insulation system where visible exterior walls of rebuilt or altered buildings shall be visually compatible to the historical and architectural style, general design, arrangement, size, texture, and materials of the existing pre-1910 buildings on Main Street between Clinton Street and Jefferson Street. The subject property is generally located at 112-114-116 S Main Street and is zoned Commercial B-2 HD DD.

Staff Report:

Mr. Deegan explained this request is for the *Goshen News* building which is located in the downtown district and subject to the standards of the Commercial B-2 District, the Historic District Overlay (HD), and the architectural standards of the Downtown District (DD). He explained the Downtown District regulations pertain to buildings fronting Main Street and located between Clinton Street and Jefferson Street.

Changes are requested to update the building's façade to make it safer. The existing façade has materials that are relatively modern, including plaster and brickwork on the first and second stories, as well as aluminum doors and windows. The plastered areas cover a majority of the north façade and the border running around the entire façade. He explained the petitioner would like to use a material called EFIS to repair the aging and damaged portions of the plaster, and add a cornice, columns, and trim details. Existing sconces would be replaced with gooseneck lamps and a canopy would be placed above the first story windows and doors. The building would also be power washed and painted. He explained that developmental variances are required because these changes differ from the architectural standards and listed those requirements. He noted that Staff supports some, but not all of the requested variances. Staff supports an amended approval, containing the following conditions:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. Approval by the Goshen Building and Fire Departments is required.
5. Use of Exterior Finish Insulation System (EFIS), brick, and plaster to replace damaged portions of the façade in a design that is consistent with the existing façade shall be permitted, provided use of these materials does not impact the historic façade if still existing under the current façade.
6. Replacement of existing sconces with gooseneck lamps as shown on "The Goshen News – Proposed Façade Changes – Elevation Received June 10, 2021" shall be permitted.
7. Installation of a canopy above the first-floor windows and doors as shown on "The Goshen News – Proposed Façade Changes – Elevation Received June 10, 2021" shall be permitted provided it is approved by the Board of Public Works.
8. Cleaning and painting the existing brick shall be permitted.
9. An updated elevation of the proposed work shall be provided to Planning for review before the zoning clearance form is signed and before any permits are issued.
10. Installation of cornice, column, and trim details as shown on "The Goshen News – Proposed Façade Changes – Elevation Received June 10, 2021" shall be prohibited.

Mr. Deegan stated that two inquiries were received concerning this request and both asked that this petition be denied.

Petitioner Presentation:

Austin Ham, Schrock Commercial, 2325 Messick Drive, spoke on behalf of the petitioner. He stated this renovation will update to a more traditional style and match other structures in the downtown district.

Mr. Aguirre asked what work is currently being done at the building.

Mr. Ham stated because the existing plaster is water logged, it has rotted and beginning to fall off of the building.

Mr. Aguirre asked if they have been in touch with the façade committee to inquire about matching funds.

Mr. Ham stated they have spoken with Dave Pottinger, but the committee did not offer enough funds to be of help in restoring the building.

Mr. Aguirre asked Mr. Ham's response to Staff's conclusion that the design is not compatible with the pre-1910 style.

Mr. Ham stated they feel the design is compatible.

Mr. Aguirre asked Mr. Ham if the conditions of approval recommended by Staff are something they can work with.

Mr. Ham agreed that Staff's recommendations would be workable.

Doug McAvoy, 114 S Main Street also spoke to the petition. He stated that they spoke with Dave Pottinger on a number of occasions and that they want to comply with the downtown requirements. He noted they are willing to work with the Board, but explained he's concerned about pulling the façade off the building, not knowing if the existing mortar and brick will withstand the repair work. He also stated that the façade committee advised they can fund \$10,000/year which will not cover the cost of these repairs. He noted stucco is falling and not only does the building look bad, they're concerned for pedestrians that walk by the building each day. He stated they have spoken with Mr. Pottinger about taking this all the way back, but fear it will be expensive and time consuming.

Mr. Aguirre asked if Mr. McAvoy feels the conditions listed by the Staff are reasonable.

Mr. McAvoy stated yes.

Audience Comments:

Michelle Horning, 309 E Washington spoke in opposition to the request. She stated she does not support this request because she feels their plan does not restore the building as required. She acknowledged safety is a concern, but would like to see them work harder to match other downtown buildings.

Dave Pottinger, 107 Gra Roy Drive, also spoke to the petition. He provided a brief history of previous discussions with *Goshen News* officials concerning the renovation of the building. He confirmed that he and Mr. McAvoy found piles of bricks upstairs as well as the three original windows. He said it's a mystery where exactly the bricks were located and how much it would take to restore. He stated the Façade Committee's interest is in restoring this building back to its original form. He also explained how the existing 2nd floor façade is attached and how it will need to be removed.

Regarding the first floor façade, he recommended that they take another look at the project and stay as close to the historic rules as they can when moving forward.

Mr. Aguirre asked if he's in favor of the original proposal.

Mr. Pottinger stated the original proposal is not a restoration, but a repeat of what was done in 1950.

Mr. Aguirre asked if he favors the City's recommendations.

Mr. Pottinger said this is the only building we've had in years where we have the opportunity to remove something from the second floor and restore to the original design.

Ron Hoke, 1686 Edgebrooke Court, also spoke to the petition, stating he's also in opposition to the request. He explained the City's goal is that the remodel of a downtown building should match other historical buildings on Main Street and when compared to old photos, the proposed remodel does not do that. He acknowledged safety is an issue here, but agrees with Staff's recommendations and encouraged the Board to prohibit any cornice, columns, window work, or other work that will damage the façade hidden behind the 1950 work. He also

encouraged the petitioner to reach out to the façade committee and other groups with knowledge of Goshen's historic downtown.

Mr. Aguirre asked about the cost concerns for such a project.

Mr. Hoke stated that in addition to the Façade Committee funds, there are grants from EID and the Elkhart County Community Foundation and encouraged them to look into those for additional funding sources.

Petitioner Rebuttal:

Fred Ham, 2523 Messick Drive, addressed comments from the audience. He stated they are trying to work with the customer's budget and while grants are available, the \$10k per year through the grant program won't go far. He pointed out in order to get the look of the 1900's, the entire façade will have to be removed and they have no idea what they'll find underneath. He pointed out that basically a 2x4 wall was stuck to the old building and it's impossible to know what they'll uncover once it's been removed. He explained brick can be falling off or deteriorated and they can also find rot behind the existing wall. He acknowledged that this would not be a long term solution as the life expectancy of the renovation would be 20 to 25 years.

Mr. Aguirre and Mr. Rohn both asked if the petitioner is willing to look for additional funding.

Mr. Ham stated that it takes time to explore other options and the work needs to be done now.

The public hearing was closed.

Staff Discussion:

Mr. Aguirre asked if there is a requirement that an applicant work with the façade committee on their design.

Mr. Deegan stated there is no requirement.

Mr. Aguirre asked if a building can be remodeled with a more modern design.

Mr. Deegan explained that the ordinance requires that a new, rebuilt, or altered façade be visually compatible with the historic architectural design, so in order to remodel with a more modern design BZA approval would be required.

Mr. Aguirre asked about tabling this request to allow the applicant more time to work with the façade committee regarding funding.

Attorney Kolbus stated that would only delay the project and increase the chances of someone being injured.

Mr. Rohn asked if Staff is agreeable to allowing repair of the stucco and the addition of the canopy.

Mr. Deegan stated Staff's position is that they could repair any parts of the façade, but not create a cornice, columns, or damage the underlying portion of the historic façade.

Reopen public hearing

Mr. Rohn asked if the existing façade has rotted, causing the stucco to fall off.

Mr. Fred Ham responded yes, describing to the Board how the 1950 stucco had been attached to the original building façade.

Reclose public hearing

Mr. Rohn stated if this request is approved with Staff's recommendation, they can move forward with the repair work. That will allow them to address the safety issue and give them time to look for ways to obtain additional grant money.

Action:

A motion was made and seconded, Rohn/Potuck, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-18DV with the 10 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

VII. Audience Items
None

VIII. Staff Board Items

- 224 S 7th Street – 6-month extension for 20-09DV from 7/28/21 to 1/28/22
- 317 S 10th Street – 6-month extension for 20-10DV from 7/28/21 to 1/28/22

Mr. Deegan explained these two 6-month extension requests are for new single family homes that were approved for LaCasa last July. LaCasa has advised that they are still a few months away from getting started and would like an extension.

Action:

A motion was made and seconded, Aguirre/Potuck, to grant a 6-month extension for 224 S 7th Street and 317 S 10th Street from 7/28/21 to 1/28/22. The motion passed unanimously by a vote of 3-0.

IX. Adjournment: 4:57 pm Rohn/Potuck

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Aracelia Manriquez
Aracelia Manriquez, Chair

/s/ Lee Rohn
Lee Rohn, Secretary