

Minutes - Goshen Board of Zoning Appeals
Tuesday, January 25, 2022, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Lee Rohn, Tom Holtzinger, Bethany Campbell, Hesston Lauver (*new Plan Commission appointee*), and Ardean Friesen (*alternate member, appointed by the mayor to fill in for Michael Potuck*). Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. 2022 Board of Zoning Appeals Appointments

- Tom Holtzinger – Reappointed by the Mayor, 1/1/22-12/31/25
- Hesston Lauver - Plan Commission appointment to the BZA, 1/1/22-12/31/25
- Caleb Morris – BZA Alternate, Appointed by the Plan Commission 1/1/22-12/31/25
- Ardean Friesen & Angela McKenna, BZA Alternates Appointed by the Mayor, 1/11/22-12/31/23

III. Election of 2022 Officers

- A motion was made and seconded, Rohn/Lauver to appoint Tom Holtzinger as Chair.
- A motion was made and seconded, Holtzinger/Lauver to appoint Bethany Campbell as Vice-Chair.
- A motion was made and seconded, Holtzinger/Lauver to appoint Lee Rohn as Secretary.

The motions passed unanimously by a vote of 5-0.

IV. Approval of Minutes from 11/23/21: Rohn/Campbell 3-0 (*Lauver and Friesen ineligible to vote.*)

V. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Friesen/Lauver 5-0

VI. Postponements/Withdrawals - None

VII. Use & Developmental Variance – public hearing items

22-01DV – Ask3 Commercial, LLC and Gabriel Lopez request a developmental variance to allow a front building setback along N Harrison Street of 6’ where 25’ is required for a 96 sf cooler addition. The subject property is generally located at 1202-1204 W Pike Street and is zoned Commercial B-3 and Residential R-2 District.

Staff Report

Mr. Deegan explained this property is located along the Pike Street commercial corridor with some R-2 zoning on the south side of the property, noting that it’s also bordered by residential properties along the south. He explained the request is to open a grocery store at this location and the petitioner is working with the City in order to get approval for this change of use. Part of the remodel includes adding a cooler to the southeast corner, which will be flush with the wall along the east side of the building. The cooler will have a 6’ setback along Harrison Street where 25’ is required. He noted the cooler is relatively small at 96 sf and matches the existing east setback. Because it is not out of character, Planning recommends approval of the request. He noted for the record that one inquiry was received by the Planning Office from a neighboring property owner who voiced his support for this request.

Petitioner Presentation:

Michael Maust, 112 N Main Street, spoke on behalf of the petitioner. He stated the grocery store needs a walk-in cooler and this will be located near the deli. He explained the cooler will line up with the existing building and be consistent with what’s there.

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 22-01DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-02DV – 510 Apple, LLC, Beadle Huffman, LLC, and Abonmarche Consultants request a developmental variance to allow a front parking/driving aisle setback along Eisenhower Drive South of 20’ where 30’ is required for the construction of a new manufacturing facility. The subject property is generally located at 1778 Eisenhower Drive South and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this 10-plus acre property is located in the industrial park, with frontage on both the north and south ends, which classifies it as a through lot. A 73,000 sf industrial facility is proposed for the property and would face Eisenhower Drive South. Parking will be located along the north side of the building and will connect to the property to the east. Parking and stormwater retention will be located to the south. The parking/driving aisle to the south has a proposed setback of 20’ where 30’ is required, which causes the need for a developmental variance.

Mr. Deegan noted that the BZA approved this same setback request for the property to the east in 2004 and there is nothing to indicate this reduced setback has caused any concerns, which makes today’s request reasonable. No inquiries were received regarding this request and the Planning office supports the request.

Petitioner Presentation:

Crystal Welsh, 303 River Race Drive, Unit 206 spoke on behalf of the petitioner. She stated parking will be required and it seemed reasonable to line the new parking up with the front of the building along Eisenhower Drive. She pointed out that they are still able to meet the stormwater and landscaping requirements and asked that the request be approved.

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, Friesen/Campbell to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-02DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-01UV – Goshen Interfaith Hospitality Network, Goshen Community Schools, and Nuway Construction request a use variance to allow group housing quarters for temporary emergency housing where the use is conditional in the Residential R-1S, R-3, and PUD Districts and permitted in the Commercial B-3 District. The subject property is generally located at 801 W Wilkinson Street and is zoned Residential R-2 District.

Mr. Rohn recused himself from the following case at 4:13 pm.

Staff Report

Mr. Deegan explained this approximately 3-acre property is owned by Goshen Community Schools (GCS). Historically the property has been used as a school, with related uses such as a Headstart program, before and after

school child care, and college-level business classes. He referred to the aerial map in the Staff Report packet which shows area zoning, noting that its surrounded by residential use and zoning. He pointed out that the Pike Street commercial corridor is to the south and the Old Bag Factory is located to the northwest. He explained the previous school is now operating elsewhere and Goshen Interfaith has proposed using three of the classrooms on the north side of the building for temporary emergency housing for women and families. The program they propose here is currently operating at 502 N Main Street (St. Mark’s Church), where a use variance was granted by the BZA in 2017.

Mr. Deegan referred to the floor plan included with the Staff Report packet and discussed how the rooms would be used, pointing out the temporary emergency housing would be located in the north half of the building. He noted there will be no significant changes to the exterior of the property and interior renovations include repurposing rooms for bedrooms, a dining area, and office space in the northwest portion of the building.

Staff feels this request is reasonable, pointing out that the property has a history of family-centered institutional use and programming, and ample parking is available. While the Planning Office is not aware of any problems this use has caused for nearby residents at their current location at St. Mark’s Church, it’s unclear if this new location will have a negative effect on adjacent properties use and value, so Staff recommends an initial approval of three years. At the end of the 3-year period, a new application will be required and the petition must be reheard by the BZA. Staff also recommends a commitment, limiting the number of occupants to 24 as noted in the plans submitted by the petitioner. He stated the petitioner has pointed out there may need to be a distinction between occupants and staff, and the petitioner will need to discuss this matter when they present their comments.

Mr. Deegan noted for the record that the Planning Office received four general inquiries regarding this request. He explained that three of the four inquiries were from neighboring property owners and one was from a council representative. All of the inquiries were general in nature with no support or opposition stated. He also noted that late today, an email of support was received from the owner of 315 N Indiana Avenue, as well as separate emails from the owners of 401 N Indiana Avenue. He noted that letters from Goshen Interfaith and Goshen Community Schools were included as part of the staff report packets.

Petitioner Presentation:

Tim Wall, 20570 County Road 38, spoke on behalf of the petitioner. He stated the maximum number of occupants would be 24, but there would also be up to five staff members present to manage the facility.

Mr. Holtzinger asked what type of construction will take place.

Mr. Wall stated classrooms will be converted into sleeping rooms, and bathrooms will be renovated to include handicap accessible showers.

Mr. Lauver asked about the location of the main entrance.

Mr. Wall stated it will be at the north end of the building. He went on to say that the school will use the other half of the building and the two uses will be separated by a fire door in the corridor.

Mr. Friesen asked if the residents will be gone during the day.

Mindy Morehead, Executive Director of Goshen Interfaith Hospitality Network (GIHN), spoke on behalf of the petitioner. She stated their residents will not be gone during the day, explaining they are a 24/7 shelter.

Mr. Holtzinger asked how that works at their current location.

Mr. Morehead stated it’s worked well, except they are located on the second floor which is one of the reasons they want to relocate.

Mr. Holtzinger asked if there have been any neighbor complaints at their current location.

Mr. Morehead stated she’s not aware of any complaints.

Mr. Holtzinger stated he would like the Board’s permission to accept public comments supporting this request to be heard first, followed by public comments opposed to this request.

Action:

A motion was made and seconded Lauver/Campbell to allow public comments supporting this request first, followed by public comments in opposition to the request. The motion passed unanimously by a vote of 4-0.

Audience Comments:

Jan Oostland, 503 N Greene Road, spoke in support of the petition. He stated he's a co-owner of Nuway Construction, a 20-year volunteer, and a past board member of Goshen Interfaith. He stated he feels Goshen Interfaith does good work and the neighborhood will not be negatively impacted by their presence.

Jim Ballard, Behavioral Health Coordinator, Goshen Police Department, also spoke in support of the petition. He stated in the past year, he has only responded to GIHN one time and it was for a medical call. He stated he's had no other incidents and will have an office at the new facility, allowing him to quickly take care of any issues that might arise.

Mayor Jeremy Stutsman also spoke in support of the request. He stated he feels this is a great project and although there were concerns when they moved into St. Mark's, there have not been any problems. He complimented everyone involved with this project, assuring the public that everyone involved is very committed to this project and will work together to address any issues. He noted that the City of Goshen is committed to working with GIHN to have an on-site office for Officer Ballard, and a consistent police presence. He also stated the City is committed to building a park and explained that details have not been released because they want to meet with neighbors and find out what they want before any decisions are made.

Steve Hrynewycz, 401 N Indiana Avenue, also spoke in support of the request. He stated he feels this is good for the neighborhood and his church has housed residents many times. He went on to say there has never been a problem and feels this will help the neighborhood grow.

Steve Hope, Goshen Community Schools (GCS), also spoke in support of the request. He stated he feels this will not only be a great use of the building, but it will also be a great partnership between GCS and GIHN. He stated GCS will maintain a night school in the south side of the building and feels the greenspace will enhance the neighborhood. He confirmed that GCS and GIHN have committed to meet regularly with the neighborhood to address any concerns.

Laura Rhoades, Board Vice-Chair for IHN, also spoke in support of the request. She stated this program helps people get back on their feet, noting there is constant supervision with programs, etc. They also help transport children to school when necessary and feels this is an all-around good program.

Mr. Holtzinger asked what the average occupancy is this time of the year.
Ms. Morehead responded, saying the average is currently 21.

Holly Farrell, 414 Westfield Avenue, spoke in opposition to the request. She stated she has concerns about crime, traffic, property values, and safety of her children. She questioned what happens to women and children that are turned away from the facility and if families will be staying there that are involved in domestic abuse situations.

Brandon Miller, 712 Wilkinson also spoke in opposition to the request. He stated this proposed shelter seems to have materialized quickly and the neighborhood has found it overwhelming. He feels there needs to be a safeguard in place and agrees with limiting the initial approval to a specific timeframe, suggesting that he would favor a 2-year agreement. He appreciates the cap on the number of residents and wants assurances that GIHN will use the facility as presented. He is encouraged about the park that's been discussed, but because they've seen nothing in writing, they are concerned it won't happen.

Mr. Holtzinger asked if he had met with the school.
Mr. Miller stated there have been a couple of meetings and felt that the meeting he attended was productive.

Matt Puro, 817 W Wilkinson Street also spoke to the request. He stated he's not necessarily opposed to the request, but

he has some questions and comments. He thanked those that hosted neighborhood meetings, stating they were very insightful. He agreed with Mr. Miller, stating that he would favor an initial 2-year agreement, and happy to know there would be a maximum capacity. He also appreciates that the City will invest in a park for the neighborhood, but is concerned because he hasn't seen any progress towards that promise. He also asked that the space remain public as it is currently. He asked if there is any guarantee that the shelter's program won't change with GIHN or a future occupant.

Mr. Holtzinger asked if he has attended any of the neighborhood meetings.

Mr. Puro stated he was in attendance at both meetings and felt that most of his questions had been answered, but he was concerned about the lack of anything in writing. He stated his biggest question is what recourse they have if the program isn't run as approved.

Mr. Deegan stated the variance applies to the property, noting that the organization could change.

Attorney Kolbus responded that if GIHN were to leave, another organization could operate a temporary emergency shelter, but it could not be anything other than what has been described here today.

Mayor Stutsman addressed comments regarding the proposed park. He explained that Goshen Schools still owns the property so it must first be transferred. There have been no plans because the development of this park will be by the City and the neighborhood. The City is committed to building this park and will ask the neighborhood for help in its design. He noted that because of budgets, it will likely start with benches and picnic tables, but it's unknown if the neighborhood will want a playground, basketball court, etc. Fencing might also be required. Once it's determined what the neighborhood wants, it can be budgeted. He explained there are a lot of aspects to building the park and that's why there are no definite plans at this time. He reiterated that the City is committed to building a park, but until it's determined what will be built, it's impossible to know how long it will take.

Regarding the fears and concerns from neighbors, Mayor Stutsman stated he has been able to see how GIHN operates and he has complete confidence that if issues come up, they will be addressed promptly. He noted that regardless of the project, the City of Goshen's goal is to always do their best to make sure things remain safe.

Mayor Stutsman also cautioned the Board that a substantial amount of money will be invested in this project and asked that the Board not limit this use for too short of a time.

Petitioner Comments:

Mindy Morehead, GIHN, commented that they would also like to see the proposed greenspace. She stated they met with Goshen Community Schools yesterday and discussed including quarterly neighborhood meetings as part of their contract. She stated they will have nightly security at the facility from 10 pm to 7 am. At their current location, they do inside and outside building checks, and watch cameras. She noted the new location will add additional cameras, both internally and outside the building. She went on to say they have no plans to change their program, and pointed out they are not a domestic violence shelter, which means anyone in a domestic violence situation has to go to a safe haven. She pointed out they work closely with other shelters so if they have someone they cannot help, they aren't just turned away, they find a place for them and help with transportation if necessary.

Attorney Kolbus asked how long construction is projected to take and when it will be available for use.

Ms. Morehead stated she doesn't know at this point, but she anticipates it will be a few months.

Mr. Lauver asked how many vehicles they anticipate families will have and if any parking will occur in the alleyway.

Ms. Morehead stated the officer will likely park in the alley outside his office door, but no other parking is anticipated in the alley. Staff and residents will all park in front of the building. She stated there is adequate parking.

Ms. Campbell asked if the reason for this move from St. Mark's is because they need more space.

Ms. Morehead replied that they need more space, but this location is also on the ground floor. She went on to say they moved into St. Mark's on a trial basis, but because they're located on the second floor, they're not handicap accessible.

Steve Hope, GCS, added that they are looking at a 15-year lease for this property and the use of the property by GIHN will be spelled out in that lease. He went on to say once the lease has been approved by the school board, the details will become public. Adding to the mayor's comments, he agreed that GIHN is looking at a major investment in this property and feels the property will become better and more secure with police officers and security present.

The public hearing was closed.

Staff Discussion:

Mr. Holtzinger commented that he feels this building is well designed for this type of use. He likes that they have plenty of room and are discussing a neighborhood park. He feels parking is adequate.

Mr. Friesen asked if the Board can add a condition that quarterly meetings must be held.

Attorney Kolbus stated he would change the wording to "recommend" quarterly meetings. He also suggested if the Board grants the petition, a change to commitment #3 should limit the number of residents to 24 and up to 5 staff and add commitment #4 that the temporary emergency shelter shall operate as represented by the petitioner in the public hearing and in their letter of January 3, 2022.

Mr. Lauver asked when the 3-year period would begin.

Attorney Kolbus stated that would begin today.

Mr. Holtzinger commented because of the construction, the 3-year approval seems reasonable.

Action:

A motion was made and seconded, Friesen/Holtzinger, to adopt the Staff recommendations and the findings of the Board and based on these findings, approve 22-01UV with the following conditions and commitments:

Conditions:

1. If a Building permit is required, the variance shall become null and void unless a Building permit has been issued and substantial progress has been made within six (6) months of the date of 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. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and when all conditions of approval have been met.
4. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment form has been returned to the City of Goshen Board of Zoning Appeals staff and until all conditions of approval have been met.
5. An approved zoning clearance form is required.
6. Approval by the Engineering and Fire Departments through Technical Review is required.
7. Building Department approval is required

Commitments:

1. If the variance is not implemented and expires, this Commitment automatically terminates as well, and the Zoning Administrator may execute and record a Termination of Commitment on behalf of the City of Goshen Board of Zoning Appeals.
2. The variance allowing group housing quarters for a temporary emergency shelter is approved for a period of three (3) years from the date of approval; at the time the variance expires, it must be reheard by the City of Goshen Board of Zoning Appeals following a new application and a new public hearing.
3. The number of occupants of the temporary emergency shelter shall be limited to no more than 24 residents and 5 staff, for a total of 29.
4. The temporary emergency housing shall be as represented in the testimony of Goshen Interfaith Hospitality Network representatives at the January 25, 2022 Board of Zoning Appeals meeting and as outlined in the Board of Zoning Appeals application letter by Goshen Interfaith Hospitality Network dated January 3, 2022.
5. It is recommended that Goshen Interfaith Hospitality Network hold quarterly meetings with the residents in the Riverdale neighborhood.

The motion passed unanimously by a vote of 4-0.

Mr. Rohn rejoined the meeting at 4:59 pm.

VIII. Audience Items
None

IX. Staff Board Items

- 6-month extension for 21-28DV – 2611 Peddlers Village Road, from 2/24/22 to 8/24/22

Mr. Deegan explained the Board approved a developmental variance in August, 2021, to allow a larger than permitted freestanding sign at 2611 Peddlers Village Road, the site of a future gas station. Construction has begun at the site, but final plans have not been submitted for the signs and the petitioner is requesting a 6-month extension.

Action:

A motion was made and seconded, Rohn/Holtzinger to grant a 6-month extension from February 24, 2022, to August 24, 2022, for 21-28DV. The motion passed unanimously by a vote of 5-0.

- Residency form for Tom Holtzinger
- Residency form for Plan Commission appointments, Hesston Lauver and Caleb Morris
- Residency forms for Ardean Friesen and Angela McKenna

Mr. Deegan noted for the record that residency forms have been received for Tom Holtzinger, Hesston Lauver, Caleb Morris, Ardean Friesen, and Angela McKenna. He explained that Hesston Lauver is the new Plan Commission appointment to the BZA and Caleb Morris, Ardean Friesen, and Angela McKenna are all alternates.

X. Adjournment: 5:05 pm

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Lee Rohn

Lee Rohn, Secretary