

Minutes - Goshen Board of Zoning Appeals
Tuesday, September 27, 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: Tom Holtzinger, Hesston Lauver, Michael Potuck, and Bethany Campbell. Absent: Lee Rohn. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. Approval of Minutes from 8/23/22: Potuck/Lauver 4-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record:
Campbell/Potuck 4-0

IV. Postponements/Withdrawals

Sara Ward, Jones Petrie Rafinski requested that petition 22-12UV & 22-28DV be tabled due to the unavailability of the property owner's representative for today's hearing.

Mr. Holtzinger asked if any audience members wished to be heard concerning this petition and noted that no one came forward.

Action:

A motion was made and seconded, Potuck/Lauver, to table 22-12UV & 22-28DV. The motion passed unanimously by a vote of 4-0.

V. Use & Developmental Variances – public hearing items

22-27DV – Merl J. Mast & Kathleen R. Mast and Abonmarche Consultants, Inc. request a developmental variance to allow a side (south) building setback of 0' where 8' is required for the addition of an approximately 506 Sf attached garage. The subject property is generally located at 1421 Wilson Avenue and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this property contains a single family home with a one-stall attached garage and a driveway that runs along the south property line. The petitioners would like to add an attached 2-stall garage to the property, stating that the existing garage is used for storage. The variance is required because the proposed garage will have a south (side) setback of 0.3' (measured from the overhang) where 8' is required. He noted that staff supports an encroachment into the setback, finding that garage parking is a reasonable use of the property; however, staff recommends an amended approval requiring a 3' setback as opposed to a 0' setback. He pointed out that this might cause a slight reduction in the size of the garage, but noted that space to maneuver around the building is needed and noted that allowing a 0' setback is not appropriate. He pointed out that the proposed garage is 22' x 23' and that the size could be adjusted. He also pointed out that future development on the property to the south and relocation of the fence is a possibility.

Mr. Deegan stated for the record that one email in support of the request was received by the Planning Office and a copy was included in member packets.

Petitioner Presentation:

Crystal Welsh, 303 River Race Drive, spoke on behalf of the petitioner. She explained the homeowner would like to add a two-stall garage to the home, keeping the existing one-stall garage, which will be used for storage. She stated that while 20' is wide enough for two vehicles, the additional 3' they're asking for allows maneuvering in and around their larger vehicles. She stated that she and the homeowner spoke prior to the meeting today and the owner feels he can shift the garage 1' farther north, allowing for a 1.3' setback, measured from the overhang, or 2.3' measured from the foundation, which should give him nearly 2.5' to maneuver around the side of the property.

Ms. Welsh noted that Mr. Mast is also here if anyone has any questions for him.

Merl Mast, 1421 Wilson Avenue, also spoke to the petition. He stated he is in agreement with allowing a footpath between the structure and the fence, and feels he will be able to move the garage one foot farther north. He agrees that they can stay within the guidelines outlined by Ms. Welsh.

Mr. Potuck asked Ms. Welsh what the setback would be along the south side if measured from the foundation.

Ms. Welsh responded the foundation would be 2.3' from the property line.

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, Potuck/Campbell, to adopt the Staff recommendations as the findings of the Board, amending to add condition #6, to allow a minimum side (south) setback of 1.3' to the garage overhang and 2.3' to the garage foundation, and based on these findings, approve 22-27DV with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 4-0.

****Tabled to a subsequent meeting* 22-12UV & 22-28DV*** – Lux Property Corporation and Jones Petrie Rafinski request a use variance to expand a non-conforming use where residential use is not permitted in the Industrial M-1 District, and developmental variances to allow a front parking and driving aisle setback of 5' where 25' is required, a 31' side (south) and 45' rear (west) yard setback where 60' is required for yards abutting residential use/zoning, an alternative landscape buffer where full bufferyard landscaping is required adjacent to residential use, and for the variance to be valid for one year, for the installation of a parking and driving aisle. The subject property is generally located at 1013 & 1015 S 9th Street and is zoned Industrial M-1 District.

VI. Audience Items
None

VII. Staff Board Items
None

VIII. Adjournment: 4:13 pm Potuck/Lauver

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger
Tom Holtzinger, Chair

/s/ Lee Rohn
Lee Rohn, Secretary