

Minutes - Goshen Board of Zoning Appeals
(Following the Goshen Plan Commission meeting)
Tuesday, December 20, 2022, 4:20 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Tom Holtzinger, Bethany Campbell, Hesston Lauver, and alternate members, Caleb Morris, and Angela McKenna. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: Michael Potuck, Lee Rohn

II. Approval of Minutes from 11/22/22: Lauver/Campbell 5-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Campbell/McKenna 5-0

IV. Postponements/Withdrawals - None

V. Developmental Variance – public hearing item

22-36DV – Elks of Goshen 798, Inc. and Signtech Sign Services request a developmental variance to allow an approximately 24 Sf electronic message center (EMC) in addition to an existing wall sign where EMCs are not permitted in the core Historic District and where only one wall sign per street frontage per establishment is permitted. The subject property is generally located at 220 N Main Street and is zoned Commercial B-2 HD District.

Staff Report

Mr. Deegan explained this property is located in the downtown and has operated as an Elks Lodge since at least 1980. He referred to an aerial photo in the staff report, pointing out that this area is all zoned Commercial B-2 District and all of the developmental standards for the property follow the B-2 standards. He then pointed to the historic district map in the packets, noting this is an overlay zone which regulates signs and explained the historic district is made up of core and non-core districts, with Main Street and 5th Street both being in the core area.

The building currently has two wall signs on the front façade and today's request is for changes to those signs. One of the existing signs is a large rectangle sign in the center of the façade and the other is a changeable copy sign, located on the upper third of the façade. He explained the changeable copy sign has flashing lights, and more than one wall sign is not permitted by the current district standards.

In their application, the petitioner stated they have been having trouble changing the lettering on their changeable copy sign and they would like to replace it with a slightly smaller electronic message center (EMC) sign. He noted the EMC sign can be easily programmed, where changeable copy signs require climbing a ladder. Because two wall signs are not permitted in the historic district and because EMC signs are not permitted in the core district, a variance is required.

Although the petitioners have good reason to want to move away from the existing changeable copy sign, Staff recommends denial of this request. He pointed out an EMC is not appropriate in this location, noting the intentions of the district are to allow signage that is compatible with the historic downtown aesthetic, and brightly lit, programmable EMC signs are not compatible. He also pointed out there are no similar signs on

Main Street, although in 2020, the Goshen Theatre received approval for two TV monitors in their windows. During the approval process, the BZA explicitly prohibited placement on the exterior wall of the building. He noted a more appropriate solution would be to rethink the signage on the building, or rethink the messaging entirely.

He noted for the record that the Planning Office was not contacted by members of the public regarding this petition.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, spoke on behalf of the petitioner. He stated he was contacted by the Elks because it has become difficult to change their sign since an awning has been installed. They questioned if an EMC would be allowed and after looking at the ordinance, it was determined an EMC sign would not be permitted. He stated his clients are very flexible when using this sign and can be turned off when not needed. They are willing to have a static message and understand that usage would be very strict.

Mr. Holtzinger asked if the sign could be message sign and also advertise the Elks.

Mr. Lehman stated he would let the gentleman from the Elks answer this question.

Mr. Holtzinger noted this would be a new sign which would make it possible to incorporate something else into it.

Mr. Lehman stated this is not something that was considered. The existing Elks sign is there and paid for, and they would simply like to replace the existing changeable copy with an easier to use, EMC sign.

Bob Clark, Secretary for the Elks of Goshen, 1819 Bashor Road, also spoke to this request. He stated safety is the main reason for wanting to change this sign. He noted the changeable copy sign is old and not in good repair. He also noted that most of the members changing the sign are 60 plus years old and there are concerns about being on a ladder to change the message on the sign. They're trying to keep costs down and want to keep the Elks logo on the center of the building. The new EMC sign would allow them to promote community events. He stated that the EMC sign is more than they need, but presently there is nothing between a changeable copy sign and an EMC sign, so that's why they're asking for an EMC sign. He pointed out their messages would be static and changed out maybe once per week. He went on to say they don't need flashing lights, graphics, or multiple messages, they just want a way to reach the community.

Mr. Lauver asked what other marketing they do.

Mr. Clark stated they mostly advertise on Facebook. He explained they've tried putting notices in the local newspaper, but they haven't found it to be successful. He also noted they hope to get involved with the Chamber of Commerce.

Audience Comments:

Doug Nisley, 1929 W Lincoln Avenue, spoke in support of the request. He stated the Elks is a service club and the past few years have been difficult financially. He feels this might be one of the reasons they don't do a lot of promotions. He went on to say he doesn't feel this will set a precedent because anyone wanting to do this will have to come before this Board. He encouraged the Board to approve this request or table it to give them time to look at this again.

The public hearing was closed.

Staff Discussion:

Ms. McKenna asked if the second sign has been grandfathered in.

Mr. Deegan stated he feels that is a safe assumption because there is no record of approval for the signs.

Ms. McKenna asked if the changeable copy sign could be moved down to be more accessible and if so, would it require a variance?

Mr. Deegan stated if the sign was incorporated into the other sign it wouldn't need a variance.

Mr. Morris asked if the Board could approve an EMC sign, but add stipulations and regulations regarding the use.

Attorney Kolbus stated yes, and pointed out the petitioner suggested some of those. He went on to say that anything reasonably related to the request can be added as a condition of approval.

Mr. Holtzinger stated that he would like to see them come back to the Board with a plan to incorporate the two signs. He voiced concerns that allowing the EMC would set a precedent for future requests.

Ms. Campbell suggested adding their Facebook page information to the existing sign so people would know to check their Facebook for updates on community events.

Mr. Lauver agreed that an EMC sign doesn't seem reasonable considering the small amount of marketing they do.

Mr. Morris stated he's concerned about the potential impacts of allowing an EMC sign in the historic district, but noted that he's not totally against this request if there are enough stipulations put on this that it doesn't cause issues down the road. He asked if Mr. Deegan had any opinion on the use of an EMC with all the regulations he just mentioned.

Mr. Deegan stated that he would still recommend denial of the request.

Mr. Lauver asked for clarification between tabling the item or denying it. Would denying this prohibit them from coming back with a single sign proposal?

Mr. Deegan commented he didn't know of any reason to table this request because they would have to come back with a proposal meeting the parameters of the request before the Board today. If they came back with a new proposal that doesn't meet the zoning ordinance requirements, it would require a new application to the Board.

Mr. Morris asked if today's request is denied, could the petitioner move the existing changeable copy sign to a more accessible location.

Attorney Kolbus stated it wouldn't meet the standards and they would have to file for a new variance.

Mr. Holtzinger asked if this request is tabled, would the petitioner have to file a new variance.

Mr. Deegan asked what the Board wants them to do. Do they want the petitioner to return with an idea that might not meet the zoning ordinance requirements or does the Board want them to meet the ordinance requirements?

Mr. Holtzinger stated he'd like to see them come back with a request that would bring them closer into compliance.

Mr. Lauver pointed out denying the request wouldn't stop them from coming back with a new idea.

Action:

A motion was made and seconded, Lauver/Holtzinger, to adopt the Staff recommendations as the findings of the Board, and based on these findings, deny 22-36DV for the reasons listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items

- 6-month extension for 924 E Plymouth Avenue (22-20DV) from 1/26/23 to 7/26/23

Mr. Deegan explained the BZA granted a variance in July, 2022 for a reduced setback for a parking space in the front yard at 924 E Plymouth Avenue. The petitioner has not started this project and asks for a 6-month extension.

Action:

A motion was made and seconded, Lauver/Campbell, to grant a 6-month extension for 22-20DV, from 1/26/23 to 7/26/23. The motion passed unanimously by a vote of 5-0.

- 6-month extension for 908 E Reynolds & 707 S 13th Street (22-23DV) from 1/26/23 to 7/26/23

Mr. Deegan explained that in July, 2022, the BZA granted relief for numerous setback and building coverage requirements for a new home at 707 S 13th Street which is currently part of 908 E Reynolds. Construction has not begun and they are asking for a 6-month extension.

Action:

A motion was made and seconded, Morris/McKenna to grant a 6-month extension for 22-23DV, from 1/26/23 to 7/26/23. The motion passed unanimously by a vote of 5-0.

VIII. Adjournment: 4:44 pm Morris/Campbell

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger
Tom Holtzinger, Chair

/s/ Lee Rohn
Lee Rohn, Secretary