

Minutes - Goshen Board of Zoning Appeals
Tuesday, March 28, 2023, 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, Bethany Campbell, Tom Holtzinger, Hesston Lauver, and Michael Potuck. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. Approval of Minutes from 2/28/23: Potuck/Lauver 5-0

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

IV. Postponements/Withdrawals - None

V. Use & Developmental Variances – public hearing items

23-03UV – Kent Yoder Real Estate, Inc. and Jones Petrie Rafinski request a use variance to allow for the expansion of a non-conforming auto repair use where auto repairs (without gas pumps, major repair) are a conditional use in the Commercial B-3 District and a permitted use in the Industrial M-1 & M-2 districts, for an approximately 1,002 Sf building addition and parking and driving aisle expansion, and for the variance to be valid for one year. The subject property is generally located at 115 W Pike Street and is zoned Commercial B-2 District.

Staff Report

Mr. Deegan described the existing Jiffy Lube property, noting that its largely surrounded by commercial properties, with a multi-unit residential property across the alley to the east. He noted minor auto repair has operated here since approximately 1989 and today's request is to add two service bays on the east side of the building and to expand the parking and driving aisle to accommodate the expansion. He noted most of the expansion will occur on what was previously a residential property. He went on to say auto repairs are not permitted in the B-2 zoning district, so a use variance is required.

Because auto repair has existed on the property for a number of years with no concerns, Staff recommends approval of the request. No public comments were received by the Planning Office.

Petitioner Presentation:

Evan Williams, 115 W Pike Street, spoke on behalf of the petitioner. He stated this is a family business with a good crew, some of which have been there for many years. He went on to say they did this same project two years ago at a store in Fishers and feels this remodel will enhance the entire area.

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 and based on these findings, approve 23-03UV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

23-04DV - Walmart Stores and TNT Fireworks request a developmental variance to permit outside sales and display of merchandise (fireworks) from June 16, 2023 to July 5, 2023 where outside sales and display of merchandise is not permitted, except by permission of the BZA for a limited time. The subject property is generally located at 2304 Lincolnway East and is zoned Commercial B-4 District.

Staff Report

Mr. Deegan explained this is the ninth consecutive year this request has come before the Board. The request is to allow the sale of fireworks from a tent located in the Walmart parking lot, with sale dates are from June 16th to July 5th of this year. The tent will be approximately 800 sf in area and take up 10 parking spaces. Hours will be from 10:00 am to 10:00 pm daily. Approval is required once again because the property is zoned Commercial B-4 and outside display and sales of merchandise requires approval by the BZA. No public comments were received regarding this request.

Petitioner Presentation:

Mr. Deegan noted for the record that the petitioner is not present today.

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/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-04DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

23-05DV – Brandon C Rhodes & Jackie A Wyse Rhodes and Kauffman Construction request a developmental variance to allow a front building setback along 6th Street of 10’ where a minimum of 25’ is required for an approximately 165 Sf porch addition. The subject property is generally located at 223 S 6th Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained the petitioners would like to add an open-air porch to the east side of their home which will have an approximate 10’ front setback along S 6th Street where 25’ is required. The new porch is actually a rebuild of a porch that once existed in the same location. He referred to a photo supplied by the petitioner which shows the original porch, noting this proposed replacement will not be detrimental to the area. He went on to explain the average setback of homes on this side of the street and in the same block is 14’, noting a photo in the staff report packet shows the house immediately south extends closer to 6th Street than this house does. The proposal here is characteristic of the neighborhood and no comments were received from the public regarding this request.

Petitioner Presentation:

Nate Kauffman, Kauffman Construction, 5593 Fir Road, Bremen, spoke on behalf of the petitioner. He stated the owner would like to bring this home back to its original glory and the plans are to match the original porch as much as possible.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Lauver asked if this is located within a historic district.

Mr. Deegan stated it is not; explaining that there is no zoning district for historic architectural standards in Goshen.

Action:

A motion was made and seconded, Lauver/Potuck, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-05DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

23-06DV – Kyle and Allison Stiffney request a developmental variance to allow 39% building coverage where a maximum of 35% is permitted for an approximately 1,238 Sf addition and approximately 227 Sf patio reconstruction. The subject property is generally located at 702 S 6th Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan gave background information on this R-1 property and explained the petitioners are renovating the interior of the home and also plan to demolish an existing garage and rebuild slightly larger to include a mudroom, connector, and upstairs room. A patio on the north side of the home will also be replaced and has received Board of Works approval for the portion of the patio that extends into the right-of-way. After all construction, lot coverage will be over 38% where the maximum permitted coverage is limited to 35%. He went on to say the construction is reasonable and approval is warranted, noting that a failing garage will also be removed which will update the property. He also pointed out the Board has routinely approved variances for similar properties, with some of these approvals on nearby properties. No public comments were received by the Planning Office.

Petitioner Presentation:

Allison and Kyle Stiffney, 702 S 6th Street, spoke on behalf of the petitioner. Kyle Stiffney stated they plan to live here for a long time and are excited for this project.

Mr. Lauver asked about the two chimneys shown on the site plan.

Mr. Stiffney stated the locations Mr. Lauver asked about are actually air conditioning units.

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/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-06DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

23-07DV – The City of Goshen Indiana requests developmental variances to allow one freestanding sign 13 Sf in area and 5' in height, one freestanding sign 24 Sf in area and 8' in height, and internal signs not exceeding 3 Sf as needed, where only ground signs not exceeding 3' in height and with a maximum aggregate area of 8 Sf are permitted, for a new recycling drop-off site. The subject property is generally located at 802 N Indiana Avenue

and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this is a mostly vacant parcel, located on the west side of Oak Ridge Cemetery and that this location will soon be open to the public as a recycling drop off site. The petitioners are requesting signage to identify the property and provide information within the site. The proposed signs include a 13 sf freestanding sign at the entrance, a freestanding sign internal to the site, 24 sf in area, and approximately 5 other signs internal to the site. He pointed out the R-1 zoning district limits allowable signs to ground signs, which are limited to 3' in height and a total aggregate area of 8 sf. Staff recommends approval of the request, noting that with the exception of the entrance sign, the majority of the signs will be internal to the site and stating that they will not affect the character of the area which includes a railroad and waste water treatment plant. He referred to a photo in member's packets which show the residential area to the north, noting that the houses are quite some distance away and will not be impacted by the signage. No public comments were received by the Planning Office.

Petitioner Presentation:

Dustin Sailor, City of Goshen, spoke on behalf of the petitioner. He stated he's in agreement with the Staff Report and is available to answer any questions.

Mr. Holtzinger asked if this is in cooperation with the county.

Mr. Sailor agreed that it is, noting that as of today, all county sites have been removed. The intention is to have this site up and operational by April 1st.

Mr. Holtzinger asked if this site will be accessible 24/7.

Mr. Sailor acknowledged that it will, pointing out that cameras and outdoor lighting will be at this site. He went on to say the site will be monitored to hopefully stop illegal dumping. He stated the wastewater treatment plant is across the street and they will be doing the day-to-day monitoring of the site.

Mr. Rohn asked if the drive is repurposed asphalt chips.

Mr. Sailor acknowledged that it is. He went on to say that we're not sure how long this will be in operation, noting that if the public doesn't treat this site well, it will go away. If we find we can maintain this site, the plan is to add hard surface.

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, Lauver/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 23-07DV with the 3 conditions 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 request for 22-34DV, 132 N Main Street, from April 25, 2023 to October 25, 2023

Mr. Deegan explained the façade variance for The Wholesome Tortilla at 132 N Main Street expires on April 25th and the petitioners have requested a 6-month extension. The project has not been scheduled for Technical Review so the extension is warranted.

Action:

A motion was made and seconded, Potuck/Lauver to grant a 6-month extension for 22-34DV, from 4/25/23 to 10/25/23. The motion passed unanimously by a vote of 5-0.

VIII. Adjournment: 4:22 pm Potuck/Rohn

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger
Tom Holtzinger, Chair

/s/ Lee Rohn
Lee Rohn, Secretary