

Minutes - Goshen Board of Zoning Appeals
Tuesday, October 27, 2020, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present via electronic communication: Allan Kauffman, Aracelia Manriquez, Scott McKee, and Richard Aguirre. Member Tom Holtzinger was physically present, along with Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. We begin this meeting during a declared public health emergency covering all of the State of Indiana.

Board members Richard Aguirre, Allan Kauffman, Scott McKee, and Aracelia Manriquez are participating in this meeting by electronic communication pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 20-44, as well as guidance from Indiana Public Access Counsellor Luke Britt.

Board member Tom Holtzinger is physically present in City Council Chambers as we begin this meeting.

Procedural Note: Mr. Deegan reminded Board members that all votes must be roll call votes.

III. Approval of Minutes from 9/22/20: A motion was made and seconded, Aguirre/Kauffman, to approve the minutes as presented with the following outcome: Kauffman, yes; Manriquez, yes; McKee, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

IV. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: A motion was made and seconded, Aguirre/McKee, to accept the Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record with the following outcome: Kauffman, yes; Manriquez, yes; McKee, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

V. Postponements/Withdrawals: None

VI. Use and Developmental Variances – public hearing item

20-18DV – Brian & Anna Yoder Schlabach and Dale Klassen request developmental variances to allow a 5' front (east) setback where 25' is required along Cottage Avenue for the construction of a 24' x 30' (720 sf) detached garage, and to allow one open parking space in an existing driveway in the front yard setback along S 7th Street where open parking is not permitted in a front yard. The subject property is generally located at 620 S 7th Street and is zoned Residential R-1 District.

Staff Report:

Mr. Deegan explained this property is located on a through lot, which means the lot has frontage on both 7th Street and Cottage Avenue. Improvements to the property include the demolition of an existing 3-car garage and the removal of most of the driveway leading to the garage, leaving enough room for one parking space. Construction of a new 720 sf garage is also proposed along Cottage Avenue. Developmental variances are required to allow a 5' setback along Cottage Avenue and for the remaining parking space along 7th Street which is considered open parking in the front yard setback. He explained that the use of Cottage Avenue is similar to an alleyway and there are many

garages with similar setbacks in the area. He noted that open parking along S 7th Street is not ideal, but the petitioners will be using an existing driving aisle and this area already functions as a parking space. No inquiries were received by the Planning Office and Staff recommends approval of the request.

Petitioner Presentation:

Dale Klassen, 619 S 7th Street, spoke on behalf of the petitioner. He stated he is familiar with Staff's report adding that he feels this new garage will be similar to the majority of garages along Cottage Avenue. He also noted removing a large section of the existing driveway will clean up the property line between this and the neighboring property to the north.

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, Kauffman/Aguirre, to find with the recommendations and conclusions of the Staff Analysis and approve 20-18DV with the 4 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Kauffman, yes; Manriquez, yes; McKee, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

20-19DV – Marshall King & Bethany Swope and Priority One Construction request a developmental variance to allow a 12' x 13' (156 sf) sunroom addition to a duplex where no such non-conforming-use may be extended to occupy land outside the original structure. The subject property is generally located at 605 Gra Roy and is zoned Residential R-1 District.

Staff Report:

Mr. Deegan explained this two-family home, located in an R-1 zoning district is owner occupied with a rental unit in the basement. Because this property is non-conforming, a variance is required for the proposed 156 sf sunroom addition to the main floor unit. A variance was approved for this property in 2011 when the BZA granted a variance for a garage and addition to the front of the home.

Mr. Deegan noted there are multiple 4- and 5-unit rentals nearby and Staff recommends approval of this request.

Petitioner Presentation:

Marshall King, 605 Gra Roy Drive, spoke on behalf of the petitioner. He stated they would like to add a three-season room on the west side of the house. He explained this will not affect any of the neighbors and will have no impact on the basement apartment.

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, Kauffman/Aguirre, to find with the recommendations and conclusions of the Staff Analysis and approve 20-19DV with the 3 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Kauffman, yes; Manriquez, yes; McKee, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

20-10UV – The City of Goshen Parks & Recreation Board requests a use variance to allow a park with a third freestanding sign approximately 7.5’ in height where parks are a conditional use permitting one non-illuminated monument style sign with a maximum height of 5’. The subject property is generally located at 1912 W Lincoln Avenue and is zoned Residential R-1 District and Commercial B-1 PUD.

Staff Report:

Mr. Deegan explained this request is for a sign at the recently installed Splash Pad at Pringle Park. There are two existing signs, one at the entrance on Lincoln Avenue and one at the entrance to the Little League parking lot on Greene Road. The third sign would be placed within the park at the Splash Pad. He reminded Board members that parks are allowed one sign only, which cannot exceed 5’ in height. This proposed third sign is approximately 7.5’ in height.

Mr. Deegan noted this sign is warranted because this is a large park with multiple uses. The proposed non-illuminated sign is located deep within the park and will have no impact on neighboring properties. He noted the Planning Office was contacted by one adjacent property owner asking for additional information. The property owner stated he had no concerns with the internal location of the proposed sign.

Petitioner Presentation:

Tanya Heyde, 524 E Jackson Street, spoke on behalf of the petitioner. She stated the Splash Pad project was gifted to the City by the Rotary Club, marking their 100-year anniversary and the proposed sign recognizes this as such.

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, Aguirre/McKee, to find with the recommendations and conclusions of the Staff Analysis and approve 20-10UV with the 3 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Kauffman, yes; Manriquez, yes; McKee, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

20-20DV – RR4 LLC and Abonmarche Consultants request developmental variances to allow a 0’ side yard (south) setback at 1313 S 9th Street, and a 0’ side yard (north) setback at 1323 S 9th Street,

for a shared parking/driving aisle where a 5' setback is required. The subject properties are generally located at 1313 and 1323 S 9th Street and are zoned Residential R-1 District.

Staff Report:

Mr. Deegan explained this request is for two separate adjacent properties, both containing a five-unit apartment building, in an R-1 zoning district. He noted both properties are under one ownership, but could be sold separately. He explained that the improvements to the 9th Street Corridor included a pedestrian/bike trail and reconfiguration of 9th Street. These changes resulted in a loss of street parking, including spaces in front of these buildings.

Because his tenants began parking at the rear of the property, the owner installed a gravel parking across the rear of the two properties. Once he was notified that City approval was required, he received permission from the Board of Works (BOW) for the gravel and provided a plan showing that some of the unapproved gravel would be removed. Planning recommends the gravel encroaching into the north side setback of 1313 S 9th St and the south side setback of 1323 S 9th Street be removed, along with gravel in the unimproved alley to the south and the area in the front right-of-way. The gravel in these areas should be removed within 30 days and restabilized by June 1, 2021. In addition, if an existing mature tree is removed from the proposed area, a new large species tree shall be planted in the front yard of 1323 S 9th Street by June 1, 2021, and a shared access agreement for the parking/driving aisle shall be executed. Planning recommends approval of the request with conditions.

Petitioner Presentation:

Crystal Welsh, 1009 S 9th Street, spoke on behalf of the petitioner. She stated it was also discovered that the northern property has its second floor access located on the southern property and the southern property has its second floor access located in an unimproved alley. She stated they're trying to fix those issues while addressing the parking issues, cross access, and shared driving easements. She stated they are working with Staff to make sure work is done properly and they ask for BZA approval of this request.

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, Kauffman/Holtzinger, to find with the recommendations and conclusions of the Staff Analysis and approve 20-20DV with the 7 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Kauffman, yes; Manriquez, yes; McKee, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

20-11UV – New Life Church Goshen Inc. and Nuway Construction request a use variance to allow an overnight emergency shelter in a former industrial building where group housing quarters is a permitted use in the Commercial B-3 District and a conditional use in the Residential R-1S, R-3 and PUD Districts. The subject property is generally located at 1101 Eisenhower Drive North and is zoned Industrial M-1 District.

Staff Report:

Mr. Deegan provided background information for this property, noting that it was acquired by a church in 2016. He stated there are two buildings on the property and the church is located in the south building. Today's petitioners would like to use the mostly vacant north building for a homeless warming shelter. The Goshen Zoning Ordinance considers this use as a Group Housing Quarters, which is not a permitted use in the M-1 zoning district. He explained the shelter use would take up approximately 4,800 sf of open floor area, to serve up to 20 to 30 men from 7:00 pm to 7:00 am. Staff and security will be present during hours of operation. Plans for this shelter are for the upcoming winter; future shelter plans are unclear at this time.

Mr. Deegan outlined several reasons this plan is ideal, include proximity to the Trolley route and bus stop, ample parking, and possible job opportunities at nearby businesses. He noted the building is heavily screened on three sides and approximately 420' from the nearest residential use. He also pointed out the College Avenue Fire Station is located nearby.

He noted for the record that the Planning Office has not been contacted by any adjacent property owners.

Petitioner Presentation:

Chris Ballge, New Life Church, 1101 Eisenhower Drive North, spoke on behalf of the petitioner. He stated they have been in contact with the City over the past few years, looking for a way to support the homeless in our community and after being approached by Interfaith and NuWay, they felt like this was a great opportunity to offer help.

Mr. Holtzinger asked if they anticipate a lot of remodeling.

Mr. Ballge stated this is a large open space and the construction will be minimal.

Timothy Wall, 2119 Carmen Court, also spoke on behalf of the petitioner. He stated this is a large space and they're essentially building 80 LF of wall, approximately 12' high to divide the area into a smaller space.

Mr. Kauffman asked if there would be shower space.

Mr. Ballge stated no.

Mr. Wall stated there is a restroom, but no shower.

Mr. Aguirre asked if this is a one-year plan.

Mr. Ballge stated this is planned from December 1, 2020 through the end of March, 2021.

Mr. Kauffman agreed that this is a good location and is certainly needed.

Audience Comments:

Julia King, 312 River Vista Drive, spoke in support of the petition. She stated she's in favor of this request.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Aguirre/McKee, to find with the recommendations and

conclusions of the Staff Analysis and approve 20-11UV with the 5 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Kauffman, yes; Manriquez, yes; McKee, yes; Aguirre, yes; Holtzinger, yes. The motion passed unanimously by a vote of 5-0.

VII. Audience Items:
None

VIII. Staff Board Items:
None

IX. Adjournment: 4:31 pm Kauffman/Aguirre

Respectfully Submitted:

/s/ Lori Lipscomb
Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger
Tom Holtzinger, Chair

/s/ Richard Aguirre
Richard Aguirre, Secretary