

Minutes - Goshen Board of Zoning Appeals
Tuesday, February 23, 2021, 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: Richard Aguirre, Tom Holtzinger, Mike Potuck, and Lee Rohn. Member Aracelia Manriquez was physically present, along with Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. Assistant Planner Rossa Deegan read the following statement: We begin this meeting during a declared public health emergency covering all of the State of Indiana. Board members Richard Aguirre, Tom Holtzinger, Mike Potuck, and Lee Rohn are participating in this meeting by electronic communication pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 21-03, as well as guidance from Indiana Public Access Counsellor Luke Britt.

Board member Aracelia Manriquez is physically present in City Council Chambers as we begin this meeting.

Per Mayor Jeremy Stutsman's Executive Order 2021-01, public attendance at City of Goshen meetings is currently (yellow status) allowed in person and virtual, following *City of Goshen Rules for Virtual Public Meetings - Updated February 8th, 2021*.

Public comments for the Board of Zoning Appeals will be limited to no more than three minutes per person, and members of the public exceeding the three-minute limit will be notified and/or muted.

Assistant Planner Rossa Deegan reminded members that because some board members are participating via electronic communication, all votes must be roll call.

III. Approval of Minutes from 1/26/21: A motion was made and seconded, Holtzinger/Aguirre, to approve the 1/26/21 minutes as presented with the following outcome: Holtzinger, yes; Potuck, yes; Rohn, yes; Aguirre, yes; Manriquez, 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/Holtzinger, to file the Zoning/Subdivision Ordinances and Official Staff Reports into Record with the following outcome: Holtzinger, yes; Potuck, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 5-0.

V. Postponements/Withdrawals
None

VI. Use Variances – public hearing items

21-01UV – Maple City Chapel, Inc. and Signtech Sign Services, Inc. request a use variance to allow an approximately 106 sf illuminated wall sign where churches are a conditional use allowing one non-illuminated wall sign not exceeding 36 sf in area. The subject property is generally located at 2015 Lincolnway East and is zoned Commercial B-3 District and Industrial M-1 District.

Staff Report:

Mr. Deegan explained this request is for a church property and reminded Board members that churches are conditional uses, allowed in all zoning districts. He provided background information on Maple City

Chapel, including site history. He noted that one of the conditional use restrictions limits signs to one non-illuminated wall sign with a maximum size of 36 sf in area. Today's proposal is for an illuminated wall sign on the front façade, approximately 106 sf in area which will replace a non-illuminated sign. He noted that the freestanding sign along Lincolnway East will also be refaced.

Mr. Deegan stated that this illuminated sign is much larger than what is allowed for churches, but the sign matches the size of this and surrounding properties. He explained that this property is surrounded by commercial and industrial uses, with no residential properties in the vicinity. He pointed out if this request had been for a commercial property, Staff would have been able to approve the request administratively. He reminded Board members that a sign nearly twice this size was approved last June for a church at Peddler's Village, under similar circumstances.

The Planning Office was not contacted by any nearby property owners regarding this request and Staff recommends approval of the request.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, Goshen spoke on behalf of the petitioner. He stated the sign is being replaced because it's dated, cracked, and peeling. He explained that the letters are individually illuminated. He pointed out the sign will be visible from both Lincolnway and Eisenhower and will be a big improvement for the church.

Mr. Aguirre asked if the style of the new wall sign will be similar to the recently replaced sign along Lincolnway.

Mr. Lehman stated the sign will only have the church name and will not include the logo.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Aguirre thanked Staff for the report and for reminding them of the similar case that was approved last year.

Action:

A motion was made and seconded, Aguirre/Holtzinger, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-01UV with the 3 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Holtzinger, yes; Potuck, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 5-0.

21-02UV – The Board of Trustees of Walnut Hill Chapel request a use variance to allow an approximately 160 sf storage shed with an approximately 25' setback from an adjacent residential property to the north and an approximately 33' setback from an adjacent residential property to the west, where churches are a conditional use permitting structures with a minimum 50' setback from all residential uses. The subject property is generally located at 909 N 6th Street and is zoned Residential R-1 District

Staff Report:

Mr. Deegan explained in August of 2020, Walnut Hill Mennonite Church installed an approximate 160 sf utility shed on church property without City approval. One of the conditional requirements for churches

is a minimum setback of 50' from residential uses or zoning for buildings and structures. The utility shed is 25' from the adjacent property to the north and 33' to a residential property to the west. The church is here today to request permission for the shed to remain in its current location. Staff feels the request is reasonable because the shed is residential in appearance and if it were placed on a residential property, a minimum 5' setback to side and rear property lines would likely be allowed. He explained that there appears to be ample room to meet setback requirements, but that would place the shed in an area the church uses in the summer for outdoor activities. He referred to photos provided by the petitioner and included in the Staff Report packet, showing how the area is utilized.

No comments have been received by the Planning Office regarding this request.

Petitioner Presentation:

Kahlil Schertz, 1512 S 8th Street, spoke on behalf of the petitioner. He stated he is a Trustee of Walnut Hill Mennonite Church, explaining they installed a small storage shed approximately 1 ½ years ago to store their mowers. He stated they were unaware City approval was required and placed the shed near the rear of the property where they felt it would be out of the way. He went on to explain church property is used for several outdoor functions, explaining some of the uses. He pointed out if it must be relocated to meet setbacks, the shed would be in the middle of their shaded Sunday service area or it would have to be placed near the parking lot which would interfere with those that join the service from their vehicles. The third option would interfere with the children's play area. He feels moving the shed to other locations on the property would be detrimental to church activities. He also pointed out if the shed must be relocated, that would require them to move outdoor services closer to neighboring properties and doesn't feel that is appropriate. He pointed out that the neighbor to the north signed a petition stating that she has no concerns regarding the shed location. He asked that the Board grant approval for this request.

Mr. Holtzinger asked if the shed is on a permanent foundation or if it could be moved.

Mr. Schertz stated the shed is set on gravel.

Mr. Aguirre asked if the shed is utilized during this time of the year.

Mr. Schertz stated it is not.

Mr. Aguirre asked if the size of this shed is adequate or if they foresee the need to eventually purchase a larger shed.

Mr. Schertz stated they have no plans for a larger shed and don't anticipate needing for one.

Audience Comments:

Ben Bouwman, 1308 Sedgefield Way, also spoke to the petition. As one of the pastors at the church, he thanked the Board for their consideration of this request.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Board members.

Action:

A motion was made and seconded, Holtzinger/Aguirre, to adopt the staff recommendations as the findings of the Board, and based on these findings, approve 21-02UV with the 4 conditions listed in the Staff Report. A roll call vote was requested with the following outcome: Holtzinger, yes; Potuck, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 5-0.

VII. Audience Items
None

VIII. Staff Board Items:

6-month extension from 3/22/21 to 9/22/21 for 20-09UV for 1808-1810 Reliance Road

Mr. Deegan stated that a use variance was approved last September for a truck terminal and truck repair facility at 1808-1810 Reliance Road. He explained that the project requires review through the City's Technical Review Process and the petitioner indicates their plans will be submitted for Tech Review soon. He pointed out it's likely this won't be approved before the use variance expires so they are requesting a six-month extension.

Action:

A motion was made and seconded, Aguirre/Rohn, to grant a six-month extension from 3/22/21 to 9/22/21 for 20-09UV, 1808-1810 Reliance Road. A roll call vote was requested with the following outcome: Holtzinger, yes; Potuck, yes; Rohn, yes; Aguirre, yes; Manriquez, yes. The motion passed unanimously by a vote of 5-0.

Mr. Aguirre asked Mr. Deegan if he could look into how long virtual meetings will continue.

Mr. Deegan stated he has no indication at this point of how long this will remain.

Attorney Kolbus advised that the current order expires at the end of this month. He noted the Governor usually holds press conferences each Wednesday and his order will be extended or terminated at that time.

IX. Adjournment: 4:22 pm Aguirre/Holtzinger

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Aracelia Manriquez

Aracelia Manriquez, Chair

/s/ Richard Aguirre

Richard Aguirre, Secretary