

Minutes - Goshen Board of Zoning Appeals
Tuesday, August 24, 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: Tom Holtzinger, Aracelia Manriquez, Michael Potuck, Lee Rohn, and Bethany Campbell. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.
- II. Approval of Minutes from 7/27/21: Holtzinger/Potuck 5-0
- III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Rohn 5-0
- IV. Postponements/Withdrawals
None
- V. Tabled Item (tabled from July 27, 2021 BZA Meeting) – public hearing items
21-27DV – 7-Eleven, Inc. and Paragon Installations, Inc. request a developmental variance to replace a portion of a non-conforming freestanding sign with a 22” x 24” electronic message center sign where electronic message centers are not permitted to be added to any non-conforming signs. The subject property is generally located at 1000 S Main Street and is zoned Residential R-1 District.

Staff Report:

Mr. Deegan stated this item was tabled from last month’s meeting and provided a brief summary of the request. He explained the 7-Eleven on S Main Street would like to update the changeable copy portion of their non-conforming freestanding sign, to install an approximate 22” x 24” electronic message center (EMC). This EMC will be for a digital price board. He noted the sign is non-conforming because its located in the right-of-way and was never approved by the Planning Office.

Because the overall height and area of the sign are not changing, Staff recommends approval. He pointed out that the Board heard public input at last month’s meeting and no additional input has been received from the public prior to today’s meeting. A summary of the public input was forwarded to the petitioner following the July BZA hearing. He also reminded the Board that the petition was tabled last month and the Board’s decision was to make a determination this month, regardless of whether or not the petitioner or a representative was present.

Petitioner Presentation:

No one was present to speak on behalf of the petitioner.

Audience Comments:

Doug Nisley, 1929 W Lincoln Avenue spoke to the petition. He noted he was a member of the BZA several years ago when a previous request was heard regarding this sign. He stated at that time, 7-Eleven was asked to move the sign out of the right-of-way and to conform to the sign ordinance, but they withdrew their request instead. He is not in favor of today’s request because the City is trying to bring freestanding signs into conformance with the zoning ordinance and pointed out no representative for 7-Eleven is present again today.

Ms. Manriquez noted the petitioner is not present and closed the public hearing.

Ms. Manriquez asked Board members how they would like to proceed.

The petitioner for 1000 S Main Street joined the meeting and the public hearing was reopened.

Petitioner Presentation:

Allan Svihlik, 711 N Garfield Street, Valparaiso, spoke on behalf of the petitioner. He explained as they noted the last time they were here, they're trying to stay with the nationwide branding design.

Ms. Manriquez questioned when they were here last, noting that no one was present for last month's BZA meeting.

Mr. Svihlik stated they were here last month.

Mr. Deegan asked if Mr. Svihlik was referring to being at the Board of Works meeting last month.

Mr. Svihlik acknowledged that yes, they were at BOW.

Mr. Deegan clarified that the BOW granted approval last month because the sign appears to be located within the 6th Street right-of-way.

Attorney Kolbus stated the BOW only approved the location of the sign.

Mr. Svihlik stated the sign will remain the same size, but will have a more modern look and be easier for the store owner to change the pricing.

The public hearing was reclosed

Staff Discussion:

Mr. Holtzinger stated the sign has been in place for more than 50 years and he feels that the minor change requested for this sign would be hard to deny.

Action:

A motion was made and seconded, Holtzinger/Potuck, adopt the Staff recommendations as the findings of the Board, and based on these findings, approve 21-27DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Developmental Variance – public hearing items

21-28DV – D & M Sangha II, LLC, and Good Oil Company, Inc., request a developmental variance to allow a freestanding sign 25.5' in height where 22' is allowed and 104 SF in area where 90 SF is allowed. The subject property is generally located at 2611 Peddlers Village Road and is zoned Commercial B-3 District.

Staff Report

Mr. Deegan explained that this request is for the property at the intersection of Elkhart Road and Peddlers Village Road. Prior use of this parcel was for a car dealership which received approval in 1994 for two freestanding signs on the property where only one freestanding sign would be allowed.

In May of this year, a gas station/convenience store was approved for this site and the petitioners would like to remove the existing two signs and replace them with one larger freestanding sign. The proposed height is 25.5' where 22' is allowed and the area is 104 sf where 90 sf is allowed.

Staff recommends approval of the request pointing out that the taller sign is not ideal, but this approval will reduce the number of signs on the property. He also explained that properties along this corridor with 200' or more of street frontage are allowed a sign with a maximum height of 22' and maximum area of 90 sf. The property being discussed today has street frontage of approximately 1,000'. He pointed out this property is completely surrounded by commercial properties and this approval is unlikely to harm adjacent properties.

He provided a correction for bullet point 5 on page 2 of in the staff report, noting that the sign at 3220 Elkhart Road is approximately 32' in height and 240 sf in area, not 420 sf in area.

Petitioner Presentation:

Tom Fisher, Good Oil Company, 1201 N US Highway 35, Winamac, spoke on behalf of the petitioner. He stated they would like to remove both existing signs, one of which is in the state right-of-way, and place the new sign at the corner. They will also adhere to the landscape requirements.

Mr. Holtzinger remarked that this is all new development and asked why they can't meet the sign ordinance requirements.

Mr. Fisher stated this is the standard size sign produced by the oil company and they're only 2' over the maximum.

Mr. Holtzinger asked if the sign can be lowered.

Mr. Fisher stated no because the clearance is at 7' which he understood to be what the City requires.

Mr. Holtzinger commented that Goshen adopted a new sign ordinance several years ago and one of the objectives is to reduce the size of the signs and to attempt to bring them all into compliance. He also voiced concerns that this will set a precedent and that other businesses will expect to have larger signs approved than the ordinance currently permits.

Mr. Fisher pointed out he can use the existing signs and simply change the panels in these large signs, but they feel they're too big and unsightly. They feel that one sign with added landscaping will clean up the entire site and make it appealing to everyone.

Audience Comments:

Doug Nisley, 1929 W Lincoln Avenue spoke to the petition. He asked Mr. Deegan if the new Lassus gas station received a variance to allow their sign.

Mr. Deegan stated that the Lassus site is a PUD and any variance for the sign would have been handled by the Plan Commission. He stated he doesn't know if they met the requirement and or what approvals may have been granted for the signage.

Attorney Kolbus noted that any changes for the size of the sign would be handled as part of the PUD. He also stated he doesn't recall if there were any approvals for a larger sign.

Mr. Nisley stated he agrees with Mr. Holtzinger and is not in favor of larger signs.

The public hearing was closed.

Staff Discussion:

Mr. Holtzinger stated he feels they should meet one of the conditions and recommended they meet the height requirement in exchange for allowing the additional square footage for the sign. He also voiced concerns that we're setting a precedent for allowing larger signs.

Action:

A motion was made and seconded, Holtzinger/Manriquez, to adopt the Staff recommendations as the findings of the Board, amending the height to allow a maximum height of 22', and based on these findings, approve 21-28DV with the 7 conditions listed in the Staff Report.

Mr. Deegan asked Mr. Holtzinger if his motion was to grant approval to allow the area as proposed, with a condition that the height meet the zoning ordinance requirement.

Mr. Holtzinger agreed that this was his motion.

A roll call vote was requested with the following outcome: Holtzinger, yes; Potuck, yes; Rohn, yes; Campbell, yes; Manriquez, yes. The motion passed unanimously by a vote of 5-0.

VII. Audience Items

None

VIII. Staff Board Items

- 6-month extension 21-06DV – 827 Lincolnway East, from 9/23/21 to 3/23/22

Mr. Deegan explained in March of this year a developmental variance was granted to allow an abandoned sign at the vacant property at 827 Lincolnway East to be refaced. Staff has not received a zoning clearance for the reface and the petitioner has requested a six-month extension.

Action:

A motion was made and seconded, Holtzinger/Rohn, to grant a 6-month extension for 21-06UV, 827 Lincolnway East from 9/23/21 to 3/23/22. The motion passed unanimously by a vote of 5-0.

- Mr. Deegan noted for the record that a new BZA member list is included in packets, updated to indicate Lee Rohn is the new BZA secretary.

IX. Adjournment: 4:30 pm Rohn/Holtzinger

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Aracelia Manriquez

Aracelia Manriquez, Chair

/s/ Lee Rohn

Lee Rohn, Secretary