

Minutes - Goshen Board of Zoning Appeals
Tuesday, October 26, 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, Michael Potuck, and Bethany Campbell. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: Aracelia Manriquez, Lee Rohn

II. Approval of Minutes from 9/28/21: Potuck/Campbell 3-0

III. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Potuck 3-0

IV. Postponements/Withdrawals
None

V. Use & Developmental Variances – public hearing items

21-09UV – Cruizin Rentals and Storage, LLC requests a use variance to convert a duplex allowed by a use variance to a single family dwelling, where single family dwellings are permitted in the Agricultural A-1, Residential R-1, R-1S, R-2, R-3, R-4, and PUD Districts, and are a conditional use in the Commercial B-2 District. The subject property is generally located at 1021 S 9th Street and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained a use variance was approved in 1996 for this existing duplex, which is located along the 9th Street Industrial corridor. Today's request is to eliminate one of the units, making this a single family home. Because the property is zoned Industrial M-1 a use variance is required, as residential units are not permitted in the M-1 District. He pointed out that this property has been residential for quite some time and is largely surrounded by single family homes. He also noted the size of the property is ideal for a single family home, but would likely be difficult to develop for an industrial use. No inquiries were received regarding this request and Staff recommends approval.

Petitioner Presentation:

Myron Grise, 64247 Meadowland Drive, spoke on behalf of the petitioner. He stated this property burned in October, 2020 and he originally purchased it with plans to renovate and rent as a duplex. Those plans changed when a family member proposed converting to a single family home and living there, so the upstairs apartment, which received the most fire damage, will be removed and the house converted to single family.

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 21-09UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

21-32DV – SERVUS, Inc., and Vequity, LLC request developmental variances to allow a front building setback of 10' where 35' is required and front parking/driving aisle setback of 16' where 35' is required along Indiana Avenue, a front building setback of 21' where 35' is required and front parking/driving aisle setback of 14' where 35' is required along Pike Street, a fence 5' in height where partial landscaping buffer is required along the south property line adjacent to residential use, and for the variances to be valid for 1 (one) year, for the construction of a 4,001 SF urgent health care facility. The subject property is generally located at 924 W Pike Street and is zoned Commercial B-3 District.

Staff Report

Mr. Deegan explained this Commercial B-3 location is the site of the former Long John Silver's restaurant. In addition to this being a relatively small lot on a busy commercial corridor, there is adjacent residential use and zoning, which present potential parking and access issues for development. The petitioners are proposing an urgent care use with an approximate 4,000 sf building, with parking proposed along the rear and east side of the property. Developmental variances will be required for building and parking setbacks along Indiana Avenue and Pike Street, and to allow a 6' fence where partial landscaping is required along the south side of the property. He also pointed out the fence will provide a barrier from vehicle headlights shining onto neighboring residential properties. The proposed improvements allow for greenspace and provide areas for street trees along both Indiana Avenue and Pike Street. He noted this proposal is reasonable and recommends approval of the request.

Mr. Deegan clarified for the record that the height of the fence was advertised at 5', but the fence will actually be 6' in height and explained that this detail does not affect today's hearing. He also noted the request is for the approval to be valid for one year.

Petitioner Presentation:

Jason Gigot, Vequity, LLC, 226 N Morgan, Chicago, IL spoke on behalf of the petitioner. He stated that because of the small lot size, a drive-thru at this location doesn't really work and they have been approached by a tenant willing to sign a long-term lease. They feel this proposal will clean up this corner and add value to the surrounding area. He stated he's available to answer any questions.

Audience Comments:

Doug Nisley, 1929 W Lincoln Avenue spoke to the petition. He asked where the entrance and exits will be located.

Mr. Gigot stated access to and from the site will remain unchanged.

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 21-32DV with the 7 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

21-33DV – The City of Goshen Department of Redevelopment and Abonmarche Consultants request developmental variances to allow a fence with privacy slats 8' feet in height along the east property line adjacent to residential use where full bufferyard landscaping is required, a 40' side (east) parking/driving aisle setback where 60' is required adjacent to residential zoning, and for the variances to be valid for 1 (one) year, for the construction of a maintenance building. The subject property is generally located at 610 E Plymouth Avenue and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this is a former industrial site which has been used recently for semi-truck parking and is owned by the Redevelopment Commission. The City would now like to redevelop the site for use as a maintenance building for the Parks Department. The site will contain an 8,400 sf building with 5 outdoor material storage bins, and 35 parking spaces. Developmental variances will be required because of adjacent residential uses and zoning to the east. Staff feels this request is reasonable and pointed out that this site is located on an existing industrial corridor with a history of mixed use development. He also noted that it's unlikely the site could be laid out to meet all of the developmental requirements for a new industrial use. He went on to say if full bufferyard landscaping was installed, it would be a minimum of 6' tall and 36' in width. The fence will provide a visual barrier and allow room to develop the site. The Planning Office recommends approval and suggests that approval be granted for one year.

Petitioner Presentation:

Tanya Heyde, Goshen Parks Department, 524 E Jackson Street, spoke on behalf of the petitioner. She stated their current maintenance building is located within the floodway at Shanklin Park. She feels this will be a great location for the new building, pointing out that it will be near the Parks Department administration office.

Mr. Holtzinger asked if there would be any room for trees on this site.

Ms. Heyde stated there are some plantings and small green spaces on the east and west sides of the property and that they are open to planting more trees as space allows.

Becky Hutsell, 204 E Jefferson Street also spoke on behalf of the petitioner. She stated there are power lines along the alley so they'll be limited on what types of trees can be planted. Current plans call for shrubs in this location.

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/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings approve 21-33DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

21-34 DV - Elkhart County Board of Commissioners and Jones Petrie Rafinski request a developmental variance to allow a fence 8' in height in the front yard along Reliance Road where 4' is permitted, and for the variance to be valid for 1 (one) year, for a secured parking area serving a courthouse. The subject property is generally located at 1905 Reliance Road and is zoned Commercial B-3 District.

Staff Report

Mr. Deegan described the location of this property, noting it is approximate 23 acres in size and the future home of the county's consolidated court complex. He explained the building footprint on this site will be approximately 55,000 sf and the site will include more than 500 parking spaces and 5 retention basins. All developmental requirements will be met, with the exception of an 8' tall fence with a slight encroachment into the front yard setback along Reliance Road. A 367' section of fence will have a 27' setback where 35' is required by the ordinance. He explained the fence cannot be moved closer into the property because of adjacent employee parking. Remaining sections of the fence will be in compliance with the zoning ordinance. He noted the fence is

for the employee parking lot and will provide security to staff. The request is for the variance to be granted for one year and the Planning Office recommends approval of the request.

Petitioner Presentation:

Andrew Cunningham, 325 S Lafayette Blvd, South Bend, spoke on behalf of the petitioner. He stated the visitor parking will be located off the main entrance, with Staff parking located off Reliance Road to the south. He noted it's important to secure the staff parking areas and that will be done in an aesthetically pleasing way.

Mr. Holtzinger asked if the entire parking area will be fenced.

Mr. Cunningham stated that only the staff parking area will be fenced.

Mr. Holtzinger asked why there are no trees near the fenced area.

Mr. Cunningham stated the landscape plan was not submitted with this request, but there will be street trees and plantings near the parking 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, Campbell/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings approve 21-34DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

VI. Audience Items
None

VII. Staff Board Items
None

VIII. Adjournment: 4:23 pm Potuck/Holtzinger

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Aracelia Manriquez

Aracelia Manriquez, Chair

/s/ Lee Rohn

Lee Rohn, Secretary