

Minutes - Goshen Board of Zoning Appeals
Tuesday, February 22, 2022, 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, Tom Holtzinger, Bethany Campbell, Hesston Lauver, and Michael Potuck. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. Approval of Minutes from 1/25/22: Potuck/Rohn 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 Variance – public hearing items

22-03DV – Philip E Waite & Elizabeth R Bontrager and Freedom Builders request a developmental variance to allow a 3’ rear (east) building setback where 25’ is required for the construction of a 296 sf attached garage. The subject property is generally located at 117 Canal Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan provided background information for this property and the neighborhood, noting that this property and surrounding properties are predominately single-family residences. The subject property is less than 6,000 sf and contains an approximately 1,350 sf home with open parking at the rear of the home. Today’s request is to add a 296 sf attached garage with a 3’ rear setback where 25’ is required. He pointed out this is a good example of a small property creating the need for a variance. He explained the area at the rear of the property already contains hard surface and has access from an alley. He pointed out the proposed development also matches the density of the neighborhood.

He noted for the record that the Planning Office had an inquiry from the owner of 119 Canal Street who stated she had no objection to the request.

Petitioner Presentation:

Jeremiah Hochstetler, 54824 CR 33, Middlebury, spoke on behalf of the petitioner. He stated he is familiar with the Staff Report and has nothing to add.

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 22-03DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-02UV – Berkey Avenue Mennonite Fellowship requests a use variance to allow a sitting wall for a memorial garden with a 14’ 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 and residential zoning district boundaries. The subject property is generally located at 2509 & 2601 Berkey Avenue and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained that this property is over 6 acres in size; surrounded by mostly single-family homes. The property includes a 12,300 sf church, a single-family home, and a large parking area that was expanded in 2017. He went on to explain there is a large, undeveloped portion of the property north of the parking lot, which the petitioners would like to use for a memorial garden. This garden would include a pathway, sitting wall, pergola, and columbarium. He noted churches are a conditional use in all zoning districts, but one of the conditions is that all structures must be a minimum of 50' to an adjacent residential use or zoning district and a use variance is required because the proposed memorial garden has several structures which would be within that 50' setback.

When asked by Staff why the structures were not moved to the middle of the property, the church stated they wanted to leave room for an outside worship area. He stated this was a reasonable justification for moving these structures closer to the property line and that Staff recommends approval of the request. He also pointed out that the BZA approved a similar request in February 2021 for a shed on church property at 909 N 6th Street.

Mr. Deegan stated for the record that letters were received from two adjacent property owners and are included with the packets. The owners of 2605 Berkey voiced their support of the project and the owners of 50 Greenway Drive listed several concerns regarding the request and opposition to the request, based upon those concerns.

Concerning the letter in opposition, Mr. Deegan noted that the proposed tree planting and trails in the northern portion of the property are not under review by City staff or the BZA and Staff encourages discussion amongst property owners regarding such matters. He also recommended that the church privately research utility easements and noted that no screening is required for the memorial garden. He also explained that the proposed use does not match the definition of a cemetery.

Petitioner Presentation:

David Birky, 19680 Canyon Cove, Goshen, spoke on behalf of the petitioner. He stated this garden is designed to be quiet and peaceful, and a variance is required because of the narrow lot. He provided a photo (Exhibit 22-02UV #1) of what the columbarium will look like and pointed out having a columbarium is a way to avoid having a cemetery, assuring the audience there are no plans for a cemetery. He stated the niches are sealed and designed to remain that way forever. He noted the drainage plan has been approved by Goshen Stormwater with no changes to the retention. In order to maintain privacy, plantings are planned for screening behind the columbarium, the sitting wall, and the pergola. He pointed out that 700 saplings have been ordered and will be planted outside the NIPSCO easement.

Mr. Holtzinger asked if most of the activity here will take place during the daytime.

Mr. Birky acknowledged that it will. He went on to say that church events will be supervised, but the prayer labyrinth would be open as it is now, with no security or monitoring.

Audience Comments:

Sandra Schneider, 48 Greenway Drive, spoke to the petition. She stated her main concern is safety since the plans call for this to be open to the community and questioned if the proposed labyrinth will provide places where people can hide.

Mr. Holtzinger asked Ms. Schneider if she has observed any unusual activity that has her concerned.

Ms. Schneider stated that in the past, there have been kids that climbed her fence to get to the church property. She also explained that people sometimes walk their dogs in that area or sled in the wintertime and she has no issue with those activities. She also questioned how mowing and litter will be controlled at the site.

Bill Gangwer, 2509 Waneta Drive, also spoke to the petition. He stated there have been 3-wheelers and motorcycles a number of times over the past several years. He agreed with the previous speaker about children in the tree line near the field. He noted the church has been a good neighbor, but he does have a few concerns about the plans for the northern part of the property.

The public hearing was closed.

Staff Discussion:

Mr. Deegan reiterated that the proposed forest and trail areas to the north are not under consideration. Mr. Holtzinger commented that he feels greater use of the facility will help cut down on trespassers to the property.

Action:

A motion was made and seconded, Holtzinger/Campbell, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-02UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-04DV – Lippert Components Manufacturing, Inc. and Surveying And Mapping, LLC request developmental variances to allow 373 onsite parking spaces where 439 spaces are required and to allow vehicle maneuvering in the right of way where loading facilities shall be arranged so that all maneuvers shall be accomplished without entering the public right of way, for the addition of a new loading dock and changes to a parking and driving aisle. The subject property is generally located at 1206 Eisenhower Drive South and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property was brought before the Board in September 2021 to allow maneuvering in the right-of-way for four new truck docks. Today's petition is also to allow maneuvering in the right-of-way for one additional truck dock and a new access drive from Eisenhower Drive South. The petitioners state this will improve worker safety in the unloading process.

Parking has also been reevaluated and they have determined there are 373 onsite parking spaces, where based on the number of employees, 439 are required. As mentioned earlier, a similar request was approved last September and this request is for one loading dock and to increase safety. He noted that the new access drive has already been approved by the Board of Works and part of the justification was the fact that they are removing approximately 180' of the continuous curb cut along Eisenhower Drive South.

Mr. Deegan noted that the number of parking spaces is not ideal, but this project is not making any major changes to the parking and no additional employees will be added.

The Planning Office was not contacted by any neighboring property owners and recommends approval of the request.

Petitioner Presentation:

Debra Hughes, 3220 Southview Drive, Elkhart, spoke on behalf of the petitioner. She noted the driveway was approved last month, and as part of that approval, the company agreed to remove part of the continuous driveway. She explained access to the new dock requires pulling into the right-of-way and backing into the truck dock.

Regarding the parking, Ms. Hughes noted that the City calculates parking based upon the number of employees, and by using this calculation, parking is not sufficient. For that reason, reduced parking is also part of today's request. She noted that on any given day, the company reports approximately 40 absentees, and approximately 102 employees carpool. Based on these numbers, there is sufficient parking available.

Steve Jenkins, Lippert Components, also spoke to the petition. He agreed with Ms. Hughes that existing parking is sufficient and that this RV facility is running production at a maximum rate. He went on to say forecasts for the second and third quarters show these production numbers will likely drop. He also explained that they are looking at automation, which will likely reduce the number of employees at this facility.

Mr. Lauver pointed out that existing parking along Eisenhower appears to be helter-skelter with people parking in grassy areas and mud. He questioned how that will be controlled.

Mr. Jenkins stated Lippert has roped off some of those areas and some of the administrative employees have relocated to a plant on Century Drive.

Mr. Lauver stated he finds it concerning that when driving by the building today, the parking was erratic and nothing like what is shown on the site plan. He asked why parking isn't more organized if there is an adequate amount of parking.

Mr. Jenkins stated that there are a couple of issues, including snow piles and storage of materials because of a construction project.

Ms. Hughes pointed out when the construction project has been completed, the storage of materials will take place inside the building and out of the parking area.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Mr. Deegan pointed out that if approved, condition #6 in the Staff Report states that "All materials stored outside shall be in locations designated as outside storage areas per the final approved plans for this project being reviewed in Tech Review". This will ensure parking spaces are being used for parking and not the storage of materials.

Action:

A motion was made and seconded, Campbell/Rohn, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-04DV with the 6 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

22-03UV - Keystone RV Company and Jones Petrie Rafinski request a use variance to allow an office (marketing and personnel training) where business offices are a conditional use in the Commercial B-1 and PUD Districts and a permitted use in the Commercial B-2, B-3, and B-4 Districts. The subject property is generally located at 2313 & 2321 Eisenhower Drive North and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property, zoned Industrial M-1, contains two 6,000 sf buildings with a shared driving aisle. Today's request is for these buildings to be used strictly as business offices, with no industrial uses taking place. The west building houses a Marketing Office, and Human Resources is located in the east building. He explained that business offices are generally located in commercial and PUD districts, but not as a stand-alone office in industrial districts. For that reason, a use variance is required. Staff recommends approval of the request, noting that similar requests have been approved in the past. He also noted the Planning Office has had no inquiries regarding this request.

Petitioner Presentation:

Matt Schuster, 300 Nibco Parkway, Elkhart, spoke on behalf of the petitioner. He stated Keystone has acquired this property and moved their personnel training center to the eastern building. He explained there are two offices

in the building and the rear portion of the building is used as an administrative and training facility, explaining that training takes place two to three times per week. He noted the western building is currently being used by one to three people for RV photoshoots. He asked that the Board approve the 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, Potuck/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-03UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VI. Audience Items
None

VII. Staff Board Items
Mr. Holtzinger asked if there are any plans to change the ordinance to allow office uses in the M-1 zoning district.

Mr. Deegan stated the zoning administrator has a list of small changes that need to be made to the ordinance, but at this time, it's not a high priority. He verified that it is on her agenda and will be worked on as time allows.

VIII. Adjournment: 4:38 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

2509 & 2601 Berkeley Ave

EXHIBIT

22-0241V #1

2/22/22 B2A

