

Minutes - Goshen Board of Zoning Appeals
Tuesday, June 28, 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: Tom Holtzinger, Hesston Lauver, and Angela McKenna (alternate). Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus. Absent: Michael Potuck, Bethany Campbell, and Lee Rohn

II. Approval of Minutes from 5/24/22: Lauver, McKenna 3-0

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

IV. Postponements/Withdrawals - None

V. Use & Developmental Variances – public hearing items

22-06UV – Lavern & Josephine Miller Family Limited Partnership and Linda Hershberger request a use variance to allow a variety store where the use is permitted in the Commercial B-2, B-3, and B-4 Districts. The subject property is generally located at 2418, 2420, & 2422 Dierdorff Road and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this property is located near the Industrial Park and contains three buildings; two are storage units and the third contains a small manufacturing use with a vacant space in the front of the building. The petitioners would like to use the vacant space for a small retail variety store, but a use variance is required because retail stores are not a permitted use in the Industrial M-1 District. Staff recommends approval of the request, pointing out there is adequate onsite parking and noting that the previous business here was an industrial wholesale supply with a small retail business. He stated the Planning Office was not contacted by members of the public regarding this request.

Petitioner Presentation:

Steve Carpenter, 2129 Carina Circle spoke on behalf of the petitioner. He was familiar with the Staff Report and had 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, Holtzinger/McKenna, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-06UV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

22-17DV – Peter Shenk Koontz & Kelly Shenk Koontz and Dana Miller Building Solutions, Inc. request a developmental variance to allow a 3’ front (east) building setback where 25’ is required for

a new front porch. The subject property is generally located at 507 S 7th Street and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained the petitioners would like to update the front porch of this single family home, retaining the overhang and replacing failing brick with a concrete landing and new steps. The setback to the existing steps is approximately 10' and once reoriented, they will have a 3' setback where 25' is required. Variances for setbacks and lot coverage have been common in this neighborhood in the past few years and this case warrants approval. He noted the porch is reasonably designed, is not excessive in size, and the new steps will be built to code. He stated the Planning Office was not contacted by members of the public regarding this request.

Petitioner Presentation:

Nate Mateer Rempel, 1013 S 12th Street spoke on behalf of the petitioner. He stated they plan to replace the dilapidated porch structure with a smaller porch, but the steps will come down the front. He stated he spoke with the customer this morning and they have no problem with removing the brick walkway along the south side of the porch which was one of Staff's recommendations.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

There was no discussion amongst Staff members.

Action:

A motion was made and seconded, Lauver/McKenna, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-17DV with the 5 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

22-18DV – Troyer Carpets, Inc. and Signtech Sign Services request a developmental variance to allow the reduction of the area of an existing illuminated freestanding sign from 96 SF to 81 Sf where structural modifications to nonconforming signs is not permitted and to allow a 20 SF electronic message center to be added where electronic message centers are not permitted to be added to nonconforming signs. The subject property is generally located at 926 & 928 E Lincoln Avenue and is zoned Industrial M-1 District.

Staff Report

Mr. Deegan explained this 2.5 acre property is located along East Lincoln Avenue and is surrounded by a mix of uses, including commercial and industrial buildings to the east and west, and residential homes to the north. He explained the petitioner would like to make changes to an existing illuminated free-standing sign on the property. He noted the existing sign is non-conforming because it is 16' in height where 15' is permitted, 96 sf in area where 50 sf is permitted, and illuminated adjacent to residential properties, where signs must be non-illuminated. Proposed changes include:

- Reducing the height of the sign to 14' to bring it into compliance with the zoning ordinance
- Sign area will be reduced from 96 sf to 81 sf
- Replace an existing changeable copy sign with an electronic message center (EMC)

The sign requires a variance because the sign will remain non-conforming due to illumination and area. A variance is also required to add an EMC because EMC's cannot be added to a non-conforming sign.

He explained that staff doesn't generally recommend approval for EMC's to be added adjacent to residential properties, but because the height of the sign will be brought into compliance with the zoning ordinance, the sign area will be reduced, the overall area of illuminated will be reduced, and there are other commercial and industrial properties in the area that lend the area a mixed use character, he feels approval is warranted. He noted the BZA approved a variance in 2016 to allow an EMC at 1513 E Lincoln Avenue and that sign was also close to residential properties.

He stated no public input was received by the Planning Office regarding this petition.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, spoke on behalf of the petitioner. He stated the customer is rebranding because of a new name. They looked at the overall structure and wanted to make aesthetic changes and also make the sign less non-conforming. The plan was to reduce the height, illuminate the top sign, and use the secondary sign as the main ID sign. The existing "Shaw sign" will be moved down to take the place of the existing changeable copy sign. The "Congoleum sign" will be removed to make room for the EMC. He went on to say Troyer Carpets has been there so long, they also decided to add a temporary aluminum panel along the bottom which will be removed after people get used to the new name. Removing that panel will reduce the overall sign another 6 sf.

Mr. Holtzinger asked for clarification regarding the height and overall size of the new sign.

Mr. Lehman stated the sign they have presented will be reduced to 14' in height and is a little over 80 sf in area. Once the Troyer Carpet sign is removed, the sign area will be reduced by another 6 sf.

Mr. Lauver asked about the dimming of the lights.

Mr. Lehman stated it's government mandated to dim automatically.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Staff Discussion:

Ms. McKenna asked Mr. Deegan if a condition needs to be added to the approval regarding dimming of the lights or if it's sufficient for it to be approved as mandated by the government.

Mr. Deegan responded that condition #4 states "The electronic message center shall conform to the programming standards of the Zoning Ordinance." He then read the language from the Goshen Zoning Ordinance regarding dimming.

Action:

A motion was made and seconded, McKenna/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 22-18DV with the 4 conditions listed in the Staff Report. The motion passed unanimously by a vote of 3-0.

VI. Audience Items
None

VII. Staff Board Items

- 502 River Race Drive – request to modify conditions of 21-11DV

Mr. Deegan stated in April, 2021, the Board approved several developmental variances to allow the construction of a new home on a relatively small property at 502 River Race Drive. Construction of the

home is now complete and the last steps, which include planting of trees, will be completed this fall. The original conditions of approval required 2 large street trees, but with the assistance of the City Forester, it was determined that the site would be better suited to one large tree and one small tree. He referred to the updated site plan in the member's packets which show the location of the trees. The lack of space and utility locations require modification of the conditions and he recommended approval, using the suggested motion included with the staff report.

Action:

A motion was made and seconded, Lauver/Holtzinger to approve the request to modify Condition 4 of 21-11DV so that the condition requires a minimum of one (1) large street tree and one (1) small tree in the front yard setback. The motion passed unanimously by a vote of 4-0.

VIII. Adjournment: 4:20 pm McKenna/Lauver

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Lee Rohn

Lee Rohn, Secretary