

Minutes - Goshen Board of Zoning Appeals
Tuesday, May 22, 2007, 4:00 p.m.
Council Chambers, 111 E. Jefferson Street
Goshen, Indiana

I. The meeting was called to order with the following members present: Ardean Friesen, Angela McKenna, Karen Fairfield and Kelly Huffman. Also present was City Planner Joe Hauflaire and Attorney James Kolbus.

Ardean Friesen acting as chair for today's meeting in place of Jay Rounds.

II. Approval of Minutes from 4/24/2007 – Fairfield/McKenna, 4-0.

III. The Zoning/Subdivision Ordinances were unanimously filed into Record – McKenna/Huffman, 4-0.

IV. Withdrawals/Postponements – none.

V. Developmental Variances – public hearing items

07-11DV Goshen College requests a variance to permit group housing quarters with less than the required 50' setback from adjacent residential uses and with off-site parking. The subject property is generally located at 610 College Avenue and zoned Residential R-1S.

Petitioner Presentation

Jim Histan, VP for Finance for Goshen College, 63109 CR 19, Goshen, said Goshen College (GC) owns houses on the south side of College Avenue, and out of 17 houses they own all but one. He said with the new apartment building project they need additional housing until that project is complete. With this request they want to convert two houses to small group housing, with parking on the college campus to the south.

Audience Comments – There was no one to speak to the petition.

Staff Report and Discussion

Mr. Hauflaire said he supports the variance request for group housing quarters, which is defined as dormitories, sororities and fraternities. He said the provision not met is the setback from adjacent residential property, but they own all but one of the properties on the south side of College Avenue.

Mr. Friesen asked about the condition for inspection, and Mr. Hauflaire said this would be required as a rental. He said they are not asking for on-site parking except for loading.

Mr. Friesen asked if they put up signs for no parking, and Mr. Histan said they deal with parking on a program basis and not with signs. He said they anticipate that the small group housing use would be on a temporary basis. Ms. Huffman asked what will happen to them after the temporary use and whether the temporary use should be part of the variance. Mr. Histan said their preference is to grant the variance permanently, but the intent is to use them temporarily and then convert them back to single-family rental properties.

The public hearing was closed.

Action

A motion was made and seconded, McKenna/Fairfield, to adopt the staff analysis and recommendations as the findings and conclusions of the Board, and based on these findings and conclusions that petition

07-11DV be granted with the two conditions listed in the staff report. The motion passed unanimously, 4-0.

07-12DV Goshen College requests a variance to permit group housing quarters with less than the required 50' setback from adjacent residential uses and with off-site parking. The subject property is generally located at 808 College Avenue and zoned Residential R-1S.

Petitioner Presentation

Jim Histan, VP for Finance for Goshen College, 63109 CR 19, Goshen, said this is a very similar request. Mr. Friesen asked if the parking lot can handle the parking needed, and Mr. Histan said yes.

Audience Comments – There was no one to speak to the petition.

Staff Report and Discussion

Mr. Hauflaire said on the last case 21 notices were sent and on this case 14 notices were sent. He said this is an almost identical case.

The public hearing was closed.

Action

A motion was made and seconded, Fairfield/McKenna, to adopt the staff analysis and recommendations as the findings and conclusions of the Board, and based on these findings and conclusions that petition 07-12DV be granted with the two conditions listed in the staff report. The motion passed unanimously, 4-0.

07-13DV Meijer, Inc. & Creative Sign Resources request a variance to permit a second freestanding sign on a single zoning lot. The subject property is generally located at 4522 Elkhart Road and zoned Commercial B-3 PUD.

Petitioner Presentation

Scott West, Creative Sign Resources, 4707 Lincoln Highway East, Ft Wayne, said he agrees with staff's recommendations for approval. Mr. Friesen asked if they are using the existing Meijer sign for the monument sign, and Mr. West said no. Ms. McKenna asked why they are doing this, and Mr. West said he thinks it is for better visibility. He said he thinks there are two signs and this is to get the monument sign farther away from the other sign. Several people said they think this is the only sign, that there aren't two, and Mr. Hauflaire said he thinks this is the only sign. Mr. West said the other sign may be a small directional sign. Mr. Hauflaire noted the proposed location on the site plan and asked whether they would not want to get the monument sign closer to the intersection. Mr. West said he believes they do want it as close to the corner as possible. Ms. McKenna asked if the sign is interior lit, and Mr. West said yes.

Audience Comments – There was no one to speak to the petition.

Staff Report and Discussion

Mr. Hauflaire said he supports the request. They have significant frontage on Elkhart Road and Ferndale Road and if it were zoned B-4, which could be an appropriate zoning, they would be allowed two or three signs. He said the number of signs is not excessive. Regarding height and area the gas sign remaining is consistent with the requirements. He asked Mr. West the area and height of the monument sign, and Mr. West said it is 5' 1" by 12' with a concrete base. He said the base is 48" high by 9' long, so the overall height is 9 feet with the base included. Mr. Hauflaire said using the B-4 requirements the two signs would be allowed and he recommended approval, with the monument sign moved as close to the intersection as possible. Ms. McKenna asked if a distance should be added, and Mr. Hauflaire said there are vision

issues and a distance would be difficult to state. Ms. Fairfield suggested as close to the intersection as possible, meeting the visibility requirements.

The public hearing was closed.

Action

A motion was made and seconded, Huffman/McKenna, to adopt the staff analysis and recommendations as the findings and conclusions of the Board, and based on these findings and conclusions that petition 07-13DV be granted with conditions 1-3 listed in the staff report and condition four that the sign be located as close to the intersection of Elkhart Road and Ferndale Road as possible, meeting visibility requirements. The motion passed unanimously, 4-0. (**Note:** The three “conditions” referenced were not conditions but bases for approval, so the fourth condition is the only condition that applies.)

07-14DV Jamesie Morningstar requests a variance to permit a second window sign where only one sign is permitted and a total coverage area of 17.2 square feet where only 12.8 square feet is permitted. The subject property is generally located at 220 S. Main Street and zoned Commercial B-2 (Downtown Historic District).

Petitioner Presentation

Jamesie Morningstar, 67092 Chadwick Court, Goshen, said she is the building owner. They have divided the building into two professional offices and one retail space, and the two professional offices share one door. Ms. Huffman asked which door shown on the photograph accesses the professional offices, and Ms. Morningstar said the doorway to the left. The doorway on the right goes to the upstairs apartment. Ms. Fairfield asked what happens when the retail side is rented, will there be another sign, and Ms. Morningstar said yes. Mr. Hauflaire said the second half of the building would be allowed one sign.

Audience Comments – There was no one to speak to the petition.

Staff Report and Discussion

Mr. Hauflaire said there are two variances, a second window sign and a combined area slightly larger than allowed. He said with two tenants two signs are reasonable, and the signs have an acceptable style and design. He said he supports the request as presented.

Mr. Friesen asked if they are planning on a wall sign, and Ms. Morningstar said no. Mr. Kolbus said the Board can add that as a condition, for example, no other signs except what is approved.

The public hearing was closed.

Action

A motion was made and seconded, McKenna/Fairfield, to adopt the staff analysis and recommendations as the findings and conclusions of the Board, and based on these findings and conclusions that petition 07-14DV be granted with one condition, that no other signs are allowed on the exterior of the building. The motion passed unanimously, 4-0.

VI. Audience Items – none

VII. Staff/Board Items

05-03UV Goshen Board of Aviation Commissioners requests a use variance to permit a 42' x 30' accessory building for airport related activity on property zoned Agricultural A-1. (Variance was extended 2/28/06.)

Item is before the Board to discuss the issue of signage. Conditions from 3/22/05 hearing indicate the following:

3. The signage shall be approved by the City Planner.

Mr. Hauflaire explained the history of approval and asked the petitioner to explain their rationale for a 32 sq ft sign. He said he thinks a directional sign is adequate.

Tim Fox, Premiere Signs, 400 N. Main, Goshen, said he was not aware of the 2005 agreement for a 7 sq ft directional sign when he designed the sign. He said the building is set back quite far from the road and there is a narrow drive leading back from CR 40. He said coming from the west you can see the building, but coming from the east, heading west, you have difficulty seeing the building. He said there are many new students who need to find this location. He said he came up with this design without knowing what had been discussed previously.

Mr. Kolbus said the condition was that Mr. Hauflaire approve the sign, not the 7 sq ft, so he brought it to the Board because there is a significant difference between 7 sq ft and 32 sq ft.

Mr. Friesen asked how tall the fence is, and Mr. Fox said 4 feet. Mr. Friesen said a short sign would be useless. Mr. Friesen said he would suggest leaving the height at 8' and going to 28 sq ft in area. Mr. Fox said he could design a 2' x 8' sign that would work for them.

Ms. Fairfield asked what would have to happen for neighbors to get notice, and Mr. Kolbus said there is no reason for a public hearing given the way the condition was stated.

Mr. Hauflaire said he doesn't think height is the issue. He said he came in thinking 7 sq ft was fine and now thinks a bit larger sign would be fine, maybe 12 sq ft. Mr. Fox said 7' x 2' would work better. Ms. Huffman said 2' x 8' seems okay, and Ms. McKenna said she feels okay with 2' x 8 feet.

A motion was made and seconded, McKenna/Huffman, to approve a sign size of 8' x 2' for Learning to Skydive, with the sign starting height from the ground at 4 feet. The motion passed unanimously, 4-0.

99-12 UV Thomas & Karen Stiver request a variance to allow an insurance office in a Residential R-1 single family zoning district. The subject property is generally located at 1764 Lincolnway East.

Item is before the Board to discuss the issue of parking. Conditions from 4/24/99 hearing indicate the following:

3. The parking plan as delineated by a survey dated 7/18/97 shall be approved.
4. The existing parking plan shall be used to determine the overall size of the business (i.e. number of employees, amount of office space, and parking for clients as required by the Zoning Ordinance).

Mr. Hauflaire pointed out the survey and said the area noted as asphalt drive was what was approved. He said there is quite a bit more parking now than what was approved, and said he asked Mr. Stiver to take it back to what was approved.

Tom Stiver, office at 1764 Lincolnway East, said the issue wasn't parking. He said they had a terrible water problem they were trying to address and also a problem getting to the mailbox. He said he put the stone out there to direct water on by to the yard. He said he didn't get to the point of putting up parking barriers. He said this was a safety and water issue.

Mr. Kolbus asked Mr. Stiver if the highlighted area is what has been filled in, and Mr. Stiver said yes.

Ms. Huffman asked how many employees there are, and Mr. Stiver said his wife and himself, plus one employee and one person from the high school who works part time. Ms. Huffman asked if anyone is using the basement, and Mr. Stiver said no. He said they had water intrusion in the basement and put a barrier on the side of the house. Ms. Huffman asked if he has been told where the stoplight will be, and Mr. Stiver said he has drawings. Ms. McKenna asked how much customer traffic there is every day, and Mr. Stiver said at most two cars. Mr. Friesen said where the State right of way is should be delineated. He said the gravel by the garage bothers him a little. Mr. Stiver said that area was asphalt that was breaking up.

Mr. Haufaire suggested going back to the original asphalt, and taking the gravel out from the right of way line so there are no improvements in the right of way. Mr. Stiver said that area will change with curbing put in for the new stoplight. He showed the INDOT drawing of the improvements for the new stoplight. Mr. Haufaire said when the variance was granted there was a finite hard surface and now we don't have that anymore.

Mr. Friesen asked when the light is being put in, and Mr. Stiver said they started today. Mr. Friesen suggested waiting to see what happens with the stoplight construction and then coming back to discuss this issue. Ms. Huffman said she supports this. Ms. Fairfield asked about the gravel by the garage, and Mr. Haufaire said we will revisit that too. Mr. Haufaire and Mr. Friesen advised Mr. Stiver that he should do nothing until the construction is complete. Mr. Friesen asked if a motion is necessary, and Mr. Kolbus said no action is necessary. Mr. Stiver asked Mr. Haufaire if he will notify him, and Mr. Haufaire said yes.

VIII. Adjournment – 5:00 PM