

Minutes - Goshen Board of Zoning Appeals
Tuesday, September 25, 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: Jay Rounds, Angela McKenna, Kelly Huffman and Karen Fairfield.
- II: Approval of Minutes from 8/28/2007: McKenna/Fairfield, 4-0.
- III: The Zoning/Subdivision Ordinances were unanimously filed into Record: McKenna/Huffman, 4-0.
- IV. Withdrawals/Postponements – none.

Mayor Allan Kauffman, 305 Gra-Roy Drive, presented the members with a token of appreciation for their volunteer service on the Board of Zoning Appeals.

V: Use Variances - none

VI: Developmental Variances

07-30DV – Rafael Sanchez & Victor Mojica request a variance to permit construction of a single-family home in the floodway fringe. The subject property is generally located at 1203 W. Wilden Avenue and zoned Residential R-1.

Petitioner Presentation

Victor Mojica, 15 Westfield Park, stated that he is the current property owner. He stated that the prospective buyer, Rafael Sanchez, is also present. He stated that they have previously been granted approvals for this property to construct a residence but were unable to complete the home in the required time frame. He stated that they are requesting the same variance as previously granted. He stated that they will be able to complete the project within the six (6) month time frame.

Audience Comments

Bonnie LeCount, 1205 W. Wilden, stated that she is the adjacent property owner at 1205 W. Wilden Avenue. She stated that she has been denied the right to fill in areas on her property and doesn't understand why they would be allowed to do anything on their property. She stated that the State granted her approval to do so but that the City of Goshen denied her request.

Mr. Rounds advised that her question is not relevant to the variance decision on the table. He suggested that she contact the Planning Department to investigate the matter.

Staff Report and Discussion

Mr. Hauflaire stated that he is recommending approval. He provided the Board with a brief history of the property. He stated that it was rezoned by the Plan Commission to Residential R-1 as a residential use is a good fit for the surrounding area. He listed the three (3) conditions included in the Staff Report. He stated that the goal is to have the absolute minimum amount of fill needed brought onto the property in order to achieve the required elevation.

Ms. McKenna questioned whether or not the City and the waste water treatment plant are in agreement. Mr. Hauflaire stated that they are.

Mr. Rounds questioned what the plans are for the fill dirt that is currently located on the property. Mr.

Mojica stated they will use that to complete the project. He stated that he is concerned about excess fill that may remain following the completion of the process. Mr. Rounds clarified that any remaining fill will need to be hauled off the property.

Mr. Hauflaire stated that they would like to see the existing fill used for this project as opposed to any additional fill being brought in. If additional is needed, it could then be brought onto the property.

Ms. Huffman inquired as to how long it will take for them to begin working on the project. Rafael Sanchez, 714 W. Lusher, Elkhart, stated that they plan to move forward as soon as they have a decision from the Board.

Mr. Hauflaire recommended the addition of a point #4 stating that they are to use the fill on site if deemed acceptable to bring the site up to the required elevation.

The public hearing was closed.

Mr. Hauflaire reminded the Board that the variance will be valid for six (6) months. Mr. Rounds advised that it should not be extended after that time as they have already been given substantial time over the years.

Action

A motion was made and seconded, McKenna/Fairfield, to approve petition 07-30DV with the three conditions listed in the Staff Report plus addition of #4 (listed above). The motion passed unanimously, 4-0.

07-31DV – MCIC, Inc. & David Wright request a variance to permit a freestanding sign with a height of 30' and an area of 490 sq ft (including the individual tenant sign faces) where 20' in height and 60 sq ft is permitted to allow sign face changes for the multiple tenants within the plaza. The subject property is generally located in the 500 block of W. Lincoln Avenue and zoned Commercial B-2.

Petitioner Presentation

David Wright, president of MCIC & General Manager of Linway Plaza Cinema, 1811 Kentfield Way, spoke on behalf of the corporation. He stated that they are in agreement with the Staff Report including the listed conditions.

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

Staff Report and Discussion

Mr. Hauflaire stated that he is recommending approval of the request. He pointed out that no more than half of the sign will change at any one time. He read the conditions listed in the Staff Report for the Board. He stated that the purpose of the variance is to allow for individual sign face changes for the multiple tenants in the plaza. He stated that structural changes to the sign will not be permitted.

The public hearing was closed.

Action

A motion was made and seconded, Huffman/McKenna, to approve petition 07-31DV with the conditions listed in the Staff Report. The motion passed unanimously, 4-0.

07-32DV – Carlos Hernandez (Praise Chapel) & Linda McConnell request a variance to permit zero (0) on-

site parking spaces where twelve (12) spaces are required. The subject property is generally located at 125 E. Lincoln Avenue and zoned Commercial B-2.

Petitioner Presentation

There was no one to speak to the petition.

Action

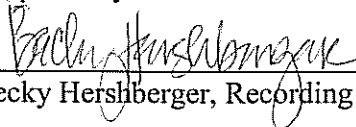
A motion was made and seconded, Huffman/McKenna, to table petition 07-27DV for 30 days due to a fact that there was no one to speak on behalf of the petition. The petition will be heard at the October 23, 2007 Board of Zoning Appeals meeting. The motion passed unanimously. 4-0.

VII. Audience Items – none

VIII. Staff/Board Items - none

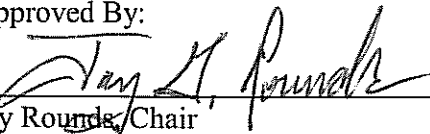
IX. Adjournment – 4:30 pm

Respectfully Submitted:

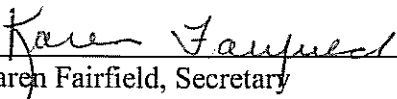


Becky Herslberger, Recording Secretary

Approved By:



Jay Rounds, Chair



Karen Fairfield, Secretary

