

Minutes - Goshen Board of Zoning Appeals
Tuesday, February 27, 2024, 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, Hesston Lauver, Matthew Fisher, and James Loewen. Also present were Assistant City Planner Rossa Deegan and Assistant City Attorney James Kolbus.

II. 2024 Board of Zoning Appeals Appointments

New BZA members Matthew Fisher and James Loewen were introduced and sworn in by Mayor Leichty. Mr. Holtzinger noted for the record that the mayor has appointed Craig Yoder as an alternate member and he will be sworn in at a later date.

- *Matthew Fisher – Appointed by Mayor, 1/31/24 – 12/31/27*
- *James Loewen – Appointed by Mayor, 1/31/24 – 12/31/27*
- *Craig Yoder – Alternate member, Appointed by Mayor, 1/31/24 – 12/31/27*

III. Approval of Minutes from 1/23/24: Lauver/Rohn 5-0

IV. Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Rohn/Lauver 5-0

V. Postponements/Withdrawals – Mr. Deegan stated the first hearing item, 24-05DV, for Keith & Kimberly Yoder, 412 & 414 N Riverside is being withdrawn and will not be heard today. It will appear again on next month's agenda in a slightly different form.

Action:

A motion was made and seconded, Rohn/Fisher, to accept the withdrawal of 24-05DV. The motion passed unanimously by a vote of 5-0.

VI. Developmental Variances – public hearing items

WITHDRAWN - 24-05DV – Keith & Kimberly Yoder request a developmental variance to allow a duplex on a lot 50' in width at the established front lot line where a minimum of 60' is required. The subject property is generally located at 412 & 414 N Riverside Blvd and is zoned Residential R-2 District.

24-06DV – Pumpkinvine Properties, LLC and Dyksen and Sons Builders request developmental variances to allow alterations to the visible exterior walls of the building that lack compatibility to the historical and architectural style, general design, size, texture and materials of the existing pre-1910s buildings on Main Street between Clinton Street and Jefferson Street, including replacing a portion of the north façade with wood bead board, covering portions of the north and east facades of the building with stucco, adding three fixed aluminum framed windows to the second story of the north façade, and maintaining the existing projections above the parapet walls on the east and west facades where no part of the roof shall project visibly above the parapet. The subject property is generally located at 206 & 206 ½ N Main Street and is zoned Commercial B-2 HD DD.

Staff Report

Mr. Deegan explained the property contains a two-story building, located in the downtown district. The petitioners are in the process of completely remodeling the building which includes a remodel of the

second floor apartment, a planned remodel of the space on the first floor, and planned improvements to all building facades. The façade changes require BZA approval because this property is in the downtown historic district and this district has architectural requirements, including that alterations to exterior walls be compatible with the style and design texture of the pre-1910's buildings on Main Street.

Mr. Deegan referenced page 2 of the Staff Report, noting that the following renovations will require variances:

- Paint a metal projection above the parapet wall; maintaining this projection requires a variance because the standards prohibit any part of the roof from projecting above the parapet;
- Replace deteriorating wood siding on second story with wood bead board; this material is not in the pre-1910s style and requires a variance
- Add three fixed windows for second story apartment which are not consistent with comparable pre-1910s windows, requiring a variance
- Add stucco surface to segments of deteriorating brick, requiring a variance for material type
- Add stucco to deteriorating brick on first and second stories and replace third story siding with stucco, requiring variance for material type

Referring to photos in the packet, he pointed out the appearance of the building is not very inviting and proposed updates to the building will be a nice improvement. It will be done in a historic style and most of these changes accomplish what the ordinance sets out to do. He also noted that some blocked off windows will be opened up and replaced. Requests that deal with existing projections above the parapet and the request to replace existing bead board is mostly cosmetic and Staff has no objection to this part of the request.

He explained that Staff recommends an amended approval which will allow most of these changes, but not the proposed stucco. He explained the spirit of these regulations is to maintain brick walls in the downtown and prevent more modern finishes, like stucco. The petitioner states the brick areas to be covered with stucco are in a state of disrepair and while Staff understands repairing and replacing brick can be difficult and expensive, if the request for stucco is denied, the brick could be repaired at a later date.

Mr. Deegan noted recommended conditions of approval include that the display windows on Main Street shall be clear (non-tinted) display windows and that stucco is prohibited.

The Planning Office was not contacted by any member of the public regarding this request.

Petitioner Presentation:

Mike Bessinger, Dyksen and Sons, 28621 County Road 30, Elkhart, spoke on behalf of the petitioner. He stated overall they're happy with Staff's recommendations and that he and the owner discussed the brick on the first floor. He stated the owner is ok with keeping the brick the way it is, but asked if the brown siding is removed from the second floor and the brick is found to be in excellent condition, could they leave that brick exposed? By doing so, this would allow some of the cost of the project to go towards updating or repairing the brick on the first floor.

Mr. Deegan stated that would bring the property closer into compliance and could be approved administratively.

Mr. Bessinger stated that he provided photos of the brick on the first floor (photos page 6 of the Staff Report) which shows metal protruding from the building that has been cut off at some point. He

understood that the metal supported an awning at one time and questioned if this metal needs to be removed. He also stated at some point the metal was covered over with siding and when the wood siding was removed these metal joists were exposed.

Mr. Lauver asked if the metal extends through to the inside of the building or if they're just in the outside wall.

Mr. Bessinger stated it's a triple brick wall and they are bearing on one, possibly two, layers.

Mr. Deegan stated he is unaware if building code would have requirements, but Planning has no issue with them remaining.

Mr. Bessinger noted for the record that no tinted glass will be installed on the first or second floor.

Mr. Rohn asked if any of the bricks will be painted.

Mr. Bessinger stated they would like to paint the majority of the north side of the building and the rear of the building an antique white. He went on to say he provided a picture of the backside of the building, which is the east side of the second story, explaining that they would like to remove the vinyl siding on the existing parapet which extends above what used to be a flat roof. Because of the way the building is structured they can't add additional brick, so they would like to replace with stucco. Since Staff does not support the stucco, he asked if they would be able to replace the vinyl with metal, matching what's on the front of the building.

Mr. Deegan stated there are some metals that are acceptable so if they can match one of them it could be approved administratively, but if the material isn't in the 1910 style, it would require a new public hearing.

Mr. Bessinger noted that the metal on the front is barn style and not pre-1910.

Referring to the conditions of approval listed in the Staff Report, Mr. Bessinger asked what is considered substantial progress in order for the variance to be valid. He voiced concerns that at some point the parking lot will be torn up and is afraid that will cause delays.

Mr. Deegan stated if they receive a signed zoning clearance and get started, within 6 months, nothing else is required. If there is no signed zoning clearance within that timeframe, they can request one 6-month extension.

Audience Comments:

There was no one to speak to the petition.

The public hearing was closed.

Action:

A motion was made and seconded, Rohn/Lauver, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-06DV with the 5 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

24-07DV – Best One Goshen Realty, LLC and Signtech Sign Services request developmental variances to allow the reconfiguration of a sign cabinet on an existing illuminated freestanding sign where structural modifications to nonconforming signs are not permitted and to allow an approximately 30 Sf electronic message center to replace the changeable copy portion of the sign where electronic message

centers are not permitted to be added to nonconforming signs. The subject property is generally located at 1021 N Greene Road and is zoned Commercial B-3 District.

Staff Report

Mr. Deegan explained today's request is to replace the existing changeable copy portion of the freestanding sign with an electronic message center, and to reconfigure the lower portion of the sign, making the EMC portion of the sign higher than the existing changeable copy section. He referred to renderings submitted by the petitioner, which show the existing and proposed sign. He pointed out the existing sign is 25' in height, where 22' is allowed, and the total of the four cabinets is approximately 291 SF, where 90 SF is allowed. Because the zoning ordinance only permits face changes to non-conforming signs, a developmental variance is required. The sign significantly exceeds zoning ordinance standards, therefore, an amended approval is recommended, allowing the EMC as proposed, but with the elimination of the 45 SF and 36 SF sign cabinets. Doing so will bring the sign closer to conformity and allows the EMC to be installed.

He also noted there was a variance granted in 1993 which granted approval of a second free-standing sign. He stated it's unclear if the second sign was ever installed, but there's no second sign there now, so as part of this approval, Staff recommends a condition voiding that variance.

The Planning Office was contacted by one adjacent property owner asking how to access this hearing online, but no comments were received regarding the request.

Petitioner Presentation:

Todd Lehman, Signtech Sign Services, 1508 Bashor Road, spoke on behalf of the petitioner. He stated he's working with Monteith/Best One corporate and stated this request applies to all locations; not just Goshen. He noted that all locations are transitioning to the electronic message centers and because these are not hardwired or radio antenna communicated, they can now be talked to from anywhere via cell service. In this case content will be controlled by the corporate office. In discussion with the customer, it was discussed moving the EMC higher on the sign to allow for greater visibility.

Regarding Staff's suggestion that two of the smaller cabinets be removed, he stated corporate might consider removing the Valvoline sign, but the Best One cabinet is a name that is to become a larger name than Monteith and he doesn't think the customer will go along with removing it from the sign.

Mr. Rohn asked when the sign was originally installed.

Mr. Lehman stated it's been there at least 35 years.

Mr. Fisher questioned if the Best One name is going forward, what happens to the Monteith name at other locations.

Mr. Lehman explained that they're all Monteith's Best One, and because they've joined buying power with Best One, that's why their name is on signage as well.

Mr. Loewen asked if the sign could be brought into compliance.

Attorney Kolbus explained if the sign was brought into compliance, they wouldn't need a variance. He went on to say that if it's denied or the Board agrees with Staff that the Valvoline portion should be removed, their option would be to meet the ordinance.

Audience Comments:

Bart Marshall, 1021 Greene Road, spoke to the petition. He stated the sign has been at this location for

a long time, and adding the EMC doesn't really change anything. Removing the Valvoline portion of the sign will actually decrease the overall square footage.

The public hearing was closed.

Staff Discussion:

None.

Action:

A motion was made and seconded, Rohn/Lauver, to adopt the findings of the Board and approve 24-07DV with the following conditions:

1. The variance shall become null and void unless a zoning clearance has been issued and substantial progress has been made within six (6) months of the date of the BZA approval.
2. Deviation from the requirements and conditions of the variance may result in the cancellation and termination of the approval or permit.
3. An approved zoning clearance form is required.
4. The EMC shall be subject to all other EMC requirements of the Zoning Ordinance.
5. As part of the proposed changes to the freestanding sign, the existing top two cabinets approximately 180 SF and 45 SF in area may remain in place; the existing cabinet approximately 36 SF in area shall be permanently removed from the sign, and the changeable copy sign shall be permanently removed from the sign.
6. Variance 93-22DV shall be null and void.
7. The nonconforming status of the sign due to excess area and height does not change with this approval.

The motion passed unanimously by a vote of 5-0.

24-08DV – The Life Center, Inc. and Garry Anglemyer request a developmental variance to allow an approximately 19 Sf electronic message center to replace the changeable copy portion of an existing freestanding sign where electronic message centers are not permitted to be added to nonconforming signs. The subject property is generally located at 1212 W Plymouth Avenue and is zoned Residential R-1 District.

Staff Report

Mr. Deegan explained this property has an existing sign along Plymouth Avenue with a changeable copy cabinet and they would like to replace it with an electronic message center. He explained the existing sign is 8' in height, where the zoning ordinance allows a maximum height of 5'. He noted Staff recommends approval and that while the 8' height of the sign is not ideal, the church property is approximately 13 acres in size and contains nearly 600 feet of street frontage. Given the location of the building to the sign, the request to replace the changeable copy with an EMC is not unreasonable.

The Planning Office received no inquiries from the public regarding this request.

Petitioner Presentation:

Garry Anglemyer, 65584 CR 3, Wakarusa, spoke on behalf of the petitioner. He stated their church disassociated from the Methodist Church a year and a half ago. They are a new church and they would like to show their newness by making improvements. He pointed out that both of the schools on Indiana and Greene Road have EMC's and they catch your eye. They would like to be able to do the same thing to announce their activities.

Mr/ Fisher asked if the structure of the sign would change in any other way.

Mr. Anglemyer stated they have no plans to change the configuration of the sign unless required to do so by the BZA.

Mr. Loewen asked how the sign will be controlled, specifically if the sign will be a static message or if it will scroll.

Mr. Anglemyer stated their understanding is that the message must remain static for a certain number of seconds. He agreed that the sign will change, but it will be static for the required number of seconds.

Mr. Loewen asked how many seconds the sign must remain static.

Mr. Deegan stated the zoning ordinance requires a minimum of 3 seconds. He also noted one of the conditions of approval is that the EMC shall be subject to all EMC requirements of the Zoning Ordinance.

Audience Comments:

None

The public hearing was closed.

Staff Discussion:

None.

Action:

A motion was made and seconded, Lauver/Holtzinger, to adopt the Staff recommendations as the findings of the Board and based on these findings, approve 24-08DV with the 5 conditions as listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

VII. Audience Items

None

VIII. Staff Board Items

Mr. Deegan noted for the record that signed residency forms were received from Matthew Fisher, James Loewen, and Craig Yoder.

IX. Adjournment: 4:47 pm Lauver/Fisher

Respectfully Submitted:

/s/ Lori Lipscomb

Lori Lipscomb, Recording Secretary

Approved By:

/s/ Tom Holtzinger

Tom Holtzinger, Chair

/s/ Hesston Lauver

Hesston Lauver, Secretary