

Minutes Goshen Township Zoning Commission Meeting

7:00 PM

Township Hall

April 19, 2007

Public Hearing on Cases 231 & 232

Meeting was called to order by Tom Risk.....all stood for pledge.

Roll Call: Present were Tom Risk, Bob Seyfried, Bob Hausermann, Elben Miller,
Lou Ethridge.....Absent were Wendy Mohler and Andy Pyott.

Case 231:

- Tom Risk introduced Lou Ethridge with a presentation on the advantages and disadvantages of compatibility in a mixing of valuable land uses. The purpose of rezoning is to effectively reduce the incompatibility, and ways to reduce future community conflicts and hardships in these areas. In Phase I there is 112 parcels in Goshen Township that have a potential for have incompatible land uses.
- Tom Risk opens the floor for Public questions, opinions, comments:

James Hobert, 6627 Nollhue Ln. The property that is said to be a vacant lot is not a vacant lot I live there and have lived there for 56 years and it is definitely not vacant. Lou Ethridge answered by stating he is looking at the lot on the north side of Fay and Nollhue which is a very heavy wooded lot. Conclusion to this the lot in question is the lot on the right hand side and this belongs to Mr. Hughes the owner of the Machine Shop.

Kim Boyd, 1371 Lane. Are we part of Phase I or Phase II? Tom Risk answered with: You are part of Phase II. What is the homes between my lane and Deerfield Estates zoned: Lou Ethridge answered: At this time he does not know but will look into it.

Unknown Resident: Are the property owners going to be compensated for the change? Tom Risk answered No.

Lee Lewis, What is the definition on Zone B2? Lou Ethridge answers with B2 is to encourage establishment of areas for general business uses to meet the needs of a regional market area. Activity in this district areas are often large space users and the customers using such facilities generally do not make frequent purchases. The clustering of commercial uses will be encouraged. Shopping Centers will be predominate building approach. Strip development shall be prohibited. B2 district shall be located on a arterial throughfair aspecified in major thourhgfair plan. That would be the County's plan. Permitted uses in the B2 include automotive, farm implements, sales, general business, highway business, wholesale business, commercial entertainment facilities, services stations and garages, hotels and motels, plant materials and clinics, clubs and public garages.

The minimum lot size for B2 is one acre or 43,560 square feet. The set back is 50 feet in the front, 25 in the back and 10 on the side.

Unknown Resident: What about a PUD on State Route 28? Tom Risk responded saying all property owners will have to agree to it and there is a lot of restrictions on PUD. How do you have the right to change M2 to a M1 without them changing the set back? This would make all the land worth nothing. Why was my land rezoned after I bought it years ago? **Question is actually unclear.** Tom Risk answered by stating probably because the board wanted to stop heavy industrial from moving in that area. Lee Lewis went thru the history of this.

Open discussion on frontage.....Unknown residents spoke out. When a resident buys a lot and is zoned something it should never change. It is not fair to change the zoning districts. You are just trying to stick it to the little people. The only reasons you guys are trying to do this is cause you built 100 homes behind all this and they are complaining. This is not right to make us change cause they were stupid to buy the homes. The board should never change anything without trying to solve and work with the property owners.....Tom Risk ends stating anyone can apply for a variance.

Lou Ethridge offered the discussion on the businesses getting together and coming up with a plan to present the board with. Lee Lewis stated that with the lot sizes the businesses does not have the ability to upgrade or better their lot which makes the land not worth the quality price. Lou offered to work with a group who would be willing to come up with a design that will work with everyone.

Ben Puckett: When I bought my property in the early 90's the set back was about to change which forced me to put up the two buildings I really didn't want. And now I am stuck with what I got.

Tom Risk asked Lee if he was willing to get the property owners together and work on a PUD. Unknown Resident (former owner of property at the end of Patricia Blvd) stated that this was asked once before and their recommendations were never heard. You guys are trying to do something that will change all the hard working businesses.

Lee Hughs: I am the founder of the Machine Shop on Nohlue Ln. about 40 years ago. This is a family business and the rezoning will not help anyone. The empty lot is owned by me and someday the family just might want to expand. I don't see anything wrong with this we have had no complaints from any of our neighbors. We will not be selling this and would like for the current zone stay in effect.

Unknown: The set back was questioned again. And was asked what effect will the current business have on the rezone. Tom Risk stated that no current business will be effected by the zone change.

Unknown: What are the set backs for M2 and is the set back for M1, M2 B2 any different? Lou Ethridge responded by stating that M1 light manufacturing is front 60' side 10' and back is 100', M2 100-10 -70, B2 is 100' front, 1' on the side and 120' in the rear.

Discussion among the residents reference the zone change will make them spend more money filing for a variance when wanting to make a change to their building.

Elben Miller asked if the board can play with the set backs on PUD? Lou responded "Yes"

Tom Risk asked if the major property owners will entertain the idea of getting together and coming up with a plan of what you want to see in your area?

Eric Lutz: This is a good idea but would the township be willing to pay for the third party engineer to get this together. Tom responded by stating he understands what is being asked but that is not what we are looking for we are actually looking for a plan not a drawing but the ideas and plan.

Donnie Combs: Asked why he was left out. Lou Ethridge stated he is zoned right and there is no need to rezone. Combs Trucking is an M2 operation and is zoned the same.

Patricia Blvd: Fire Chief Virgil Murphy stated that the land at the end of Patricia Blvd was a horse stable. This was sold and a lumber company moved in. This property can only be used for agriculture due to there not being any type of water compression system.

Unknown: This property can not be converted back to stables due to the cost of digging up the cement floor in the building and hauling in dirt.

Residents was in a self discussion of what the property should be zoned.

Lee Hughes: Made a second plea to leave his property as is. After discussion Lou Ethridge recommended to the board to take this property off of the list.

Tom Risk: 14 parcels on the list for rezoning....First 12 on State Route 28 should be tabled until we hear back from the major business owners on the plan that they come up with.

Bob Hausermann: Just for the record. I sat here quietly all evening. There has been a lot of reference to this board. I was surprised when this was set in front of me. I didn't know this was coming. This was not put before the board and said are we going to do this. This was just produced and here it is guys. That is why it is and why it is in front of you tonight. I am not a big fan of a lot of this and what is going on. I too have been around here forever. Mr Hughes I agree with you. You should be left alone. I feel the property owners on 28 should be given the opportunity to correct any ills that effect their property right now with the set back of 170 vs 100 foot. The Patricia Blvd is another subject I feel for the people in the subdivision I understand the importance of M1 over the Agriculture issue so without further a due I would like to make a motion to table the parcels on 28 and would like to get a second.

Elben Miller would like to add to that motion the agreement with the major property owners get back with us within 60 days with some ideas or work thru this together and if you have any questions give us a call or Lou a call. We'll try to get this ironed out within 60 days.

Bob Hausermann accepted the amendment and so moved. Elben Miller second the motion.

Tom Risk YES, Bob Seyfried YES, Bob Hausermann YES, Elben Miller YES

Bob Hausermann would like to make a motion to remove Mr Hughes from the list entirely. Elben Miller second the motion.

Tom Risk Yes, Bob Seyfried YES, Bob Hausermann YES, Elben Miller YES

The final parcel is the Patricia Blvd. Motion to change from M1 to Agriculture. Bob Seyfried made the motion. Elben Miller and Bob Hauserman asked for a little more discussion on this subject.

Elben Miller: I understand the concern and the need to expedite this. Lou had some conversation with the financial institution and Lou informed them of the hearings reference this property and they had given no position or communication about this. David Fry indicated this is not a taking. Only 14 of 60 acres is usable. The building is not an issue in the zoning change.

Bob Seyfried moved to have this property changed from M1 to Agriculture. Elben Miller second the motion.

Tom Risk Yes, Bob Seyfried YES, Bob Hausermann YES, Elben Miller YES

Case 232**Property Maintenance Code:**

The Property Maintenance Code is to protect Goshen's health, safety and economic stability by setting minimum community standards to eliminate property blight, nuisances, biological and physical hazards.

Lou explained the current property maintenance code and the effect of the change giving us more authority to keep Goshen. The zoning resolution in Goshen Township is very workable. The problem is there are some fine lines in there that we can't take care of junk cars and garbage, and buildings that are falling down and is a real hazard. We have had no authority to take care of this. We have a quarter acre lot right now with 14 cars with no resolution giving us authority to clean this up.

The second Public Hearing will be held on this case on May 7, 2007 at 6:00 P.M.

Unknown Resident JAMES: Will the sewer ever be connected on Nehlue Lane. Where Mr Hughes property is to my field?? Response is the board will have to check with the Water and Sewer Dept. to see what is on their agenda. We have been promised sewer in some places for 30 years and still do not have it. Ray Snyder was asked to check on this.

Ed: How do you determine the community standard of how tall grass can be? It is in the code that 8 inches in residential areas.

Chair entertained the motion to adopt the Property Maintenance Code as currently drafted. Bob Hausermann second the motion.

Tom Risk Yes, Bob Seyfried YES, Bob Hausermann YES, Elben Miller YES

Motion to Adjourn:

Elben Miller made the motion to adjourn. Bob Seyfried second the motion.

Tom Risk Yes, Bob Seyfried YES, Bob Hausermann YES, Elben Miller YES