

**JUNE 8, 2010**

**BOARD OF ZONING APPEALS  
CITY OF MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, June 8, 2010, at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Charles Krueger, Jim Trippel, Don McCampbell, Ross Portolese, and Rosemary Klaer. In addition to members of the public, the following were also in attendance: Ken Prince, Greg Shearon, and Kari Myers.

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The Minutes of the May 11, 2010, meeting, were approved as distributed.

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Don McCampbell explained the Rules of Procedure.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**APPEAL #10-18**

An appeal submitted by Timothy L. Rider requesting a Developmental Variance for **1121 West Seventh Street**, to permit a 1,200 square foot accessory building, 17' in height.

Timothy Rider, 1121 W. Seventh Street, presented the appeal. He said the 1,200 sqft building size is the most appropriate for him; 720 sqft just won't hold everything he needs to put in there. Mr. Rider said his boat is currently parked in his yard and said his neighbors have had items stolen, but he hasn't had any problems so far. Mr. Rider said the structure will be located approximately 11.8' from the west property line so the spacing shouldn't bother the neighbors.

Mr. Rider said he discovered there's a gas line where he wants to put his garage. He will either move the gas line out of the way or will have to move the garage 2' feet to the west. If he moves the garage 2' to the west, he is aware he will need to replat the 2 lots or combine into one parcel number.

Jim Trippel asked how he will access the garage. Mr. Rider said access will be from the street. The driveway to the existing garage will be curbed over and a new curb cut created.

Mr. Trippel asked if he had talked to NIPSCO about moving the line. Mr. Rider said yes and someone will be coming out to look at it. He said the cost will determine what he will do with the garage. If the price from NIPSCO is too high, he may move the garage, but he also knows there is a charge for the replatting of the property. Mr. Prince said while he was in Minnesota, there was a document they used to combine two properties with the same owner that was less involved than replatting property. He will look into it.

Don McCampbell asked Ken Prince if Mr. Rider will need to come back if he moves the garage to the west. Mr. Prince said yes, the Zoning Ordinance does not permit an accessory structure on a vacant lot.

Rosemary Klaer asked if he will park his boat and car in the new garage. Mr. Rider said yes.

Mr. McCampbell closed the Public Hearing on Appeal #10-18.

**Staff Recommendation:**

*Staff recommends approval of Appeal 10-18 to allow the construction of a 1200 sf, 17-ft high garage. This recommendation is based upon the following Findings of Fact:*

- 1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because all state and local building codes will be adhered to during construction;*
- 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the garage will primarily be constructed on a vacant single family residential lot with no other structure, and will be a substantial and appropriate distance from all property lines and the adjacent residential home to the west.*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the size and height limitations were implemented with respect to the size of single residential lots. There are no provisions in the Ordinance for larger accessory structures that are located on double lots. In addition, the limited size and height requirements of accessory structures would not supply sufficient space for storage.*

**MOTION:** Jim Trippel moved to approve Appeal #10-18. Rose Portolese seconded; motion carried with a vote of 5-0.

**ADJOURNMENT:** 6:14 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner