

FEBRUARY 8, 2011

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

A regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, February 8, 2011, 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, David Bent, Greg Shearon, and Kari Myers.

Don McCampbell explained the Rules of Procedure.

The Minutes of the January 11, 2011, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #11-05

An appeal submitted by Capital Automotive Real Estate Services, Inc. requesting a Sign Variance at **4004 Grape Road** requesting an additional, or fourth, freestanding sign as well as two wall signs mounted to the front beams of the building.

Mike DeMeulenaere, Site Enhancement Services, 6001 Nimitz Parkway, South Bend, appeared on behalf of the Appellant. He said the site has received several sign variances in the past due to the different brands of vehicles this dealership carries.

Mr. DeMeulenaere said a variance for a 4th freestanding sign was granted last year for a future brand which ultimately did not locate there so that additional sign is no longer needed. This request is to replace the existing Saturn sign with a new Kia sign which will be 25' in height. He also said that it is vital for business owners to represent each brand or they can be panelized by the manufacturer.

In addition, Mr. DeMeulenaere said Gurley Leep desires to install two wall signs on columns that are attached to the building. The building design needs an open appearance and the walls do not offer sufficient space, so the signs are to be attached to the columns. He said the columns are attached to the façade, and staff recommended this be presented to make sure everyone was in agreement.

Mr. McCampbell asked if the manufacturer penalized the dealer. Mr. DeMeulenaere said yes, their inventory can be penalized.

Mr. McCampbell closed the Public Hearing on Appeal #11-05.

Staff Recommendation

The Staff recommends in favor of Appeal 11-05 to allow for (1) the replacement of the Saturn sign with a new Kia sign with a height not to exceed 25 feet and a display area not to exceed 54.15 square feet; and (2) to allow two (2) signs not flush mounted on the wall but installed

*on columns at the front of the soon to be modified Mercedes showroom at 4004 Grape Road.
The recommendation is based upon the following Finding of Facts:*

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because all construction will be completed in accordance with all applicable state and local building codes;*
- 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 total square footage and copy area of the signs is substantially less than what would be permitted by ordinance. With 495 feet of frontage on Grape Road, the Appellant could potentially build one large sign with 100 plus square feet more of copy area than the three signs' copy areas combined; and*
- 3. The strict application of the terms of this chapter will result in practical difficulties in the use of the property because all the dealerships located on the lot would not be permitted to publicize their existence on the property with a freestanding sign that is required by the vehicle manufacturer.*

MOTION: Ross Portolese moved to approve Appeal #11-05. Jim Trippel seconded; motion carried with a vote of 5-0.

ADJOURNMENT: 6:08 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner