

MARCH 11, 2014

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

A regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, March 11, 2014, at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Charles Trippel, Don McCampbell, Ross Portolese, and Rosemary Klaer. Absent: Charles Krueger. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Peg Strantz, and Kari Myers.

Mr. McCampbell explained the Rules of Procedure.

The Minutes of the February 11, 2014, meeting, were approved as distributed.

Conflict of Interest was not declared.

**PUBLIC HEARING:
APPEAL #14-01**

An appeal submitted by Anthony K. and Tara K. Paiano requesting a Developmental Variance for **1823 Margaret Avenue** to permit a solid fence with a 0' setback on a through lot.

*Continued from the
February 11, 2014, meeting.*

Anthony Paiano, 1823 Margaret Avenue, said a windstorm in November blew down their existing privacy fence along Cedar Street and he is asking to install a new fence in the same location. He said similar requests in his neighborhood have been approved.

Mr. McCampbell closed the Public Hearing on Appeal #14-01.

Staff Recommendation

The Staff recommends approval of Appeal 14-01 to allow installation of a 6 foot privacy fence up to the Cedar Street property line at 1823 Margaret Avenue. 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 clear vision will be maintained for Cedar Street traffic and all local building codes will be adhered to for the construction of the fence.*
- 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 directly to the west across Cedar Street are commercial businesses, and the residences to the north and south have fencing up to the property line.*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the Appellants would only be allowed to erect a fence that is four feet high and 75% open which would not be a barrier to muffle the noise coming from Cedar Street traffic and the commercial businesses to the immediate west of Cedar Street.*

MOTION: Ross Portolese moved to approve Appeal #14-01. Rosemary Klaer seconded; motion carried with a vote of 4-0.

ADJOURNMENT: 6:06 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner