

AUGUST 11, 2015

**BOARD OF ZONING APPEALS
MISHAWAKA, INDIANA**

A regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, August 11, 2015, at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Charles Krueger, Charles Trippel, Don McCampbell, Ross Portolese, and Marcia Wells. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Greg Shearon, Christa Hill, and Kari Myers.

Mr. McCampbell explained the Rules of Procedure.

The Minutes of the June 9, 2015, and July 14, 2015, meetings were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #15-30

An appeal submitted by Mackie Melson requesting a Developmental Variance for **624 East Lawrence Street** to allow a deck with a 6' exterior side yard setback.

Tim Eperjesi, Alpine Construction, 1616 S. Olive Street, South Bend, appeared on behalf of the Appellant. Mr. Eperjesi said he's asking for the 6' side variance.

Mr. McCampbell said the deck has been built.

Mr. Eperjesi said the deck is the same width of the house and Mr. Melson is an elderly gentleman and accesses the home via the deck.

Mr. McCampbell closed the Public Hearing on Appeal #15-30.

Staff Recommendation

Staff recommends approval of Appeal #15-30 to allow a recently constructed 15' X 24' deck with a 6' exterior side yard setback. 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 were 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 deck does not encroach further into the setback than the home.*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the house currently encroaches into the exterior side*

yard setback and without the variance, it's possible the deck wouldn't be able to be accessed from the back door.

MOTION: Ross Portolese moved to approve Appeal #15-30. Charles Krueger seconded; motion carried with a vote of 5-0.

OLD BUSINESS
APPEAL #15-24

An appeal submitted by GRIP LLC requesting a Use Variance to allow a warehousing use on C-2 Shopping Center Commercial zoned property at **3618 Grape Road**. *Continued from the June 9, 2015, hearing.*

The Appellant requests the item be withdrawn. The Board moved and approved the withdrawal of Appeal #15-24.

ADJOURNMENT: 6:04 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner