

DECEMBER 8, 2015

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

A regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, December 8, 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, and Marcia Wells. Absent: Ross Portolese. In addition to members of the public, the following were also in attendance: Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

Charles Trippel moved to adopt the 2016 Rules of Procedure and 2016 meeting calendar. Marcia Wells seconded; motion carried with a vote of 4-0.

Mr. McCampbell explained the Rules of Procedure.

The Minutes of the November 10, 2015, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #15-47 An appeal submitted by Family Express Corporation requesting a Sign Variance at the **northeast corner of Edison Road and Hickory Road** to permit an oversized freestanding sign.

The Appellant requests the item be continued to the January 12, 2016, public hearing. The Board unanimously approved the request.

APPEAL #15-48 An appeal submitted by Daniel Robinson requesting a Developmental Variance for **610 Ballard Avenue** to permit a 30' X 30', 17' tall garage, with a 15' front yard setback. *Appellant requests continuance to January 12, 2016, public hearing.*

The Appellant requests the item be continued to the January 12, 2016, public hearing. The Board unanimously approved the request.

APPEAL #15-49 An appeal submitted by Southland Corporation requesting a Sign Variance for **601 North Main Street (7-11 Convenience Store)** to permit an oversized freestanding sign.

The Appellant was not in attendance.

Mr. Prince said he and Christa Hill met with sign company representative and the construction manager at the site this afternoon and they indicated they would be at the meeting, however, it doesn't appear anyone is here.

Mr. Prince asked the Board members if they had any questions. He said they are in their own self-created pickle as the installation of the sign is scheduled for next week. They have agreed to landscape improvements at the corner such as cutting down the shrubs, removing the wood railroad ties.

Mr. Prince said with the Board's permission, we would issue a Sign Improvement Location Permit pending them coming back next month for approval of the installation. He doesn't know how else to attack it and he isn't sure why they aren't here.

Staff Recommendation

The Staff recommends approval of the monument to pole sign and various height variances. This recommendation is based upon the following Findings of Fact:

- 1. Approval will not be injurious to the public health, safety, morals or general welfare of the community because the sign is existing in a similar design, height and area. All construction will be completed in accordance with all applicable state and local building codes, and will be professionally installed with quality materials.*
- 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 sign is existing in a similar design, height and area. The improvements made will allow for better site distance when turning at that intersection.*
- 3. Strict application of the terms of the On-Premise Sign Standards Ordinance will result in practical difficulty because a monument sign at that location would block the site triangle.*

MOTION: Charles Krueger moved to continue the item to January 12, 2016. Charles Trippel seconded; motion carried with a vote of 4-0.

ADJOURNMENT: 6:08 p.m.

BOARD OF ZONING APPEALS RECONVENED AT 6:12 P.M.

APPEAL #15-49 An appeal submitted by Southland Corporation requesting a Sign Variance for **601 North Main Street (7-11 Convenience Store)** to permit an oversized freestanding sign.

Neil Jaekle, National Illumination and Sign, 6525 Angola Road, Holland, OH, appeared on behalf of Southland Corporation. Mr. Jaekle apologized for being late and thanked the Board for their patience as they went to several other City buildings thanks to their GPS.

Mr. Jaekle said they're asking to re-use the existing sign structure due to the site being very tight and they've discussed with Planning Staff and they thought best to keep as is and reimage with a few changes. He said they are on board with the landscaping work.

Mr. Jaekle said he met with staff earlier and they determined there's no place to relocate the sign and a monument sign would create a visibility issue and be dangerous to pedestrian and vehicular traffic at this corner.

Mr. McCampbell closed the Public Hearing on AP #15-49.

MOTION: Marcia Wells moved to approve Appeal #15-49. Charles Krueger seconded; motion carried with a vote of 4-0.

ADJOURNMENT: 6:17 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner