

APRIL 10, 2018

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

A regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, April 10, 2018, 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, Marcia Wells, and Larry Stillson. In addition to members of the public, the following were also in attendance: David Bent, Ken Prince, Derek Spier, Christa Hill, and Kari Myers.

Mr. McCampbell explained the Rules of Procedure.

The Minutes of the March 13, 2018, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #18-10 An appeal submitted by Jeffery Maholmes, Sr, requesting a Developmental Variance for **1235 East Third Street** to permit a handicap accessible ramp with a 9' exterior side yard setback.

Jeffery Maholmes, 1235 E. Third Street, said he was asking for the ramp.

Mr. Trippel asked if the ramp had been built. Mr. Maholmes said yes.

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

Staff Recommendation

*Staff recommends **approval** of Appeal #18-10 to allow a handicap access ramp to be constructed with a 9' 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;*
- 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 ramp is modest in size and will still be approximately 9' from the public sidewalk; and*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the ordinance has no provision to accommodate a situation such as the Appellant's where special access to an individual's home is needed.*

MOTION: Charles Trippel moved to approve Appeal #18-10. Charles Krueger seconded; motion carried with a vote of 5-0.

APPEAL #18-11 An appeal submitted by School City of Mishawaka on behalf of Mishawaka High School requesting a Sign Variance for **1202 Lincolnway East** to permit a 40' tall, 1,045 sqft LED video display scoreboard.

Mike Bultinck, Lehman & Lehman, 510 Lincolnway East, Mishawaka, appeared on behalf of Mishawaka High School. He said they are requesting a height variance for the accessory structure to 40' inside the football stadium and an additional sign.

Mr. Bultinck said this is a combination scoreboard and video board as the old one is beyond repair. He said this isn't a traditional sign as it will have video display and scoreboard with sponsorship panels. Mr. Bultinck also noted the appeal stated there would be a catwalk on the back side of the sign for maintenance and access, however, that has been removed and they will purchase a scissor lift to maintain the scoreboard.

Mr. McCampbell closed the Public Hearing on Appeal #18-11.

Staff Recommendation

The Staff recommends approval of the variance to allow an additional sign, a 37' wide x 30' tall or 1,045 square foot scoreboard with an overall height of 40'. 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 itself has safety features and the 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 improvements are meant to update the high school. The existing scoreboard does not work, and the use of the new scoreboard would be limited to sporting events or special occasions;*
- 3. Strict application of the terms of the On-Premise Sign Standards Ordinance will result in practical difficulty because there is no signage allowed for schools in the R-1 District. The scoreboard has a specific purpose that the other signs cannot perform.*

MOTION: Larry Stillson moved to approve Appeal #18-11. Marcia Wells seconded; motion carried with a vote of 5-0.

APPEAL #18-12 An appeal submitted by School City of Mishawaka on behalf of Mishawaka High School requesting a Developmental and Sign Variance for **1202 Lincolnway East** to allow a 10' exterior side yard setback along Studebaker Street and a 42.78 sqft alumni plaza archway sign.

Mike Bultinck, Lehman & Lehman, 510 Lincolnway East, Mishawaka, appeared on behalf of Mishawaka High School. He said this request is for an exterior side yard setback and an additional sign for the alumni plaza.

Mr. Bultinck said this will be a masonry column entryway for the alumni plaza. He said they have room to meet the 12' 6" setback, but the north façade has existing pilasters and they want to line up with those and that's why the request for reduced setback.

Mr. McCampbell closed the Public Hearing on Appeal #18-12.

Staff Recommendation

The Staff recommends approval of the variance to allow an additional 42.78 square foot sign, with a 10' 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 or general welfare of the community because the 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 improvements are meant to update the high school by providing better circulation of visitors to and from the stadium;*
3. *Strict application of the terms of the On-Premise Sign Standards Ordinance will result in practical difficulty because there is no signage allowed for schools in the R-1 District. Having an exterior side yard setback on any yard abutting a street limits the available space to install improvements.*

MOTION: Charles Trippel moved to approve Appeal #18-12. Charles Krueger seconded; motion carried with a vote of 5-0.

APPEAL #18-13 An appeal submitted by Carlos Macau, owner, along with Kerry Beasley, tenant, requesting a Use Variance for **3505 North Home Street**, Units #101 and #106 to permit an indoor specialty auto dealership in the I-1 Light Industrial District. *Appellant is requesting withdrawal.*

Mr. McCampbell read a letter from the Appellant requesting withdrawal.

MOTION: Charles Krueger moved to withdraw Appeal #18-13. Larry Stillson seconded; motion carried with a vote of 5-0.

ADJOURNMENT: 6:08 p.m.

Kenneth B. Prince /s/
Kenneth B. Prince, City Planner

Kari Myers /s/
Kari Myers, Administrative Planner