

JULY 10, 2018

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

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

Mr. McCampbell explained the Rules of Procedure.

The Minutes of the June 12, 2018, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #18-18 An appeal submitted by Robin L. O'Block requesting a Developmental Variance for **5302 Jenny Lane** to permit a solid fence with a 3' exterior side yard setback.

Robin O'Block, 5302 Jenny Lane, said she has a corner lot and wants to add to her white vinyl fencing in the back yard.

Mr. McCampbell asked if one side was up. Ms. O'Block said yes, the "L" part is up, but not enclosed yet.

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

Staff Recommendation

*The Staff recommends **approval** of Appeal #18-18 to install a 6' privacy fence in the exterior side yard, with a 3' setback from the property line. 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 will be adhered to during construction and adequate visibility will be maintained for vehicles entering and exiting the cul-de-sac;*
- 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 fence will be located wholly on the owners property with 6' between the traveling public on the sidewalk; and*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because installing a privacy fence with a 12.5' exterior side yard setback would result in the loss of usable rear yard space, fencing materials, and security to the garage.*

MOTION: Marcia Wells moved to approve Appeal #18-18. Charles Krueger seconded; motion carried with a vote of 4-0.

APPEAL #18-19 An appeal submitted by Roger Hartman requesting a Developmental Variance for **1209 East McKinley Avenue** to allow a reduction in the required number of parking spaces from 37 to 30.

Whitney Pizzala AR Engineering, LLC, 4664 Campus Drive, Kalamazoo, appeared on behalf of Mr. Hartman. Ms. Pizzala said they are asking for a parking variance for a proposed Dollar General. They are providing 30 spaces which is typically what they need. Ms. Pizzala said it would allow more green space and have less stormwater stored on site.

Mr. McCampbell closed the Public Hearing on Appeal #18-19.

Staff Recommendation

Planning Staff recommends approval of Appeal 18-19 to allow a reduction in the required number of parking spaces for a proposed 9,100 sq. ft. retail building. 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. Per the applicant and future tenant's experience, the number of proposed parking spaces will meet the demand for the proposed retail use. Furthermore, the reduction will allow for less impervious surface resulting in more greenspace.*
- 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 as automobile-oriented commercial uses, including retail uses, are currently permitted. The reduction in parking will not affect the adjacent properties.*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property. Requiring that parking spaces be provided for the proposed use at a ratio per the zoning ordinance would result in additional impervious surfaces increasing storm water runoff and reducing the amount of greenspace.*

MOTION: Charles Trippel moved to approve Appeal #18-19. Charles Krueger seconded; motion carried with a vote of 4-0.

NEW BUSINESS:

Mr. Prince said the City will have a public hearing next week regarding a partnership with INDOT to restripe Lincolnway to 3 lanes. It will improve safety and clean up the corridor and will affect parking in some areas.

ADJOURNMENT: 6:10 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner