

APRIL 9, 2019

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

The regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, April 9, 2019, at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Charles Krueger, Chris Tordi, Charles Trippel, and Larry Stillson. Absent: Marcia Wells. 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. Trippel explained the Rules of Procedure.

The Minutes of the March 12, 2019, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #19-11 An appeal submitted by Mishawaka Grace Brethren Church, **1715 Day Road**, requesting a Developmental Variance to allow a 1,344 sqft accessory structure.

Pastor Davey Troxel, 1622 N. 29th Street, South Bend, said the church would like to add a pavilion in the back yard. He said he had spoken with several neighbors about it.

Pastor Troxel said the need for the variance arises from the fact they are adding to the existing garage and exceeds the 720 sqft limit; by itself it wouldn't need the variance. He said it would be an open pavilion with supports and a roof.

Opposition

Elizabeth Carr, 1611 Cedar Springs Court, Mishawaka, asked what the pavilion would be used for. She said she was concerned about removing trees.

Pastor Troxel said gatherings, picnics and such and the pavilion will not come any closer to her property.

Mr. Trippel closed the Public Hearing.

Staff Recommendation

*The Staff recommends **approval** of Appeal #19-11 to construct a 24' x 32' addition on an existing accessory building for a total of 1,344 sf accessory 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 because all state and local building codes will be 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 property is large enough to accommodate a large garage without crowding the property; and*
3. *Strict application of the terms of this chapter will result in practical difficulties in the use of the property because while the Appellant could build several 720 sqft structures on this large lot it is more practical to build one large structure to accommodate their needs.*

MOTION: Charles Trippel moved to approve Appeal #19-11. Larry Stillson seconded; motion carried with a vote of 4-0.

APPEAL #19-12 An appeal submitted by Jason Garcia requesting a Developmental Variance for **606 Berlin Street** to permit a deck with a front building setback of 5'.

No one appeared to present the appeal. The Board voted unanimously to continue the item to the May 14, 2019, hearing.

APPEAL #19-13 An appeal submitted by the Humane Society of St. Joseph County requesting a Use Variance for **2506 Grape Road** to permit a 175' monopole communication broadcasting tower (cell tower).

No one appeared to present the appeal. The Board voted unanimously to continue the item to the May 14, 2019, hearing.

ADJOURNMENT: 6:08 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner