

JULY 9, 2019

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

The regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, July 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, 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.

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Mr. Trippel explained the Rules of Procedure.

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The Minutes of the June 11, 2019, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**APPEAL #19-27** An appeal submitted by Kelly K. and Virginia Kent requesting a Developmental Variance for **405 Gernhart Avenue** to allow a handicap accessible ramp with a 0' front yard setback.

Steve McClain, on behalf of Kelly and Virginia Kent, said the ramp is for the owner to get in and out of the home. The ramp is already up.

Mr. Krueger asked if the ramp is was for him. Mr. McClain said it's for his neighbor and he was on vacation and could help him out.

Mr. Krueger asked if the owners were an elderly couple. Mr. McClain said it's a mother and son and she doesn't get around well. He's here because the son had to work.

Mr. Stillson asked when they found out they needed a variance. Mr. McClain said Mr. Spier helped him with the filing. Mr. Prince said it is our policy when medically necessary, we'll issue the permit with the understanding they file for the variance. They understand it's conditional upon approval. We work with the homeowners in these situations.

Mr. Trippel closed the Public Hearing on Appeal #19-27.

**Staff Recommendation**

Staff recommends ***approval*** of Appeal #19-27 to allow a handicap access ramp with a 0' front 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*

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:** Larry Stillson moved to approve Appeal #19-27. Marcia Wells seconded; motion carried with a vote of 5-0.

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**ADJOURNMENT:** 6:04 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner