

OCTOBER 13, 2020

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

The regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, October 13, 2020, at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Charles Krueger, Chris Tordi, Marcia Wells, Larry Stillson, and Joel Dendiu. In addition to members of the public, the following were also in attendance: Ken Prince, David Bent, Derek Spier, Christa Hill, and Kari Myers.

Mrs. Wells explained the Rules of Procedure.

The Minutes of the September 9, 2020, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #20-47 An appeal submitted by Larry G. and Irene C. Crider requesting a Developmental Variance for **2047 East Jefferson Boulevard** to allow a 2,000 sqft accessory structure.

Larry and Irene Crider, 2047 E. Jefferson Blvd., said they have lived in their house for 17 years and it's a great neighborhood.

Mr. Crider said he has reached the age where he can't cover everything he owns such as lawn equipment, trucks, and wants it all under one roof instead of several structures. He said he will not be running any business from the garage.

Mr. Crider said the existing garage is not in good shape and he will tear it down.

Mr. Tordi said it looks like the new garage will be in the approximately location of the existing garage. Mr. Crider said yes.

Mr. Tordi asked if he had any plans for sewer to the garage. Mr. Crider said no, and he may not even need electric.

Mr. Tordi asked if he would just have the one structure. Mr. Crider said yes.

Mr. Prince read letters of remonstrance from Khris Davis, 1209 Dahlia Court; Richard and Patricia Huemmer, 1209 Aster Court; and James and Terry Cinal, 1210 Dahlia Court.

Rebuttal

Mr. Crider said he know about one letter of remonstrance and he believes the neighbor thinks it will be more commercial, but it is not. He said he likes the neighborhood and the new garage will better than he has there now.

Mrs. Wells closed the Public Hearing on Appeal #20-47.

Mr. Stillson said he assumes those items will be under one roof. Mr. Crider said yes.

Mr. Stillson said instead of items being outside they will be stored inside. Mr. Crider said yes.

Mr. Tordi said he would rather see one structure instead of multiple buildings.

Mrs. Wells asked if there are woods. Mr. Prince said there are woods on the south end of his property.

Staff Recommendation

*The Staff recommends **approval** of Appeal #20-47 to construct a 2,000 sqft (40' X 50'), 15' tall accessory structure. 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 size of the structure is proportionate to the size of the lot, and will store items normally stored outside getting them out of view of adjacent properties; and*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the Appellant could build several 720 sqft structures on the lot, but it is more practical to build one large structure to accommodate their items.*

MOTION: Larry Stillson moved to approve Appeal #20-47. Joel Dendiu seconded; motion carried with a vote of 5-0.

APPEAL #20-48 An appeal submitted by Emeriprez, LLC, requesting a Developmental Variance for **430 East Cleveland Road, Granger**, to allow an 8' fence.

Gary O'Brien, Imgram Civil Engineering Group, 212 Overlook Circle, Brentwood, TN, appeared on behalf of the request. He said they are requesting to increase the height of a fence to 8' with a length of 90'. He said it will enclose are rear courtyard so residents can walk outside and enjoy being outside.

Mr. O'Brien said the reason for the increase in height is a security issue and for personal safety of the residents. He said his clients operates these types of facilities all over the US and there is some hazard with a lower fence.

Mr. O'Brien said instead of a vinyl fence, they want to go with wood and would appear the same and hopefully that isn't a problem.

Mrs. Wells asked if the fence is just along one line; not enclose the whole area. Mr. O'Brien said it is enclosed with two gates for ingress and egress. It is intended to be an enclosed area and secure.

Mrs. Wells asked if there was an issue with the wood fence instead of vinyl. Mr. Prince said no.

Mrs. Wells closed the Public Hearing on Appeal #20-48.

Staff Recommendation

Planning Staff recommends approval of Appeal 20-48 to allow an 8' high vinyl privacy fence to enclose a proposed rear courtyard area for the Clare Bridge at Granger memory care facility.

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. The proposed 8' high vinyl privacy fence will be located on the north side of the building to enclose an outdoor courtyard area and greater than 50' from the public right-of-way.*
- 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. The proposed 8' high vinyl privacy fence, being only 1' taller than permitted and located internal to the site, will have no negative impact on the use or value of the adjacent properties.*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property. Adhering to the permitted 7' height for a privacy fence could potentially create an unsafe and unsecure outdoor courtyard area for the facility's residents.*

MOTION: Charles Krueger moved to approve Appeal #20-48. Chris Tordi seconded; motion carried with a vote of 5-0.

ADJOURNMENT: 6:18 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner