

FEBRUARY 9, 2021

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

The regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, February 9, 2021, 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, and Joel Dendiu. Absent: 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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Mrs. Wells explained the Rules of Procedure.

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The Minutes of the January 12, 2021, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**APPEAL #20-56** An appeal submitted by S & L Properties, LLC, requesting a Developmental Variance for **5520 N Main Street** for a reduction in the required number of parking spaces for the Culver's Restaurant.  
*Continued from the January 12, 2021, meeting.*

Michael Currier, Jones Petrie Rafinski, 325 S. Lafayette Blvd., South Bend, appeared on behalf of the Appellant. He said Culver's is adding a double drive-thru at this site to alleviate some of the traffic problems and have a better flow on the site.

Mr. Currier said in order to accomplish this, they need to eliminate a row of parking which takes them below the required number of spaces. He said Culver's uses approximately 60 spaces and they are right around that number and there are customer waiting spaces that other places don't have. Mr. Currier said he has been dealing with corporate and the owner and this parking meets their needs and the double drive-thru will help improve business and improve traffic flow.

Mrs. Wells asked if this will allow spaces for employee parking. Mr. Currier said yes, there are usually 10-12 employees at their busiest shifts and many are younger kids who are dropped off. The very back row is where employees park.

Mr. Dendiu asked if the drive-thru numbers have been higher during the pandemic or is this a temporary problem they are seeking a solution for. Mr. Currier said it is a need especially how people have migrated to get their food. McDonald's started this trend about 10 years ago. He said Culver's were initially against it, but realize it's a future trend. Mr. Currier said it's a long-term thing where every fast food restaurant will have them.

Mrs. Wells closed the Public Hearing on Appeal #20-56.

**Staff Recommendation**

*Planning Staff recommends approval of Appeal 20-56 to allow a reduction in the required number of parking spaces at Culver’s Restaurant from 68 to 59.*

*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 redesign causing the reduction of parking spaces will allow the site to operate in a more efficient manner. Adequate parking will be provided for patrons of the facility and its employees.*
- 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 requested variances will not impact the adjacent area that includes similar restaurant, retail, and commercial uses.*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property. If the parking variance is not granted, the preferred dual lane drive-thru and parking lot reconfiguration would not be permitted thus not improving the on-site traffic conditions. Requiring additional unneeded and underutilized parking spaces unnecessarily consumes land that will otherwise be used serving more cars in the same or shorter time window.*

**MOTION:** Joel Dendiu moved to approve Appeal #20-56. Charles Krueger seconded; motion carried with a vote of 4-0.

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**ADJOURNMENT:** 6:07 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner