

MARCH 9, 2021

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

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

Mrs. Wells explained the Rules of Procedure.

The Minutes of the February 9, 2021, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #21-01

An appeal submitted by Robert and Charmagne Fuller requesting a Developmental Variance for **404 Indiana Avenue** to permit a handicap accessible ramp with a 0' front yard setback and 0' exterior side yard setback.

Ryan Stamm, National Seating & Mobility, 4011 S. Michigan St., South Bend, said they installed the ramp before the permit was issued and that was his fault.

Mr. Stamm said he has been working with Planning and he has done all that he needed to do.

Mrs. Wells closed the Public Hearing on Appeal #20-01.

Staff Recommendation

Staff recommends **approval** of Appeal #21-01 to allow a handicap ramp with 0' front and 0' exterior side yard setback to remain. 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 house is already closer than the 25' setback and the ramp is medically necessary; 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: Chris Tordi moved to approve Appeal #21-01. Charles Krueger seconded; motion carried with a vote of 5-0.

ADJOURNMENT: 6:05 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner