

**OCTOBER 12, 2021**

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

The regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, October 12, 2021, at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Chris Tordi, Joel Dendiu, and Larry Stillson. Absent: Charles Krueger and Marcia Wells. In addition to members of the public, the following were also in attendance: Ken Prince, David Bent, Derek Spier, Christa Hill, and Kari Myers.

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Mr. Stillson explained the Rules of Procedure.

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The Minutes of the September 14, 2021, meeting, were approved as distributed.

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Conflict of Interest was not declared.

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**PUBLIC HEARING:**

**APPEAL #21-29**

An appeal submitted by The Vineyard Church, Inc., requesting a Use Variance for **635 East Twelfth Street** Indiana, to allow a parking lot for a mobile medical clinic. *Continued from the September 14, 2021, meeting. Appellant requesting continuance to November 9, 2021, meeting.*

The Board unanimously approved the request to continue.

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**APPEAL #21-30**

An appeal submitted by The Vineyard Church, Inc., requesting a Developmental Variance for **635 East Twelfth Street** to allow a gravel parking lot for the use of a mobile medical clinic. *Continued from the September 14, 2021, meeting. Appellant requesting continuance to November 9, 2021, meeting.*

The Board unanimously approved the request to continue.

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**APPEAL #21-33**

An appeal submitted by John Carlson requesting a Developmental Variance for **1536 South Main Street** to allow a 1,200 sqft accessory structure.

John Carlson, 1536 S. Main Street, said he would like to build a pole barn on his property. He said he has over an acre and a lot of toys he would like to keep under one roof. He said the color will match the house.

Mr. Prince read a Letter of Remonstrance from a neighbor who was not identified.

**Rebuttal**

Mr. Carlson said he isn't sure what the neighbor is referring to as he only works for Lippert. He said he does have multiple toys in his garage such as car, boat, etc. Mr. Carlson said

the neighbor two houses down has a larger structure. He said with his large lot he could put many more structures on his lot as opposed to one larger one.

Mr. Stillson asked if he was storing items for others. Mr. Carlson said no, they are his personal items.

Mr. Stillson closed the Public Hearing on Appeal #21-33.

**Staff Recommendation**

*The Staff recommends **approval** of Appeal #21-33 to construct a 1,200 sqft (30' X 40'), 14' 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 his items.*

**MOTION:** Joel Dendiu moved to approve Appeal #21-33. Chris Tordi seconded; motion carried with a vote of 3-0.

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**APPEAL #21-34** An appeal submitted by Brian E. McFadden and Julia Kirk requesting a Developmental Variance for **3308 East Sixth Street** to allow a 1,080 sqft, 16' tall, accessory structure.

Brian McFadden, 3308 E. Sixth Street, said his pole building will be the same as the gentleman before. He said he races stock cars, has a boat, and they need extra room under one building.

Mr. Stillson closed the Public Hearing on Appeal #21-34.

**Staff Recommendation**

*The Staff recommends **approval** of Appeal #21-34 to construct a 1,080 sqft (30' X 36'), 16' 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 Appellants could build several 720 sqft structures on*

*the lot, but it is more practical to build one large structure to accommodate their items.*

**MOTION:** Chris Tordi moved to approve Appeal #21-34. Joel Dendiu seconded; motion carried 3-0.

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**APPEAL #21-35** An appeal submitted by MJ Investments, LLC, requesting various Developmental Variances for **vacant land east of 1023 West Edison Road** for reduced parking setback and landscaping.

Ed Fisher, Fisher Land Surveying Services, 303 E. Third Street, Mishawaka, appeared on behalf of the Appellant. He said they are asking for reduction in setback for parking and pavement setback to maintain and expand existing pavement and proposed parking spaces. Mr. Fisher said they are also asking to reduce side yard landscaping requirements as well as asphalt.

Mr. Stillson closed the Public Hearing on Appeal #21-35.

**Staff Recommendation**

*The Planning Staff recommends approval of Appeal 21-35 to allow a 0' parking/pavement setback and no landscaping along the west property line for a proposed two-story office building. The building will be located on property east of 1023 W. Edison Road. This recommendation is based on the following finding of fact:*

- 1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The requested variances will allow the existing conditions to remain with a shared access drive and parking area extending into the property, and permit the expansion of a parking area for a new office building. The required landscaping and screening shall be provided along the north, east and south property lines.*
- 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. With the proposed new office building and expansion of the parking area, the existing conditions of the property will be improved. The appellant owns the properties immediately adjacent to both the west and east.*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property. Existing conditions with the access drive and pavement placement makes adherence to the required developmental standards unfeasible and would not allow the property to be developed as proposed.*

**MOTION:** Joel Dendiu moved to approve Appeal #21-35. Chris Tordi seconded; motion carried with a vote of 3-0.

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**APPEAL #21-36** An appeal submitted by St. Monica's Church Diocese of Ft. Wayne requesting various Developmental Variances for **222 West Mishawaka Avenue** to allow reduction of parking and fencing setback for 6' perimeter fence.

Austin Blomeke, Jones Petrie Rafinski, 325 S. Lafayette Blvd., South Bend, said he has been assisting St. Monica's Church in the development of the parking lot.

Mr. Blomeke said the existing property is used as a parking lot and pavement. The setback is 0' and has a 6' chain link fence. He said as part of the plan, they wish to expand the parking lot 40' west and 30' south and in order to maximize this they would like to extend the 0' setback matching the existing and also the 6' chain link fence.

**In Favor**

Sam Gaglio, 16712 Trenton Court, said the church had about 300 families and now has 700 families and the growth is fantastic. He also said parking has expanded into the street and they would like to get parking off the street.

Mr. Stillson closed the Public Hearing on Appeal #21-36.

**Staff Recommendation:**

*The Planning Staff recommends approval of Appeal 20-36 to allow for a reduced parking setback and increased fence height for an expanded parking area at the southwest corner of W. Grove Street and Ann Street. This recommendation is based on the following finding of fact:*

- 1. Approval will not be injurious to the public health, safety, morals and general welfare of the community. The requested variances will allow the existing conditions to remain while enlarging the fenced-in pavement area to provide additional parking for the adjacent church.*
- 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 design for the parking lot expansion will maximize the use of the property while matching the existing parking conditions within the subject parcels and adjacent church parking lot to the east. Additionally, the expanded parking lot will reduce the need for on-street parking allowing the nearby homeowners greater use of on-street parking.*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property. Adhering to the required pavement setbacks and maximum fence height would not allow maximum use of the property. The proposed setback and fencing will match the existing conditions of the current parking lot within the subject parcels and adjacent parking lot to the east.*

**MOTION:** Chris Tordi moved to approve Appeal #21-36. Joel Dendiu seconded; motion carried with a vote of 3-0.

**ADJOURNMENT:** 6:15 p.m.

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner