

DECEMBER 14, 2021

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

The regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, December 14, 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 November 9, 2021, meeting, were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #21-41 An appeal submitted by Baugo Creek Realty requesting a Use Variance for **420 West Cleveland Road, Granger**, to permit tattoo/microblading services in C-1 General Commercial Zoning.

Beth Clark, Tribe Salon, 401 W. Cleveland Road, said she owns the salon and it's common practice these days to do microblading for filling in eyebrows and such. She said she doesn't have at her salon now and has stylists wanting to rent a booth to do the services. Ms. Clark said it's a very popular procedure and it's commonly done in a beauty salon and has no interest in tattoos.

Mrs. Wells closed the Public Hearing on Appeal #21-41.

Staff Recommendation

*Staff recommends in **favor** of Appeal #21-41 to allow microblading services at Tribe Salon, 420 W. Cleveland Road, Granger. This recommendation is based upon the following findings of fact:*

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the existing business provides similar personal services/salon uses;*
- 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 it is included in a commercial development;*
- 3. The need for the variance arises from some condition peculiar to the property involved in that the C-1 zoning does not permit a tattoo establishment, but does allow the salon where the process is taking place, thus requiring the Use Variance for the proposed use;*

4. *The strict application of the terms of this chapter will result in practical difficulties in the use of the property because the nature of the business is similar to that of a salon and should not generate more traffic than any of the existing businesses within the development; and*
5. *The approval will not interfere substantially with the Mishawaka 2000 Comprehensive Plan because the plan identifies this area for general commercial and is in close proximity to one of the largest consolidated retail areas in the State of Indiana.*

MOTION: Charles Krueger moved to forward Appeal #21-41 to the Common Council with a favorable recommendation. Chris Tordi seconded; motion carried with a vote of 5-1.

APPEAL #21-42 An appeal submitted by McKinley Town and Country LP requesting a Use Variance for Dunham's Discount Sports, **2572 Miracle Lane**, to permit an outdoor storage container screened by a 7' solid fence in C-2 Shopping Center Commercial District.

Ed Fisher, Fisher Land Surveying Services, 303 E. Third Street, Mishawaka, on behalf of the Appellant, said they would like to continue to use the storage container and erect a 7' fence.

Mrs. Wells asked if the storage container was for merchandise. Mr. Fisher said yes.

Mrs. Wells closed the Public Hearing on Appeal #21-42.

Staff Recommendation

The Staff recommends in favor of Appeal 21-42, a Use Variance to allow outside storage in three existing containers for property located at 2572 Miracle Ln, subject to installing a 7' opaque fence on the south side of the container. This recommendation is based on the following reasons:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will have little to no additional impact on the adjacent commercial or residential uses.*
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 a fence is being added to help screen the view of the containers. The storage container is over 200' from McKinley Ave.*
3. *The need for a variance arises from the large scale size of the merchandise sold at this location, specifically furniture, and the lack of storage space indoors.*
4. *The strict application of the terms of this chapter will result in practical difficulties in the use of the property because although the use is allowed in the I-2 Heavy Industrial District, rezoning the property would not be the highest and best use for the shopping center by allowing the more intense uses of that district.*
5. *The approval will not interfere substantially with the Mishawaka 2000 Plan because the plan identifies this intersection as General Commercial. The approval is consistent with the goals and objectives of the Comprehensive Plan.*

MOTION: Joel Dendiu moved to forward Appeal #21-42 to the Common Council with a favorable recommendation. Larry Stillson seconded; motion carried with a vote of 5-0.

APPEAL #21-43 An appeal submitted by VFW Mishawaka Post 360 requesting a Developmental Variance for vacant property located at the northeast corner of Jefferson Boulevard and Maplehurst Avenue to allow reduced parking for eight residential homes and accessory buildings. *Appellant is requesting item be continued to the January 11, 2022, meeting.*

The Board unanimously approved the request to continue the item.

NEW BUSINESS:

Mr. Prince said tonight is Marcia Wells last meeting. He thanked her on behalf of the City for her service and said he very much appreciated her dedication and calming presence.

Mrs. Wells said it has been an honor and a privilege and appreciated the opportunity to serve.

ADJOURNMENT: 6:11 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner