

JANUARY 12, 2010

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

A regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, January 12, 2010, at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Jim Trippel, Ross Portolese, and Rosemary Klaer. Members absent: Charles Krueger and Don McCampbell. In addition to members of the public, the following were also in attendance: John Gourley, Ken Prince, Greg Shearon, Peg Strantz, Kari Myers, and Sue Lowe of The South Bend Tribune.

Jim Trippel turned the meeting over to Ken Prince, City Planner, for the election of officers.

ELECTION OF OFFICERS:

MOTION: Jim Trippel moved to nominate Don McCampbell as Chairman. Rosemary Klaer seconded the motion. The motion passed with a vote of 3-0.

MOTION: Ross Portolese moved to nominate Jim Trippel as Vice-Chairman. Rosemary Klaer seconded the motion. The motion passed with a vote of 2-0.

The 2010 Rules of Procedure, Fee Schedule, and Meeting Schedule were adopted as submitted. It was noted there were no changes in the Rules of Procedure or Fee Schedule. Mr. Prince said the fees may be reconsidered later this year.

Jim Trippel explained the Rules of Procedure.

The Minutes of the December 8, 2009, meeting were approved as distributed.

Conflict of Interest was not declared.

PUBLIC HEARING:

APPEAL #10-01 An appeal submitted by Chris Roahrig requesting a Developmental Variance for **2017 West Sixth Street**, to permit sixteen (16) off-street parking spaces for an indoor baseball training facility.

Jeff Holland, 19056 Glendale Ave., South Bend, appeared on behalf of the Appellant. Mr. Holland said they would like to open an indoor baseball/softball training facility. He said there are two buildings on the property and the building they will occupy is 60' X 60' and on the east side of the property. Mr. Holland said they are requesting a parking variance to use the existing 16 parking spaces on the asphalt parking lot.

Jim Trippel asked what type of operation it would be. Mr. Holland said it will be an indoor baseball/softball training facility that will allow individuals and travel teams to come in and use the indoor batting cages and pitching machines.

Mr. Trippel asked how many people they anticipated being in the building at one time. Mr. Holland said 12-14 players and perhaps 2 coaches per team.

Ross Portolese asked if food or drinks would be served. Mr. Holland said nothing other than water, Gatorade, and granola bars.

Rosemary Klaer asked who would manage it. Mr. Holland said he and Tim Peterson would manage it.

Mr. Trippel asked for the staff recommendations. Mr. Prince said staff has recommended approval. He said it's nice to see someone going into an unused building. He also said staff feels it's a low intensity use and we have Mr. Holland's commitment that they'll work with the neighborhood on the parking situation. Mr. Prince said it is a small usage, but has the potential to grow. He said it is a predominantly residential neighborhood to the south and many of the residents rely on the on-street parking.

Ms. Klaer asked if they will be required to do any landscaping. Mr. Prince said no.

Staff Recommendation

*The Staff recommends **approval** of Appeal 10-01 to allow 16 off-street parking spaces from the required 29 spaces for the two businesses located at 2017 West Sixth Street. 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 the paved parking lot is existing and was constructed to all state and local building codes;*
- 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 lot has existed for many years without on-street parking complaints being filed; and*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because there is no vacant land available to add more spaces, and the longstanding parking lot provides a substantial amount of spaces for the two low-key businesses.*

MOTION: Ross Portolese moved to approve Appeal #10-01. Rosemary Klaer seconded; motion carried with a vote of 3-0.

ADJOURNMENT: 6:10 p.m.

Kenneth B. Prince, City Planner

Kari Myers, Administrative Planner