

JULY 10, 2012

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

A regular meeting of the Mishawaka Board of Zoning Appeals was held Tuesday, July 10, 2012 at 6:00 p.m. in the Council Chambers, City Hall, 600 East Third Street, Mishawaka, Indiana. Board members attending: Charles Krueger, Jim Trippel, Don McCampbell, Ross Portolese, and Rosemary Klaer. In addition to members of the public, the following were also in attendance: Ken Prince, David Bent, Greg Shearon, Peg Strantz, and Kari Myers.

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Don McCampbell explained the Rules of Procedure.

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The Minutes of the June 12, 2012, meeting, were approved as distributed.

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Conflict of Interest was not declared.

**PUBLIC HEARING:**

**APPEAL #12-21**

An appeal submitted by Charles and Ruth Allender and Esther Porter requesting a Developmental Variance for **746 East Seventh Street** to allow for the construction of an enclosed front porch and handicap accessible ramp with a 16' front setback.

Esther Porter, 746 E. 7<sup>th</sup> Street, presented the appeal. She said their porch is dilapidated and they want to build new and enclose it and build a ramp for her mother who is in a wheelchair most of the time. Mrs. Porter also said it will make the neighborhood look a whole lot better.

Mr. Trippel asked if the setback will blend with the rest of the neighborhood. Mrs. Porter said it will not stick out as far as the house next door and will blend in well with the neighborhood.

Mr. Krueger asked if it will be professionally built. Mrs. Porter said yes.

Mr. McCampbell closed the Public Hearing on Appeal #12-21.

**Staff Recommendation**

*Staff recommends approval of Appeal #12-21 to allow the construction of an enclosed front porch with a handicap accessible ramp with a 16' front-yard building setback. 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 porch will improve the curb appeal of the home thereby improving the neighborhood; and*
- 3. Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the existing porch encroaches into the front-yard setback and any replacement of the porch or addition of handicap accessible ramp would not be possible without a variance.*

**MOTION:** Jim Trippel moved to approve Appeal #12-21. Charles Krueger seconded; motion carried with a vote of 5-0.

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**APPEAL #12-22**

An appeal submitted by Habitat for Humanity of St. Joseph County requesting a Developmental Variance for **203 West Eleventh Street** to permit construction of a new home with a 10' front building setback and 1' 6" side building setback.

Brad Mosness, Abonmarche Consultants, 750 Lincolnway East, South Bend, appeared on behalf of Habitat for Humanity of St. Joseph County. He said the request will allow a new two-story home to be built with similar front setbacks as those in the neighborhood and for a side porch.

Mr. Trippel asked if the side setback was for the stoop only. Mr. Mosness said yes.

Mr. McCampbell closed the Public Hearing on Appeal #12-22.

**Staff Recommendation**

*Staff recommends approval of Appeal 12-22 to allow the construction of a home lot with an 10-foot front-yard building setback and a 1.5-ft setback along the west property line. 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 proposed home will be consistent with the existing front-yard building setbacks of the adjacent homes. Furthermore, only a small uncovered porch will encroach into the side-yard setback along the west lot line. The remainder of the house will comply with the 5-ft minimum setback along the west lot line.*
3. *Strict application of the terms of this chapter will result in practical difficulties in the use of the property because the required 25-foot building setback would push the home further back into the lot, thus reducing that amount of usable yard area; furthermore, the required 25-ft front-yard building setback would not be consistent with adjacent residential front-yard building setbacks.*

**MOTION:** Charles Krueger moved to approve Appeal #12-22. Jim Trippel seconded; motion carried with a vote of 5-0.

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**APPEAL #12-23**

An appeal submitted by Action Investment Group, LLC and Premier Real Estate Solutions requesting a Developmental Variance for **2028 Milburn Boulevard** to permit wood decking with a 1' 6" front setback. *Planning Staff is requesting continuance to August 14, 2012 meeting.*

The Board moved and unanimously approved the continuance of this item.

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

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Kenneth B. Prince, City Planner

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Kari Myers, Administrative Planner