

## **AGENDA**

**Monday, March 16, 2020**

**Meetings of Standing Committees  
Council Conference Room  
6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL  
COUNCIL CHAMBERS/CITY HALL  
7:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of the Minutes of the Previous Regular Meeting**  
March 02, 2020
- 5. Petitions, Communications, Remonstrance and Memorials**

A letter from the Board of Zoning Appeal regarding their recommendations from their March 10, 2020 meeting.

A letter from the City Plan Commission regarding their recommendation from their March 10, 2020 meeting.

Presentation of the 2019 Tax Increment Finance Report

- 6. Report of Special Committee**
- 7. Ordinances on First Reading**

P.O. NO. 2020-08 Rezone area South of retention area from R-1 Single Family to C-1 General Commercial 4019 & 4021 LWE

P.O. NO. 2020-09 Additional Appropriation-

Cumulative Capital Improvement Fund \$55,500

Public Safety LIT Fund \$713,901

CEDIT Fund \$241,393

Improve. Sidewalk/Curb 50/50 \$20,000

Ambulance Fund \$198,000

Total \$1,228,794

- 8. Resolutions**

R2020-03 Honoring Mary Ellen Hazen for her years of service

R2020-04 Use Variance to permit and Accessory Structure(Maintenance building) on a lot without a primary structure at the SE corner of Comfort Place & N. Pine Street

R2020-05 Use Variance to allow Furniture Retail & Showroom at 403 & 411 S. Main Street

- 9. Ordinances on Second Reading**
- 10. Privilege of the Floor – Non-Agenda Items**
- 11. Unfinished Business**
- 12. New Business**
- 13. Adjournment**

At this time I know of no other business to come before the Council.  
Deborah S. Block, IAMC, MMC, City Clerk

The City of Mishawaka acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, and amanuenses) for participation in or access to City sponsored public programs, services and/or meetings, the City requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Susan Kile, ADA Coordinator, at (574) 258-1615.

## REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

**March 2, 2020**

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday, March 2, 2020 at 7:00PM. The meeting was called to order by President Gregg Hixenbaugh all were asked to stand for the Pledge of Allegiance lead by Boys Scout Troops Local 572.



### **Roll Call.**

**Present: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.**

Others present; Mike Trippel, Council Attorney and Raven Boston, Deputy Clerk.

Minutes for the Regular meeting of February 17, 2020 were approved as received from the Clerk's Office.

Clerk Block read appeals and petition from the City Plan Commission and the Board of Zoning Appeals regarding their recommendations from the February 11<sup>th</sup> meeting.

### **APPEAL NO. 2020-05**

Use Variance to permit an Accessory Structure (Maintenance Bldg.) on a lot without a Primary Structure at the SE corner of Comfort Place & N. Pine Street

### **APPEAL NO. 2020-06**

Use Variance to allow Furniture Retail & Showroom at 403 & 411 S. Main St.

### **PETITION NO. 2020-04**

Rezone area South of Retention Area from R-1 Single Family to C-1 General Commercial 4019 & 4021 LWE

Clerk Block read the following vacation by title and opened a public hearing.

**A public hearing on Vacation R2020-01 required by State Statute on behalf of Mishawaka High School Vacating areas of N. Wenger Ave. between LWE and Homewood – The East 63' of the East/West alley North of LWE – all alleys bounded by Homewood on the North, Indiana on the West, Wenger on the East.**

Daryl Knip, Abonmarche, spoke in favor of the vacation and requested approval. Mr. Knip stated the plan was being proposed to remove the road going through campus for the safety of students and guests of Mishawaka High School. He stated three new drop-off areas were also proposed in the plan to improve traffic flow going through the school grounds.

Mrs. Voelker asked Mr. Knip to clarify the location of parking on Indiana. Mr. Knip explained parking would be on the west side from Lincolnway to Homewood, with added drop off lanes on the eastside.

Mr. Mammolenti thanked Mr. Knip for all the information he requested. He went on to ask if any informational meetings were held. Mr. Knip stated a meeting was held last summer on June 27<sup>th</sup> at Mishawaka High School inviting the neighborhood to attend. Mr. Mammolenti also questioned if there were any major concerns addressed at the meeting. Mr. Knip said there was a concern regarding the front doors on Indiana but those with concerns agreed after the presentation was given.

Mike Faulkner, Director of Operations for School City of Mishawaka, also spoke in favor of the vacation. Mr. Faulkner requested approval on behalf of the school corporation and stated the approval would allow the school to move forward with pedestrian traffic safety on campus. He mentioned HRP Construction was scheduled to start the project on March 16<sup>th</sup>, beginning with the demolition of homes on Indiana and Homewood. Mr. Faulkner also relayed updates would be posted on the school website, it would also allow feedback regarding any concerns or questions. He concluded by thanking Chris Jamrose, City Engineer and Ken Prince, City Planner, for their work and efforts.

Mr. Bellovich asked was the home on the corner of Homewood and Indiana and the home directly south vacant. Mr. Faulkner replied yes, both properties were vacant. He said the Mishawaka Fire Department was using one of the homes for training.

Mrs. Voelker asked how communication on the project would be distributed throughout neighborhood. Mr. Faulkner made it clear fliers would be passed out around the area with contact numbers included. Mrs. Voelker also questioned the timeline for the project to be finished. Mr. Faulkner said the deadline was July 31<sup>st</sup> of the upcoming school year.

Mr. Hixenbaugh closed the public hearing at 7:16PM.

Clerk Block read the following resolution by title and opened the public hearing.

#### **RESOLUTION NO. 2020-02**

#### **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:**

**4416 Lincolnway E**

**Use Variance to allow a contractor's business on a new building addition on an existing  
house (Pending R-1 District)**

Tiffany Gilbert, Current Tenant of 4416 Lincolnway E, spoke on behalf of the property owners. Mrs. Gilbert requested approval for 4416 Lincolnway E to be rezoned to R-1 single family residential. She stated the rezoning would allow her to obtain a mortgage to make it her primary residence. Ms. Gilbert stated she wanted the use variance to be able to house her snow removal and lawn maintenance equipment for her business properly. She also clarified the business would not be ran out of the addition; it would only be used for storage purposes.

Mr. Banicki asked where vehicles for the business were stored and how many employees did they have. Ms. Gilbert stated the business consisted of herself and her boyfriend. She continued to say they owned 3 trucks and 2 plows for their business. Ms. Gilbert stated all vehicles would be stored inside the building.

Mr. Mammolenti asked where the equipment was currently being stored. Ms. Gilbert said everything was being stored outside behind the house.

Mr. Hazen clarified the Plan Commission made it clear there would not be any outside storage after the addition of the building.

Mr. Compton expressed confusion on the construction of the building, he asked for clarification later in the public hearing.

Mr. Hixenbaugh expressed his concern regarding parking, he asked what opportunity Ms. Gilbert would foresee for someone else, other than herself and her boyfriend, to be tempted to park on the property. Ms. Gilbert stated anyone they hire would park in the building after the equipment was removed for the business.

Mr. Hixenbaugh asked Ms. Gilbert to be diligent about outside parking, not letting it become a future problem.

Ken Prince, City Planner, addressed Mr. Compton's confusion by explaining the plan. He said they sat down with the petitioner to see what direction to go due to the bank denying the loan to individuals who lived in a building zoned commercial. Mr. Prince continued to say this occurrence was a glorified home occupation, not an operation where employees were coming and parking. He said the use variance was obtained to accommodate the business and to allow the property to be reused as residential in the event of it being sold to another owner in the future, because the building being requested could serve as more parking or personal storage.

Mr. Hazen proclaimed there was a neighborhood meeting held to address the restrictions, he advised the residents in the area he would keep a close eye on the property to make sure no equipment was left outside. Mr. Prince added personal trucks or campers could be parked outside of the storage unit, because it was still being used as a residence. He continued to say it was only equipment associated with the business that could not be stored outside.

Mr. Hixenbaugh clarified if the property is sold to another owner, the conditions and restrictions would follow and be attached with the new owner.

Mr. Emmons expressed concerns regarding the business being used as a residence and wanted clarification on the usage of the building. Mr. Emmons asked Mr. Prince to explain what would happen if the restrictions were not followed. Mr. Prince said the owner would be given citations asking to comply and possibly taken to court for noncompliance.

Mr. Hixenbaugh stated how vitally important it was to the council the conditions and rules were followed as stated.

Question was called for at 7:36PM for **RESOLUTION 2020-02**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.**

Clerk Block read the following proposed ordinances by title and were opened for public hearing.

**PROPOSED ORDINANCE NO. 2020-01**

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CITY OF MISHAWAKA, INDIANA PROVIDING ZONING CLASSIFICATION FOR ZONE C-1  
54655 FIR RD**

(Future expansion and additional parking for its adjacent office development in The Plaza at Day & Fir Rd) **VOTE ONLY**

Mr. Bellovich reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire the committee upon a second by Mr. Banicki motion carried.

Question was called for at 7:38PM for **PROPOSED ORDINANCE NO. 2020-01**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** Thus, it becomes **Ordinance NO. 5685**

**PROPOSED ORDINANCE NO. 2020-05**

**AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.**

**PUD Amendment for reduction of Landscaping Requirements Vacant Land S. of 3729 Bremen Hwy. & N. of US 20 Bypass**

Mr. Emmons reported the Committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire of the committee upon a second by Mr. Banicki motion carried.

Darryl Knip, Abonmarche Consultants, spoke on the landscaping reduction. Mr. Knip said they were requesting a line of fencing to be put along the property line and relocation of trees to make the building more visible.

Mrs. Voelker asked where the fence would be installed on the property and would it affect the neighbors on Elwood Ave. Mr. Knip explained it would be placed on the north property line, it would not be on the property of the neighbors.

Mr. Compton questioned the type of power lines and trees they were proposing. Mr. Knip said the power lines were tall high-tension lines and they were considering evergreen trees. Mr. Compton asked if there was a right of way the power company owned for the property. Mr. Knip explained the company did, but the trees would be moved outside of the easement. He said he was not aware of any discrepancies with the power company. Mr. Compton questioned the type of privacy fence. Mr. Knip stated the fence would be a 6-foot wood privacy fence.

Mrs. Voelker expressed confusion on the location of the property and she felt there was not enough information. Ken Prince, City Planner began stating the property was unique and many years had been spent attempting to work on the property. Mr. Prince explained Self Storage requested approval for the property repeatedly but were not gained access. He continued to say many plans were tabled but none were executed.

Mr. Compton asked did the amendment raise any issues with neighbors. Mr. Prince replied no.

Question called for at 7:53PM for **PROPOSED ORDINANCE NO. 2020-05**  **Vote:**  
**Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** Thus, it becomes **Ordinance No. 5686**

### **PROPOSED ORDINANCE NO. 2020-06**

**AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.**

**(Rezoning from C-1 Commercial to R-1 Residential for existing house and contractors business 4416 LWE)**

Mr. Banicki reported the committee of Land Use Planning recommended this proposed ordinance should be adopted. This was signed by the entire committee upon a second by Mr. Mammolenti.

Tiffany Gilbert, 4016 LWE, spoke in favor of the proposed ordinance. Mrs. Gilbert stated the rezoning would bring the property into conformity.

Question was called for at 7:56PM for **PROPOSED ORDINANCE NO. 2020-06**  **Vote:**  
**Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** Thus, it becomes **Ordinance No. 5687**

### **PROPOSED ORDINANCE NO. 2020-07**

**AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS “THE ZONING ORDINANCE OF 1966” OF THE CITY OF MISHAWAKA, INDIANA.**

**(Vacating areas of N. Wenger Ave between LWE and Homewood – The East 63’ of the East/West alley North of LWE – all alleys bounded by Homewood on the N. Indiana on the West and Wenger on the East – Mishawaka High School)**

Mr. Banicki reported the committee of Land Use Planning recommended this proposed ordinance should be adopted. This is signed by the entire committee upon a second by Mr. Mammolenti.

Daryl Knip reiterated his pervious comments from the State Statute public hearing for Vacation R2020-01.

Mr. Hixenbaugh began stating the importance of Mishawaka High School and how it was a treasure to the community. Mr. Hixenbaugh applauded School City of Mishawaka for the outreach they conducted to arrange the neighborhood meeting and the ongoing communication to the public throughout this process.

Question was called for at 7:59PM for **PROPOSED ORDINANCE NO. 2020-07**  **Vote: Motion carried by unanimous roll call vote (summary: Yes = 9).**

**Yes: Mrs. DeMaegd, Mr. Banicki, Mr. Hazen, Mr. Mammolenti, Mr. Emmons, Mr. Bellovich, Mr. Compton, Mrs. Voelker, Mr. Hixenbaugh.** Thus, it becomes **Ordinance No. 5688**

### **NEW BUSINESS**

Mrs. Voelker announced a tour of St. Joseph Church on behalf of the Mishawaka Historic Preservation Commission would be held on March 3<sup>rd</sup> at 4PM.

Mr. Emmons announced the 1<sup>st</sup> District neighborhood meeting would be held on March 19<sup>th</sup> at 7 PM with Ross Deal as guest speaker giving a state legislative update.

Mr. Compton thanked Boy Scout troops Local 572 for their attendance.

Mr. Hixenbaugh expressed his appreciation for the Boy Scout troops for attending the meeting. He also introduced new Corporation Counsel, Pat Hinkle.

ADJOURNMENT 8:06PM

Deborah S. Block /s/  
Deborah S. Block, IAMC, MMC, City Clerk

Gregg A. Hixenbaugh /s/  
Gregg A. Hixenbaugh, President



# City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

March 11, 2020

RECEIVED  
DEBORAH S. BLOCK, MMC

Honorable Members of the Common Council  
City of Mishawaka, Indiana

MAR 12 2020

RE: Board of Zoning Appeals Recommendation  
March 10, 2020, Public Hearing

CITY CLERK  
MISHAWAKA, IN

Honorable Members:

A regular meeting of the Mishawaka Board of Zoning Appeals was held on the above referenced date at which time the following Use Variance was considered:

**APPEAL #20-05** An appeal submitted by the Foundation for the Center for Hospice & Palliative Care, Inc., requesting a Use Variance for the Southeast Corner of Comfort Place and North Pine Street to permit an accessory structure on a lot without a primary structure.

The Board, with a vote of 4-0, forwarded a favorable recommendation subject to the following condition of approval:

1. If the properties are not sold at the same time, or to the same owner, this building will be removed.

**APPEAL #20-06** An appeal submitted by Bokhart Properties, LLC, requesting a Use Variance for 403 South Main Street and 411 South Main Street to allow furniture retail and showroom in I-1 Light Industrial zoning.

The Board, with a vote of 4-0, recommended approval subject to the following conditions:

- 1) Provide appropriate parking area up to current standards with stormwater management, for area behind (west of 411 S. Main). Drainage will be required for the area that is improved.
- 2) Access between 411 S Main to Mill Street should be removed. A similar comment about the access from Mill Street was made in 2016.
- 3) The gravel access between 403 & 411 S Main, new since 2015, needs to be hard surface.

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner  
Secretary, Board of Zoning Appeals

cc: Angelyn Rockenbaugh  
Maurice Bokhart

**STAFF REPORT**

Location: SE Corner of Comfort Place &amp; N. Pine Street

Date: March 10, 2020

Appeal: 20 05

Prepared By: CH

**GENERAL INFORMATION**

Applicant: Center for Hospice  
Status: Property Owner  
Request: Use Variance for an accessory structure without a primary structure  
Developmental Variances for size and height  
Zoning Classification: R-1 Single Family Residential  
Lot Size: 0.14 acres  
Applicable Regulations: Section 137-165 R-1 Single Family Uses  
Section 137-166 R-1 Single Family Residential Developmental Regulations  
Section 137-42 Board of Zoning Appeals Use Variance

**SPECIAL INFORMATION**

Area Development Pattern: North: R-1 Single Family Residential  
South: R-1 Single Family Residential  
East: R-1 Single Family Residential  
West: C-3 City Center Commercial  
Thoroughfare: Comfort Place  
School District: School City of Mishawaka  
Township: Penn  
Public Utilities: All utilities are available to the site  
Comprehensive Plan: Low Density Residential

**ANALYSIS**

The Appellant is requesting a Use Variance to allow an accessory structure without a primary structure in the R-1 Single Family Residential District. The Appellant proposes to build a 1,074 square foot, 18' tall accessory structure. The Center for Hospice has owned the property since 2012. Center for Hospice owns property to the west across Pine Street, but no contiguous property.

The purpose of the shed will be a maintenance building for the Center for Hospice campus, large enough to house a workshop, bathroom, and parking for a utility task vehicle. Vehicular access will be from the alley.

Typically, Staff wouldn't support an accessory building on a lot without a primary structure, therefore, we suggest adding the following statement: *"At the time of sale, every attempt will be made to keep these properties together. If the properties are not sold at the same time, or to the same owner, this building will be removed."*

All pertinent City departments have reviewed and approved this request.

## RECOMMENDATION

The Planning Staff recommends approval of Appeal #20-05 to allow an oversized accessory structure without a primary structure, subject to the following conditions:

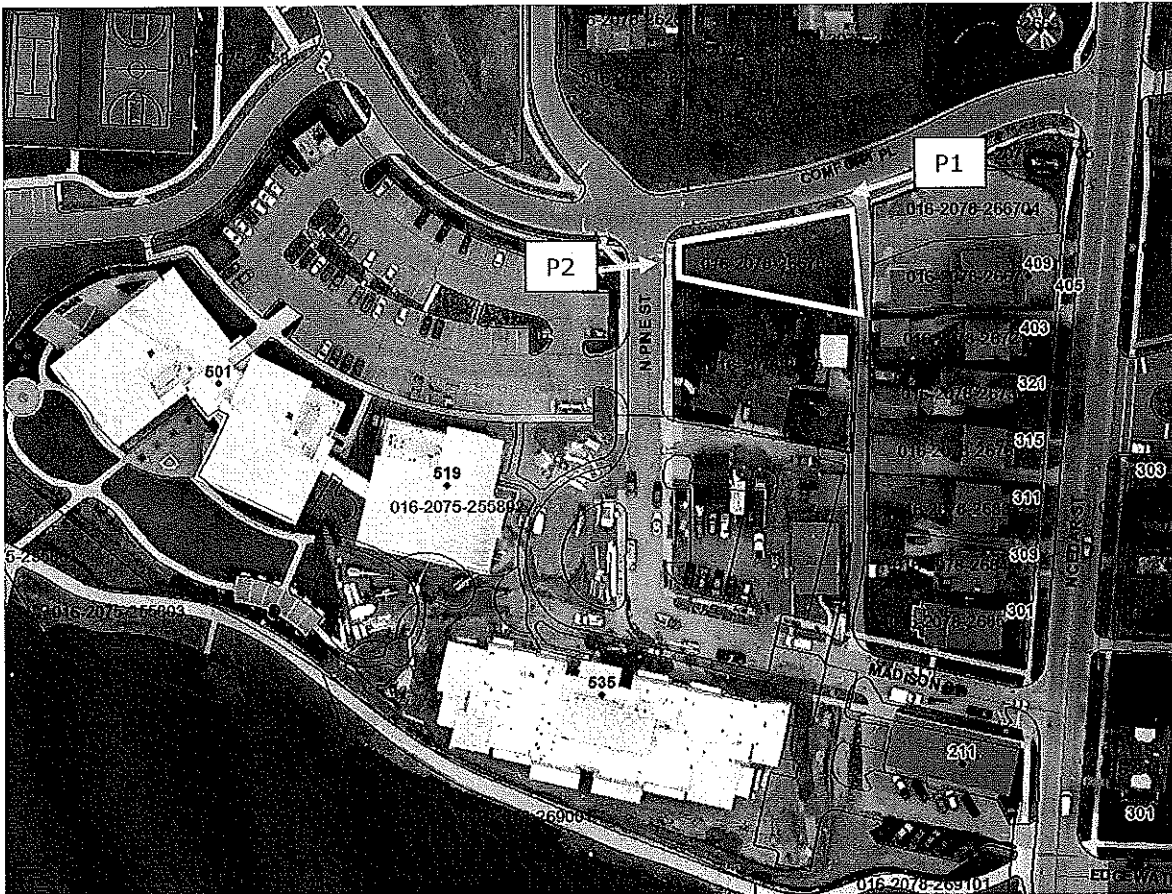
1. If the properties are not sold at the same time, or to the same owner, this building will be removed.

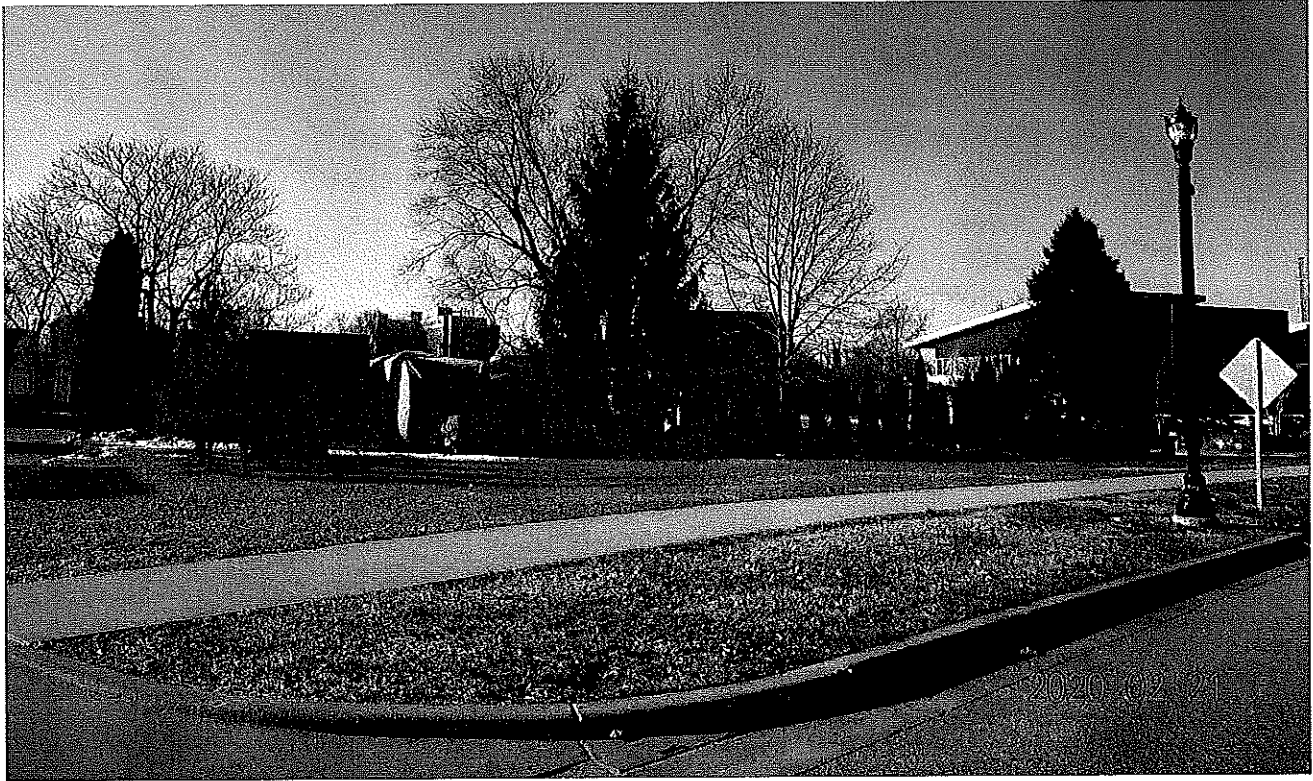
This recommendation is based upon the following findings of fact:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the structure was professionally built and meets all setback requirements.
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 is part of the Center for Hospice campus.
3. The need for the variance arises from some condition peculiar to the property because the Appellant owns additional property, and uses them as one campus, but they are separated by a street.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property because the property is not large enough for additional buildings. This building takes up most of the available building envelope on this triangle shaped lot.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

## ATTACHMENTS

Photographs, Appeal, Location Map





P1. A view of the lot from the east (alley)



P2. A view of the lot from the West (Pine St.)

**STAFF REPORT**

Location: 403 &amp; 411 South Main Street

Date: March 10, 2020

Appeal: 20 06

Prepared By: CH

**GENERAL INFORMATION**

Applicant: Bokhart Properties, LLC/Angelyn Rockenbaugh

Status: Property Owner/Contingent Purchaser

Request: Use Variance to allow for interior design studio and furniture sales  
Developmental Variance for parking spaces

Zoning Classification: I-1 Light Industrial

Lot Size: 1.75 acres

Applicable Regulations: Section 137-42 Board of Zoning Appeals Use Variance  
Section 137-586 Light Industrial Uses

**SPECIAL INFORMATION**

Area Development Pattern: North: C-3 City Center Commercial  
South: C-1 General Commercial, R-1 Single Family Residential  
East: I-1 Light Industrial  
West: C-1 General Commercial, I-1 Light Industrial

Thoroughfare: North Main Street

School District: School City of Mishawaka

Township: Penn

Public Utilities: All utilities are available to the site

Comprehensive Plan: General Commercial & Industrial

**ANALYSIS**

The Appellants are requesting a Use Variance to allow for an interior design studio and furniture showroom (retail sales). The property is surrounded by industrial and commercial uses with limited residential to the south.

In 2015, Mr. Bokhart received Use Variance to allow for warehousing and display of high-end, luxury automobiles at 403 S Main. In 2016, the Use Variance was expanded to include 411 S Main, but maintain that building's previous use as a commercial kitchen.

Mr. Bokhart is now selling the property to Angelyn Rockenbaugh, for an interior design studio and furniture showroom (retail sales). Ms. Rockenbaugh currently operates Interior Motives by 321, and will be relocating the business. All business will be conducted within the building with no need for outside storage.

Access from Mill Street from 6<sup>th</sup> Street should have been closed off and no longer be utilized for entry to the rear of the property as part of previous approvals.

Given the configuration of the property, rezoning to C-1 General Commercial would not be appropriate because of the high traffic businesses, like bars and restaurants, that would be allowed by right. The proposed use is a low intensity use that will have minimal traffic.

The parking requirement for a building of approximately 9,000 square feet is 36 parking spaces. Six parallel parking spaces are proposed against the building at 403 S. Main. There is only 20' of pavement to the south of the building. If parallel parking is added next to the building, traffic will have to be one-way heading east, with an entrance off Main Street, and an exit on Spring. Room for additional parking, including ADA spaces, will be located behind (west of) 411 S Main.

Planning Staff requests a site plan be submitted addressing items including, but not limited to; location of new parking, and traffic flow.

The Building Department requires permits for the remodel.

The Engineering Department comments:

- 1) Provide appropriate parking area up to current standards with stormwater management, for area behind (west of 411 S. Main). Drainage will be required for the area that is improved.
- 2) Access between 411 S Main to Mill Street should be removed. A similar comment about the access from Mill Street was made in 2016.
- 3) The gravel access between 403 & 411 S Main, new since 2015, needs to be hard surface.

Other pertinent City departments have reviewed and approved.

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|-----------------------|
| <b>RECOMMENDATION</b> |
|-----------------------|

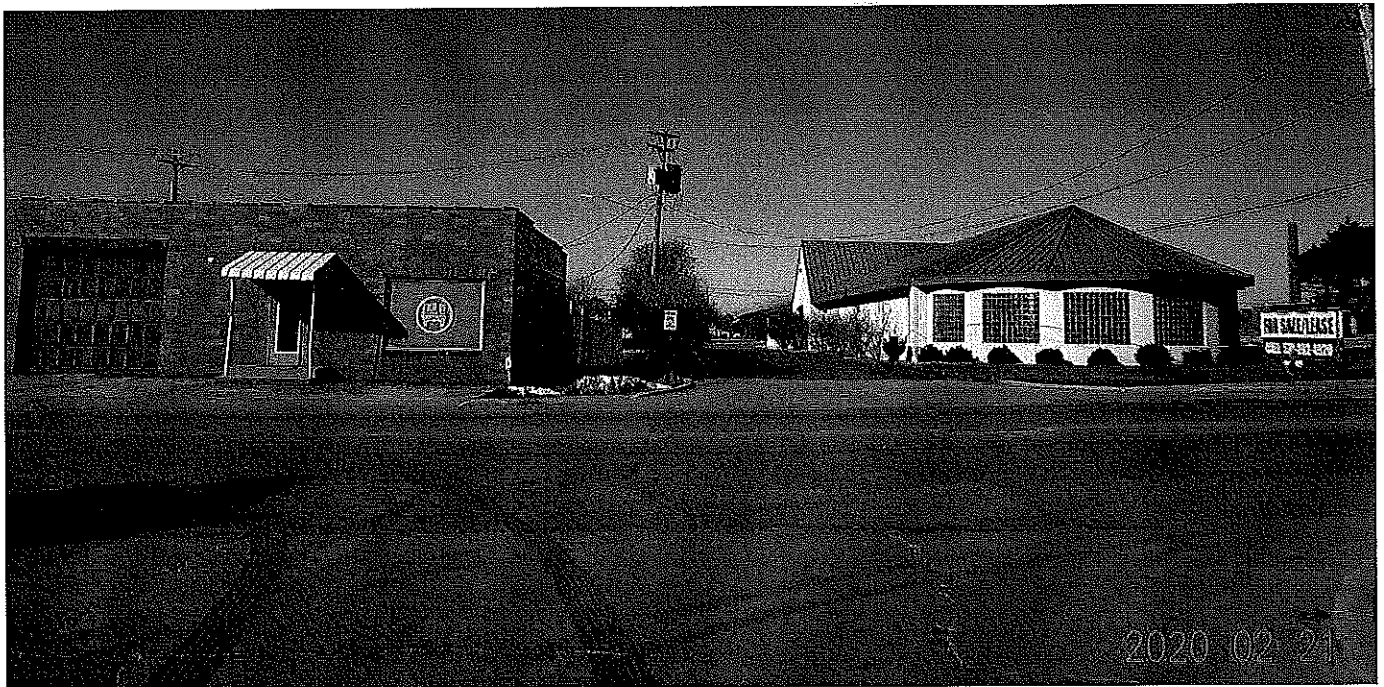
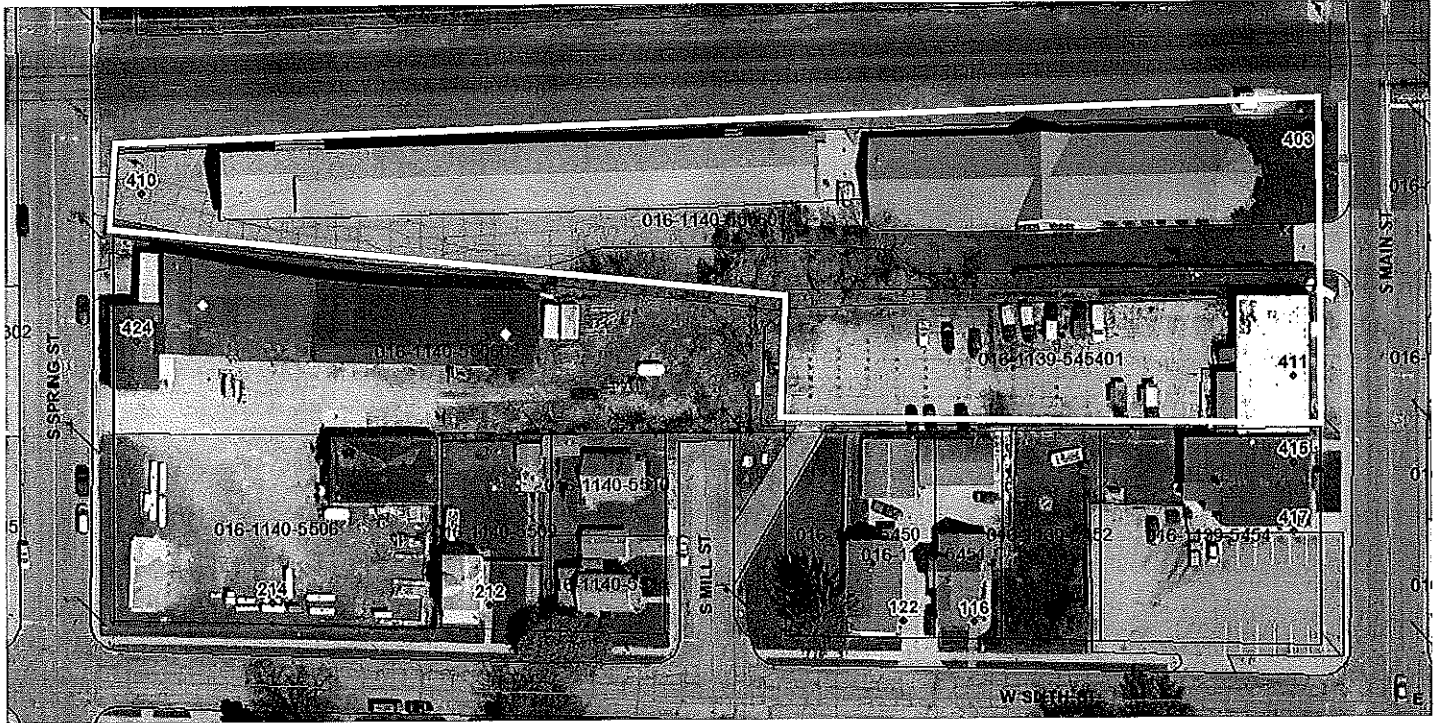
The Planning Staff recommends approval of Appeal #20-06 to allow for an interior design studio and furniture showroom (retail sales), in an I-1 Light Industrial District, subject to an administrative site plan being submitted addressing above comments.

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 and/or improvements to the existing structure;
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 adjacent properties are zoned for industrial and/or commercial uses.
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow retail sales which is more applicable to a commercial property.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for specific uses within industrial zoned properties. The property is not suitable to accommodate other general retail uses, therefore, we recommended the Use Variance process;
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

## ATTACHMENTS

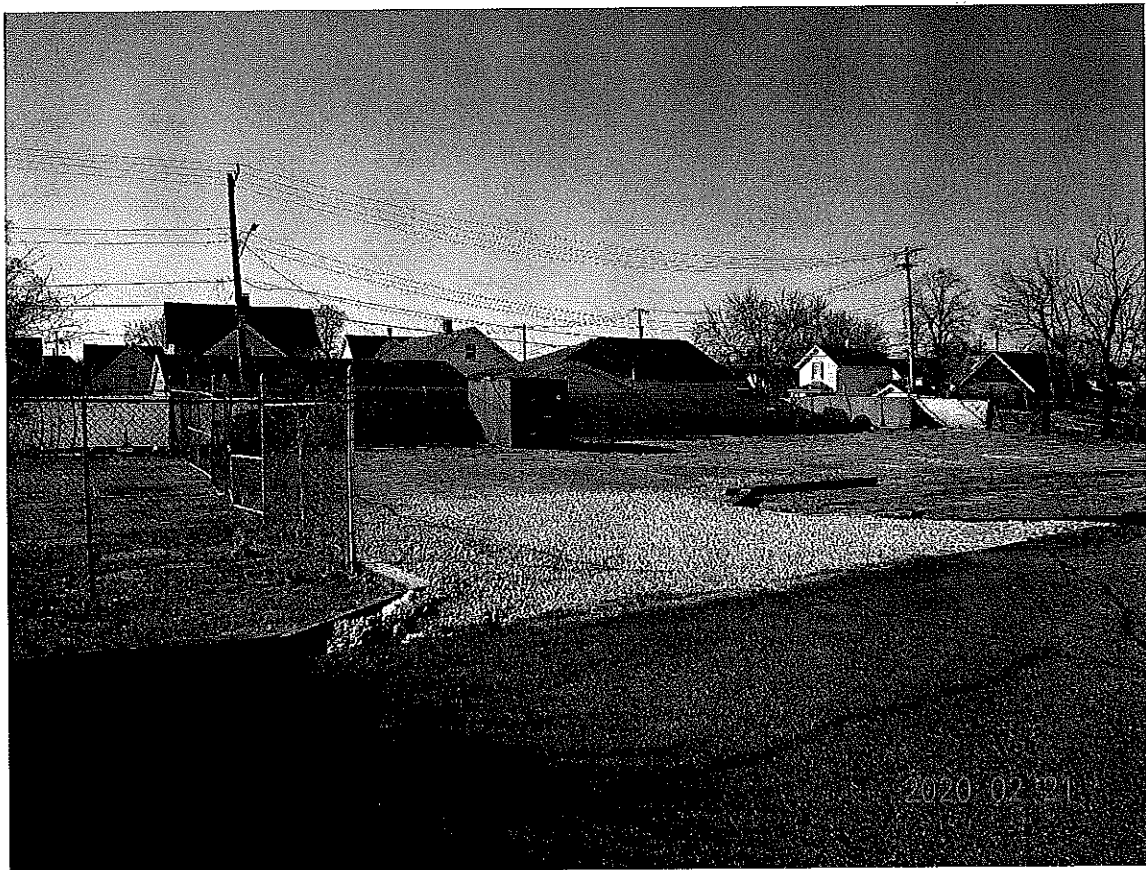
Aerial, Photographs, Appeal, Location Map



Front view of 403 and 411 S Main



Drive aisle to become one way to accommodate parallel parking against the building



Rear parking lot. Gravel to be removed or made hard surface.



# City of Mishawaka

DAVID A. WOOD, MAYOR

DEPARTMENT OF CITY PLANNING

March 11, 2020

RECEIVED  
DEBORAH S. BLOCK, MMC

MAR 12 2020

CITY CLERK  
MISHAWAKA, IN

Honorable Members of the Common Council  
City of Mishawaka, Indiana

RE: Plan Commission Recommendation  
March 10, 2020, Public Hearing  
Certification of Proposed Ordinance

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed ordinance was considered:

**PETITION #20-04** A petition submitted by A & J Properties, LLC, seeking to rezone approximately 134' of **4019 Lincolnway East and 4021 Lincolnway East** running northerly from Norton Court from R-1 Single Family Residential to C-1 General Commercial District.

The Commission, with a vote of 6-0, recommended approval.

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed ordinance regarding the above matter.

Respectfully,

A handwritten signature in cursive script that reads "Kari Myers".

Kari Myers, Administrative Planner  
Secretary, Mishawaka Plan Commission

cc: Wendy Walker

**STAFF REPORT**

Location: 4019 &amp; 4021 Lincolnway East

Date: March 10, 2020

Petition: 20 04

Prepared By: KM

**GENERAL INFORMATION**

Applicant: A and J Properties, LLC, an Indiana Limited Liability Company

Status: Property Owner

Request: Rezone from R-1 Single-Family Residential District to C-1 General Commercial District

Zoning Classification: C-1 General Commercial District and R-1 Single Family Residential District

Lot Size: 133' X 430' (2 lots)

Applicable Regulations: Sec. 137-300 Commercial C-1 District; Sec. 137-40 Plan Commission; & Sec. 137-41 Amendment to Zoning Ordinance and Zoning Map

**SPECIAL INFORMATION**

Area Development Pattern: North: C-1 General Commercial District  
South: R-1 Single Family Residential District  
East: C-1 General Commercial District  
West: C-1 General Commercial District

Thoroughfare: Lincolnway East between Charles and Elder Streets

School District: School City of Mishawaka

Public Utilities: Available

Comprehensive Plan: General Commercial

**ANALYSIS**

The Petitioner, Lincolnway Veterinary Clinic, is requesting to rezone the southern 134' feet of both lots from R-1 Single Family Residential to C-1 General Commercial. The property is located on Lincolnway East between Charles and Elder Streets.

The Petitioner plans to increase their parking capacity behind the building and in doing so needs to relocate the existing retention pond farther south on their property that is currently zoned R-1. That portion of the property needs to be rezoned to C-1 as the R-1 zoning doesn't permit commercial uses, even parking. The property will continued to be maintained by the property owner.

The Engineering Department had the following comments: site plan to be submitted showing proposed improvements; retention pond shall be sized appropriately per City standards 100 year, 24-hour storm event. Other pertinent City Departments reviewed and approved the request.

**RECOMMENDATION**

The Planning Department recommends **approval** of Petition #20-04 to rezone the southern 134' of 4019 and 4021 Lincolnway East to C-1 General Commercial District. This recommendation is based upon the following findings of fact:

1. Many of the properties in the immediate vicinity are commercial in use and would be compatible to the area;
2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is its historical commercial use;
3. Because the parcel is located in an area with commercial uses, the rezoning to C-1 General Commercial District is a desirable use for this property;
4. Rezoning to C-1 General Commercial will have a favorable and stabilizing impact on the neighborhood as the current owner (Lincolnway Veterinary Clinic) is proposing improvements to the property and will continue to upkeep and maintain the property; and,
5. The City's Comprehensive Plan identifies the area as General Commercial and this parcel's historical use as commercial is consistent with the Plan.

## ATTACHMENTS

PHOTOS, PETITION, SITE PLAN, AERIAL, LOCATION MAP



View of clinic looking west from Elder Road



View looking north to property from Norton Court



View looking east from the adjacent church parking lot



# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE  
Rebecca S. Miller, Controller  
Kurt Vardaman, Deputy Controller

RECEIVED  
DEBORAH S. BLOCK, MMC

MAR 13 2020

CITY CLERK  
MISHAWAKA, IN

Date: March 13, 2020  
To: Honorable Members of the Common Council  
From: Rebecca Miller  
Re: Report on 2019 TIF district due to the Fiscal Body

On the agenda for Monday's meeting is the presentation of the TIF annual report required by the Department of Local Government Finance (DLGF), which details financial items concerning our Consolidated TIF district.

Please contact me with any questions.

c: David A. Wood, Mayor  
Ken Prince, Executive Director

# Annual Report of the Redevelopment Commission Treasurer to the Fiscal Body of the unit that established the Commission

2020 submission for subject year 2019

Mishawaka Civil City, St. Joseph County

MISHAWAKA REDEVELOPMENT COMMISSION

This unit has reported 1 TIF Districts

RECEIVED  
DEBORAH S. BLOCK, MMC

MAR 13 2020

CITY CLERK  
MISHAWAKA, IN

## Personnel

### Active Commissioners as of 12/31/2019

| Name                  | Title               | Active at Year Start | Active Start Date |
|-----------------------|---------------------|----------------------|-------------------|
| Kris Ermeti           | Secretary           | Yes                  |                   |
| Lindsey Jon Kintner   | member              | Yes                  |                   |
| Gary O'Dell           | President           | Yes                  |                   |
| Bill Pemberton        | member (non voting) | Yes                  |                   |
| Jim Pingel            |                     | Yes                  |                   |
| Janet Whitfield-Hyduk | Vice President      | Yes                  |                   |
| Gary West             | member              | No                   | 11/18/2019        |

## Employees

| Name                 | Amount      | Salary/Compensation |
|----------------------|-------------|---------------------|
| Terry Hogman         | \$61,892.00 | Salary              |
| Rebecca Miller       | \$77,036.00 | Salary              |
| Marilyn Nelums-Jones | \$39,627.00 | Salary              |
| Ken Prince           | \$77,036.00 | Salary              |
| Roger Shields        | \$56,144.00 | Salary              |
| Laura Viramontes     | \$51,446.00 | Salary              |

## Finances

### TIF District Expenditures & Revenues

#### Revenue:

| TIF District       | Revenue Received | Expenses Paid   |
|--------------------|------------------|-----------------|
| T71623 - MISHAWAKA | \$20,837,098.23  | \$19,229,483.23 |

#### Expenditures:

| Description           | Amount         |
|-----------------------|----------------|
| Battell Center        | \$52,500.00    |
| Mill at Ironworks     | \$2,218,953.13 |
| Transfer to Sewer     | \$3,360,000.00 |
| Refund Dark Store and | \$414,421.04   |
| Misc contractual      | \$383,560.32   |

**Annual Report of the Redevelopment Commission Treasurer  
to the Fiscal Body of the unit that established the Commission**

|                                 |                |
|---------------------------------|----------------|
| Long Term Control Plan          | \$426,644.78   |
| The Mill at Ironworks           | \$1,012,077.49 |
| 12th Street Improvements        | \$606,763.01   |
| Douglas Road Widening           | \$3,040,484.36 |
| Misc projects                   | \$1,044,899.31 |
| Liberty Mutual                  | \$248,992.25   |
| Ironworks Plaza Phase II        | \$663,521.86   |
| Ironworks Plaza Phase I         | \$1,953,180.79 |
| Battell Park/Veteran's Plaza    | \$792,692.13   |
| Elmwood Ave Realignment         | \$663,584.87   |
| Beutter Park Phase II           | \$326,105.38   |
| Riverwalk Ext Southside         | \$402,053.11   |
| SR 23 Widening                  | \$215,655.93   |
| Merrifield Park<br>Improvements | \$175,441.39   |
| Central Park Improvements       | \$665,671.07   |
| Community Crossings             | \$562,281.01   |

**Fund Balances**

|                       |                        |
|-----------------------|------------------------|
| <i>Fund Name</i>      | <i>Balance</i>         |
| CONSOLIDATED TIF AREA | <b>\$14,942,601.44</b> |

| <i>Active at Year End</i> | <i>Active End Date</i> |
|---------------------------|------------------------|
| Yes                       |                        |
| Yes                       |                        |
| Yes                       |                        |
| Yes                       |                        |
| No                        | 10/1/2019              |
| Yes                       |                        |
| Yes                       |                        |

1st Reading 3-16-20  
2nd Reading  
Passed  
Failed  
Continued To

RECEIVED  
DEBORAH S. BLOCK, MMC

MAR 12 2020

CITY CLERK  
MISHAWAKA, IN

PETITION 20-04

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2020-08

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

The following described real estate in the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:

PARCEL I (4019 Lincolnway East):

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 1035 FEET 6 1/2 INCHES EAST OF A POINT IN THE CENTER OF THE OLD FORT WAYNE ROAD, NOW LINCOLN HIGHWAY EAST, WHERE THE SAME IS CROSSED BY THE WEST LINE OF SAID SECTION 18; THENCE RUNNING EAST 66 FEET 5 INCHES; THENCE SOUTH 656 FEET TO THE NORTH LINE OF THE CHICAGO, SOUTH BEND, AND NORTH INDIANA RAILWAY COMPANY'S LAND; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID RAILWAY COMPANY'S LAND TO A POINT DIRECTLY SOUTH OF THE PLACE OF BEGINNING; THENCE NORTH TO THE PLACE OF BEGINNING AND BEING KNOWN AS ACRE NUMBER 17 OF DANIEL WARD'S PROPOSED PLAT; EXCEPTING THAT PART OF SAID TRACT TAKEN FOR THE WIDENING OF LINCOLN HIGHWAY EAST; ALSO EXCEPTING THAT PART TAKEN FOR THE OPENING OF NORTON COURT; ALSO EXCEPTING THEREFROM THE FOLLOWING. DESCRIBED PARCEL OF LAND; BEGINNING AT A POINT 510 FEET SOUTH AND 1035 FEET 6 1/2 INCHES EAST; AS MEASURED ALONG THE CENTER LINE OF THE OLD FORT WAYNE ROAD, NOW LINCOLN HIGHWAY EAST, OF THE POINT OF INTERSECTION OF THE CENTER LINE OF SAID LINCOLN HIGHWAY EAST AND THE WEST LINE OF SAID SECTION 18, WHICH BEGINNING POINT IS THE NORTHWEST CORNER OF THAT PART OF ACRE NUMBER 17 OF DANIEL WARD'S PROPOSED PLAT LYING SOUTH OF NORTON COURT; AS NOW ESTABLISHED; RUNNING THENCE SOUTH 148.2 FEET TO THE NORTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO, SOUTH BEND AND NORTHERN INDIANA RAILWAY COMPANY, NOW THE PROPERTY OF THE INDIANA & MICHIGAN ELECTRIC COMPANY, THENCE EASTERLY, ALONG SAID NORTHERLY LINE, 66.85 FEET; THENCE

Proposed Ordinance No: 2020-08

Ordinance No: \_\_\_\_\_

NORTH 146.1 FEET TO THE SOUTH LINE OF SAID NORTON COURT; THENCE WEST, ALONG THE SOUTH LINE OF SAID NORTON COURT, 66.85 FEET TO THE PLACE OF BEGINNING.

PARCEL II (4021 Lincolnway East):

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, DESCRIBED AS BEGINNING AT A POINT 1101 FEET AND 11 1/2 INCHES EAST OF A POINT ON THE SOUTH LINE OF LINCOLN HIGHWAY (FORMERLY THE OLD FORT WAYNE ROAD) AS EXISTED ON DECEMBER 18, 1944, WHERE THE SAME IS CROSSED BY THE WEST LINE OF SAID SECTION 18; THENCE EAST AND ALONG THE SOUTH LINE OF SAID LINCOLN HIGHWAY 66 FEET 7 INCHES; THENCE SOUTH 430 FEET, MORE OR LESS, TO THE NORTH LINE OF NORTON COURT; THENCE WEST AND ALONG THE SAID NORTH LINE OF NORTON COURT 66.95 FEET; THENCE NORTH 430 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, AND BEING KNOWN AS LOT NUMBERED 18 IN DANIEL WARD'S PROPOSED PLAT IN THE CITY OF MISHAWAKA.

COMMON ADDRESSES: 4019 and 4021 Lincolnway East

which real estate is now classified as R-1 Single Family Residential District shall hereafter be within and a part of that District known as C-1 General Commercial District designated in "The Zoning Ordinance of 1966" as amended.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Many of the properties in the immediate vicinity are commercial in use and would be compatible to the area;
2. The use and value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner because given the context of its location, its relationship to surrounding properties, staff feels that the most desirable use for this property is its historical commercial use;
3. Because the parcel is located in an area with commercial uses, the rezoning to C-1 General Commercial District is a desirable use for this property;
4. Rezoning to C-1 General Commercial will have a favorable and stabilizing impact on the neighborhood as the current owner (Lincolnway Veterinary Clinic) is proposing improvements to the property and will continue to upkeep and maintain the property; and,
5. The City's Comprehensive Plan identifies the area as General Commercial and this parcel's historical use as commercial is consistent with the Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

Proposed Ordinance No: 2020-08

Ordinance No: \_\_\_\_\_

PASSED by the Common Council of the City of Mishawaka, Indiana, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,  
2020, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at  
\_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
David A. Wood, Mayor

RECEIVED  
DEBORAH S. BLOCK, MMC

FEB 26 2020

CITY CLERK  
MISHAWAKA, IN

February 18, 2020

To the Honorable Members of the Common Council  
City of Mishawaka, Indiana  
and  
Mishawaka City Plan Commission  
City of Mishawaka, Indiana



RE: **Petition to Rezone**  
4019 Lincolnway East and 4021 Lincolnway East

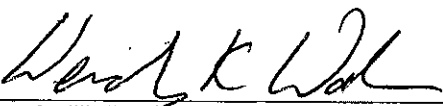
The undersigned, as attorney for the property owner, respectfully shows that A and J Properties, LLC, an Indiana limited liability company, is the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

See attached **Exhibit A**.

Petitioner owns one hundred (100%) percent of the above-described parcels of land, which carry a zoning classification of R-1 Single Family District for the approximately 134 feet of lot length running northerly from Norton Court. The above-described parcels also carry a zoning classification of C-1 General Commercial District for the approximately 296 feet of remaining lot length that fronts on Lincolnway East. Said property is the site of the Lincolnway Veterinary Clinic, LLC. The clinic building is located on the Lincolnway East frontage of the above-described parcels, with its parking area extending across an adjacent parcel also owned by A and J Properties, LLC.

**Petitioner desires the portion of said real estate that is zoned R-1 Single Family District to be rezoned to C-1 Commercial District.** Petitioner further states that the veterinary clinic intends to utilize said land to create an additional parking area behind the clinic building and relocate the existing retention pond. A conceptual site plan showing the existing and proposed parking is attached to this petition as **Exhibit B**.

Wherefore, the petitioner prays and respectfully requests that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcels of land located in the City of Mishawaka.

  
Wendy K. Walker, Attorney for Property Owner

**Contact Person:**  
Wendy K. Walker (24004-46)  
May Oberfell Lorber  
4100 Edison Lakes Parkway, Suite 100  
Mishawaka, Indiana 46545  
Telephone: (574) 243-4100  
Fax: (574) 232-9789  
Email: [wwalker@maylorber.com](mailto:wwalker@maylorber.com)

**EXHIBIT A**  
Legal Description

**PARCEL I:**

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, DESCRIBED AS FOLLOWS:

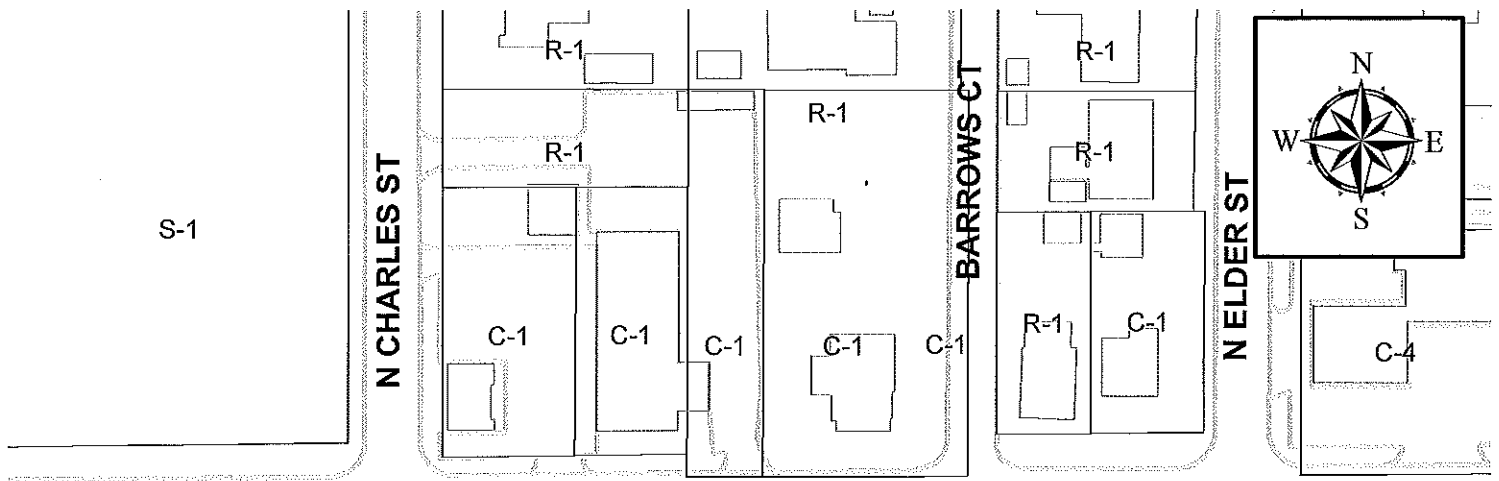
COMMENCING AT A POINT 1035 FEET 6 1/2 INCHES EAST OF A POINT IN THE CENTER OF THE OLD FORT WAYNE ROAD, NOW LINCOLN HIGHWAY EAST, WHERE THE SAME IS CROSSED BY THE WEST LINE OF SAID SECTION 18; THENCE RUNNING EAST 66 FEET 5 INCHES; THENCE SOUTH 656 FEET TO THE NORTH LINE OF THE CHICAGO, SOUTH BEND, AND NORTH INDIANA RAILWAY COMPANY'S LAND; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID RAILWAY COMPANY'S LAND TO A POINT DIRECTLY SOUTH OF THE PLACE OF BEGINNING; THENCE NORTH TO THE PLACE OF BEGINNING AND BEING KNOWN AS ACRE NUMBER 17 OF DANIEL WARD'S PROPOSED PLAT; EXCEPTING THAT PART OF SAID TRACT TAKEN FOR THE WIDENING OF LINCOLN HIGHWAY EAST; ALSO EXCEPTING THAT PART TAKEN FOR THE OPENING OF NORTON COURT; ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; BEGINNING AT A POINT 510 FEET SOUTH AND 1035 FEET 6 1/2 INCHES EAST; AS MEASURED ALONG THE CENTER LINE OF THE OLD FORT WAYNE ROAD, NOW LINCOLN HIGHWAY EAST, OF THE POINT OF INTERSECTION OF THE CENTER LINE OF SAID LINCOLN HIGHWAY EAST AND THE WEST LINE OF SAID SECTION 18, WHICH BEGINNING POINT IS THE NORTHWEST CORNER OF THAT PART OF ACRE NUMBER 17 OF DANIEL WARD'S PROPOSED PLAT LYING SOUTH OF NORTON COURT; AS NOW ESTABLISHED; RUNNING THENCE SOUTH 148.2 FEET TO THE NORTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO, SOUTH BEND AND NORTHERN INDIANA RAILWAY COMPANY, NOW THE PROPERTY OF THE INDIANA & MICHIGAN ELECTRIC COMPANY, THENCE EASTERLY, ALONG SAID NORTHERLY LINE, 66.85 FEET; THENCE NORTH 146.1 FEET TO THE SOUTH LINE OF SAID NORTON COURT; THENCE WEST, ALONG THE SOUTH LINE OF SAID NORTON COURT, 66.85 FEET TO THE PLACE OF BEGINNING.

Parcel ID: 016-1104-4058 / Parcel State ID: 71-10-18-152-003.000-023  
Address: 4019 Lincolnway East

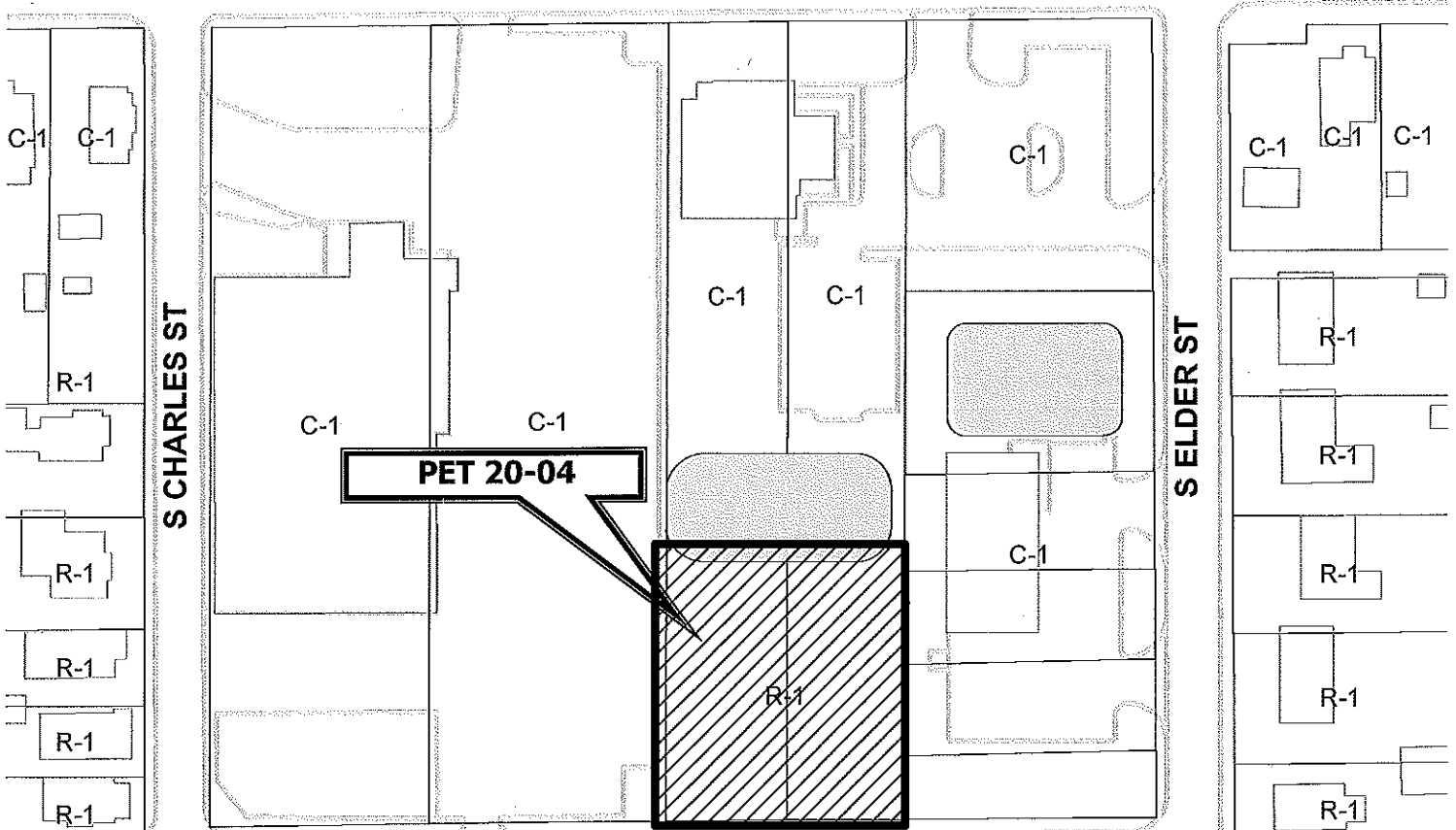
**PARCEL II:**

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 4 EAST, DESCRIBED AS BEGINNING AT A POINT 1101 FEET AND 11 1/2 INCHES EAST OF A POINT ON THE SOUTH LINE OF LINCOLN HIGHWAY (FORMERLY THE OLD FORT WAYNE ROAD) AS EXISTED ON DECEMBER 18, 1944, WHERE THE SAME IS CROSSED BY THE WEST LINE OF SAID SECTION 18; THENCE EAST AND ALONG THE SOUTH LINE OF SAID LINCOLN HIGHWAY 66 FEET 7 INCHES; THENCE SOUTH 430 FEET, MORE OR LESS, TO THE NORTH LINE OF NORTON COURT; THENCE WEST AND ALONG THE SAID NORTH LINE OF NORTON COURT 66.95 FEET; THENCE NORTH 430 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, AND BEING KNOWN AS LOT NUMBERED 18 IN DANIEL WARD'S PROPOSED PLAT IN THE CITY OF MISHAWAKA.

Parcel ID: 016-1104-4059 / State ID: 71-10-18-152-004.000-023  
Address: 4021 Lincolnway East



**LINCOLNWAY EAST**



**Location Map**

**PETITION 20-04**

4019 & 4021  
LINCOLNWAY EAST

REZONE AREA SOUTH OF  
RETENTION AREA  
FROM R-1 SINGLE FAMILY  
RESIDENTIAL TO  
C-1 GENERAL COMMERCIAL

RTON CT

E THIRD ST



# CITY OF MISHAWAKA

DAVID A. WOOD, MAYOR

DEPARTMENT OF FINANCE  
Rebecca S. Miller, Controller  
Kurtis D. Vardaman, Deputy Controller

RECEIVED  
DEBORAH S. BLOCK, MMC

Date: March 12, 2020  
To: Honorable Members of the Common Council  
From: Rebecca Miller  
Re: **Additional – CCI – Public Safety LIT – CEDIT – Ambulance Funds**

MAR 13 2020

CITY CLERK  
MISHAWAKA, IN

For first reading on March 16<sup>th</sup> I have numerous requests for additional appropriations.

1. The new aerial ladder truck purchased last year had one payment last year, and I neglected to budget for the two payments required this year.
2. At the time the budget was put together it seemed that PSAP may be funded differently. These additional add the funds that are necessary to continue to pay PSAP out of Public Safety LIT and CEDIT. Total cost to the City this year is \$1,566,372.96.
3. Instead of having a separate Sidewalk and Curb fund, Chris Jamrose and I have agreed to add \$20,000 to CEDIT. Whatever the citizens pay towards the 50/50 program the City's portion will be paid out of these funds. It will streamline the budget process moving forward and minimize funding delays and paperwork.
4. The Fire Department has an opportunity to purchase a refurbished ambulance that will be used as a reserve. This is a great opportunity to use the new Ambulance fund that was put in place to receive 10% of revenue from our EMS runs.

Please contact me with any questions.

c: David A. Wood – Mayor  
Christine Jamrose – Dir. of Engineering/City Engineer  
Bryon Woodward – Fire Chief

1st Reading 3-16-20  
2nd Reading  
Passed  
Failed  
Continued To

RECEIVED  
DEBORAH S. BLOCK, MMC

MAR 13 2020

CITY CLERK  
MISHAWAKA, IN

PROPOSED ORDINANCE NO. 2020-09

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE DECLARING AN EMERGENCY AND  
DETERMINING THE EXPENDITURE OF ADDITIONAL  
FUNDS FOR THE YEAR ENDING DECEMBER 31, 2020

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA  
INDIANA, THAT:

Section 1. An emergency exists which requires the appropriation of additional funds for the fiscal year ending December 31, 2020 in addition to that set out in detail in the published budget.

Section 2. There is hereby appropriated from the Cumulative Capital Improvement Fund of the City of Mishawaka the sum of \$55,500.00, from the Public Safety Local Income Tax (LIT) fund the sum of \$713,901.00, from the CEDIT fund \$261,393.00, and from the Ambulance fund the sum of \$198,000.00 for assignment as follows:

**Cumulative Capital Improvement Fund**

Other Services and Charges

|               |                      |              |
|---------------|----------------------|--------------|
| 401-50-438-01 | Fire Truck Principal | \$ 55,500.00 |
|---------------|----------------------|--------------|

**Public Safety LIT Fund**

Other Services and Charges

|               |      |              |
|---------------|------|--------------|
| 211-50-439-95 | PSAP | \$713,901.00 |
|---------------|------|--------------|

**CEDIT Fund**

Other Services and Charges

|               |      |              |
|---------------|------|--------------|
| 430-50-439-95 | PSAP | \$241,393.00 |
|---------------|------|--------------|

Improve. Other than Buildings

|               |                     |              |
|---------------|---------------------|--------------|
| 430-50-442-04 | Sidewalk/Curb 50/50 | \$ 20,000.00 |
|---------------|---------------------|--------------|

**Ambulance Fund**

Other Services and Charges

|               |                   |                     |
|---------------|-------------------|---------------------|
| 230-50-445-07 | Medical Equipment | <u>\$198,000.00</u> |
|---------------|-------------------|---------------------|

|       |  |                |
|-------|--|----------------|
| Total |  | \$1,228,794.00 |
|-------|--|----------------|

Section 3. This Ordinance shall be in full force and effect from and after its passage, signing and attestation.

PASSED BY THE COMMON COUNCIL of the City of Mishawaka, Indiana

on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_

o'clock, \_\_\_\_ .M.

\_\_\_\_\_  
Gregg Hixenbaugh, President

ATTEST:

\_\_\_\_\_  
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED BY ME to the Mayor of the City of Mishawaka, Indiana

on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_

o'clock, \_\_\_\_ .M.

\_\_\_\_\_  
Deborah S. Block, MMC, City Clerk

APPROVED BY ME this \_\_\_\_\_ day of \_\_\_\_\_, 2020 at

\_\_\_\_\_ o'clock, \_\_\_\_ .M.

\_\_\_\_\_  
David A. Wood, Mayor

# City of Mishawaka

RESOLUTION NO. R2020-03

A RESOLUTION OF THE COMMON COUNCIL  
OF THE CITY OF MISHAWAKA, INDIANA  
HONORING CHIEF DEPUTY CITY CLERK  
MARY ELLEN HAZEN  
FOR SERVICE TO THE CITY OF  
MISHAWAKA, INDIANA

**WHEREAS**, Retiring Chief Deputy City Clerk Mary Ellen Hazen served the citizens of Mishawaka with dedication and respect, and

**WHEREAS**, Mrs. Hazen has served as Chief Deputy City Clerk to Clerk Janet A. Opfel from May 1986 to December, 1991 and Clerk Deborah Ladyga-Block from January, 1992 to March 31, 2020 performing those duties faithfully and impartially,

**WHEREAS**, Mrs. Hazen worked with nine different Councils: 1986, 1988, 1996, 2000, 2004, 2008, 2012, 2016 and 2020, consisting of 48 individual Council Members; 4 Council Attorneys; 3 Mayors: Mayors Beutter, Rea and Wood, countless Department Heads, City Staff, Firefighters, Police Officers, Street, Parks, Utilities just to name a few always with a smile on her face and a kind word to all;

**WHEREAS**, Mrs. Hazen’s professionalism, calmness, knowledge and attention to detail will be greatly missed. She will always be remembered as Clerk Block’s “right hand” and dear and devoted friend.

**NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL, CLERK AND MAYOR OF THE CITY OF MISHAWAKA, INDIANA THAT:**

1. Such dedication to her fellow workers and citizens should be gratefully acknowledged.
2. The Council, Clerk and Mayor publicly commends Mrs. Hazen for her dedicated interest in the welfare of the City of Mishawaka and its citizens.
3. The Council, Clerk and Mayor wishes Mrs. Hazen well in her retirement.
4. Clerk Debbie Ladyga-Block, Deputy Raven Boston and Staff Member Michael Hixenbaugh and former Deputy Clerk Linda Dotson thank Mrs. Hazen for the friendship and love that they have shared for all these years.

**WE CALL UPON ALL OF OUR CITIZENS TO JOIN US IN CONGRATULATING AND THANKING MARY ELLEN HAZEN FOR SHARING HER TIME AND TALENTS WITH THE PRINCESS CITY FOR THESE 34 YEARS – 1986 TO 2020.**

**PASSED** by the Common Council of the City of Mishawaka, Indiana on this sixteenth day of March, 2020.

\_\_\_\_\_  
Dale “Woody” Emmons,  
1st District

\_\_\_\_\_  
Mike Bellovich, 2<sup>nd</sup> District

\_\_\_\_\_  
Maggie DeMaegd,  
3rd District

\_\_\_\_\_  
Kate Voelker, 4<sup>th</sup> District

\_\_\_\_\_  
S. Michael Compton  
5<sup>th</sup> District

\_\_\_\_\_  
Deborah S. Block IAMC, MMC,  
City Clerk

\_\_\_\_\_  
Ron Banicki, 6<sup>th</sup> District

\_\_\_\_\_  
Matt Mammolenti, Vice President  
At Large

\_\_\_\_\_  
Anthony “Tony” Hazen, At Large

\_\_\_\_\_  
Gregg Hixenbaugh, At Large  
President

\_\_\_\_\_  
David A. Wood, Mayor

MAR 12 2020

CITY CLERK  
MISHAWAKA, IN

APPEAL #20-05

RESOLUTION NO. 2020-04

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA,  
APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE  
PROPERTY LOCATED AT:

**Southeast Corner of Comfort Place and North Pine Street**

WHEREAS, the Indiana Code requires the Common Council to give notice of its  
intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval;  
and

WHEREAS, the Common Council must take action within sixty (60) days after the  
Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on  
such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable  
recommendation, pursuant to applicable state law, including the imposition of reasonable  
conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF  
MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition  
from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance  
for property located at **Southeast Corner of Comfort Place and North Pine Street**,  
more particularly known and described as follows:

Lot 2A of the Center of Hospice Subdivision, the plat of which is recorded in  
Instrument No. 14-07853 in the Office of the Recorder of St. Joseph County, Indiana

The Use Variance will allow an oversized accessory structure without a primary structure on  
a lot subject to the following condition of approval:

1. If the properties are not sold at the same time, or to the same owner, this building  
will be removed.

Section II. Following a presentation by the Petitioner, and after proper public  
hearing, the Common Council hereby approves the Petition as recommended  
by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable  
conditions, to wit, the recommendations of the Department of City Planning, a copy of which  
is on file in the Office of the City Clerk.

Section III. The Common Council of the City of Mishawaka, Indiana, hereby finds  
that:

1. Approval will not be injurious to the public health, safety, morals and general welfare of the community because the structure was professionally built and meets all setback requirements.
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 is part of the Center for Hospice campus.
3. The need for the variance arises from some condition peculiar to the property because the Appellant owns additional property, and uses them as one campus, but they are separated by a street.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property because the property is not large enough for additional buildings. This building takes up most of the available building envelope on this triangle shaped lot.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_ 2020,  
at \_\_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
Deborah S. Block, IAMC, MMC, City Clerk

RESOLUTION #2020-04  
SEC Comfort Place and Pine Street  
Page 3 of 3

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at  
\_\_\_\_\_ o'clock \_\_\_\_\_ m.

\_\_\_\_\_  
David A. Wood, Mayor

FEB 26 2020

CITY CLERK  
MISHAWAKA, IN

Date: February 19, 2020

To: Board of Zoning Appeals  
City of Mishawaka, Indiana

The undersigned appellant respectfully shows the Board:

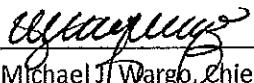
1. I, Michael J. Wargo, acting as a representative for the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit:
  - a. Lot 2A of the Center for Hospice Subdivision, the plat of which is recorded in instrument No. 14-07853 in the office of the recorder of St. Joseph county, Indiana.
2. The above-described real estate presently has a zoning classification of R-1 District under the Zoning Ordinance of the City of Mishawaka.
3. Appellant presently occupies (or proposes to occupy) the above-described property as a vacant lot and proposes to construct a single maintenance accessory building.
4. Appellant desires to construct a single maintenance accessory building on Lot 2A. This building is considered an accessory building that will be constructed on a separate lot. In addition, the proposed building size and height exceed the height requirement and the floor square foot area. Therefore, the following use and development variance are being requested:
  - a. Development Variance: To all allow for a single accessory building on a separate lot.
  - b. Use Variances:
    - i. Height Variance: From 15' to 18'
    - ii. Floor Square Foot Area: From 720 square feet to 1,074 square feet.
5. Per the Zoning Ordinance of the City of Mishawaka the R-1 Zoning District is identified as follows:
  - a. **Sec. 137-166. – Height, area, and developmental regulations.**
    - (5) *Accessory buildings.*
      - a. Accessory buildings not over 15 feet high may be located in the rear half yard area, provided that, the accessory buildings come no nearer than 30 inches to any rear lot line or side lot line. Additionally, accessory buildings shall not be greater than 720 square feet in floor area.
6. It is the desire to construct the single maintenance accessory building to fit within the fabric of the existing residences located directly east and south of this property.
7. Responses to Questions for a Use Variance
  - a. *Will approval be injurious to the public health, safety, morals or general welfare of the community?* Approval of this Use Variance request will not be injurious since the use of the structure will be a maintenance building utilized for the Center for Hospice Care.
  - b. *Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?* The proposed design for this building will match the character and style of the houses within the neighborhood. Therefore, we

AP 20-05

believe that the use and values of adjacent properties are not adversely affected but actually enhanced by this development.

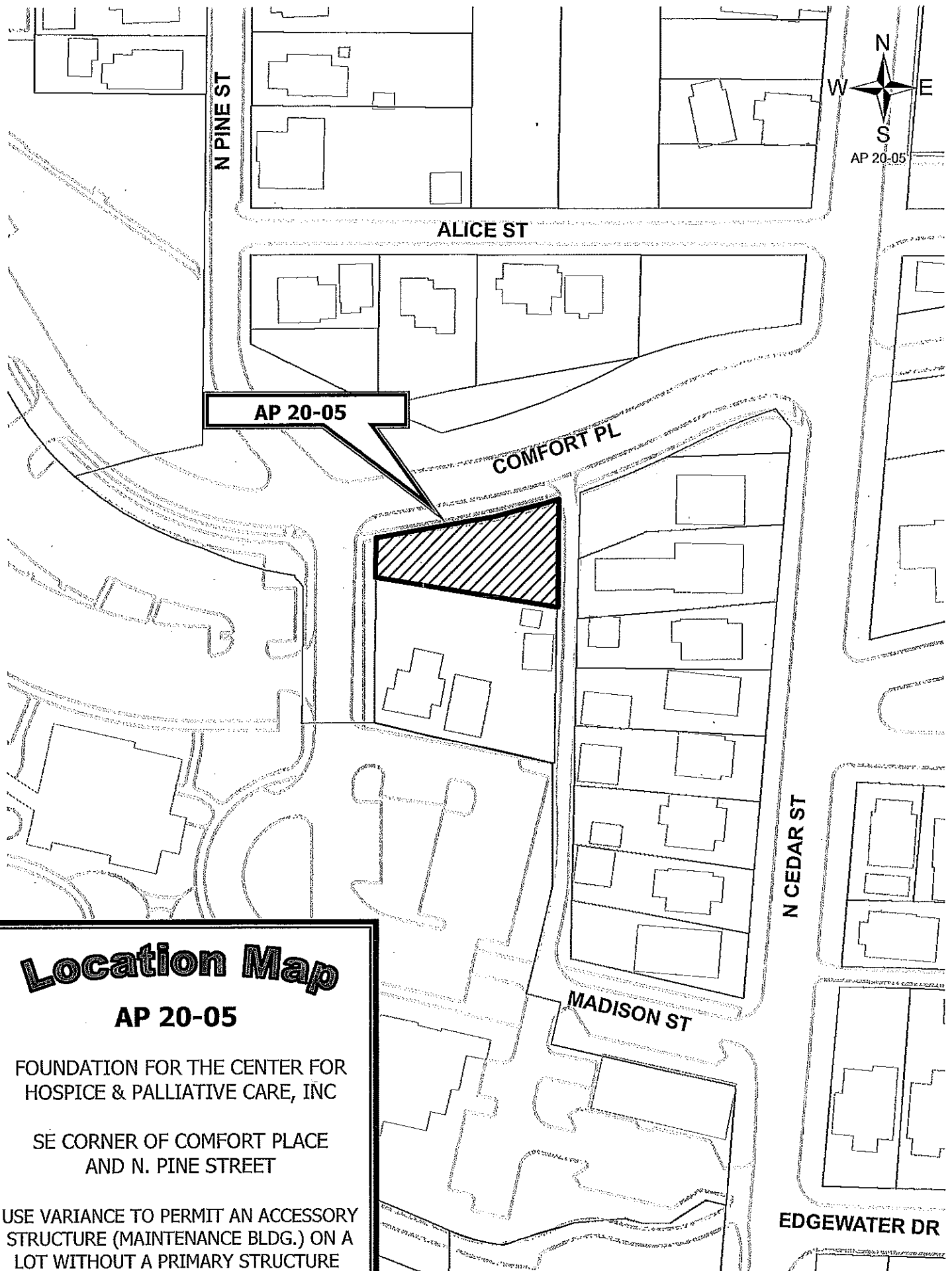
- c. *Does the need for the variance arise from some condition peculiar to the property involved?* The proposed building fits within the boundaries of Lot 2A
- d. *Does strict application of the terms of this chapter constitute an unnecessary hardship if applied to the property for which the variance is sought?* The proposed maintenance building will house the necessary equipment and material to maintain the Center for Hospice Care facility. Since the existing maintenance building that served the Hospice Campus was removed for the construction of the new parking lot for the new Ernestine M. Raclin House Raclin it is the desire of the Center for Hospice Care to building a new structure that will serve as their new maintenance facility.
- e. *Will approval interfere substantially with the Mishawaka 2000 Comprehensive Plan?* We believe that the approval of the Use and Development Variance requests will not substantially interfere with the Mishawaka 2000 Comprehensive Plan.

Wherefore, Appellant respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested variance.

  
Michael J. Wargo, Chief Operating Officer  
Foundation for the Center for Hospice & Palliative Care, Inc.

**Contact Person:**

Chris Chockley  
Jones Petrie Rafinski  
325 South Lafayette Blvd.  
South Bend, Indiana, 46601  
Phone: 574-232-4388  
Fax: 574.232-4333  
Email: cchockley@jpr1source.com



## Location Map

**AP 20-05**

FOUNDATION FOR THE CENTER FOR  
HOSPICE & PALLIATIVE CARE, INC

SE CORNER OF COMFORT PLACE  
AND N. PINE STREET

USE VARIANCE TO PERMIT AN ACCESSORY  
STRUCTURE (MAINTENANCE BLDG.) ON A  
LOT WITHOUT A PRIMARY STRUCTURE

MAR 12 2020

APPEAL #20-06

RESOLUTION NO. 2020-05

CITY CLERK  
MISHAWAKA, IN

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A PETITION OF THE MISHAWAKA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT:

**403 and 411 South Main Street, Mishawaka, Indiana**

WHEREAS, the Indiana Code requires the Common Council to give notice of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests; and

WHEREAS, the Mishawaka Board of Zoning Appeals has made a favorable recommendation, pursuant to applicable state law, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, as follows:

Section I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code requesting that a Use Variance for property located at **403 and 411 South Main Street, Mishawaka, Indiana**, more particularly known and described as follows:

**403 South Main Street:**

Beginning at the point of intersection of the East right-of-way line of Spring Street, a 60 foot right-of-way, with the Southerly right-of-way line of the Conrail Railroad right-of-way, thence south 0-00'-00" West along said East right-of-way line of Spring Street, a distance of 46.00 feet; thence South 78-24'-00" East, a distance of 50.00 feet; thence South 80-04'-00" East, 50.00 feet; thence South 82-54'-00" East, a distance of 50.00 feet; thence South 86-41'-00" East, a distance of 50.00 feet; thence South 88-37'-00" East, a distance of 50.00 feet; thence South 89-50'-00" East, a distance of 411.50 feet to the West right-of-way line of Main Street in said City of Mishawaka; thence North 1-17'-00" East, along said West right-of-way line, a distance of 92.50 feet to its intersection with said Southerly right-of-way line of the Conrail Railroad; thence South 88-43'-00" West, along said Northerly right-of-way line, a distance of 198.30 feet; hence South 88-31'-50" West, along said Northerly right-of-way line, a distance of 463.22 feet to the place of beginning containing 52,860 square feet (1.21 acres) more or less. Subject to any easements, covenants, or restrictions of record.

**411 South Main Street**

79.5' W Side Main Street X 308' Deep E & W N & Adj Dodge Mfg Co. Add in the Office of the Recorder of St. Joseph County, Indiana.

The Use Variance will allow furniture retail and showroom in I-1 Light Industrial Zoning District subject to the following conditions of approval:

- 1) Provide appropriate parking area up to current standards with stormwater management, for area behind (west of 411 S. Main). Drainage will be required for the area that is improved.
- 2) Access between 411 S Main to Mill Street should be removed. A similar comment about the access from Mill Street was made in 2016.
- 3) The gravel access between 403 & 411 S Main, new since 2015, needs to be hard surface.

Section II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the Petition as recommended by the Mishawaka Board of Zoning Appeals, including the imposition of reasonable conditions, to wit, the recommendations of the Department of City Planning, a copy of which is on file in the Office of the City Clerk.

Section III. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

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 and/or improvements to the existing structure.
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 adjacent properties are zoned for industrial and/or commercial uses.
3. The need for the variance arises from some condition peculiar to the property in that it is located in an industrial area and does not allow retail sales which is more applicable to a commercial property.
4. Strict application of the terms of this chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought because the zoning does not allow for specific uses within industrial zoned properties. The property is not suitable to accommodate other general retail uses, therefore, we recommended the Use Variance process.
5. The recommendation is consistent, and or, not in conflict with Comprehensive Plan which indicates commercial uses for this area.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Mishawaka, Indiana, this \_\_\_\_\_ day  
of \_\_\_\_\_, 2020, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_ 2020,  
at \_\_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at  
\_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
David A. Wood, Mayor

RECEIVED  
DEBORAH S. BLOCK, MMC

FEB 26 2020

CITY CLERK  
MISHAWAKA, IN

February 18, 2020

To: Board of Zoning Appeals

City of Mishawaka, Indiana



I, Maurice Bokhart am the current owner of 403 South Main Street in Mishawaka IN. I am currently in the process of finalizing a purchase agreement to sell the property to Angelyn Rockenbaugh who is the owner of Interior Motives by 321. I understand that Angelyn's desired use for this property is for retail purposes only and on her behalf, I am asking that the zoning variance that is appropriate for her business be approved. I support her efforts to go before the Board of Zoning Appeals in order to obtain formal approval.

Thank you for your consideration.

By: Maurice Bokhart

Bokhart Properties LLC

16400 Kern Road

Mishawaka, IN 46544

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The undersigned appellant respectfully shows the Board:

1. I, Angelyn Rockenbaugh, and the owner of the following described real estate located within the City of Mishawaka, Penn Township, St. Joseph County, State of Indiana, to-wit: Beginning at the point of intersection of the East right-of-way line of Spring Street, a 60 foot right-of-way, with the Southerly right-of-way line of the Conrail Railroad right-of-way, thence south 0-00'-00" West along said East right-of-way line of Spring Street, a distance of 46.00 feet; thence South 78-24'-00" East, a distance of 50.00 feet; thence South 80-04'-00" East, 50.00 feet; thence South 82-54'-00" East, a distance of 50.00 feet; thence South 86-

41'-00" East, a distance of 50.00 feet; thence South 88-37'-00" East, a distance of 50.00 feet; thence South 89-50'-00" East, a distance of 411.50 feet to the West right-of-way line of Main Street in said City of Mishawaka; thence North 1-17'-00" East, along said West right-of-way line, a distance of 92.50 feet to its intersection with said Southerly right-of-way line of the Conrail Railroad; thence South 88-43'-00" West, along said Northerly right-of-way line, a distance of 198.30 feet; hence South 88-31'-50" West, along said Northerly right-of-way line, a distance of 463.22 feet to the place of beginning containing 52,860 square feet (1.21 acres) more or less. Subject to any easements, covenants or restrictions of record.

SEE ATTACHED  
ADDITIONAL LEGAL

2. The above described real estate presently has a zoning classification of Industrial I-1 District under the Zoning Ordinance of the City of Mishawaka.
3. The current owner, Maurice Bokhart, presently has this real estate for sale or lease. Currently Mr. Bokhart has a special use variance for the following use: warehousing, resale, detailing and rental of high end, luxury automobiles. Auto sales will be both Internet driven and on-site. All vehicles will be housed indoors, and no painting or mechanical work will take place at this location. Hours of operation are expected to be from 8 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 2:00 p.m. on Saturday. Signage will be following the requirements established by the State of Indiana Dealer Licensing Department.

Appellant desires to occupy the building for use as an Interior Design Studio, Conference area and Furnishings showroom containing but not limited to furniture, accessories such as artwork, area rugs, lamps, tabletop, throws, pillows, bedding and florals. Inside the showroom would also be square footage designated for custom cabinetry, surfaces such as counter tops, flooring, and wall treatments, interior doors, and hardware. The appellant would also like to allot for space to have architectural finds such as antique columns, doors, windows etc. and will also need the space to warehouse incoming orders on a temporary basis for our clients until delivery can be scheduled.

Business hours will be the following: Monday, by appointment only, Tuesday through Friday 10:00 a.m. to 5:30 p.m. and Saturday 10:00 a.m. to 2:00 p.m.

4. Appellant desires for you to allow for a retail furnishings and interior design studio.
5. The Zoning Ordinance of the City of Mishawaka requirements: it is our understanding that any retail use will require a variance from the existing zoning.
6. Without the Variance allowing for retail of furnishings, accessories, gifts, cabinetry and countertops, flooring, architectural details, a design studio, and temporary warehousing of furnishings and accessories, the pending purchase agreement between Angelyn

Rockenbaugh and Maurice Bokhart will be null and void- due to the inability to obtain appropriate zoning.

7. A. This variance will not in any way be injurious to the public health, safety, morals or general welfare of the community.

B. It should have no adverse effect to any adjoining properties as the intended use will not in any significant way change the character of the building.

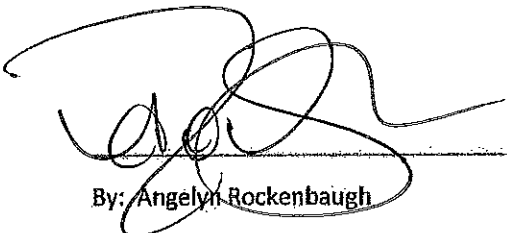
C. The need for variance does not arise from some condition peculiar to the property.

D. It is our belief that strict adherence severely restricts our ability to utilize the space for the intended purposes, and the requested variance will allow for the vacant space to be utilized.

E. We do not believe that the approval of the Variance will substantially interfere with the Mishawaka 2000 Comprehensive Plan. There will be minimal change in the nature and character of the internal or external building and minimal impact on traffic or visual aesthetics of the building.

Wherefore, Appellant prays and respectfully requests a hearing on this appeal and that after such hearing the Board grant the requested variance.

Respectfully submitted,



By: Angelyn Rockenbaugh

Interior Motives by 321

4000 East Bristol Street

Suite 4,

Elkhart, IN 46514

574.361.4944

ANGIE@IM321.DESIGN

## Christa Hill

---

**From:** Christa Hill  
**Sent:** Tuesday, February 18, 2020 9:55 AM  
**To:** Angie Rockenbaugh  
**Subject:** RE: variance rough draft

The Legal for 403 S Main is:

Beginning at the point of intersection of the East right-of-way line of Spring Street, a 60 foot right-of-way, with the Southerly right-of-way line of the Conrail Railroad right-of-way, thence south 0-00'-00" West along said East right-of-way line of Spring Street, a distance of 46.00 feet; thence South 78-24'-00" East, a distance of 50.00 feet; thence South 80-04'-00" East, 50.00 feet; thence South 82-54'-00" East, a distance of 50.00 feet; thence South 86-41'-00" East, a distance of 50.00 feet; thence South 88-37'-00" East, a distance of 50.00 feet; thence South 89-50'-00" East, a distance of 411.50 feet to the West right-of-way line of Main Street in said City of Mishawaka; thence North 1-17'-00" East, along said West right-of-way line, a distance of 92.50 feet to its intersection with said Southerly right-of-way line of the Conrail Railroad; thence South 88-43'-00" West, along said Northerly right-of-way line, a distance of 198.30 feet; hence South 88-31'-50" West, along said Northerly right-of-way line, a distance of 463.22 feet to the place of beginning containing 52,860 square feet (1.21 acres) more or less. Subject to any easements, covenants or restrictions of record.

\* The Legal for 411 S Main is:

79.5' W Side Main Street X 308' Deep E & W N & Adj Dodge Mfg Co. Add in the Office of the Recorder of St. Joseph County, Indiana

Question #5 you can just say that industrial zoning doesn't allow retail uses.

The answer to (7)-4 should be yes, it doesn't allow retail. Also maybe something about the history of the site or how it was underutilized if it were vacant.

Did that answer your questions? Your first email chain was a bit confusing.

Christa Hill  
Associate Planner  
(574) 258-1625  
[Chill2@mishawaka.in.gov](mailto:Chill2@mishawaka.in.gov)

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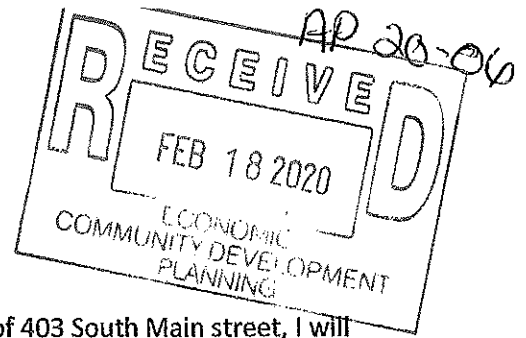
**From:** Angie Rockenbaugh <[angie@im321.design](mailto:angie@im321.design)>  
**Sent:** Monday, February 17, 2020 5:46 PM  
**To:** Christa Hill <[chill2@mishawaka.in.gov](mailto:chill2@mishawaka.in.gov)>  
**Subject:** variance rough draft

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>>> FROM EXTERNAL SENDER <<<

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February 18, 2020



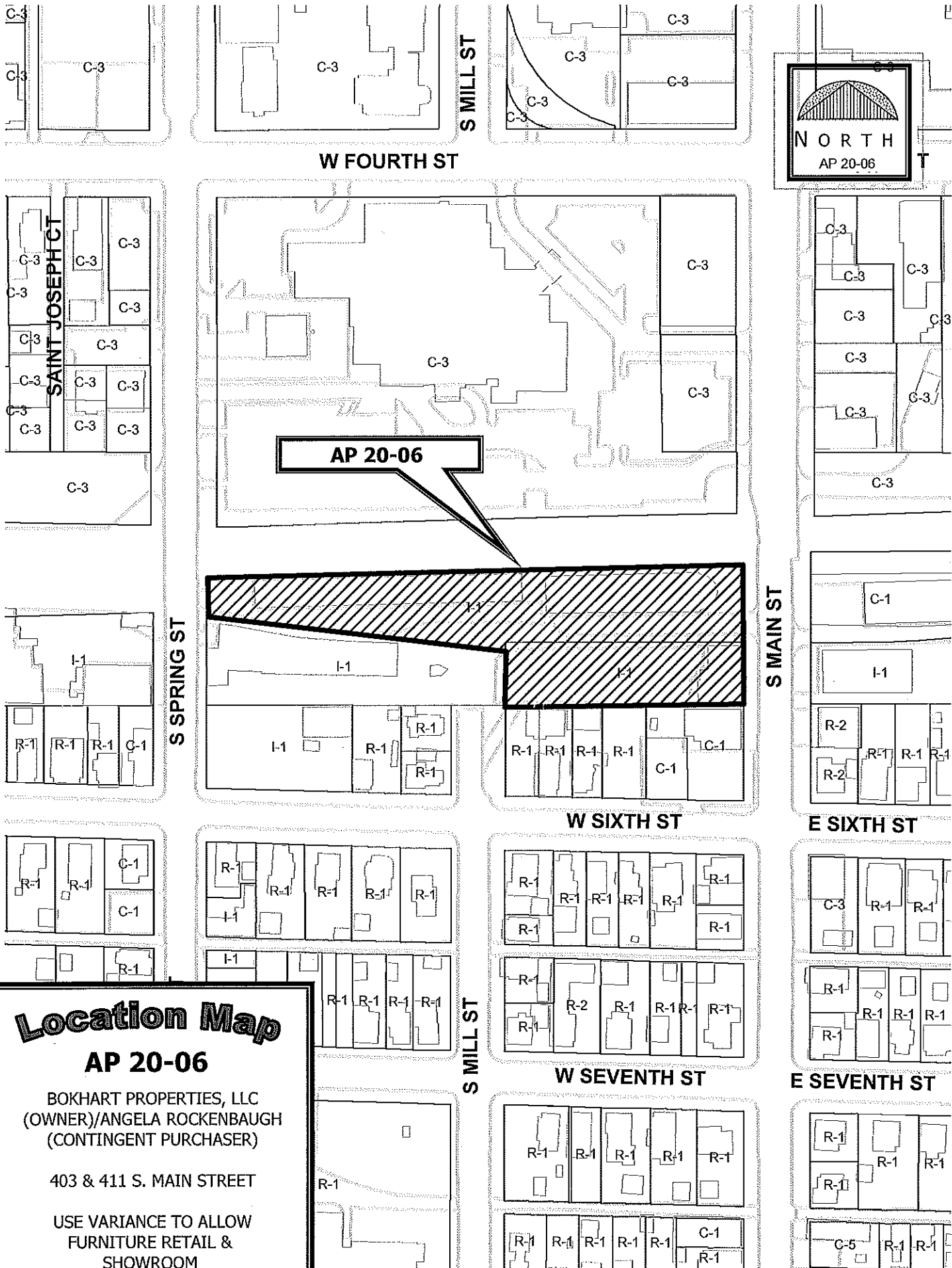
As a side note, I would like to also let you know that with the purchase of 403 South Main street, I will also be pursuing the purchase of 411 South Main St., as well as 410 S. Spring Street, and 424 So. Main Street. I would like to use the back property of 411 South Main Street as additional parking for 403 So. Main St. I am currently working on getting quotes to make this a parking lot surfaced in asphalt. Please see the attached photo for further clarification. I believe that the dimensions of this lot would allow for adequate parking in addition to having 2 ADA parking spaces. I am figuring 3 parking places per 1000 sq. foot of building space (9000 sq. ft x 3= 27 parking spaces including 2 ADA spaces). If the city of Mishawaka has different requirements, please let me know.

Currently, I am not planning to alter the zone classification of these buildings. The current tenants would still be leasing these properties.

Please let me know what steps I need to take for this potential parking area to be compliant with City Zoning laws.

Thank you,

Angelyn Rockenbaugh



## Location Map

**AP 20-06**

BOKHART PROPERTIES, LLC  
(OWNER)/ANGELA ROCKENBAUGH  
(CONTINGENT PURCHASER)

403 & 411 S. MAIN STREET

USE VARIANCE TO ALLOW  
FURNITURE RETAIL &  
SHOWROOM