

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Tuesday, September 7, 2021
4:00 p.m.

4th Floor, Council Chambers
County-City Building, South Bend, IN
www.tinyurl.com/sbbza

MEMBERS PRESENT:

Mark Burrell
Kaine Kanczuzewski
Kathy Schuth

MEMBERS ABSENT:

Kyle Copelin

ALSO PRESENT:

Angela Smith
Joseph Molnar
Rachel Boyles
Aladean DeRose

PUBLIC HEARINGS:

- 1 The petition of MARLENE STEVENS seeking the following variance(s): 1) To allow an accessory use without a primary structure, property located at 1223 THOMAS ST and 1227 THOMAS ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 8:20)*

STAFF REPORT

The staff report was presented by .

Analysis: While the staff does not typically support a fence on a lot without a primary structure, the need to maintain the alley as a public access outweighs the value of vacating the alley and adjoining it to the home, creating a practical difficulty. Since the variance would remain with the property, which would negate the hardship, at least 1 side of the fence that is visible from a public right-of-way should remain open by either limited a solid fence to a maximum 4' height or requiring the fence be at least 50% open.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance to allow a fence, subject to the following: 1) the existing 25' front setback should be maintained; and 2) at least one side adjacent to a public right-of-way shall be a minimum of 50% open or a maximum of 4' in height.

PETITIONER

David Stevens, 1217 Thomas St. South Bend, IN 46601, served as the petitioner.

INTERESTED PARTIES

Rozell Newbill, 1217 W Jefferson Blvd South Bend, IN 46601, spoke in favor of this petition.
Eric Boyd, 1240 W Thomas St. South Bend, IN 46601, spoke in favor of this petition.

PUBLIC COMMENT

City of South Bend **BOARD OF ZONING APPEALS**

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by MARLENE AND DAVID STEVENS seeking the following variances: 1) To allow an accessory use without a primary structure was approved as presented, subject to 1) the existing 25' front setback should be maintained; and 2) at least one side adjacent to a public right-of-way shall be a minimum of 50% open or a maximum of 4' in height., and will issue written Findings of Fact.

- Dan Brewer - Absent
- Murray Miller - Absent
- Kaine Kanczuzewski -Yes
- Mark Burrell -Yes
- Kathy Schuth - Yes

- 2. The petition of CHARITY STOWE seeking the following variance(s): 1) from the minimum 5' side setback to 0', property located at 614 ST JOSEPH ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 19:46)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The structure is a Local Historic Landmark, and the petitioner is desiring to restore the building. The existing door, which will open onto the landing, is original to the house with a similarly designed landing at the initial construction of the home in 1907. The location of the encroachment is not adjacent to other single family or a property that would be significantly impacted by the granting of the variance.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance as presented.

PETITIONER

Charity Stowe, 614 S. St. Joseph St. South Bend, IN 46601 served as the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

City of South Bend **BOARD OF ZONING APPEALS**

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by CHARITY STOWE seeking the following variances: 1) from the minimum 5' side setback to 0' was approved as presented, and will issue written Findings of Fact.

Dan Brewer - Absent

Kyle Copelin - Absent

Kaine Kanczuzewski - Yes

Mark Burrell - Yes

Kathy Schuth - Yes

- 3. The petition of EILEE ZHU AND JONATHAN MAHONEY seeking the following variance(s): 1) From the 3' maximum fence height in the established corner yard to 5', property located at 525 SUNNYSIDE AVE. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 26:07)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: There are no practical difficulties for the petitioner which would necessitate a 5' fence in this location. The proposed fence is not consistent with the intent of the ordinance. The site is already elevated above the street and a code compliant fence could provide the security and privacy desired by the applicant.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board deny the variance as presented.

PETITIONER

Jonathan Mahoney, 525 Sunnyside Ave South Bend, IN 46617 served as the petitioner.

INTERESTED PARTIES

One resident called in opposing the petition.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by EILEE ZHU AND JONATHAN MAHONEY seeking the following

City of South Bend **BOARD OF ZONING APPEALS**

variances: 1) From the 3' maximum fence height in the established corner yard to 5' was denied as presented, and will issue written Findings of Fact.

Dan Brewer - Absent

Kyle Copelin - Absent

Kaine Kanczuzewski - Yes

Mark Burrell - Yes

Kathy Schuth - Yes

- 4. The petition of 137 NORTH MICHIGAN LLC seeking the following variance(s): 1) from the 10% maximum facade area per street frontage for all building signs to 27% for the east elevation and 12% for the north elevation., property located at 137 Michigan and 108 COLFAX AVE. Zoned DT Downtown. (Audio Position: 37:42)**

STAFF REPORT

The staff report was presented by Angela Smith.

Analysis: The site is uniquely situated at what is essentially a three-way intersection. Granting a variance to allow a portion of the sign area to be able to be transferred from the north facade to the east facade is appropriate. However, the combined area should be limited to 10% of the total facade area to limit the variance to the minimum necessary.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends approving the variance subject to a maximum sign area of 10% of the combined facade area.

PETITIONER

Erik Johnson, 503 E Colfax Ave South Bend, IN 46617, served as the petitioner.

INTERESTED PARTIES

Mark McDonnell, 115 W Colfax Ave South Bend, IN 46601, sent an email in favor of this petition.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by 137 NORTH MICHIGAN LLC seeking the following variances: 1) from the 10% maximum facade area per street frontage for all building signs to 27% for the east elevation and 12% for the north elevation. was approved as presented, subject to a

City of South Bend **BOARD OF ZONING APPEALS**

maximum sign area of 10% of the combined facade area, and will issue written Findings of Fact.

Dan Brewer - Absent

Kyle Copelin - Absent

Kaine Kanczuzewski -Yes

Mark Burrell -Yes

Kathy Schuth - Yes

5. The petition of ERIC YOUNG seeking a Special Exception to allow a duplex, property located at 2519 E PLEASANT ST. Zoned U1 Urban Neighborhood 1.

(Audio Position: 56:11)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The proposed construction of a duplex will further compliment the existing housing stock in the surrounding area, as well as providing more diverse housing types for residents.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board send the petition to the Common Council with a favorable recommendation as presented.

PETITIONER

Eric Young, 2521 E Pleasant St. South Bend, IN 46615, served as the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by ERIC YOUNG seeking a Special Exception for a duplex for property located at 2519 E PLEASANT ST, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Dan Brewer - Absent

Kyle Copelin - Absent

Kaine Kanczuzewski - Yes

City of South Bend **BOARD OF ZONING APPEALS**

Mark Burrell - Yes
Kathy Schuth - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact – August 16, 2021

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, the findings of fact from the August 16, 2021 Board of Zoning Appeals meeting were approved.

2. Minutes – August 16, 2021

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, the minutes from the August 16, 2021 Board of Zoning Appeals meeting were approved.

3. Other Business

4. Adjournment – 5:09 p.m.

RESPECTFULLY SUBMITTED,



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board