

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, October 4, 2021
4:00 p.m.

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

MEMBERS PRESENT:

Mark Burrell
Kyle Copelin
Kaine Kanczuzewski
Kathy Schuth
Caitlin Stevens

ALSO PRESENT:

Angela Smith
Joseph Molnar
Rachel Boyles
Aladean DeRose
Tom Panowicz

PUBLIC HEARINGS:

- 1. The petition of ESTELA MACEDO CARRANZA and JOSHUA VIGO RUIZ seeking the following variance(s): 1) from the minimum 5' side setback to 2', property located at 1152 BOWMAN ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 6:54)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: Provided the owner can retain the water run-off from the roof, extending the existing garage at the same setback should not adversely impact the surrounding properties or the general welfare of the community. The surrounding neighborhood developed with a pattern of a detached garages installed at or near the property lines.

Staff Recommendation: Based on the information available prior to the public hearing the staff recommends the Board approve the variance as presented, subject to retaining all water run-off onsite.

PETITIONER

Joshua Vigo Ruiz, 1152 E Bowman St. South Bend, IN 46613, 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 Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by ESTELA MACEDO CARRANZA seeking the following variances: 1) from the minimum 5' side setback to 2' was approved as presented, subject to ensuring there

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are no encroachments on adjacent properties and retaining all water run-off onsite, and will issue written Findings of Fact.

- Caitlin Stevens - Yes
- Kyle Copelin - Yes
- Kaine Kanczuzewski -Yes
- Mark Burrell -Yes
- Kathy Schuth – Yes

Upon a motion by Kyle Copelin, being seconded by Mark Burrell and unanimously carried, Agenda Item #2 was moved to the end of the agenda due to lack of petitioner.

(Audio Postion: 16:30)

- 2. The petition of JOHN & LAURIE PINTER seeking the following variance(s): 1) From the minimum 5' side setback to 0', property located at 1224 SUNNYMEDE AVE. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 13:46 & 43:04)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: Provided the owner can retain the water run-off from the roof, building a new garage at a similar side setback as the existing garage should not adversely impact the surrounding properties or the general welfare of the community. The surrounding neighborhood of Sunnymede developed with a pattern of detached garages being installed at or near the property lines. Approving the variance would be in line with the established neighborhood development. Staff Recommendation: Based on the information available prior to the public hearing, the staff recommends the Board approve the variance as presented, subject to retaining all water run-off onsite.

PETITIONER

John Pinter, 1224 Sunnymede Ave 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 Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by JOHN & LAURIE PINTER seeking the following variances: 1) From the minimum 5' side setback to 0' was approved as presented, subject to ensuring there are no

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encroachments on adjacent properties and retaining all water run-off onsite, and will issue written Findings of Fact.

Caitlin Stevens - Yes
Kyle Copelin - Yes
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, Agenda Item #3 was moved to the end of the agenda due to lack of petitioner.

(Audio Position: 17:17)

- 3. The petition of SOUTH BEND PENTECOSTAL CHURCH OF GOD IN CHRIST and Bishop Donald L. Alford Sr. seeking the following variance(s): 1) to allow an accessory structure on a lot without a primary building, property located at 1032 NAPIER ST. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 45:54)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The petitioner owns property immediately south of the subject property for the primary use of a church. The placement of the garage on the vacant parcel is technically an accessory structure on a lot without a primary structure, but in practice the relationship between the garage and the church will be the same as if the two were on the same parcel.

Staff Recommendation: Based on the information available prior to the public hearing, the staff recommends the Board approve the variance as presented, subject to the garage being a minimum of 75' from the front lot line.

PETITIONER

Karen White, 1912 Malvern Way South Bend, IN 46614, 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 Kyle Copelin, being seconded by Mark Burrell and unanimously carried, a petition by SOUTH BEND PENTECOSTAL CHURCH OF GOD IN CHRIST seeking the following variances: 1) to allow an accessory structure on a lot without a primary building

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was approved as presented, subject to the garage being a minimum of 75' from the front lot line, and will issue written Findings of Fact.

Caitlin Stevens - Yes
Kyle Copelin - Yes
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

- 4. The petition of 1710 TURTLE CREEK LLC and Krieg DeVault Representative seeking a Special Exception to allow Shared Housing, and seeking the following variance(s): 1) From the 120' maximum building width to 350', property located at 1710 Turtle Creek Drive. Zoned U3 Urban Neighborhood 3.** *(Audio Position: 17:26)*

STAFF REPORT

The staff report was presented by Angela Smith.

Analysis: Allowing the proposed use of Shared Housing will further the ability to redevelop the site and add investment to the area. The site is currently used as student housing in a development nearing the end of its life cycle. The proposed use will lead to a large investment into the area without significantly changing the current land use. The redevelopment will bring this 11 acre parcel into compliance with the updated development standards established in the current Zoning Ordinance. Approving the variance for the interior portion of the site will allow for more flexibility in design and support the construction of a garage to support the increased density. By maintaining code compliant buildings on the interior of the lot, the development reflects the intent of the Ordinance to the general public.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The staff recommends approval of the variance for buildings not fronting on a public street.

PETITIONER

Steven Studder, 4101 Edison Lakes Park Way Mishawaka, IN 46545, presented on behalf of the petitioner.

INTERESTED PARTIES

David Iverson, 1530 Ivy Court South Bend, IN 46637, spoke against this petition.
Tom Stipp, 1717 South Bend Ave South Bend, IN 46637, spoke against this petition.

PUBLIC COMMENT

There was no one from the public to speak.

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After careful consideration, the following action was taken:

Upon a motion by Kyle Copelin, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by 1710 TURTLE CREEK LLC seeking a Special Exception for Shared Housing for property located at 1710 Turtle Creek Drive, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Caitlin Stevens - Yes
Kyle Copelin - Yes
Kaine Kanczuzewski - Yes
Mark Burrell - Yes
Kathy Schuth - Yes

Upon a motion by Kyle Copelin, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by 1710 TURTLE CREEK LLC seeking the following variances: 1) From the 120' maximum building width to 350' was approved as presented, subject to the variance only applying to buildings not fronting on a public street, and will issue written Findings of Fact.

Caitlin Stevens - Yes
Kyle Copelin - Yes
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact - September 7, 2021 *(Audio Position: 52:24)*

Upon a motion by Mark Burrell, being seconded by Kyle Copelin and unanimously carried, the findings of fact from the September 7, 2021 Board of Zoning Appeals meeting were approved.

2. Minutes - September 7, 2021 *(Audio Position: 52:39)*


Upon a motion by Kyle Copelin, being seconded by Caitlin Stevens and unanimously carried, the minutes from the September 7, 2021 Board of Zoning Appeals meeting were approved.

3. Other Business *(Audio Position: 53:13)*

4. Adjournment - 4:59 p.m.


RESPECTFULLY SUBMITTED,

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



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board