

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, March 7, 2022
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
Caitlin Stevens (Virtual)

MEMBERS ABSENT:
Kyle Copelin

ALSO PRESENT:
Angela Smith
Joseph Molnar
Rachel Boyles
Tom Panowicz

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, Other Business was moved to the beginning of the agenda and Public Hearing Item #1 was moved to after Public Hearing Item #3. *(Audio Position: 3:12)*

Caitlin Stevens – Abstain (Virtual)
Kyle Copelin - Absent
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

Other Business – Electronic Policy Resolution *(Audio Position: 4:30)*

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, the Electronic Policy Resolution #1 was approved.

PUBLIC HEARINGS:

- 1. The petition of 701 NILES LLC seeking the following variance(s): 1) from the requirement to provide a bathroom for each room in a Hotel, property located at 701 NILES AVE. Zoned DT Downtown.** *(Audio Position: 51:35)*

Due to conflict of interest, Kathy Schuth recused herself.

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, the board determined Kathy Schuth would remain in the room in order to satisfy the requirement of the Electronic Policy. *(Audio Position: 52:01)*

Upon a motion by Kaine Kanczuzewski, being seconded by Caitlin Stevens and unanimously carried, the public hearing was reopened. *(Audio Position: 52:38)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

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Analysis: While details originally provided by the petitioner supported the interpretation of the use as a hotel and lead to the variance request, it is clear at this point that the actual (and intended) use is more consistent with a Group Residence. As such, the petitioner should apply for a Special Exception to allow a Group Residence in the DT Downtown District. To ensure the granting of the variance pertains to the *actual* use allowed within the building, it is premature to approve a variance for a hotel until such time as the Commercial Design Release reflects a hotel use consistent with the Ordinance.

Staff Recommendation: Based on the additional information provided by the applicant during the public hearing on February 7, 2022, the staff recommends the Board deny the variance, as presented.

PETITIONER

David Matthews, 401 E. Colfax Ave Suite 180 South Bend, IN 46617, served as the petitioner. The petitioner notified the Board of an appeal filed and requested to table the petition.

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Caitlin Stevens and unanimously carried, a petition by 701 NILES LLC seeking the following variances: 1) from the requirement to provide a bathroom for each room in a Hotel was tabled to April 4, 2022.

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

- 2. The petition of RANDOLPH L & TINA GILLEAND seeking the following variance(s): 1) to allow an accessory structures in the established front yard; 2) from the maximum one detached accessory structure to four; and 3) from the 3' maximum fence height in an established front yard to 6', property located at 110, 112, and 114 DAYTON ST. Zoned U1 Urban Neighborhood 1 and U3 Urban Neighborhood 3 (South Bend).**

(Audio Position: 8:11)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: There are no practical difficulties for the petitioner which would necessitate a 6' fence in this location. The proposed fence and pools is not consistent with the intent of the ordinance. There is nothing preventing both the fence and the pool to be moved to the south which would place them in conformance of the zoning ordinance.

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

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PETITIONER

Tina Gilleand, 114 Dayton 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 Mark Burrell, being seconded by Kaine Kanczuzewski and carried, a petition by RANDOLPH L & TINA GILLEAND seeking the following variance: 1) to allow an above ground pool in the established front yard was approved, as presented, and will issue written Findings of Fact.

- Caitlin Stevens - Yes
- Kyle Copelin - Absent
- Kaine Kanczuzewski -Yes
- Mark Burrell -No
- Kathy Schuth - Yes

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by RANDOLPH L & TINA GILLEAND seeking the following variance: 2) from the maximum one detached accessory structure to four was denied, as presented, and will issue written Findings of Fact.

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

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and carried, a petition by RANDOLPH L & TINA GILLEAND seeking the following variance: 3) from the 3' maximum fence height in an established front yard to 4' was approved, as presented, and will issue written Findings of Fact.

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

- 3. The petition of MEMORIAL HOSPITAL OF SOUTH BEND INC seeking the following variance(s): 1) From the 12' minimum parking lot setback to 9' along St. Joseph St. and 10' along Navarre St., property located at 609 ST JOSEPH ST . Zoned UF Urban Neighborhood Flex.** *(Audio Position: 37:53)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The parking lot already exists on this site. The petitioner desires to resurface and reconstruct the parking lot and is required to bring the site up to current zoning standards. As the parking lot already exists, Staff understands the desire to not lose current parking spaces. While the variance along St. Joseph Street is necessary to preserve the existing site layout, the drive aisles could be narrowed to remove the need for the variance along Navarre Street.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance along St. Joseph Street and deny the variance along Navarre Street.

PETITIONER

Mike Danch, 1643 Commerce Dr. South Bend, IN 46628, served as the petitioner.

INTERESTED PARTIES

Nancy Coiro, 706 St Joseph St South Bend, IN 46601, spoke against 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 Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by MEMORIAL HOSPITAL OF SOUTH BEND INC seeking the following variances: 1) From the 12' minimum parking lot setback to 9' along St. Joseph St. and 10' along Navarre St. was approved as presented, and will issue written Findings of Fact.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

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

1. Findings of Fact – February 7, 2022

(Audio Position: 1:00:02)

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried by vote, the findings of fact from the February 7, 2022 Board of Zoning Appeals meeting were approved.

2. Minutes – February 7, 2022

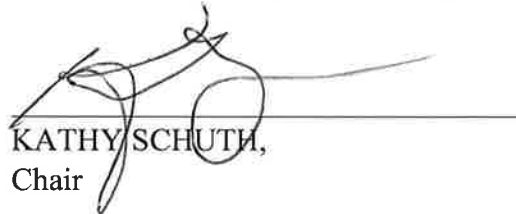
(Audio Position: 1:00:27)

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried by vote, the minutes from the February 7, 2022 Board of Zoning Appeals meeting were approved.

3. Other Business


4. Adjournment – 5:01 p.m.

RESPECTFULLY SUBMITTED,



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board