



City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

MINUTES

October 16, 2023
4:00 p.m.

Council Chambers, 4th Floor
County-City Building, South Bend, IN

MEMBERS PRESENT:

Kara Boyles
Scott Ford
Francisco Fotia
Sheila Niezgodski
Jason Piontek
Caitlin Stevens

MEMBERS ABSENT:

Kyle Copelin
John Martinez

ALSO PRESENT:

Tim Corcoran
Kari Myers
Amani Morrell
Michael Divita
Kate Bolze
Tom Panowicz

PUBLIC HEARING - 4:00 P.M.

- A. REZONINGS: - None for consideration
- B. MAJOR SUBDIVISIONS - None for consideration
- C. TEXT AMENDMENTS - None for consideration
- D. DEVELOPMENT PLANS - None for consideration
- E. COMBINED HEARINGS

1. **A combined public hearing on a petition of H & A UNIVERSITY PARALLEL LLC for a minor subdivision, EDDY SQUARE TOWNHOMES SUBDIVISION, and seeking the following variances: 1) from the 3' maximum fence height in an established front yard to 6'; 2) from the minimum required building setback of 5' to 3' for lots 8 & 9; 3) from the requirement that the main entrance be prominently located and visible from the primary street; 4) from the minimum required rear yard setback of 5' to 0' for lots 18-33; 5) from the minimum required front yard setback for parking of 5' to 0' for lots 1-17; 6) from the required walkway connection from the sidewalk to the main entrance to none – PC# 0171-23**

(Audio Position: 02:20)

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Variance requests #2, #3, #4, and #5 would legalize elements of the site layout that have existed since 1991 and would not be injurious to the community.

Variance #1 is inconsistent with the Ordinance and the subdivision can be secured

with a 3' solid fence or 4' 50% open fence that orients the subdivision to the street. Variance #6 would eliminate the need for a walkway connecting the sidewalk to the main entrance, meaning pedestrian access on the east and west sides of the subdivision would be limited to a driveway.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval. The staff recommends the Commission approve variance #2, #3, #4, and #5 and deny variance #1 and #6.

PETITIONER

Chris Godlewski, Abonmarche, 315 W Jefferson Blvd, South Bend, IN presented in person on behalf of the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

After due consideration, the following action was taken:

Upon a motion by Kara Boyles, being seconded by Francisco Fotia and unanimously carried, the Plan Commission finds the evidence adduced at this Plan Commission Hearing supports each element of the Staff Report, and EDDY SQUARE TOWNHOMES SUBDIVISION Subdivision therefore complies with the City of South Bend Subdivision Control Ordinance and is granted Primary Approval.

Upon a motion by Kara Boyles, being seconded by Francisco Fotia and unanimously carried, the variances 2) from the minimum required building setback of 5' to 3' for lots 8 & 9, 3) from the requirement that the main entrance be prominently located and visible from the primary street, 4) from the minimum required rear yard setback of 5' to 0' for lots 18-33, and 5) from the minimum required front yard setback for parking of 5' to 0' for lots 1-17 were approved; 6) from the required walkway connection from the sidewalk to the main entrance to none was denied; and 1) from the 3' maximum fence height in an established front yard to 6' was withdrawn, property located at 424 FRANCES ST, City of South Bend.

- 2. A combined public hearing on a petition of ELLIOT PROPERTIES LLC for a Lot Line Adjustment, ELLIOT PROPERTIES' QUIMBY STREET LOT LINE ADJUSTMENT, and seeking the following variances:) from the required 5' side yard building setback to 3.9' along the south property line of Lot 1; 2) from the required 20' rear yard building setback to 2.6' for Lot 1; 3) from the required 5' side**

yard parking setback to 3' for Lot 2; 4) from the required 5' rear yard parking setback to 1' for Lot 2 – PC#0173-23.

(Audio Position: 19:58)

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: The variances are required due to the creation of separate lots with existing buildings and should not be injurious to the public health, safety, morals, and general welfare of the community.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval, subject to the following: 1) Rezoning entirety of Lot C to U1 to include vacated 10' alley to the east. The Staff recommends the Commission approve the variances as presented..

PETITIONER

Terry Lang, Wightman, 1402 Mishawaka Ave, South Bend, IN presented in person on behalf of the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

After due consideration, the following action was taken:

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, the Plan Commission finds the evidence adduced at this Plan Commission Hearing supports each element of the Staff Report, and ELLIOT PROPERTIES' QUIMBY STREET LOT LINE ADJUSTMENT Subdivision therefore complies with the City of South Bend Subdivision Control Ordinance and is granted Primary Approval, subject to the following: rezoning the entirety of Lot A to U1 to include the vacated 10' alley to the east.

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and carried, the variance(s) 1) from the required 5' side yard building setback to 3.9' along the south property line of Lot 1; 2) from the required 20' rear yard building setback to 2.6' for Lot 1; 3) from the required 5' side yard parking setback to 3' for Lot 2 and 4) from the required 5' rear yard parking setback to 1' for Lot 2 property located at 1023 QUIMBY ST and 311 EDDY ST and 315 EDDY ST and 317 EDDY ST, City of South Bend, were\was approved.

- 3. A combined public hearing on a petition of MAURICE T RAYCROFT for a minor subdivision, VISION REALTY'S TWYCKENHAM DRIVE MINOR**

SUBDIVISION, to zone from S1 Suburban Neighborhood 1 to U1 Urban Neighborhood 1 and seeking the following variance: 1) from the required 5' side yard setback to 4' for all side yards - PC# 0174-23.

(Audio Position: 27:46)

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Rezoning the site to U1 Urban Neighborhood 1 will allow for residential growth and increased housing options in the neighborhood while not drastically changing the established character. The proposed variance is out of character with the area and may impact the general welfare of the community.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval. Based on information prior to the public hearing, the Staff recommends the Commission send the rezoning petition to the Common Council with a favorable recommendation. The Staff recommends the Commission deny the variance as requested.

PETITIONER

Terry Lang, Wightman, 1402 Mishawaka Ave, South Bend, IN presented in person on behalf of the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

After due consideration, the following action was taken:

Upon a motion by Kara Boyles, being seconded by Caitlin Stevens to approve favorable recommendation of the rezoning, denial of the variance and approval of the subdivision failed to carry due to a lack of majority vote.

A motion by Shelia Niezgodski to favorable recommendation of the rezoning, approval of the variance and approval of the subdivision died due to the lack of a second.

Upon a motion by Caitlin Stevens, being seconded by Kara Boyles and unanimously carried, the Plan Commission finds the evidence adduced at this Plan Commission Hearing supports each element of the Staff Report, and VISION REALTY'S TWYCKENHAM DRIVE MINOR SUBDIVISION Subdivision therefore complies with the City of South Bend Subdivision Control Ordinance and is granted Primary Approval.

Upon a motion by Caitlin Stevens, being seconded by Kara Boyles and unanimously carried, a proposed ordinance of MAURICE T RAYCROFT to zone from S1 Suburban Neighborhood 1 to U1 Urban Neighborhood 1, property located at 1119 TWYCKENHAM DR, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

Upon a motion by Francisco Fotia, being seconded by Kara Boyles and unanimously carried, the variance(s) 1) from the required 5' side yard setback to 4' for all side yards property located at 1119 TWYCKENHAM DR, City of South Bend, were denied.

ITEMS NOT REQUIRING A PUBLIC HEARING

A. MINOR SUBDIVISIONS:

1. GRANDVIEW AVENUE MINOR SUBDIVISION – PC# 0175-23 *(Audio Position: 49:43)*

STAFF REPORT

The staff report was presented by Kari Myers.

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Approval.

ACTION

After due consideration, the following action was taken:

Upon a motion by Francisco Fotia, being seconded by Jason Piontek and unanimously carried, the Plan Commission finds the evidence adduced at this Plan Commission Hearing supports each element of the Staff Report, and GRANDVIEW AVENUE MINOR SUBDIVISION Subdivision therefore complies with the City of South Bend Subdivision Control Ordinance and is granted Primary Approval.

B. FINDINGS OF FACT – September 18, 2023

(Audio Position: 50:20)

Upon a motion by Francisco Fotia, being seconded by Jason Piontek and unanimously carried, the findings of fact from the September 18, 2023 Plan Commission meeting were approved.

C. MINUTES – September 18, 2023

(Audio Position: 50:20)

Upon a motion by Francisco Fotia, being seconded by Jason Piontek and unanimously carried, the minutes from the September 18, 2023 Plan Commission meeting were approved.

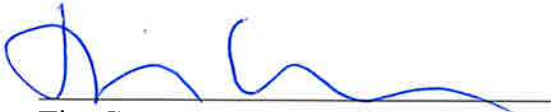
D. UPDATES FROM STAFF

SOUTH BEND **PLAN COMMISSION**

E. ADJOURNMENT – 4:53 pm



Scott Ford,
President



Tim Corcroan,
Interim Secretary of the Commission