

# SOUTH BEND BOARD OF ZONING APPEALS

## MINUTES

Monday, November 6, 2023 7th Floor, County Commissioner's Conference Room  
4:00 p.m. County-City Building, South Bend, IN

### MEMBERS PRESENT:

Mark Burrell  
Kaine Kanczuzewski  
Kathy Schuth  
Caitlin Stevens

### ALSO PRESENT:

Michael Divita  
Kari Myers  
Amani Morrell  
Kate Bolze  
Jenna Throw

### PUBLIC HEARINGS:

- 1. The petition of NEW LIFE FELLOWSHIP MINISTRY OF SOUTH BEND seeking the following variance(s): 1) to allow an accessory use and structure without a primary building, property located at 2301 DUBAIL AVE. Zoned U1 Urban Neighborhood 1.**  
*(Audio Position: 04:32)*

### ACTION

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 NEW LIFE FELLOWSHIP MINISTRY OF SOUTH BEND seeking the following variances: 1) to allow an accessory use and structure without a primary building was withdrawn as presented.

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

- 2. The petition of ERIN REAL ESTATE INC seeking the following variance(s): 1) from the 3' maximum fence height in an established corner yard to 6', property located at 2116 HAMILTON ST. Zoned U1 Urban Neighborhood 1.**

*(Audio Position: 05:01)*

### STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: There are no practical difficulties for the petitioner which would necessitate a 6' fence in this location. The proposed fence is not consistent with the intent of the Ordinance. There is nothing preventing the fence from being installed in conformance with the zoning ordinance.

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

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PETITIONER

Hector Estrada, 2116 W Hamilton St, South Bend, IN 46628 presented in person.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

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 ERIN REAL ESTATE INC seeking the following variances: 1) from the 3' maximum fence height in an established corner yard to 6' was denied as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski -Yes

Mark Burrell -Yes

Kathy Schuth - Yes

- 3. The petition of THOMAS & GABRIELLA BELT HW seeking the following variance(s): 1) from the required 5' side yard setbacks to 4' for both side yards, property located at 613 NAPOLEON ST. Zoned U1 Urban Neighborhood 1.**

*(Audio Position: 11:32)*

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: There are no practical difficulties or unique characteristics that support the requested variance. Minimum setbacks, especially along the side lot lines, are critical for maintaining adequate light, air, and safety standards.

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

PETITIONER

Terry Lang, Wightman, 1402 Mishawaka Ave, South Bend, IN 46615, 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 careful consideration, the following action was taken:

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by THOMAS & GABRIELLA BELT HW seeking the following variances: 1) from the required 5' side yard setbacks to 4' for both side yards was denied as presented, and will issue written Findings of Fact.

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

**4. The petition of UNITY GARDENS INC seeking the following variance(s): 1) from the 12' maximum height of a ground mounted solar energy system to 15', property located at 3701 PRAST BLVD. Zoned C Commercial. *(Audio Position: 20:30)***

STAFF REPORT

The staff report was presented by Amani Morrell.  
 Analysis: There are no practical difficulties for the petitioner that would necessitate a 15' ground mounted solar energy system. The solar energy system, not yet erected, could be located elsewhere on the property and in a different configuration to eliminate concerns. The request is not consistent with the Ordinance.  
 Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the variance be denied as presented.

PETITIONER

Sara Stewart, Unity Community Gardens, 3701 Prast Blvd, South Bend, IN presented in person.  
 Yvonne Hillman, Wellspring LLC, 1085 N 850 W, Shipshewana, IN 46565 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 careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Caitlin Stevens and carried, a petition by UNITY GARDENS INC seeking the following variances: 1) from the 12' maximum height of a ground-mounted solar energy system to 15' was approved as presented, and will issue written Findings of Fact.

- Caitlin Stevens - Yes
- Kaine Kanczuzewski -Yes
- Mark Burrell -No
- Kathy Schuth - Yes

- 5. The petition of JAIME DIAZ seeking the following variance(s): 1) to allow parking in the front yard, property located at 1430 MISHAWAKA AVE. Zoned NC Neighborhood Center.** *(Audio Position: 46:01)*

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: This site has been in this configuration for almost 100 years and the current layout of the parking area, if brought into conformance, would hinder the usability and reactivation of the building. The building was granted a Special Exception for Vehicle Repair, minor in 2022 and the variance for parking in the front/corner lot was approved at that time.

Staff Recommendation: Based on the information provided prior to the public hearing, Staff recommends the Board approve the variance as requested to allow parking in an established front/corner yard.

PETITIONER

Jaime Diaz, 602 Jackson St, South Bend, IN 46619 presented in person.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

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 JAIME DIAZ seeking the following variances: 1) to allow parking in the front yard was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski -Yes

Mark Burrell -Yes

Kathy Schuth - Yes

- 6. The petition of 2010 INVESTMENT GROUP LLC seeking the following variance(s): 1) from the minimum 15' front yard setback to 12.5', property located at 610 DAYTON ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 49:24)*

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: There are no practical difficulties that prevent the petitioner from modifying the house to conform to the appropriate setback. Had the petitioner contacted staff prior to changing the design of the house, they would have been made aware of the setback issue.

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

PETITIONER

David Njoroge, 3131 Springbrook Dr, South Bend, IN 46614 presented in person.

INTERESTED PARTIES

Shelia Leal, 601 E Dayton St, South Bend, IN appeared in person and spoke in favor of the petition.

Eric Brown, potential buyer of property, 1503 Keller St, South Bend, IN appered in person and spoke in favor of the petition.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

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 2010 INVESTMENT GROUP LLC seeking the following variances: 1) from the minimum 15' front yard setback to 12.5' was approved as presented, and will issue written Findings of Fact.

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

- 7. The petition of TRAVIS AND JULIA L BEAM seeking the following variance(s): 1) to allow an accessory structure in the front/corner yard, property located at 1102 WAYNE ST. Zoned S1 Suburban Neighborhood 1.** *(Audio Position: 1:03:56)*

STAFF REPORT

The staff report was presented by Amani Morrell.  
Analysis: Granting the variance to allow an accessory structure in the front/corner yard would expand nonconformace by replacing an existing legal nonconforming shed with a larger structure extending further into the corner yard. While the Ordinance permits the existence of legal nonconfroming structures, they should not be enlarged upon or expanded.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the variance be denied as presented.

PETITIONER

Travis Beam, 1102 Wayne St, South Bend, IN 46615 presented in person.

INTERESTED PARTIES

There was no one from the public to speak.

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PUBLIC COMMENT

There was no one from the public to speak.

ACTION

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by TRAVIS AND JULIA L BEAM seeking the following variances: 1) to allow an accessory structure in the front/corner yard was denied as presented, and will issue written Findings of Fact.

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

- 8. The petition of LUTHER J SR & GWENDOLYN L TAYLOR seeking the following variance(s): 1) from the 5' side yard setback to 1', property located at 2529 GORDON CIR. Zoned S1 Suburban Neighborhood 1.** *(Audio Position: 1:14:35)*

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: There are no practical difficulties or unique characteristics that support the requested variance. Minimum setbacks, especially along the side lot lines, are critical for maintaining adequate light, air, and safety standards. The variance is intended to support a garage extension that is not yet constructed.

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

PETITIONER

Luther Taylor, 2529 Gordon Circle, South Bend, IN 46635 presented in person.

INTERESTED PARTIES

Heath Irons, 2511 Gordon Circle, South Bend, IN 46635 appeared in person and spoke in favor of the petition.

John Lopez, unknown address, South Bend, IN appeared in person and spoke in favor of the petition.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

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 LUTHER J SR & GWENDOLYN L TAYLOR

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seeking the following variances: 1) from the 5' side yard setback to 1' was denied as presented, and will issue written Findings of Fact.

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

9. **The petition of FIVE CORNERS LLC seeking the following variance(s): 1) from the minimum 85% of facade in the required setback zone to 51.2%; and 2) from the minimum 5' setback for parking behind the facade of the building to 0', property located at 1144 CORBY BLVD. Zoned NC Neighborhood Center.**

*(Audio Position: 1:35:18)*

### ACTION

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by FIVE CORNERS LLC seeking the following variances: 1) from the minimum 85% of facade in the required setback zone to 51.2%; and 2) from the minimum 5' setback for parking behind the facade of the building to 0' was withdrawn as presented.

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

10. **The petition of SHARI SELLERS seeking a Special Exception to allow 2 unit dwelling, property located at 1132 PORTAGE AVE. Zoned U1 Urban Neighborhood 1.**

*(Audio Position: 1:35:44)*

### STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Legalizing the use of the current two unit dwelling will further complement the existing housing stock in the surrounding area and is visually indistinguishable from nearby one unit dwellings. The proposed use will provide more housing options 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

Shari Sellers, 10426 Vistula Rd, Osceola, IN 46561, presented in person.

### INTERESTED PARTIES

There was no one from the public to speak.

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PUBLIC COMMENT

There was no one from the public to speak.

ACTION

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 SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1132 PORTAGE AVE, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell - Yes

Kathy Schuth - Yes

**11. The petition of SHARI SELLERS seeking a Special Exception to allow 2 unit dwelling, property located at 1128 PORTAGE AVE. Zoned U1 Urban Neighborhood 1.**

*(Audio Position: 1:44:44)*

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: The conversion and rehab of a current one unit dwelling to a two unit dwelling will further complement the existing housing stock in the surrounding area. The proposed use will provide more housing options 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

Shari Sellers, 10426 Vistula Rd, Osceola, IN 46561, presented in person.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

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 SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1128 PORTAGE AVE, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.



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

- 12. The petition of TEACHERS CREDIT UNION seeking a Special Exception to allow a free standing sign in a Downtown zoning district, property located at 110 MAIN. Zoned DT Downtown.** *(Audio Position: 1:56:57)*

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: There are no practical difficulties or unique characteristics for the petitioner that would necessitate a monument sign at this location.

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 an unfavorable recommendation. Should the Board recommend approval of a freestanding sign at this location, it is recommended it follow monument signage standards for the NC Neighborhood Center district, i.e. maximum 32 square feet in area and, 8' in height. If it is determined the sign is located within City right-of-way, it would need to be relocated.

PETITIONER

Kristen Spray, Sign Craft Industries, 8816 Corporation Dr, Indianapolis, IN 46256 presented in person on behalf of the petitioner.

Elliot Lusk, Everwise Credit Union, formerly Teachers Credit Union, 110 S Main St, South Bend, IN presented in person.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

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 TEACHERS CREDIT UNION seeking a Special Exception for a free standing sign in a Downtown zoning district for property located at 110 MAIN, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

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

**13. The petition of P & P CAPITAL LLC seeking a Special Exception to allow 2 unit dwelling, property located at 1410 FORD ST. Zoned U1 Urban Neighborhood 1.**

*(Audio Position: 2:15:01)*

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: The legalization of this property as a duplex will further complement the existing housing stock in the surrounding area and be visually indistinguishable from nearby one unit dwellings. The proposed use will provide more housing options 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

William Trozzy, 913 W Roosevelt St, South Bend, IN 46616, 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 careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by P & P CAPITAL LLC seeking a Special Exception for 2 unit dwelling for property located at 1410 FORD ST, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

**1. Findings of Fact – October 2, 2023**

*(Audio Position: 2:19:57)*

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, the findings of fact from the October 2, 2023 Board of Zoning Appeals meeting were approved.

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**2. Minutes – October 2, 2023**

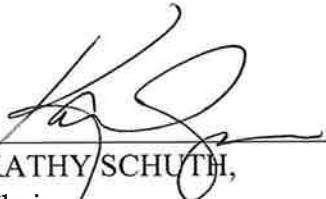
*(Audio Position: 2:20:08)*

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, the minutes from the October 2, 2023 Board of Zoning Appeals meeting were approved.

**3. Other Business**

**4. Adjournment – 6:21 PM**

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
KATHY SCHUTH,  
Chair

ATTEST:

  
\_\_\_\_\_  
TIM CORCORAN,  
Interim Secretary of the Board