

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Wednesday, December 6, 2023
4:30 p.m.

13th Floor, BPW Conference Room
County-City Building, South Bend, IN

MEMBERS PRESENT:

Mark Burrell
Kaine Kanczuzewski
Kathy Schuth
Caitlin Stevens

MEMBERS ABSENT:

ALSO PRESENT:

Michael Divita
Kari Myers
Amani Morrell
Kate Bolze
Tom Panowicz

PUBLIC HEARINGS:

1. **The petition of CHARLES W BROOKS & REBECCA P MORROW JT W/FROS NOT TIC seeking the following variance(s): 1) from the maximum 1 detached accessory structures to 3; and 2) from the 5' minimum rear and side setback to 0', property located at 1114 INDIANA AVE. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 05:06)

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 CHARLES W BROOKS & REBECCA P MORROW JT W/FROS NOT TIC seeking the following variances: 1) from the maximum 1 detached accessory structures to 3; and 2) from the 5' minimum rear and side setback to 0' was tabled as presented.

Caitlin Stevens - Yes

Mark Burrell -Yes

Kaine Kanczuzewski -Yes

Kathy Schuth - Yes

2. **The petition of ROSENDO SANCHEZ seeking the following variance(s): 1) Accessory structure without a primary, property located at 918 CALVERT ST. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 05:17)

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 ROSENDO SANCHEZ seeking the following variances: 1) Accessory structure without a primary was tabled as presented.

Caitlin Stevens - Yes

Mark Burrell -Yes

Kaine Kanczuzewski -Yes

Kathy Schuth - Yes

3. **The petition of ROBERT A LIHOSIT TRUST seeking the following variance(s): 1) from the 5' minimum rear yard setback of a rear extension to 3'; 2) from the minimum garage set back of 5' from the corner facade to 3'; and 3) from the minimum 50% of the facade in the setback zone to 30%, property located at 201 POKAGON ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 05:33)*

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: Variances #1 and #2 serve to legalize the location of a garage that has existed for almost 60 years while allowing it to be incorporated into a rear yard house extension. Variance #3 allows for a design that mirrors the existing layout of the house and matches the character of the neighborhood. After further calculations, staff has determined that variance #3 is no longer needed as 50% of the façade is in the setback zone

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

PETITIONER

Bob Thatcher, 54595 Meadowbank Lane, Elkhart, IN appeared in person and presented on behalf of the petitioner.

Bob Lihosit, 201 E Pokagon St, South Bend, IN appeared and presented in person.

INTERESTED PARTIES

There was no one from the public to speak.

There was 1 email received from an interested party in opposition to 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 Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by LIHOSIT ROBERT A TRUST seeking the following variances: 1) from the 5' minimum rear yard setback of a rear extension to 3'; and 2) from the minimum garage set back of 5' from the corner facade to 3', was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Mark Burrell -Yes

Kaine Kanczuzewski -Yes

Kathy Schuth - Yes

4. **The petition of RONALD E KOEHLER seeking a Special Exception to allow group residence, property located at 1044 LINCOLNWAY. Zoned U3 Urban Neighborhood 3.** *(Audio Position: 18:49)*

STAFF REPORT

The staff report was presented by Kari Myers.

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Analysis: Lincolnway West has a mix of commercial and industrial uses of varying intensity along the surrounding stretch. The property is currently zoned for multifamily use which would allow for an apartment complex. The dwelling is consistent with the character of the district in the housing style.

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 subject to a limit of one person per bedroom.

PETITIONER

Ron Koehler, 59050 Clover Rd, Mishawaka, IN appeared and presented in person. Heather Weisinger, Property Manager, 519 Russell, Mishawaka, IN appeared in person and presented on behalf of the petitioner.

INTERESTED PARTIES

Anne Mannix, Lincoln Park Development LLC, 724 W Washington, South Bend, IN appeared virtually and voiced concerns regarding the Special Exception.

REBUTTAL

Heather Weisinger addressed the concerns that were voiced and provided more information.

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 Kaine Kancuzewski and unanimously carried, a petition by RONALD E KOEHLER seeking a Special Exception for a Group Residence for property located at 1044 LINCOLNWAY, City of South Bend, is sent to the Common Council with a favorable recommendation, subject to limit of one person/resident per room, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Mark Burrell -Yes

Kaine Kancuzewski -Yes

Kathy Schuth - Yes

- 5. **The petition of ROBERT HENDERSON seeking a Special Exception to allow a Group Residence, property located at 2921 WESTERN AVE. Zoned NC Neighborhood Center.**

(Audio Position: 31:17)

ACTION

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Kaine Kancuzewski and unanimously carried, a petition by ROBERT HENDERSON seeking a Special

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Exception for a Group Residence for property located at 2921 WESTERN AVE,
City of South Bend is tabled.

Caitlin Stevens - Yes

Mark Burrell -Yes

Kaine Kanczuzewski -Yes

Kathy Schuth - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact – November 6, 2023

(Audio Position: 31:32)

ACTION

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and
unanimously carried, the findings of fact from the November 6, 2023 Board of
Zoning Appeals meeting were approved.

2. Minutes – November 6, 2023

(Audio Position: 32:11)

ACTION

After careful consideration, the following action was taken:


Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and
unanimously carried, the minutes from the November 6, 2023 Board of Zoning
Appeals meeting were approved.

3. Other Business


2024 Calendar

4. Adjournment – 5: 06 PM

RESPECTFULLY SUBMITTED,


KATHY SCHUTH,
Chair

ATTEST:


TIM CORCORAN,
Interim Secretary of the Board