

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, March 4, 2024
4:00 p.m.

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

MEMBERS PRESENT:

Mark Burrell
Frank Fotia (virtual)
Kaine Kanczuzewski
Kathy Schuth
Caitlin Stevens

ALSO PRESENT:

Michael Divita
Kari Myers
Amani Morrell
Kate Bolze
Jenna Throw

PUBLIC HEARINGS:

- 1. The petition of PAPPU PROPERTY LLC INC seeking the following variance(s): 1) to allow a gas station canopy to have a non-neutral appearance; and 2) to allow a freestanding canopy sign to project more than 12" above the canopy, property located at 1401 BENDIX DR. Zoned C Commercial.** *(Audio Position: 02:53)*

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: There are no practical difficulties or unique characteristics that warrant the request for the variances. Allowing a sign that projects 24" above the canopy vs. the 12" allowed by code would be contrary to the intent of the Ordinance, especially since gas stations constructed since the 2020 change in the Zoning Ordinance have been compliant. Other Amoco stations have and/or will be installing freestanding canopies that do not have the associated red and blue lightbar.

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

PETITIONER

Doug Merrit, U.S. Signcrafters, 216 Lincolnway E, Osceola, IN appeared in person on behalf of the petitioner to present.

Gurpreet Singh, 1401 N Bendix Dr, South Bend, IN appeared in person to present.

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 Kathy Schuth, being seconded by Caitlin Stevens and unanimously carried, a petition by PAPPU PROPERTY LLC INC seeking the

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

following variances: 1) to allow a gas station canopy to have a non-neutral appearance; and 2) to allow a freestanding canopy sign to project more than 12" above the canopy was denied as presented, and will issue written Findings of Fact.

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

2. **The petition of PANADERIA Y SUPERMERCADO SAN MIGUEL INC seeking the following variance(s): 1) from the maximum building length for a shop building type of 150' to 185', property located at 2401 WESTERN AVE. Zoned NC Neighborhood Center.** *(Audio Position: 14:06)*

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: The length of the building exceeds the maximum 150' length of a shop to allow for a fully sized grocery store and additional retail space along Western Avenue on a narrow lot. While the full length of the building is 185', the portion directly abutting Western Avenue is 160', which reduces the perceived length of the building along that frontage.

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

PETITIONER

Steve Ruby, Abonmarche Consulting, 315 W Jefferson Blvd, South Bend, IN appeared in person on behalf of the petitioner to present.

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 Kathy Schuth and unanimously carried, a petition by PANADERIA Y SUPERMERCADO SAN MIGUEL INC seeking the following variances: 1) from the maximum building length for a shop building type of 150' to 185' was approved as presented, and will issue written Findings of Fact.

- Caitlin Stevens - Yes
- Frank Fotia - Yes

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

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

- 3. The petition of SOUTH BEND COMMUNITY SCHOOL CORP seeking the following use variance: to allow professional offices, property located at 737 BEALE ST. Zoned S1 Suburban Neighborhood 1.** *(Audio Position: 22:38)*

STAFF REPORT

The staff report was presented by Amani Morrell.
Analysis: Offices are an appropriate use for the building located on this property, and should have a lower impact on the surrounding residential neighborhood than the existing learning center.
Staff Recommendation: Based on the information provided prior to public hearing, the Staff recommends the Board send the Use Variance as presented to the Common Council with a favorable recommendation.

PETITIONER

Michael Bultinck, Lehman and Lehman, 510 Lincolnway E, Suite C, Mishawaka, IN appeared in person on behalf of the petitioner to present.

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 Kathy Schuth, being seconded by Caitlin Stevens and unanimously carried, a petition by SOUTH BEND COMMUNITY SCHOOL CORP seeking a Use Variance for professional offices for property located at 737 BEALE ST, City of South Bend, is sent to the Common Council with a favorable recommendation, subject to limiting the office space to 160,000 square feet, and will issue written Findings of Fact.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

- 1. Findings of Fact – February 3, 2024** *(Audio Position: 29:03)*

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

Upon a motion by Caitlin Stevens, being seconded by Kathy Schuth and unanimously carried, the findings of fact from the February 3, 2024 Board of Zoning Appeals meeting were approved.

2. Minutes – February 3, 2024 (*Audio Position: 29:27*)

Upon a motion by Caitlin Stevens, being seconded by Kathy Schuth and unanimously carried, the minutes from the February 3, 2024 Board of Zoning Appeals meeting were approved.

3. Other Business

4. Adjournment – 4:31 PM

RESPECTFULLY SUBMITTED,



MARK BURRELL,
Chair

ATTEST:



TIM CORCORAN,
Interim Secretary of the Board