

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, April 1, 2024
4:00 p.m.

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

MEMBERS PRESENT:

Mark Burrell
Frank Fotia
Kaine Kanczuzewski
Kathy Schuth
Caitlin Stevens

ALSO PRESENT:

Michael Divita
Amani Morrell
Jenna Throw
Kate Bolze

PUBLIC HEARINGS:

- 1. The petition of MAXWELL E JOHNSON & NANCY E LINDELL-JOHNSON seeking the following variance(s): 1) from the 18' setback for a garage from a property line to 10'; and 2) from the 5' setback of a garage from a corner facade to 0', property located at 1219 LAFAYETTE BLVD. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 02:22)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: The variances would allow for the construction of a first floor addition and a subterranean garage that meet the intent of the Ordinance. The face of the garage will be sufficiently set back from the sidewalk to accommodate vehicle parking on the driveway without blocking the sidewalk. The garage will not be visually overwhelming from the street because it will be located below the first floor addition.

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

PETITIONER

Pat Lynch, Architect, 711 W Washington St, South Bend, IN 46601 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 MAXWELL E JOHNSON & NANCY E

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

LINDELL-JOHNSON seeking the following variances: 1) from the 18' setback for a garage from a property line to 10'; and 2) from the 5' setback of a garage from a corner facade to 0' was **APPROVED** as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Mark Burrell -Yes

Frank Fotia - Yes

Kathy Schuth - Yes

Kaine Kanczuzewski -Yes

2. **The petition of MOHAMMAD ALQRAINI seeking the following variance(s): 1) to allow 2 residential units without a commercial use in the front of the building, property located at 3105 W WESTERN AVE. Zoned NC Neighborhood Center.**

(Audio Position: 09:01)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: There are no practical difficulties or unique characteristics that support the requested variance. The request is not consistent with the intent of the NC Neighborhood Center district which is to provide a mixture of storefront retail, professional offices, and buildings with active facades set at or close to the sidewalk.

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

PETITIONER

Mohammad Alqraini, 3105 W Western Ave, 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 Kaine Kanczuzewski, being seconded by Kathy Schuth and unanimously carried, a petition by MOHAMMAD ALQRAINI seeking the following variances: 1) to allow 2 residential units without a commercial use in the front of the building was **DENIED** as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Mark Burrell -Yes

Frank Fotia - Yes

Kathy Schuth - Yes

Kaine Kanczuzewski -Yes

3. **The petition of NORTHERN INDIANA HISTORICAL SOCIETY INC seeking the following variance(s): 1) to allow accessory structures in a corner yard; and 2) from the maximum 1 accessory structure to 9, property located at 128, 132, 134, and 136 LAUREL ST and 808 WASHINGTON ST. Zoned NC Neighborhood Center.**

(Audio Position: 22:58)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: Granting the variances will allow for the r the development of these parcels into an outdoor educational site supplementary to the South Bend History Museum that will feature the Navarre Cabin and other historically designed buildings.

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

PETITIONER

Brian Harding, Executive Director, the History Museum, 808 W Washington St, South Bend, IN appeared in person to present.

Kristie Erickson, Deputy Executive Director, the History Museum, 808 W Washington St, South Bend, IN appeared in person to present.

INTERESTED PARTIES

A letter from Don Lindner, CEO Museum and Guest House LLC, 131 Chapin St, South Bend, IN was received in support 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 Frank Fotia, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by NORTHERN INDIANA HISTORICAL SOCIETY INC seeking the following variances: 1) to allow accessory structures in a corner yard; and 2) from the maximum 1 accessory structure to 9 was **APPROVED** as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Mark Burrell -Yes

Frank Fotia - Yes

Kathy Schuth - Yes

Kaine Kanczuzewski -Yes

4. **The petition of SOUTH BEND YOUTH HOCKEY INC & A&F REALTY seeking the following variance(s): 1) from the 15' required parking setback to 5', property located at 1421 WALNUT ST. Zoned I Industrial.**

(Audio Position: 30:32)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: Appropriate buffering can be maintained between this I Industrial zoned parcel and the industrial parcel across Walnut Street through increased landscaping and street trees, while the reduced setback allows for the construction of a major addition and drainage improvements on the site.

Staff Recommendation: Based on the information provided prior to the public hearing, Staff recommends the Board approve the variance as presented subject to planting 20 trees along Walnut Street.

PETITIONER

Joe Howe, JPR, 325 S Lafayette Blvd, South Bend, IN appeared in person on behalf of the petitioner to present.

Dave Lerman, part of the ownership of A&F Realty, 2722 W Tucker 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 Kaine Kanczuzewski, being seconded by Frank Fotia and unanimously carried, a petition by SOUTH BEND YOUTH HOCKEY INC & A&F REALTY seeking the following variances: 1) from the 15' required parking setback to 5' was **APPROVED** as presented, subject to planting 20 trees along Walnut Street, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Mark Burrell -Yes

Frank Fotia - Yes

Kathy Schuth - Yes

Kaine Kanczuzewski -Yes

5. **The petition of 922 E COLFAX LLC seeking a Special Exception to allow a Group Residence, and seeking the following variance(s): 1) from the required 5' setback behind the facade for parking to the current setback, property located at 922 Colfax Avenue. Zoned NC Neighborhood Center.** *(Audio Position: 43:31)*

Staff member Michael Divita left the meeting due to a potential conflict of interest for this petition

Board Member Kaine Kanczuzewski recused himself from hearing this petition

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: This group residence will be consistent with the character of the neighborhood in both use and style of construction. Colfax Avenue is a mixed use corridor and the group residence will offer multiple dwelling units in a structure

that is suitable for the use. The group residence will meet the intent of the Comprehensive Plan by supporting a mix of housing types, densities, price ranges, and amenities.

The variance will allow parking in a corner yard, which does not meet the intent of the ordinance. In seeking a special exception, the property is held to the NC Neighborhood Center standards for access and parking standards. Any legal nonconforming status the parking lot held is eliminated by the granting of a special exception.

Staff Recommendation: Based on the information available prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. Staff recommends the Board deny the variance as presented.

PETITIONER

Kay and Ramon Fernandez, 51969 Lake Knoll Ct, Granger, 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 Caitlin Stevens, being seconded by Frank Fotia and unanimously carried, a petition by 922 E COLFAX LLC seeking a Special Exception for a Group Residence for property located at 922 COLFAX AVE, City of South Bend, is sent to the Common Council with a **FAVORABLE RECOMMENDATION**, while the petition seeking the following variance: 1) from the required 5' setback behind the facade for parking to the current setback was **DENIED** as presented and will issue written Findings of Fact.

Caitlin Stevens - Yes

Mark Burrell - Yes

Frank Fotia - Yes

Kathy Schuth - Yes

Kaine Kanczuzewski - Recused

*Board member Kaine Kanczuzewski returned
for the remainder of the meeting*

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

(Audio Position: 52:41)

March 4, 2024

Upon a motion by Kathy Schuth, being seconded by Caitlin Stevens and unanimously carried, the findings of fact from the March 4, 2024 Board of Zoning Appeals meeting were approved.

2. Minutes

(Audio Position: 52:53)

March 4, 2024

Upon a motion by Kathy Schuth, being seconded by Caitlin Stevens and unanimously carried, the minutes from the March 4, 2024 Board of Zoning Appeals meeting were approved.

3. Other Business

4. Adjournment – 4:55 pm

RESPECTFULLY SUBMITTED,


MARK BURRELL,
Chair

ATTEST:


TIM CORCORAN,
Interim Secretary of the Board