

# **SOUTH BEND BOARD OF ZONING APPEALS**

## **MINUTES**

Monday, April 7, 2025  
4:00 p.m.

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

### **MEMBERS PRESENT:**

Francisco Fotia  
Kaine Kanczuzewski  
Caitlin Stevens

### **MEMBERS ABSENT:**

Mark Burrell

### **ALSO PRESENT:**

Tim Corcoran  
Kari Myers  
Tim Staub  
Michael Divita  
Jenna Throw

### **PUBLIC HEARINGS:**

- 1 The petition of VIP FLIP LLC seeking a Special Exception to allow a two unit dwelling in U1 Urban Neighborhood 1, property located at 411 COTTAGE GROVE AVE.  
Zoned U1 Urban Neighborhood 1.** *(Audio Position: 26:05)*

### **STAFF REPORT**

The staff report was presented by Kari Myers.

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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.

**PETITIONER** – A Representative of the Petitioner VIP Flip LLC, appeared virtually 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 Kaine Kanczuzewski and unanimously carried, a petition by VIP FLIP LLC seeking a Special Exception for a two unit dwelling in

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

U1 Urban Neighborhood 1 for property located at 411 COTTAGE GROVE 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 - Absent  
Francisco Fotia - Yes

- 2 The petition of HUEBNER ENTERPRISES LLC seeking the following variance(s): 1)  
To replace required deciduous shade trees with ornamental trees, property located at  
2123 CLEVELAND RD. Zoned C Commercial. (Audio Position: 31:28)**

### STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Deciduous shade street trees are required for all new developments as they improve the comfort of public streets and enhance the pedestrian experience. There are no unique aspects of this project or site that would merit a variance from the required landscaping.

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

PETITIONER- The petitioner, Barry Huebner, 2123 Cleveland Road, appeared in person to present. Steve Ruby, Abomnmarche, 315 W Jefferson Boulevard, appeared in person on behalf of the petitioner to present additional information.

### INTERESTED PARTIES

There was no one from the public to speak.

### PUBLIC COMMENT

A representative of Outdoor One Billboard Advertising, 20 Landings Road - Suite C - New Buffalo, MI, spoke in favor of the petition.

### 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 HUEBNER ENTERPRISES LLC seeking the following variances: 1)  
To replace required deciduous shade trees with ornamental trees was denied as presented, and will issue written Findings of Fact.

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

Caitlin Stevens - Yes  
Kaine Kanczuzewski - Yes  
Mark Burrell - Absent  
Francisco Fotia - Yes

- 3 The petition of NN HOLDINGS LLC seeking the following variance(s): 1) To allow a solid 6' fence in the front and corner yards; 2) To allow storage in the front and corner yards; 3) To allow outdoor storage that exceeds the height of the fence within 25' of the fence; 4) To waive the requirement for a Type 2 buffer along Sheridan Street; and 5) To allow barbed wire fencing, property located at 4000 SAMPLE ST. Zoned I Industrial.**

*(Audio Position: 51:33)*

### STAFF REPORT

The staff report was presented by Tim Corcoran.

Analysis: The primary building being approximately 400' from the Sample Street right of way creates a larger than normal established front yard. Allowing a solid fence and storage in the front and corner yards where indicated on the site plan should not have injurious impacts on the community especially with the added site improvements.

The proposed variance for product storage above the height of the fence within 25' of the fence is a self-created hardship and is not consistent with the Ordinance. The proposed barbed wire is not an appropriate material to be used in the City, especially in the front yard. This is not a use in which the federal or state government require that security measure.

Staff Recommendation: Based on the information available prior to the public hearing, Staff recommends the Board approve Variances 1), 2), and 4) as presented, subject to the fence having a 30' setback along Sample Street, streetscape trees in the treelawn along Sample Street spaced at 30' intervals, a second row of streetscape trees in the front yard behind the sidewalk spaced at 30' intervals, planting streetscape trees along Sheridan Street between the front property line along Sample Street and the fence, and removal of the second smaller curb cut along Sample Street. Staff recommends the Board deny Variances 3) and 5) as presented.

PETITIONER – Andrew Nemeth, a representative of NN Holdings, 1201 S Sheridan St, appeared in person to present on behalf of the petitioner. Brad Borys, 1201 S Sheridan St, appeared in person to present.

### INTERESTED PARTIES

There was no one from the public to speak.

### PUBLIC COMMENT

Sheila Niezgodski, 4942 Scenic Drive, appeared in person, in support of the petition.

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 NN HOLDINGS LLC seeking the following variances: 1) To allow a solid 6' fence in the front and corner yards, 2) To allow storage in the front and corner yards, and 4) To waive the requirement for a Type 2 buffer along Sheridan Street were approved as presented subject to the fence having a 30' setback along Sample Street, streetscape trees in the treelawn along Sample Street spaced at 30' intervals, a second row of streetscape trees in the front yard behind the sidewalk spaced at 30' intervals, planting streetscape trees along Sheridan Street between the front property line along Sample Street and the fence, and removal of the second smaller curb cut along Sample Street, and will issue written Findings of Fact.

Caitlin Stevens - Yes  
Kaine Kanczuzewski - Yes  
Mark Burrell - Absent  
Francisco Fotia - Yes

Upon a motion by Kaine Kanczuzewski, being seconded by Caitlin Stevens and unanimously carried, a petition by NN HOLDINGS LLC seeking the following variances: 3) To allow outdoor storage that exceeds the height of the fence within 25' of the fence and 5) To allow barbed wire fencing were denied as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes  
Kaine Kanczuzewski - Yes  
Mark Burrell - Absent  
Francisco Fotia - Yes

- 4 The petition of ECO IN Investments LLC seeking a Special Exception to allow a two unit dwelling in U1 Urban Neighborhood 1, property located at 1335 CORBY BLVD. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 1:27:21)*

STAFF REPORT

The staff report was presented by Tim Staub.

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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

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.

PETITIONER – The petitioner, Elissa Gunsorek, 7821 Morse Road, 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 Kaine Kanczuzewski and unanimously carried, a petition by ECO IN Investments LLC seeking a Special Exception for a two unit dwelling in U1 Urban Neighborhood 1 for property located at 1335 CORBY BLVD, 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 - Absent  
Francisco Fotia - Yes

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- 5 The petition of ECO IN Investments LLC seeking a Special Exception to allow a two unit dwelling in U1 Urban Neighborhood 1, property located at 1253 CORBY BLVD. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 1:30:55)*

### STAFF REPORT

The staff report was presented by Tim Staub.

Analysis: The construction of a new duplex that is consistent with the scale and character of the surrounding neighborhood will bring new residents to the area and provide additional housing on a lot that is currently vacant.

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.

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

PETITIONER – The petitioner, Elissa Gunsorek, 7821 Morse Road, 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 Kaine Kanczuzewski and unanimously carried, a petition by ECO IN Investments LLC seeking a Special Exception for a two unit dwelling in U1 Urban Neighborhood 1 for property located at 1253 CORBY BLVD, 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 - Absent

Francisco Fotia - Yes

- 6 The petition of BOARD OF PARK COMM SB seeking the following variance(s): To allow a two dimensional work of art to be located on front facade of the building, property located at 1522 LINDEN AVE. Zoned OS Open Space.**

*(Audio Position:1:32:46)*

### STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Allowing a mural or a two-dimensional work of art on the primary facade will not negatively impact the area as there are no transparency requirements for the OS Open Space district. The mural will screen the basketball court from the afternoon sun as well as pay homage to Dr. Martin Luther King, Jr., after whom the center is named.

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

PETITIONER – The petitioner, Gary Potts, appeared virtually to present.

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

### 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 Kaine Kanczuzewski and unanimously carried, a petition by BOARD OF PARK COMM SB seeking the following variances: 1) To allow a two dimensional work of art to be located on front facade of the building was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes  
Kaine Kanczuzewski - Yes  
Mark Burrell - Absent  
Francisco Fotia - Yes

- 7 The petition of CITY OF SOUTH BEND seeking the following variance(s): 1) to allow an accessory structure in the front/corner yard; and 2) from the maximum number of accessory structures of 1 to 13, property located at 3113 RIVERSIDE DR. Zoned S1 Suburban Neighborhood 1.** *(Audio Position: 1:37:42)*

### STAFF REPORT

The staff report was presented by Tim Staub.

Analysis: The solar energy systems will provide additional energy resources and redundancy to a critical function of the city. The solar panels will be set back over 30' from the adjacent sidewalk, a greater setback than the minimum 25' in S1. The property is abutted by a public park to the south and public works property to the west and will have a limited impact on neighboring properties.

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

PETITIONER – John Emmet, appeared in person on behalf of the petitioner, to present.

### INTERESTED PARTIES

There was no one from the public to speak.

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

### 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 CITY OF SOUTH BEND seeking the following variances: 1) to allow an accessory structure in the front/corner yard; and 2) from the maximum number of accessory structures of 1 to 13 was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell - Absent

Francisco Fotia - Yes

- 9 The petition of EAST SIDE BASEBALL SOFTBALL ASSOC seeking a Special Exception to allow to allow Park and Open Space Uses in S1 Suburban Neighborhood 1, and seeking the following variance(s): 1) Use Variance to allow Entertainment and Recreation, Indoor Use in S1 Suburban Neighborhood 1; 2) from the 20' minimum side setback to 0' in S1 Suburban Neighborhood 1; 3) from the 35' maximum building height to 56' in S1 Suburban Neighborhood 1; 4) from the 20' minimum parking setback to 0' abutting OS Open Space; 5) from the 10' minimum side setback to 0' in OS Open Space; and 6) from the required Building Type or Frontage Type, property located at 1701 HICKORY RD and 1709 HICKORY RD. Zoned S1 Suburban Neighborhood 1 and OS Open Space (South Bend).** *(Audio Position: 1:44:00)*

### STAFF REPORT

The staff report was presented by Mike Divita.

Analysis: The proposed recreation facility is contextually appropriate in use and design. The setback variances address parking and structures along a common lot line between two adjacent parcels being used by a single entity for a coordinated function. The proposed special exception for use as Park and Open Space allows for the development of contextually appropriate park facilities, offering valuable amenities to surrounding residential properties and to the general public.

Staff Recommendation: Based on the information available prior to the public hearing, Staff recommends the Board approve the variances as presented and send the Use Variance and Special Exception to the Common Council with a favorable recommendation.

PETITIONER – Angela Smith, Danch, Harner and Associates, appeared in person to present.

INTERESTED PARTIES

Bob Raymond, 1739 Sterling Drive, Angela, 1709 Reirick Drive, Thomas Yant and Karen Yant, 1715 Reirick Drive, Theresa, 1733 Rerick Drive appeared in person in opposition of the petition.

PUBLIC COMMENT

DJ Tavernier, 23189 Rocky Top Drive, South Bend spoke in favor of the petition. Colin Hurley, 17917 Madison Road, South Bend spoke in favor of the petition.

ACTION

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Francisco Fotia and unanimously carried, a petition by EAST SIDE BASEBALL SOFTBALL ASSOC seeking a Special Exception for to allow Park and Open Space Uses in S1 Suburban Neighborhood 1 for property located at 1701 HICKORY RD and 1709 HICKORY RD, 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 - Absent  
Francisco Fotia - Yes

Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by EAST SIDE BASEBALL SOFTBALL ASSOC seeking the following variances: 1) Use Variance to allow Entertainment and Recreation, Indoor Use in S1 Suburban Neighborhood 1 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 - Absent  
Francisco Fotia - Yes

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

Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by EAST SIDE BASEBALL SOFTBALL ASSOC seeking the following variances: 2) from the minimum side setback in S1 Suburban Neighborhood 1 of 20' to 0'; 3) from the maximum building height in S1 Suburban Neighborhood 1 of 35' to 56'; 4) from the minimum parking setback abutting OS Open Space of 20' to 0'; 5) from the minimum side yard setback in OS Open Space of 10' to 0'; and 6) from a required Building Type or Frontage Type was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes  
Kaine Kanczuzewski - Yes  
Mark Burrell - Absent  
Francisco Fotia - Yes

- 10 The petition of Brennans Walk Holdings, LLC seeking the following variance(s): 1) from the maximum width of a stacked flat building type in an NC district of 120' to 199', property located at 1705 SOUTH BEND AVE. Zoned NC Neighborhood Center.**

*(Audio Position: 2:46:45)*

### STAFF REPORT

The staff report was presented by Mike Divita.

Analysis: The proposed building length is contextually appropriate as the property lies adjacent to a wide and highly trafficked thoroughfare and is surrounded on all sides by medium-to-high density housing and commercial spaces.

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

PETITIONER – Greg Kil, Kil Architects, 1126 Lincolnway East, 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.

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

### ACTION

After careful consideration, the following action was taken:

Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by Brennans Walk Holdings, LLC seeking the following variances: 1) from the maximum width of a stacked flat building type in an NC district of 120' to 199' was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes  
Kaine Kanczuzewski - Yes  
Mark Burrell - Absent  
Francisco Fotia - Yes

### ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact - Upon a motion by Kaine Kanczuzewski and seconded by Caitlin Stevens and unanimously carried, the findings of fact from the April 7, 2025, Board of Zoning Appeals meeting were approved
2. Minutes- Upon a motion by Caitlin Stevens and seconded by Kaine Kanczuzewski and unanimously carried, the minutes from the April 7, 2025, Board of Zoning Appeals meeting were approved
3. Other Business- We have a new zoning staff member, Tim Staub and Kari Myers will be retiring on April 30<sup>th</sup>.
4. Adjournment – 6:54PM

RESPECTFULLY SUBMITTED,

  
MARK BURRELL,  
Chair

ATTEST:

  
TIM CORCORAN,  
Interim Secretary of the Board