

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, March 1, 2021
4:00 p.m.

Virtual

MEMBERS PRESENT:

Dan Brewer
Mark Burrell
Kaine Kanczuzewski
Murray Miller
Kathy Schuth

ALSO PRESENT:

Angela Smith
Joseph Molnar
Rachel Boyles

PUBLIC HEARINGS:

- 1. The petition of NOTRE DAME FEDERAL CREDIT UNION seeking the following variance(s): 1) To allow a drive-through facility in the established corner yard; and 2) To allow a trash enclosure to be located in an established corner yard, property located at 2102 IRELAND RD. Zoned C Commercial.** *(Audio Position: 00:42)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The variances allow the existing drive-thru to remain largely as currently sited. A slight modification to the location of the trash enclosure will allow for better screening while still being accessible.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented, subject to locating the trash enclosure behind the primary wall of the front facade and constructing it to current standards.

PETITIONER

Bob Green, 1828 Moreau, P.O. Box 7878 Notre Dame, IN 46556 and Tim Morey, 124 S. Elkhart St. P.O. Box 487 Wakarusa, IN 46573, spoke on behalf of the petitioner.

INTERESTED PARTIES

There was no one present to speak on this petition.

PUBLIC COMMENT

There was no one present to speak on this petition.

After careful consideration, the following action was taken:

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Upon a motion by Mark Burrell, being seconded by Murray Miller and unanimously carried, a petition by NOTRE DAME FEDERAL CREDIT UNION seeking the following variances: 1) To allow a drive-through facility in the established corner yard; and 2) To allow a trash enclosure to be located in an established corner yard was approved as presented, and will issue written Findings of Fact.

Dan Brewer - Yes
Murray Miller - Yes
Kaine Kanczuzewski - Yes
Mark Burrell - Yes
Kathy Schuth - Yes

- 2. The petition of LARRY AND SANDRA SCHOHL seeking the following variance(s): 1) From the maximum one detached accessory building to two, property located at 527 RIVERSIDE DR. Zoned U1 Urban Neighborhood 1. (Audio Position: 33:12)**

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The existing detached garage on the property is regulated by the Historic Preservation District. Expanding or demolishing the existing garage would not comply with the Historic Preservation Standards. Approval of the variance requested allows for the construction of the garage that meets current size standards in a manner that can be compatible with the historic quality of the property.

Staff Recommendation: The staff recommends the Board approves the variances as presented.

PETITIONER

Sandra Schohl, 527 Riverside Dr. South Bend, IN 46601, served as the petitioner.

INTERESTED PARTIES

There was no one present to speak on this petition.

PUBLIC COMMENT

There was no one present to speak on this petition.

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Dan Brewer and unanimously carried, a petition by LARRY AND SANDRA SCHOHL seeking the following variances: 1)

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From the maximum one detached accessory building to two was approved as presented, and will issue written Findings of Fact.

Dan Brewer - Yes
Murray Miller - Yes
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

- 3. The petition of REBECA RODRIGUEZ seeking the following variance(s): 1) From the 5' minimum side and rear accessory building setback to 1', property located at 1239 BEUTTER LN. Zoned S1 Suburban Neighborhood 1. (Audio Position: 41:32)**

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: There are no practical difficulties that prevent the petitioner from placing the accessory building 5' from the property line.

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

PETITIONER

Rebeca Rodriguez and Darren Beck, 1239 Beutter Lane South Bend, IN 46615, served as the petitioners.

INTERESTED PARTIES

There was no one present to speak on this petition.

PUBLIC COMMENT

There was no one present to speak on this petition.

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and carried, a petition by REBECA RODRIGUEZ seeking the following variances: 1) From the 5' minimum side and rear accessory building setback to 1' was denied as presented, and will issue written Findings of Fact.

Dan Brewer - Abstain
Murray Miller - Yes
Kaine Kanczuzewski -Yes

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Mark Burrell -Yes
Kathy Schuth - Yes

- 4. The petition of EMILY WANG AND GEOFF CEBULA seeking the following variance(s): 1) from a 3' closed fence to a 6' closed fence, property located at 1343 LASALLE AVE. Zoned S1 Suburban Neighborhood 1. (Audio Position: 57:30)**

STAFF REPORT

The staff report was presented by Joseph Molnar.

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 ordinances. If a Building permit was sought before the construction of the new fence, the applicant would have been aware of the zoning regulation.

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

PETITIONER

Emily Wang and Geoff Cebula, 1343 E. LaSalle Ave South Bend, IN 46617, served as the petitioners.

INTERESTED PARTIES

There was no one present to speak on this petition.

PUBLIC COMMENT

There was no one present to speak on this petition.

After careful consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Mark Burrell and unanimously carried, a petition by EMILY WANG AND GEOFF CEBULA seeking the following variances: 1) From the 3' maximum fence height in an established corner yard to a 6' was denied as presented, and will issue written Findings of Fact.

Dan Brewer - Yes
Murray Miller - Yes
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

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ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact - February 1, 2021

(Audio Position: 1:12:10)

Upon a motion by Mark Burrell, being seconded by Murray Miller and unanimously carried, the Findings of Fact from the February 1st, 2021 Board of Zoning Appeals Meeting were approved.

2. Minutes - February 1, 2021

(Audio Position: 1:13:13)

Upon a motion by Mark Burrell, being seconded by Murray Miller and unanimously carried, the Minutes from the February 1st, 2021 Board of Zoning Appeals Meeting were approved.

3. Other Business

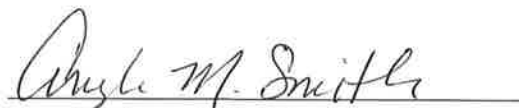
4. Adjournment – 5:25 p.m.

RESPECTFULLY SUBMITTED,



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board

