

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, April 5, 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 GREGORY W OLSON AND OR ASSIGNS seeking the following variance(s): 1) From the 5' minimum side yard setback to 3', property located at 1112 ST PETER ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 4:01)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: Based on the width and depth of the lot, and the fact that it does not have alley access, construction of a single family home with a garage is challenging. Allowing the setback variance for the garage is consistent with the historic character of urban development in South Bend.

Staff Recommendation: Based on the information available prior to the public hearing, the staff recommends the Board approve the variances as presented, subject to retaining all water run-off onsite.

PETITIONER

Bryan Keve, 4909 Bow Line Court South Bend, IN 46628, 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:

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

Upon a motion by Dan Brewer, being seconded by Mark Burrell and carried, a petition by GREGORY W OLSON AND OR ASSIGNS seeking the following variances: 1) From the 5' minimum side yard setback to 3' was approved as presented, subject to keeping all water retention on the property, and will issue written Findings of Fact.

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

2. **The petition of JEFFREY A ZWART & MEGAN HALTEMAN-ZWART seeking the following variance(s): 1) From the NNZO Overlay requirement that any portion of the fence that exceeds 5' in height consist of a decorative element that is at least 50% open, property located at 1102 ST JOSEPH ST. Zoned U1 Urban Neighborhood 1. (Audio Position: 16:14)**

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: Due to the unique circumstances of the property, the absence of decorative element is an appropriate response to keeping consistency with the existing fence.

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

PETITIONER

Jeffrey and Megan Zwart, 1102 N St. Joseph St 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 Mark Burrell, being seconded by Dan Brewer and unanimously carried, a petition by JEFFREY A ZWART & MEGAN HALTEMAN-ZWART seeking the following variances: 1) From the NNZO Overlay requirement that any portion of the fence that exceeds 5' in height consist of a decorative element that is at least 50% open was approved as presented, and will issue written Findings of Fact.

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

- 3. The petition of WADAD EL-AMMORI seeking a Special Exception to allow Vehicle Sales or Rental and Vehicle Service, Major, and seeking the following variance(s): 1) from the requirement that all vehicle sales or rental shall be located within a fully enclosed building or in an established rear yard and not visible from public right-of-way to allow vehicle sales in the established front yard, corner yard, and visible from public right-of-way. ; 2) from the maximum 3' height for a solid fence in an established corner yard to 6'; and 3) From the 60% minimum front facade transparency to 20%, and from the 20% minimum corner facade transparency to 0%, property located at 1119 LINCOLNWAY WEST. Zoned NC Neighborhood Center. (Audio Position: 29:15)**

Upon a motion by Dan Brewer, being seconded by Mark Burrell and unanimously carried, the petition was tabled to May 3, 2021

- 4. The petition of CARL JR & JAYNE SUE WILLIAMS seeking a Special Exception to allow Vehicle Sales or Rental, property located at 2801 WESTERN AVE. Zoned NC Neighborhood Center. (Audio Position: 30:55)**

Upon a motion by Dan Brewer, being seconded by Murray Miller and unanimously carried, the petition was tabled to May, 3 2021

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact – March 1, 2021

Upon a motion by Mark Burrell, being seconded by Dan Brewer and unanimously carried, the findings of fact from the March 1st 2021 Board of Zoning Appeals were approved.

2. Minutes – March 1, 2021

Upon a motion by Dan Brewer, being seconded by Murray Miller and unanimously carried, the minutes from the March 1st, 2021 Board of Zoning Appeals were approved.

3. Other Business

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


4. Adjournment – 4:45 p.m.

RESPECTFULLY SUBMITTED,



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board