

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, June 7, 2021
4:00 p.m.

4th Floor, Council Chambers
County-City Building, South Bend, IN
www.tinyurl.com/sbbza

MEMBERS PRESENT:

Dan Brewer
Kyle Copelin
Kaine Kanczuzewski
Kathy Schuth

MEMBERS ABSENT:

Mark Burrell

ALSO PRESENT:

Angela Smith
Joseph Molnar
Rachel Boyles

PUBLIC HEARINGS:

- 1. The petition of ANDREW R GRIFFITH seeking the following variance(s): 1) from a 3' maximum height for a solid fence in the established corner yard to 6', property located at 1804 CALVERT ST. Zoned U1 Urban Neighborhood 1. *(Audio Position: 1:24)***

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 out of character for the area and not consistent with the intent of the ordinance. A slight variance may be justified to allow for the door to the garage to be incorporated in the fenced area. As the property is a double lot, the slight variance would have minimal negative impacts on surrounding properties.

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

PETITIONER

Andrew Griffith, 1804 E Calvert St. South Bend, IN 46613, served as the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

A motion by Kyle Copelin to approve the petition subject to a 10' setback failed due to the lack of a second.

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

Upon a motion by Dan Brewer, being seconded by Kaine Kanczuzewski and carried, a petition by ANDREW R GRIFFITH seeking the following variances: 1) from a 3' maximum height for a solid fence in the established corner yard to 6' was denied as presented, and will issue written Findings of Fact.

Dan Brewer - Yes
Kyle Copelin - No
Kaine Kanczuzewski - Yes
Mark Burrell - Absent
Kathy Schuth - Yes

- 2. The petition of WILLIAM AND SHANNON BREWSTER seeking the following variance(s): 1) From the 5' minimum side setback to 3', property located at 930 RIVERSIDE DR. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 26:59)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: There are no practical difficulties or unique characteristics that support the variance requested. The Ordinance recognizes certain architectural features encroaching into the side setbacks, like the current bay window. Extending the main living area of the home into the setback, however, does not meet the intent of the ordinance or the criteria for variance approval. Minimum setbacks, especially along the side lot line, are critical for maintaining adequate light, air, and safety standards.

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

PETITIONER

Shannon Brewster, 930 Riverside Dr. South Bend, IN 46616, served as the petitioner.

INTERESTED PARTIES

Crystal and Donald Zimmer, 916 Riverside Dr. South Bend, IN 46616, sent a letter in favor of this petition.

Marius B Hauknes and Frances Jacobus-Parker, 928 Riverside Dr. South Bend, IN 46616, sent a letter against this petition.

Darcia King-O'blenis, 934 Riverside Dr. South Bend, IN 46616, spoke in favor of the petition.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Kyle Copelin, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by WILLIAM AND SHANNON BREWSTER seeking the following

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

variances: 1) From the 5' minimum side setback to 3' was denied as presented, and will issue written Findings of Fact.

Dan Brewer - Yes

Kyle Copelin - No

Kaine Kanczuzewski -Yes

Mark Burrell -Absent

Kathy Schuth - Yes

- 3. The petition of RICHARD P & ANN E JOHNSON seeking the following variance(s): 1) from the 5' minimum side setback to 2.5', property located at 1140 SUNNYMEDE AVE. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 45:27)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: Provided the owner can retain the water run-off from the roof, building a new garage at a similar side setback as the existing garage should not adversely impact the surrounding properties or the general welfare of the community. The surrounding neighborhood of Sunnymede developed with a pattern of detached garages being installed at or near the property lines. Approving the variance would be in line with the established neighborhood development.

Staff Recommendation: The staff recommends the Board approves the variance as presented, subject to retaining all water run-off onsite.

PETITIONER

Richard P. Johnson, 1140 Sunnymede Ave South Bend, IN 46615, served as the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Kyle Copelin and unanimously carried, a petition by RICHARD P & ANN E JOHNSON seeking the following variances: 1) from the 5' minimum side setback to 2.5' was approved as presented, subject to retaining all water run-off on site, and will issue written Findings of Fact.

Dan Brewer - Yes

Kyle Copelin - Yes

Kaine Kanczuzewski -Yes

Mark Burrell -Absent

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

Kathy Schuth – Yes

- 4. The petition of HOMETOWNE DEVELOPMENT LLC seeking a Special Exception to allow Dwelling, 2 units, property located at 707 REX ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 52:51)*

Due to conflict of interest, Kathy Schuth recused herself from this matter.

Upon a motion by Dan Brewer, being seconded by Kyle Copelin and unanimously carried, Kaine Kanczuzewski was selected to serve as chair for this petition.

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The proposed construction of a duplex will further complement the wide range of development occurring currently in the surrounding area, as well as providing more diverse housing types for residents.

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 as presented.

PETITIONER

Brian Esch, 218 W Washington St. South Bend, IN 46601, and Mike Keen, 1012 Riverside Dr. South Bend, IN 46616, served as the petitioners.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Kyle Copelin, being seconded by Dan Brewer and unanimously carried, a petition by HOMETOWNE DEVELOPMENT LLC seeking a Special Exception for Dwelling, 2 units for property located at 707 REX ST, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

- Dan Brewer - Yes
- Kyle Copelin - Yes
- Kaine Kanczuzewski - Yes
- Mark Burrell - Absent
- Kathy Schuth - Abstain

5. **The petition of SOUTH BEND PROPERTIES LLC seeking a Special Exception to allow Heavy Industrial Use, and seeking the following variance(s): 1) From the 50' minimum side setback to 30', property located at 2001 Washington Street. Zoned I Industrial.**

(Audio Position: 1:00:12)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The proposed use of heavy industry is consistent with the character of the district in which it is located. The site has a long history of a being used for industrial uses. The Special Exception will allow for the implementation of a new process that will support and improve current operations, allowing the business to remain in South Bend. The propose variance will provide the appropriate buffering within the constraints of a very limited site.

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. The staff recommends approval of the variance as presented.

PETITIONER

Crystal Welsh, 1009 S. 9th St. Goshen, IN 46526, Cody Lausman, 237 Dr. Martin Luther King Ste D, South Bend, IN 46601, Mitch Rockwell, 2001 W Washington St. South Bend, IN 46628, and David Riedel, 3725 Cleveland Rd. Suite 700 South Bend, IN 46628, served

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

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 SOUTH BEND PROPERTIES LLC seeking a Special Exception for Heavy Industrial Use for property located at 2001 Washington Street, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Dan Brewer - Yes
Kyle Copelin - Yes
Kaine Kanczuzewski - Yes
Mark Burrell - Absent
Kathy Schuth - Yes

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

Upon a motion by Kaine Kanczuzewski, being seconded by Dan Brewer and unanimously carried, a petition by SOUTH BEND PROPERTIES LLC seeking the following variances: 1) From the 50' minimum side setback to 30' was approved as presented, and will issue written Findings of Fact.

Dan Brewer - Yes
Kyle Copelin - Yes
Kaine Kanczuzewski -Yes
Mark Burrell -Absent
Kathy Schuth - Yes

- 6. The petition of ANDRA PULLUIAM seeking a Special Exception to allow a Restaurant, property located at 917 LINCOLNWAY. Zoned UF Urban Neighborhood Flex. (Audio Position: 1:15:35)**

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The site had been used as a carry out restaurant for many years. Allowing the use to be reestablish on the commercial corridor will allow a vacant building to be rehabilitated into an active business.

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

Ivory Pulliam, 53155 Oakton Dr. South Bend, IN 46635, served as the petitioner.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Kyle Copelin and unanimously carried, a petition by ANDRA PULLUIAM seeking a Special Exception for Restaurant for property located at 917 LINCOLNWAY, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Dan Brewer - Yes
Kyle Copelin - Yes
Kaine Kanczuzewski - Yes

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

Mark Burrell - Absent

Kathy Schuth - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact – May 3, 2021

Upon a motion by Kaine Kancuzewski, being seconded by Kyle Copelin and unanimously carried, the corrected findings of fact from the May 3rd, 2021 Board of Zoning Appeals meeting were approved.


2. Minutes – May 3, 2021

Upon a motion by Dan Brewer, being seconded by Kyle Copelin and unanimously carried, the minutes from the May 3rd, 2021 Board of Zoning Appeals were approved.


3. Other Business

4. Adjournment – 5:43 p.m.

RESPECTFULLY SUBMITTED,


KATHY SCHUTH,
Chair

ATTEST:


ANGELA M. SMITH,
Secretary of the Board

