

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, December 6, 2021
4:00 p.m.

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

MEMBERS PRESENT:

Mark Burrell
Kaine Kanczuzewski (Virtual)
Kathy Schuth
Caitlin Stevens

MEMBERS ABSENT:

Kyle Copelin

ALSO PRESENT:

Angela Smith
Joseph Molnar
Rachel Boyles
Tom Panowicz

PUBLIC HEARINGS:

- 1. The petition of ROBERT CHRISTOPHER AND SARAH B PERKINS seeking the following variance(s): 1) from the maximum 3' privacy fence in an established corner yard to 6', property located at 801 EMERSON AVE. Zoned U1 Urban Neighborhood 1.**
(Audio Position: 8:09)

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 ordinance. The site is already elevated above the street and a code compliant fence could provide the security and privacy desired by the applicant.

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

PETITIONER

Sarah and Chris Perkins, 801 Emerson Ave South Bend, IN 46615, served as the petitioners.

INTERESTED PARTIES

805 Emerson Ave South Bend, IN 46615, sent a letter of support for this petition.

PUBLIC COMMENT

There was no one from the public to speak.

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and carried, a petition by ROBERT CHRISTOPHER AND SARAH B PERKINS seeking the following variances: 1) from the maximum 3' privacy fence in an established corner yard to 6' was denied as presented, and will issue written Findings of Fact.

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

Caitlin Stevens - Yes
Kyle Copelin - Absent
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - No

- 2. The petition of KARL AND MARGARET EDMONSON seeking the following variance(s): 1) To allow an accessory structure on a lot without a primary structure, property located at 1035 JEFFERSON BLVD. Zoned U1 Urban Neighborhood 1,**
(Audio Position: 37:55)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The petitioner has acquired several vacant lots and developed them in a manner to serve as an unofficial park for the neighborhood. There is already a privacy fence on the property to the west in a similar location. By limited the location and setback of the fence, it creates a clear separation from the adjacent property without completely enclosing the lot.

Staff Recommendation: Staff recommends the Board approve the variance, subject to it being limited to the east property line and setback a minimum of 25' from the street

PETITIONER

Megyn and Carl Edmonson, 1102 W. Jefferson Blvd. South Bend, IN 46601, served as the petitioners.

INTERESTED PARTIES

Andrew Snyder, 1029 W Jefferson Blvd. South Bend, IN 46601, spoke against this petition.

PUBLIC COMMENT

There was no one from the public to speak.

REBUTTAL

Megyn Edmonson, 1102 W Jefferson Blvd. South Bend, IN 46601, gave a rebuttal.

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 KARL AND MARGARET EDMONSON seeking the following variances: 1) To allow an accessory structure on a lot without a primary structure was as presented, and will issue written Findings of Fact.

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

Caitlin Stevens - Yes
Kyle Copelin - Absent
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

- 3. The petition of DEV H12 LLC seeking the following variance(s): 1) From the 5' minimum front sign setback to 0'; and 2) From the 15' maximum sign height to 19', property located at 2046 SOUTH BEND AVE. Zoned C Commercial.**

(Audio Position: 1:13:44)

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by DEV H12 LLC seeking the following variances: 1) From the 5' minimum front sign setback to 0'; and 2) From the 15' maximum sign height to 19' was tabled at the request of the petitioner.

Caitlin Stevens - Yes
Kyle Copelin - Absent
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

- 4. The petition of STOYAN STOYANOV seeking a Special Exception to allow Minor Vehicle Service, and seeking the following variance(s): 1) From the minimum of 1 street tree per 30' on Mishawaka Ave to none; 2) To allow parking in the established front and corner yard; 3) From the 60% minimum transparency on the front and 20% minimum transparency on the corner facade to the existing windows; and 4) From the required parking area screening to none, property located at 2730 MISHAWAKA AVE. Zoned NC Neighborhood Center.**

(Audio Position: 1:16:04)

STAFF REPORT

The staff report was presented by Angela Smith.

Analysis: While the Neighborhood Center Zoning District encourages pedestrian orientated development, the use of Vehicle Service, Minor is an allowed Special Exception in the district for instances such as this where the original intent of the building was for an automotive repair shop. Activation of a currently vacant building to its original use is consistent with the character of the district and surrounding area. Variances which allow for the current configuration of the building to remain as is for the parking lot and for transparency are reasonable to allow for the reuse of the building as originally constructed. Variance from the required landscaping are viewed unfavorably as they do not prohibit the use or the usability of the site. The site contains no practical difficulties for establishing code compliant landscaping on the site.

Staff Recommendation: Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation.

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

Staff recommends the Board deny Variance #1 From the minimum of 1 street tree per 30' on Mishawaka Ave to none and Variance #4 From the required parking area screening to none. Staff recommends the Board approve Variance #2 To allow parking in the established front and corner yard and Variance #3 From the 60% minimum transparency on the front and 20% minimum transparency on the corner facade to the existing windows, subject to a 5' parking setback to allow space for the landscaping.

PETITIONER

Stephen Drevet, 834 S 25th St. 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 Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by STOYAN STOYANOV seeking a Special Exception for Minor Vehicle Service for property located at 2730 MISHAWAKA 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
Kyle Copelin - Absent
Kaine Kanczuzewski - Yes
Mark Burrell - Yes
Kathy Schuth - Yes

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and carried, a petition by STOYAN STOYANOV seeking the following variances: 2) To allow parking in the established front and corner yard, subject to a 5' parking setback; 3) From the 60% minimum transparency on the front and 20% minimum transparency on the corner facade to the existing windows; and 4) From the required parking area screening to a 2' - 3' planter box with vegetation were approved as presented; and 1) From the minimum of 1 street tree per 30' on Mishawaka Ave to none was denied as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes
Kyle Copelin - Absent
Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact – November 1, 2021

(Audio Position: 1:28:13)

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, the findings of fact from the November 1, 2021 Board of Zoning Appeals meeting were approved.

2. Minutes – November 1, 2021

(Audio Position: 1:29:05)

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, the minutes from the November 1, 2021 Board of Zoning Appeals meeting were approved.

3. Other Business – None for consideration

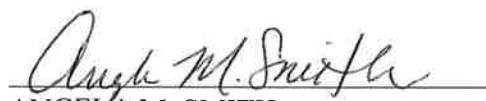
4. Adjournment – 5:25 p.m.

RESPECTFULLY SUBMITTED,



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board