

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, February 7, 2022
4:00 p.m.

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

MEMBERS PRESENT:

Mark Burrell
Kyle Copelin
Kaine Kanczuzewski (Virtual)
Kathy Schuth

MEMBERS ABSENT:

Caitlin Stevens

ALSO PRESENT:

Angela Smith
Joseph Molnar
Rachel Boyles
Tom Panowicz

ADMINISTRATIVE ITEMS:

1. Election of Officers

Upon a motion by Mark Burrell, being seconded by Kyle Copelin and unanimously carried by vote, Kathy Schuth was elected Chair of the Board of Zoning Appeals.

(Audio Position: 3:45)

Upon a motion by Kyle Copelin, being seconded by Kathy Schuth and unanimously carried by vote, Mark Burrell was elected Vice Chair of the Board of Zoning Appeals.

(Audio Position: 4:30)

PUBLIC HEARINGS:

- 1. 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: 8:21)

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The petitioner had received permit approval for the construction of a code compliant sign in a code compliant location. The petitioner intentionally built the sign at a larger height and in a location that places the sign right against the right

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

PETITIONER

Haji Tehrani, 16915 Cleveland Rd. Granger, IN 46530, served as the petitioner.

Jay Stauffer, 10625 SR 1 Argos, IN 46501, served as the petitioner.

INTERESTED PARTIES

One letter was received against the petition.

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PUBLIC COMMENT

Kevin Coughlin, 814 Hill St. South Bend, IN 46617, spoke in favor of this petition.

REBUTTAL

Haji Tehrani, 16915 Cleveland Rd. Granger, IN 46530, proved a rebuttal.

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 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 denied as presented, and will issue written Findings of Fact.

Caitlin Stevens - Absent

Kyle Copelin - Yes

Kaine Kanczuzewski -Yes

Mark Burrell -Yes

Kathy Schuth - Yes

- 2. The petition of ALEJANDRO AGUILAR LOPEZ seeking the following variance(s): 1) from the 5' minimum side setback to 1', property located at 1017 THOMAS ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 1:06:03)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: Minimum setbacks are established to set the minimum distance needed in order to protect the health, safety, and general welfare of the community. The strict application of the ordinance would not result in practical difficulties in the use of th

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

PETITIONER

Alejandro and Arturo Augilar, 1017 Thomas St. South Bend, IN 46601, 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:

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Upon a motion by Kyle Copelin, being seconded by Mark Burrell and unanimously carried, a petition by ALEJANDRO AGUILAR LOPEZ seeking the following variances: 1) from the 5' minimum side setback to 1' was approved as presented, subject to the setback being 2' instead of 1' to allow for access, and will issue written Findings of Fact.

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

- 3. The petition of UNITED WAY OF ST JOESPH COUNTY INC seeking the following variance(s): 1) From the 60% minimum ground floor transparency to 49%, property located at Northwest corner of Dubail Ave and Fellows St. Zoned NC Neighborhood Center.** *(Audio Position: 1:33:21)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The construction of United Way should help stabilize the surrounding blocks and serve as a resource to the neighborhood. The Neighborhood Center District transparency standards assume a retail urban environment along commercial corridors. This s

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

PETITIONER

Phillip Danchless, 4108 Parkwood Cir. Mishawaka, IN 46545, served as the petitioner.

Laura Jensen, 15506 Spring Meadow Lane Granger, IN 46530, served as the petitioner.

INTERESTED PARTIES

Sharon McBride, 415 E Broadway St. South Bend, IN 46601, spoke in favor of 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 Kaine Kanczuzewski, being seconded by Kyle Copelin and unanimously carried, a petition by UNITED WAY OF ST JOESPH COUNTY INC seeking the following variances: 1) From the 60% minimum ground floor transparency to 49% was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Absent
Kyle Copelin - Yes

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Kaine Kanczuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

- 4. The petition of 2010 INVESTMENT GROUP seeking a Special Exception to allow a Dwelling, 2 Units, property located at 1701 KENDALL ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 1:43:03)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The proposed construction of a two unit dwelling will further compliment the existing housing stock in the surrounding area, as well as providing more diverse housing types for residents. The proposed project will fit into the existing setting,

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

David Njoroge, 3131 Springbrook Dr. South Bend, IN 46614, 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 Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by 2010 INVESTMENT GROUP seeking a Special Exception for a Dwelling, 2 Units for property located at 1701 KENDALL ST, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

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

Due to a conflict of interest Chair Kathy Schuth recused herself from the following petition, Vice Chair Mark Burrell conducted this public hearing.

(Audio Position: 1:49:45)

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- 5. The petition of 701 NILES LLC seeking the following variance(s): 1) from the requirement to provide a bathroom for each room in a Hotel, property located at 701 NILES AVE. Zoned DT Downtown.** *(Audio Position: 1:50:00)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The building was originally constructed with a specific institutional use as its main purpose. While the building could still be used as an institutional use, the property owner is seeking to convert the building to an R-2 building classificatio

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variance subject to the following: 1) Occupancy by any one guest shall not exceed 90 consecutive nights; and 2) The variance sh

PETITIONER

Velvet Canada and David Matthews, 401 E. Colfax Ave Suite 180 South Bend, IN 46617, served as the petitioners.

INTERESTED PARTIES

Richard Nussbaum, 210 S Michigan St. South Bend, IN 46601, spoke against the petition on behalf of several surrounding business owners.

Kevin Futa, 545 Crescent Ave. South Bend, IN 46617, spoke against this petition.

Bob Rickhammer, 712 N Niles Ave. South Bend, IN 46617, spoke against this petition.

Frank Perri, 320 E Colfax Ave Apt 401 South Bend, IN 46617, spoke against this petition.

Carolyn Hahn, 533 N Niles Ave South Bend, IN 46617, spoke against this petition.

PUBLIC COMMENT

Jo Elliott, 601 N Niles Ave. South Bend, IN 46617, spoke against this petition.

Kevin Coughlin, 814 N Hill St. South Bend, IN 46617, spoke against this petition.

Amanda Robinson, 702 N Hill St. South Bend, IN 46617, spoke against this petition.

Nicole McSorlin, 30981 Riverbend Cir. Osceola, IN 46561, spoke against this petition.

David Francisco, 710 N Hill St. South Bend, IN 46617, spoke against this petition.

Troy Warner, 227 W Jefferson Blvd. 4th Floor South Bend, IN 466001, spoke against this petition.

Elizabeth Harte, 804 N Hill St. South Bend, IN 46617, spoke against this petition.

Brian Davis, 706 N Hill St. South Bend, IN 46617, spoke against this petition.

Jeff Jurgonski, 724 N Hill St. South Bend, IN 46617, spoke against this petition.

REBUTTAL

David Matthews, 401 E Colfax Ave South Bend, IN 46617, provided a rebuttal.

After careful consideration, the following action was taken:

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Upon a motion by Kaine Kanczuzewski, being seconded by Kyle Copelin and unanimously carried, a petition by 701 NILES LLC seeking the following variances: 1) from the requirement to provide a bathroom for each room in a Hotel was tabled as presented.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact – January 3, 2022

(Audio Position: 3:03:40)

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, the findings of fact from the January 3, 2022 Board of Zoning Appeals meeting were approved.

2. Minutes – January 3, 2022

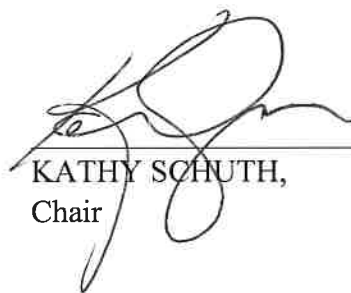
(Audio Position: 3:04:28)

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, the minutes from the January 3, 2022 Board of Zoning Appeals meeting were approved.

3. Other Business – None for consideration


4. Adjournment – 7:03 p.m.

RESPECTFULLY SUBMITTED,



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board