

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, April 4, 2022
4:00 p.m.

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

MEMBERS PRESENT:
Mark Burrell
Kaine Kanczuzewski
Kathy Schuth
Caitlin Stevens

MEMBERS ABSENT:
Kyle Copelin

ALSO PRESENT:
Angela Smith
Joseph Molnar
Rachel Boyles
Tom Panowicz

PUBLIC HEARINGS:

- 1. 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: 3:10)*

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski 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 indefinitely.

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

- 1. The petition of PREMIER PROPERTY COMPANY LLC seeking a Special Exception to allow a Dwelling 2 Units, property located at 1033 OAK ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 27:52)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: Conversion of single-unit dwellings to two-unit dwellings should be done with care. The current proposal appears to be sensitive to the current conditions of the structure. The conversion and rehab of a current one unit dwelling to a two unit dwelling will further complement the existing housing stock in the surrounding area and be visually indistinguishable from nearby 1-unit dwellings, as well as providing more housing options for residents. The petitioner is proposing no significant changes to the exterior of the building, leaving the option to revert back to a single unit dwelling in the future.

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As the broader neighborhood has lost over 56% of its housing units over the past half century, allowing for the creation of a new housing unit while renovating an existing building is a positive development for the neighborhood.

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

Matt Lehman, 16551 CR 40 Goshen, IN 46526, 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 Kancuzewski, being seconded by Caitlin Stevens and unanimously carried, a petition by PREMIER PROPERTY COMPANY LLC seeking a Special Exception for Dwelling, Two Units for property located at 1033 OAK ST, 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 Kancuzewski - Yes
Mark Burrell - Yes
Kathy Schuth - Yes

- 1. The petition of 4502 SOUTH MICHIGAN STREET LLC seeking the following variance(s): 1) from the 40% minimum ground floor transparency to 0%; 2) from the maximum 1.0 foot candle at the property line for outdoor lighting to 18.3; and 3) from the 25% maximum surface area of the facade for a freestanding canopy sign to 100% on the south side of the canopy, property located at 4502 MICHIGAN ST. Zoned C Commercial.** *(Audio Position: 3:46)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

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Analysis: The site is located at a heavily trafficked intersection with a five lane street to the north and a divided five lane state highway to the west. The site constraints limit the type of use that can be located on the propert. Due to the nature of the proposed use as a carwash, strict adhearance to the ordinance is challenging. With the exception of the lighting, the petitioner has made efforts to minimize the variances and adhere to the intent of the ordinance.

Staff Recommendation: Based on information provided prior to the public hearing, the staff recommends the Board approve variances #1 and #3, as presented, and deny variance #2.

PETITIONER

Mike Dahm, 9225 Cunningham - Indian Hill Dr. Cincinnati , OH 45243 and Eddie Krieger, 100 Northeast Dr. Loveland, OH 45140, 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 Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by 4502 SOUTH MICHIGAN STREET LLC seeking the following variances: 1) from the 40% minimum ground floor transparency to 0%; 2) from the maximum 1.0 foot candle at the property line for outdoor lighting to 9.0; and 3) from the 25% maximum surface area of the facade for a freestanding canopy sign to 100% on the south side of the canopy was approved as presented, and will issue written Findings of Fact.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact – March 7, 2022

(Audio Position: 36:36)

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Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried by vote, the modified findings of fact from the March 7, 2022 Board of Zoning Appeals meeting were approved.

2. Minutes – March 7, 2022

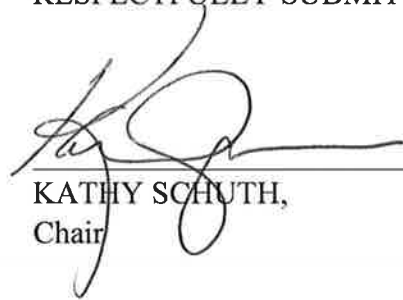
(Audio Position: 37:39)

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried by vote, the minutes from the March 7, 2022 Board of Zoning Appeals meeting were approved.

3. Other Business

4. Adjournment – 4:43 p.m.

RESPECTFULLY SUBMITTED,



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board