

# SOUTH BEND BOARD OF ZONING APPEALS

## MINUTES

Monday, October 2, 2023  
4:00 p.m.

4th Floor, Council Chambers  
County-City Building, South Bend, IN

### MEMBERS PRESENT:

Mark Burrell  
Kaine Kanczuzewski  
Kathy Schuth  
Caitlin Stevens

### MEMBERS ABSENT:

Kyle Copelin

### ALSO PRESENT:

Tim Corcoran  
Kari Myers  
Amani Morrell  
Kate Bolze  
Michael Divita  
Jenna Throw

### PUBLIC HEARINGS:

- 1. The petition of NEW LIFE FELLOWSHIP MINISTRY OF SOUTH BEND seeking the following variance(s): 1) to allow an accessory use and structure without a primary building, property located at 2301 DUBAIL AVE. Zoned U1 - Urban Neighborhood 1.**  
*(Audio Position: 02:58)*

#### ACTION

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by NEW LIFE FELLOWSHIP MINISTRY OF SOUTH BEND seeking the following variances: 1) to allow an accessory use and structure without a primary building was tabled to the November meeting at the request of the petitioner.

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

- 2. The petition of ERIN REAL ESTATE INC seeking the following variance(s): 1) from the 3' maximum fence height in an established corner yard to 6', property located at 2116 HAMILTON ST. Zoned U1 - Urban Neighborhood 1.**

*(Audio Position: 03:14)*

#### ACTION

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 ERIN REAL ESTATE INC seeking the following variances: 1) from the 3' maximum fence height in an established corner yard to 6' was tabled to the end of the meeting to allow the petitioner time to appear for the meeting.

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

3. **The petition of OLIVA CASTANEDA seeking the following variance(s): 1) from the 3' maximum fence height in an established front/corner yard to 6', property located at 1637 TAYLOR ST. Zoned U1 - Urban Neighborhood 1.** *(Audio Position: 03:57)*

STAFF REPORT

The staff report was presented by Amani Morrell.

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. There is nothing preventing the fence from being installed in conf

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

PETITIONER

Jose Ortiz and Oliva Castaneda, 1637 Taylor St, South Bend, IN presented in person, with Jose acting as the Spanish interpreter for Oliva.

INTERESTED PARTIES

There was no one from the public to speak.

PUBLIC COMMENT

There was no one from the public to speak.

ACTION

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Caitlin Stevens and unanimously carried, a petition by OLIVA CASTANEDA seeking the following variances: 1) from the 3' maximum fence height in an established front/corner yard to 6' was denied as presented, however a 6' fence height will be allowed in line with the corner of the garage, and will issue written Findings of Fact.

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

4. **The petition of THOMAS & GABRIELLA BELT HW seeking the following variance(s): 1) from the required 5' side yard setbacks to 4' for both side yards, property located at 613 NAPOLEON ST. Zoned U1 - Urban Neighborhood 1.**

*(Audio Position: 21:11)*

ACTION

After careful consideration, the following action was taken:

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

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by THOMAS & GABRIELLA BELT HW seeking the following variances: 1) from the required 5' side yard setbacks to 4' for both side yards was tabled to the November meeting at the request of the petitioner.

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

*Items 5 and 6 were voted to be tabled at the same time since the petitioner was the same for both petitions and not present*

- 5&6. The petition of SHARI SELLERS seeking a Special Exception to allow 2 unit dwelling, propertis located at 1128 and 1132 PORTAGE AVE. Zoned U1 - Urban Neighborhood 1.**

*(Audio Position: 21:25)*

ACTION

After careful consideration, the following action was taken:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimoulsy carried, a petition by SHARI SELLERS seeking a Special Exception for 2 unit dwelling for properties located at 1128 and 1132 PORTAGE AVE, City of South Bend was tabled to the end of the meeting to allow the petitioner time to appear for the meeting.

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

- 7. The petition of TEACHERS CREDIT UNION seeking a Special Exception to allow a free standing sign in a Downtown zoning district, property located at 110 MAIN. Zoned DT - Downtown.**

*(Audio Position: 21:57)*

ACTION

After careful consideration, the following action was taken:

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, a petition by TEACHERS CREDIT UNION seeking a Special Exception for a free standing sign in a Downtown zoning district for property located at 110 MAIN, City of South Bend was tabled to the November meeting at the request of the petitioner.

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

2. **The petition of ERIN REAL ESTATE INC seeking the following variance(s): 1) from the 3' maximum fence height in an established corner yard to 6', property located at 2116 HAMILTON ST. Zoned U1 - Urban Neighborhood 1.**

*(Audio Position: 22:16)*

ACTION

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 ERIN REAL ESTATE INC seeking the following variances: 1) from the 3' maximum fence height in an established corner yard to 6' was tabled to the November meeting due to there being no one present to represent the petition.

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

5. **The petition of SHARI SELLERS seeking a Special Exception to allow 2 unit dwelling, property located at 1132 PORTAGE AVE. Zoned U1 - Urban Neighborhood 1.**

*(Audio Position: 22:49)*

ACTION

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 SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1132 PORTAGE AVE, City of South Bend was tabled to the November meeting due to there being no one present to represent the petition.

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

6. **The petition of SHARI SELLERS seeking a Special Exception to allow 2 unit dwelling, property located at 1128 PORTAGE AVE. Zoned U1 - Urban Neighborhood 1.**

*(Audio Position: 23:08)*

ACTION

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 SHARI SELLERS seeking a Special Exception for 2 unit dwelling for property located at 1128 PORTAGE AVE, City of South Bend is tabled.

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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 – September 5, 2023**

*(Audio Position: 23:24)*

Upon a motion by Caitlin Stevens, being seconded by Kaine Kanczuzewski and unanimously carried, the findings of fact from the September 5, 2023 Board of Zoning Appeals meeting were approved.

**2. Minutes – September 5, 2023**


*(Audio Position: 23:48)*

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and unanimously carried, the minutes from the September 5, 2023 Board of Zoning Appeals meeting were approved.

**3. Other Business**

**4. Adjournment – 4:24 pm**

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
KATHY SCHUTH,  
Chair

ATTEST:

  
\_\_\_\_\_  
TIM CORCORAN,  
Interim Secretary of the Board