

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, February 5, 2024
4:00 p.m.

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

MEMBERS PRESENT:

Mark Burrell
Frank Fotia
Kaine Kanczuzewski
Kathy Schuth
Caitlin Stevens

ALSO PRESENT:

Michael Divita
Kari Myers
Amani Morrell
Kate Bolze
Jenna Throw

PUBLIC HEARINGS:

- 1. The petition of BETTIE JO WILLIAMS seeking the following variance(s): 1) from a maximum 4' fence height in a front/corner yard for a fence that is greater than 50% open to 6', property located at 2301 LINCOLNWAY. Zoned NC Neighborhood Center.**
(Audio Position: 03:10)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: At a child care center, state law requires that "the outdoor play area shall be safely enclosed, fenced, or protected from traffic by other natural barriers." The child care center is currently surrounded by a 6' chain link fence, a fence type t

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the variance be granted as presented.

PETITIONER

Bettie Williams, 17042 Springwood Dr, Granger, IN appeared in person to present.

INTERESTED PARTIES

There was no one from the public to speak.

One letter of support was received from an interested party.

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 BETTIE JO WILLIAMS seeking the following variances: 1) from a maximum 4' fence height in a front/corner yard for a fence that is greater than 50% open to 6' was approved as presented, and will issue written Findings of Fact.

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- Caitlin Stevens - Yes
- Frank Fotia - Yes
- Kaine Kanczuzewski -Yes
- Mark Burrell -Yes
- Kathy Schuth - Yes

- 2. The petition of ROBERT HENDERSON seeking a Special Exception to allow a Group Residence, property located at 2921 WESTERN AVE. Zoned NC Neighborhood Center.**

(Audio Position: 10:36)

ACTION

After careful consideration, the following action was taken:

Upon a motion by Frank Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by ROBERT HENDERSON seeking a Special Exception for a Group Residence for property located at 2921 WESTERN AVE, City of South Bend is withdrawn.

- Caitlin Stevens - Yes
- Frank Fotia - Yes
- Kaine Kanczuzewski - Yes
- Mark Burrell - Yes
- Kathy Schuth - Yes

- 3. The petition of NORTHWOOD INVESTMENTS LLC seeking a Special Exception to allow two-unit dwelling, property located at 609 LAPORTE AVE. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 11:39)

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: The proposed use will provide more housing options for residents. The legalization of this property as a duplex will further complement the existing housing stock in the surrounding area and be visually indistinguishable from nearby one unit dwe

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

Tim Widerquist, 1929 Dorwood Dr, South Bend, IN appeared in person to present.

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 Kathy Schuth, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by NORTHWOOD INVESTMENTS LLC seeking a Special Exception for two-unit dwelling for property located at 609 LAPORTE AVE, City of South Bend, is sent to the Common Council with a favorable recommendation, subject to the following written commitments: owner will maintain the real estate and structures thereon in compliance with the South Bend Municipal Code, and specifically the Property Maintenance Code, and all existing pertinent codes. All persons performing work on the real estate and structures thereon must be registered and licensed as required by law, and the Owner will be responsible for ensuring that such persons obtain all permits required by law before performing such work. Interior and exterior inspections at the real estate and the structures thereon, as authorized by any applicable law or City of South Bend Municipal Code, are consented to at the full extent of Owner's authority (and as the Owner may delegate to an agent or property manager) and allowed at any reasonable time. Such inspections may occur at the City of South Bend's discretion to determine compliance with, and for the purpose of carrying out enforcement of, the applicable City of South Bend Municipal Code or any existing pertinent codes, and will issue written Findings of Fact.

- Caitlin Stevens - Yes
- Frank Fotia - Yes
- Kaine Kanczuzewski - Yes
- Mark Burrell - Yes
- Kathy Schuth - Yes

4. **The petition of WILLIAM C HAZEL JR seeking a Special Exception to allow two unit dwelling, property located at 828 BENDIX DR. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 21:46)

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: The legalization of this property as a duplex will further complement the existing housing stock in the surrounding area. The duplex will provide more housing options 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

Bill Hazel, 1376 Berkshire Dr, South Bend, IN appeared in person to present.

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 Caitlin Stevens, being seconded by Frank Fotia and unanimously carried, a petition by WILLIAM C HAZEL JR seeking a Special Exception for two unit dwelling for property located at 828 BENDIX DR, City of South Bend, is sent to the Common Council with a favorable recommendation, subject to the following written commitments: owner will maintain the real estate and structures thereon in compliance with the South Bend Municipal Code, and specifically the Property Maintenance Code, and all existing pertinent codes. All persons performing work on the real estate and structures thereon must be registered and licensed as required by law, and the Owner will be responsible for ensuring that such persons obtain all permits required by law before performing such work. Interior and exterior inspections at the real estate and the structures thereon, as authorized by any applicable law or City of South Bend Municipal Code, are consented to at the full extent of Owner's authority (and as the Owner may delegate to an agent or property manager) and allowed at any reasonable time. Such inspections may occur at the City of South Bend's discretion to determine compliance with, and for the purpose of carrying out enforcement of, the applicable City of South Bend Municipal Code or any existing pertinent codes, and will issue written Findings of Fact.

- Caitlin Stevens - Yes
- Frank Fotia - Yes
- Kaine Kanczuzewski - Yes
- Mark Burrell - Yes
- Kathy Schuth - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact - January 2, 2024

(Audio Position: 27:08)

Upon a motion by Kathy Schuth, being seconded by Frank Fotia and unanimously carried, the findings of fact from the January 2, 2024 Board of Zoning Appeals meeting were approved.

2. Minutes - January 2, 2024

(Audio Position: 27:33)


Upon a motion by Kathy Schuth, being seconded by Frank Fotia and unanimously carried, the minutes from the January 2, 2024 Board of Zoning Appeals meeting were approved.

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3. Other Business – None

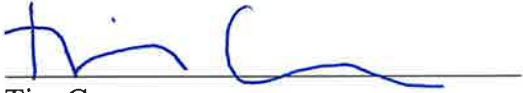
4. Adjournment – 4:28 P.M.

RESPECTFULLY SUBMITTED,



Mark Burrell,
Chair

ATTEST:



Tim Corcoran,
Interim Secretary of the Board