

SOUTH BEND BOARD OF ZONING APPEALS

MINUTES

Monday, January 6, 2025
4:00 p.m

7th Floor County Commisioners
Conference Room
County-City Building, South Bend, IN

MEMBERS PRESENT:

Mark Burrell
Francisco Fotia
Kaine Kanczuzewski
Caitlin Stevens

ALSO PRESENT:

Amani Morrell
Kari Myers
Michael Divita
Jenna Throw
Kelly Meehan

ADMINISTRATIVE ITEMS:

1. Election of Officers

(Audio Position: 00:47)

ACTION

After careful consideration, the following actions were taken:

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, Mark Burrell is nominated for and elected Chair of the Board of Zoning Appeals.

Caitlin Stevens - Yes
Francisco Fotia - Yes
Kaine Kanczuzewski -Yes
Mark Burrell -Yes

Upon a motion by Mark Burrell, being seconded by Caitlin Stevens and unanimously carried, Francisco Fotia is nominated for and elected Vice Chair of the Board of Zoning Appeals.

Caitlin Stevens - Yes
Francisco Fotia - Yes
Kaine Kanczuzewski -Yes
Mark Burrell -Yes

PUBLIC HEARINGS:

- 1 The petition of GOETZ JOHN C & MAUREEN C seeking the following variance(s): 1) to allow a detached ancillary dwelling unit that is 10' 6" taller than the primary**

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**building, property located at 2114 JEFFERSON BLVD. Zoned S1 Suburban
Neighborhood 1.**

(Audio Position: 05:00)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: The ADU will be set over 170' from the front property line and, with a steep grade behind the primary structure, will be 2' 6" taller than the house, making it imperceptible from the street. The proposed ADU will be clearly incidental and subordinate to the primary structure, meeting the intent of the ordinance.

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

PETITIONER

John Goetz, 2114 Jefferson Blvd., South Bend, owner, 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 Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by GOETZ JOHN C & MAUREEN C seeking the following variances: 1) to allow a detached ancillary dwelling unit that is 10' 6" taller than the primary building was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell -Yes

Francisco Fotia -Yes

- 2 The petition of EAC South Bend LLC seeking the following variance 1) To allow a deck over 30" tall within the front setback at the property located at 520 S Frances. Zoned U1 Urban Neighborhood 1**

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ACTION

After careful consideration, the following action was taken:

Upon a motion by Caitlin Stevens, being seconded by Francisco Fotia and carried, a petition by EAC SOUTH BEND LLC seeking the following variance: to allow a deck over 30" tall within the front setback was tabled.

Caitlin Stevens – Yes

Kaine Kanczuzewski – Yes

Mark Burrell – Yes

Francisco Fotia - Yes

- 3 The petition of NORTHWOOD INVESTMENTS LLC seeking the following variance(s): 1) from the minimum setback of a frontage type of 10' to 4', property located at 614 LAPORTE AVE. Zoned U1 Urban Neighborhood 1.**

(Audio Position: 09:56)

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: Building a zoning compliant frontage type would encroach into the minimum front setback due to the siting of the house on the lot. The owner is looking to replace a damaged porch with a stoop that has a smaller footprint.

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

PETITIONER

Tim Widerquist, 1926 Dorwood Dr, South Bend, owner 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 Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by NORTHWOOD INVESTMENTS LLC seeking the following variances: 1) from the minimum setback of a frontage type of 10' to 4' was approved as presented, and will issue written Findings of Fact.

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Caitlin Stevens - Yes
Kaine Kanczuzewski - Yes
Mark Burrell -Yes
Francisco Fotia -Yes

- 4 The petition of CHELO WEST JEFFERSON LLC seeking the following variance(s): 1) to allow a wall sign that extends above the window sills of the second story when the establishment does not extend to the second story or above, property located at 112 W JEFFERSON BLVD. Zoned DT Downtown.** *(Audio Position: 23:20)*

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Allowing Whiskey Exchange to project a sign above the second story will allow the business, which is focused on "nightlife", the opportunity to be more visible when many adjacent businesses are closed for the evening. The sign also meets all other standards, i.e. size, not flashing nor changing colors.

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

PETITIONER

Charley Schalliol, Site Enhancement Services, 6001 Nimtz Parkway, South Bend, 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 Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by CHELO WEST JEFFERSON LLC seeking the following variances: 1) to allow a wall sign that extends above the window sills of the second story when the establishment does not extend to the second story or above was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes
Kaine Kanczuzewski - Yes
Mark Burrell -Yes
Francisco Fotia -Yes

- 5 The petition of CHAPO KENNETH R AND VAUGHN-CHAPO PENNY A seeking the following variance(s): 1) from the maximum of one curb cut per street frontage to two, property located at 6634 LEEWAY DR. Zoned S1 Suburban Neighborhood 1.**

(Audio Position: 27:45)

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: There are no practical difficulties or unique characteristics that support the requested variance. There is nothing preventing the driveway from being constructed in conformance with the zoning ordinance and approved driveway permit.

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

PETITIONER

Penny Chapo, 6634 Leeway Dr., South Bend, owner, appeared in person to present.

INTERESTED PARTIES

There was one letter of opposition received from DC Burns, 4838 Portside Dr., South Bend.

PUBLIC COMMENT

William Wallace, 3702 W Sample, South Bend, appeared in person to speak in favor of the petition.

John Goetz, 2114 Jefferson Blvd, South Bend, appeared in person to speak in favor of the petition.

ACTION

After careful consideration, the following action was taken:

Upon a motion by Caitlin Stevens, being seconded by Francisco Fotia and unanimously carried, a petition by CHAPO KENNETH R AND VAUGHN-CHAPO PENNY A seeking the following variances: 1) from the maximum of one curb cut per street frontage to two was denied as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell -Yes

Francisco Fotia -Yes

- 6 The petition of UNIVERSITY OF NOTRE DAME DU LAC seeking the following variance(s): 1) from the maximum of 100' between entries to 132'; and 2) from the minimum ground floor transparency of 60% to 51%, property located at 501 N. HILL ST. Zoned NC Neighborhood Center.** *(Audio Position: 50:42)*

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: With a steep grade from north to south, the entrance at the north facade is one floor above the entrance at the south facade. As a result, the majority of the east facade at the exterior ground level is in between floors inside the building, creating a practical difficulty in providing an entrance facing east. As a medical facility, the building provides a welcoming storefront entrance while the remainder of the first floor offers transparency that is appropriate for the use and context of the building.

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

PETITIONER

Andrew Cunningham, Jones Petrie Rafinski, 325 S. Lafayette Blvd., South Bend, appeared in person on behalf of the petitioner.

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 Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by UNIVERSITY OF NOTRE DAME DU LAC seeking the following variances: 1) from the maximum of 100' between entries to 132'; and 2) from the minimum ground floor transparency of 60% to 51% was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes

Kaine Kanczuzewski - Yes

Mark Burrell -Yes

Francisco Fotia -Yes

- 7 **The petition of HP BLACKBIRD LLC seeking the following variance(s): 1) from the maximum width of a stacked flats building type in a DT zoning district of 200' to 313' and 361'; 2) from the minimum height of a stoop of 18" above the sidewalk to 6" with a gated patio; and 3) from the maximum front setback of 10' to 225', property located at 320 E JEFFERSON BLVD. Zoned DT Downtown.** *(Audio Position: 57:38)*

STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: This project fits into a broader River West Concept Plan, creating buildings that help to define a new street network along the river front. The massing of the buildings will be broken up through changes in color, materials, the use of bump outs, and a sky walk. The stoops effectively differentiate between public and private space through the use of railings and landscaping and provide well defined entries into individual units. The setback variance responds to the existing configuration of the lot. The buildings will meet DT Downtown standards when the new street is dedicated to the City.

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

PETITIONER

Chandler Sturgis, J.C. Hart Company, 540 N Meridian, Greenfield, IN, appeared in person on behalf of the petitioner

Daniel Moriarty, Studio M Architecture, 275 Veterans Way, Carmel, IN, appeared virtually on behalf of the petitioner

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 Francisco Fotia and unanimously carried, a petition by HP BLACKBIRD LLC seeking the following variances: 1) from the maximum width of a stacked flats building type in a DT zoning district of 200' to 313' and 361'; 2) from the minimum height of a stoop of 18" above the sidewalk to 6" with a gated patio; and 3) from the maximum front setback of 10' to 225' was approved as presented, and will issue written Findings of Fact.

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Caitlin Stevens - Yes
Kaine Kanczuzewski - Yes
Mark Burrell - Yes
Francisco Fotia - Yes

- 8 The petition of JOAN DOWNS HOLDINGS LLC seeking the following variance(s): 1) from the minimum side yard setback for a frontage type of 5' to 0' ; and 2) from the minimum front yard setback for a frontage type of 10' to 7' 8", property located at 616 REX ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 1:00:05)*

STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Built in 1904 prior to zoning laws, the house has a side yard setback of 0' and a front setback of approximately 7'-8". Replacing the concrete front porch with a wooden porch with a roof overhang matches the unique design requirements of a home in a historic overlay district and maintains the character of the surrounding area.

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

PETITIONER

William Wallace, 3702 W Sample St, appeared in person on behalf of the petitioner.

Joan Downs, 849 Forest Ave., owner, appeared in person to speak on behalf of the request.

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 Francisco Fotia and unanimously carried, a petition by JOAN DOWNS HOLDINGS LLC seeking the following variances: 1) from the minimum side yard setback for a frontage type of 5' to 0' ; and 2) from the minimum front yard setback for a frontage type of 10' to 7' 8" was approved as presented, and will issue written Findings of Fact.

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Caitlin Stevens - Yes
Kaine Kanczuzewski - Yes
Mark Burrell -Yes
Francisco Fotia -Yes

ITEMS NOT REQUIRING A PUBLIC HEARING


1. Findings of Fact - Upon a motion by Francisco Fotia and seconded by Caitlin Stevens and unanimously carried, the findings of fact from the December 2, 2024, Board of Zoning Appeals meeting were approved
2. Minutes - Upon a motion by Francisco Fotia and seconded by Caitlin Stevens and unanimously carried, the minutes from the December 2, 2024, Board of Zoning Appeals meeting were approved
3. Other Business
4. Adjournment 5:13 PM

RESPECTFULLY SUBMITTED,



MARK BURRELL,
Chair

ATTEST:



TIM CORCORAN,
Interim Secretary of the Board