

# **SOUTH BEND BOARD OF ZONING APPEALS**

## **MINUTES**

Monday, February 3, 2025  
4:00 p.m.

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

### **MEMBERS PRESENT:**

Mark Burrell  
Francisco Fotia  
Kaine Kanczuzewski  
Caitlin Stevens

### **ALSO PRESENT:**

Tim Corcoran  
Kari Myers  
Amani Morrell  
Michael Divita  
Kelly Meehan

### **PUBLIC HEARINGS:**

- 1 The petition of EAC SOUTH BEND LLC seeking the following variance(s): 1) to allow a deck over 30" tall within the front setback, property located at 520 S. FRANCES ST. Zoned U1 Urban Neighborhood 1.** *(Audio Position: 04:30)*

### **STAFF REPORT**

The staff report was presented by Amani Morrell.

Analysis: The deck will be designed as a frontage type with a connection to the City sidewalk that meets 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 requested.

### **PETITIONER**

Rob Manuszak, EAC South Bend LLC, 309 Logan St, 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:

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

Upon a motion by Francisco Fotia, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by EAC SOUTH BEND LLC seeking the following variances: 1) to allow a deck over 30" tall within the front setback 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 SOUTH BEND ETHANOL LLC seeking the following variance(s): 1) from the maximum height of 60' to 160' 5", property located at 3201 W CALVERT. Zoned I Industrial.** *(Audio Position: 07:39)*

### STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: Established standards, codes, engineering practices, and technical reports have been utilized to design the Verbio renewable natural gas (RNG) process, which warrants equipment of this height. The tallest structures will have minimal massing with a narrow footprint, and the structures will be located over 2000' from the nearest residential properties.

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

### PETITIONER

Charles Tuskan, 18076 Erin Ct, 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:

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

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a petition by SOUTH BEND ETHANOL LLC seeking the following variances:  
1) from the maximum height of 60' to 160' 5" was approved as presented, and will issue written Findings of Fact.

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

- 3 The petition of MICHAEL AND JESSICA VOLL seeking the following variance(s): 1) to allow a single unit dwelling directly along a street frontage, property located at 505 LAFAYETTE BLVD. Zoned NC Neighborhood Center. (Audio Position: 14:33)**

### STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Built as a single family residence in 1916 and converted to commercial use in the 1970's, conversion back to a one unit dwelling is desirable and preserves the historic nature of the property.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board approve the variance as requested.

### PETITIONER

Michael Voll, owner, 505 Lafayette, 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 Kaine Kanczuzewski and unanimously carried, a petition by MICHAEL AND JESSICA VOLL seeking the following variances:

- 1) to allow a single unit dwelling directly along a street frontage was approved as presented, and will issue written Findings of Fact.

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

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

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- 4 The petition of SINGH JANPAL seeking the following variance(s): 1) to allow 3 waiting spaces for a drive through facility in the front yard; and 2) to allow 0.5 waiting spaces for a drive through facility in the corner yard, property located at 3624 MCKINLEY AVE. Zoned C Commercial.** *(Audio Position: 24:19)*

### STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: Drive through facilities are permitted by right in the C Commercial zoning district, but the shallow configuration of the corner lot and the location of the existing building create design challenges for the proposed use. The waiting spaces in the front/corner yard will be buffered by landscaping, limiting the impact on surrounding properties and pedestrians.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board approve the variances as presented subject to the conditions that streetscape trees be planted along McKinley Avenue and Logan Street at approximately 30' intervals and that an access easement is established with the property to the south.

### PETITIONER

John Kirk, 55200 Birchwood Ct, appeared in person on behalf of the petitioner 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 Kaine Kanczuzewski and unanimously carried, a petition by SINGH JANPAL seeking the following variances:

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

- 1) to allow 3 waiting spaces for a drive through facility in the front yard; and
- 2) to allow 0.5 waiting spaces for a drive through facility in the corner yard 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 JOHNSON JENNIFER HUNT seeking the following variance(s): 1) from the 3' maximum fence height in an established front/corner yard to 6', property located at 2245 E MADISON. Zoned S1 Suburban Neighborhood 1.**

*(Audio Position: 33:28)*

### STAFF REPORT

The staff report was presented by Kari Myers.

Analysis: Due to the topography of the rear yard, and McKinley Avenue being a busy street without sidewalks, approving a privacy fence in the established corner yard with an 11' setback from the property line and 25' setback from McKinley Avenue would allow the property owner adequate use of the lot while meeting the intent of the Ordinance.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board approve the variance as requested.

### PETITIONER

Jennifer Hunt Johnson, owner, 2245 Madison St, appeared in virtually 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 JOHNSON JENNIFER HUNT seeking the following variances:

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

- 1) from the 3' maximum fence height in an established front/corner yard to 6' was approved 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 PARISI ROBERTO A REV TRUST & AS TRUSTEE seeking the following variance(s): from the maximum building width of a Stacked Flats building type in UF Urban Neighborhood Flex of 120' to 198, property located at 1412 SOUTH BEND AVE. Zoned UF Urban Neighborhood Flex.** *(Audio Position: 37:35)*

### STAFF REPORT

The staff report was presented by Amani Morrell.

Analysis: The building width variance allows for an exterior hallway connection between two structures that read as separate and zoning compliant buildings with appropriate massing along the street.

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

### PETITIONER

Sam Lima, KIL Architects, 1126 LWE, appeared in person on behalf of the petitioner 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 Francisco Fotia and unanimously carried, a petition by PARISI ROBERTO A REV TRUST & AS TRUSTEE seeking the following variances: from the maximum building width of a Stacked Flats building type in

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


UF Urban Neighborhood Flex of 120' to 198 was approved as presented, and will issue written Findings of Fact.

Caitlin Stevens - Yes  
Kaine Kanczuzewski - Abstain  
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 January 6, 2025, 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 January 6, 2025, Board of Zoning Appeals meeting were approved
3. Other Business – Jenna Throw advised the board that there will need to be an executive session and a public meeting scheduled to discuss the Lamar pending litigation.
4. Adjournment – 4:42pm

RESPECTFULLY SUBMITTED,

  
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MARK BURRELL,  
Chair

ATTEST:

  
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TIM CORCORAN,  
Interim Secretary of the Board