

City of South Bend

BOARD OF ZONING APPEALS

MINUTES

Monday, January 4, 2021
4:00 p.m.

Virtual

MEMBERS PRESENT:

Dan Brewer
Mark Burrell
Kaine Kanczuzewski
Murray Miller
Kathy Schuth

ALSO PRESENT:

Angela Smith
Joseph Molnar

PUBLIC HEARINGS:

- 1. The petition of TDK DEVELOPMENT LLC seeking the following variance(s): 1) From the 15' maximum front and corner setback to 25' on Merrill and 38' on Lindenwood ; and 2) From the 48' maximum width for a duplex to 50', property located at 903 MERRILL through 915 MERRILL. Zoned U3 Urban Neighborhood 3. (Audio Position: 2:39)**

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The proposed variances are consistent with the character of the area and the intent of the ordinance. Approving the variance will allow for the construction of a multi-unit dwelling consistent in scale with the surrounding neighborhood.

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

PETITIONER

David Kaminski, 30761 Redfield St. Niles MI 49120, served as the petitioner.

INTERESTED PARTIES

There was no one present to speak in favor of this petition.

PUBLIC COMMENT

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Dan Brewer, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by TDK DEVELOPMENT LLC seeking the following variances: 1) From

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the 15' maximum front and corner setback to 25' on Merrill and 38' on Lindenwood; and 2) From the 48' maximum width for a duplex to 50' was approved as presented, and will issue written Findings of Fact.

Dan Brewer - Yes
Murray Miller - Yes
Kaine Kancuzewski -Yes
Mark Burrell -Yes
Kathy Schuth - Yes

- 2 The petition of APPLETREE ASSOCIATES LP % PEI GENSIS seeking a Special Exception to allow a Heavy Industrial use, property located at 1915 BENDIX DR. Zoned I Industrial.** *(Audio Position: 9:38)*

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The current zoning of all neighboring properties is I Industrial and the subject property is located in an industrial park. This is a suitable location for heavy industrial uses which should not negatively impact the broader community and should help retain a businesses in the city.

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

Randy Greenlee, 2001 West Washington Street South Bend IN, served as the petitioner.

INTERESTED PARTIES

There was no one present to speak on this petition.

PUBLIC COMMENT

There was no one present to speak on this petition.

After careful consideration, the following action was taken:

Upon a motion by Kaine Kancuzewski, being seconded by Mark Burrell and unanimously carried, a petition by APPLETREE ASSOCIATES LP % PEI GENSIS seeking a Special Exception for a Heavy Industrial use for property located at 1915 BENDIX DR, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Dan Brewer - Yes
Murray Miller - Yes
Kaine Kancuzewski - Yes

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Mark Burrell - Yes
Kathy Schuth - Yes

- 3 The petition of RICHARD D FOX seeking a Special Exception to allow a Gas Station, and seeking the following variance(s): 1) From the 12' maximum front building setback to 51'; 2) From the one maximum street curb cut to 2; and 3) From the requirement that parking be a minimum of 5' behind the front facade to 0', property located at 1635 and 1643 PRAIRIE AVE. Zoned NC Neighborhood Center. (Audio Position: 30:20)**

STAFF REPORT

The staff report was presented by Joseph Molnar.

Analysis: The site is located at an already complex intersection along a heavily traveled corridor. The variances requested and the proposed special exception not only prolong and encourage the development of the site in a manner that is not consistent with the intent or standards of the NC Neighborhood District, but also does so in a manner that would create a significant traffic safety concern and would be out of character for the area.

Staff Recommendation: Based on the information provided prior to the public hearing, the staff recommends the Board deny the variances as presented. The staff recommends the Board send the special exception use to the Common Council with an unfavorable recommendation.

PETITIONER

Greg Shearon of Danch, Harner & Associates, 1840 Commerce Drive, spoke on behalf of the petitioner.

INTERESTED PARTIES

There was no one present to speak on this petition.

PUBLIC COMMENT

There was no one present to speak on this petition.

After careful consideration, the following action was taken:

A motion by Kaine Kanczuzewski to deny the variances died due to a lack of second.

Upon a motion by Mark Burrell, being seconded by Murray Miller and carried, a petition by RICHARD D FOX seeking the following variances: 2) From the one maximum street curb cut to 2 was denied as presented, and will issue written Findings of Fact.

Dan Brewer - No
Murray Miller - Yes
Kaine Kanczuzewski - Yes
Mark Burrell - Yes
Kathy Schuth - Yes

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Upon a motion by Dan Brewer, being seconded by Murray Miller to approve the following variance: 1) From the 12' maximum front building setback to 51' failed to carry due to a lack of majority vote.

Dan Brewer - Yes
Murray Miller - Yes
Kaine Kanczuzewski - No
Mark Burrell - No
Kathy Schuth - No

Upon a motion by Mark Burrell, being seconded by Kaine Kanczuzewski and carried, a petition by RICHARD D FOX seeking the following variances: 1) From the 12' maximum front building setback to 51' was denied as presented, and will issue written Findings of Fact.

Dan Brewer - No
Murray Miller - No
Kaine Kanczuzewski - Yes
Mark Burrell - Yes
Kathy Schuth - Yes

Upon a motion by Mark Burrell, being seconded by Dan Brewer and carried, a petition by RICHARD D FOX seeking the following variances: 3) From the requirement that parking be a minimum of 5' behind the front facade to 0' was approved as presented, and will issue written Findings of Fact.

Dan Brewer - Yes
Murray Miller - Yes
Kaine Kanczuzewski - No
Mark Burrell - Yes
Kathy Schuth - No

Upon a motion by Dan Brewer, being seconded by Kaine Kanczuzewski and unanimously carried, a petition by RICHARD D FOX seeking a Special Exception for a Gas Station for property located at 1635 and 1643 PRAIRIE AVE, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

Dan Brewer - Yes
Murray Miller - Yes
Kaine Kanczuzewski - Yes
Mark Burrell - Yes
Kathy Schuth - Yes

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ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

Upon a motion by Dan Brewer, being seconded by Mark Burrell and unanimously carried, the Findings of Fact from the November 2, 2020 Board of Zoning Appeals Meeting were approved.

2. Minutes

Upon a motion by Dan Brewer, being seconded by Mark Burrell and unanimously carried, the minutes from the November 2, 2020 Board of Zoning Appeals Meeting were approved.

3. Other Business

4. Adjournment – 5:28 pm

RESPECTFULLY SUBMITTED,



KATHY SCHUTH,
Chair

ATTEST:



ANGELA M. SMITH,
Secretary of the Board