

**AREA BOARD OF ZONING APPEALS
ST. JOSEPH COUNTY, INDIANA**

MINUTES

Wednesday, January 8, 2020
1:30 p.m.

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

MEMBERS PRESENT:

Robert Hawley
Sidney Shafer
Michael Urbanski
Joe Velleman
Jack Young

ALSO PRESENT:

Lawrence P. Magliozzi
Shawn Klein
Ryan Fellows
Samantha Keultjes

EXECUTIVE SESSION:

1. Appointment of the Chair and Vice Chair.

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Robert Hawley and unanimously carried, the Area Board of Zoning Appeals appointed Michael Urbanski as Chair.

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, the Area Board of Zoning Appeals appointed Joe Velleman as Vice Chair.

PUBLIC HEARINGS:

1. **The petition of JASON M & ASHLEY E KEOUGH seeking the following variance(s):**
1) from the minimum required front setback of 75' to 47' and 2) from the minimum required rear setback of 30' to 25', property located at 13201 ROOSEVELT RD, Penn Township. Zoned A: Agricultural District (County). *(Audio Position: 4:50)*

PETITIONER

JASON M & ASHLEY E KEOUGH, residing at 13201 Roosevelt Rd., Mishawaka, IN presented the petition as the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, a petition by JASON M & ASHLEY E KEOUGH seeking the following variances: 1) from the minimum required front setback of 75' to 47' and 2) from the minimum required rear setback of 30' to 25' was approved as presented, and the Area Board of Zoning Appeals will issue written Findings of Fact.

- Robert Hawley - Yes
- Joe Velleman -Yes
- Sidney Shafer - Yes
- Michael Urbanski - Yes
- Jack Young - Yes

2. **The petition of TIMOTHY & VALERI WATERS seeking the following variance(s): 1) from the required minimum lot area of 20 acres to 1.039 acres for proposed Lot 1; 2) from the required minimum lot width of 200' to 137' for proposed Lot 1; 3) from the required minimum lot frontage of 200' to 137' for proposed Lot 1 and 4) from the required side yard setback of 30' to 24' for proposed Lot 1, property located at 30529 US 20 Highway, Olive Township. Zoned A: Agricultural District (County).**

(Audio Position: 8:20)

PETITIONER

TONY HIATT of Marbach Palm, Inc. with offices located at P.O. Box 960, New Carlisle, IN spoke on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Sidney Shafer and unanimously carried, a petition by TIMOTHY & VALERI WATERS seeking the following variances: 1) from the required minimum lot area of 20 acres to 1.039 acres for proposed Lot 1; 2) from the required minimum lot width of 200' to 137' for proposed Lot 1; 3) from the required minimum lot frontage of 200' to 137' for proposed Lot 1 and 4) from the required side yard setback of 30' to 24' for proposed Lot 1 was approved as presented, and the Area Board of Zoning Appeals will issue written Findings of Fact.

Robert Hawley - Yes
Joe Velleman -Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

- 3. The petition of JOHN E & WENDY E GLON seeking the following variance(s): 1) from the required minimum lot area of 20 acres to 1.194 acres for proposed Lot 1 and 2) from the required minimum lot area of 20 acres to 18.056 acres for proposed Outlot A, property located at 29900 GRANT RD, Olive Township. Zoned A: Agricultural District (County).** *(Audio Position: 12:45)*

PETITIONER

TONY HIATT of Marbach Palm, Inc. with offices located at P.O. Box 960, New Carlisle, IN spoke on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, a petition by JOHN E & WENDY E GLON seeking the following variances: 1) from the required minimum lot area of 20 acres to 1.194 acres for proposed Lot 1 and 2) from the required minimum lot area of 20 acres to 18.056 acres for proposed Outlot A was approved as presented, and the Area Board of Zoning Appeals will issue written Findings of Fact.

Robert Hawley - Yes
Joe Velleman -Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

4. **The petition of NEW LIFE BIBLE CENTER INC seeking the following variance(s): 1) from the minimum required side setback of 20' to 2.2' for proposed Lot 1; 2) from the minimum required front setback for parking and interior access drives of 35' to 17' for proposed Lot 1; 3) from the minimum required front setback for parking and interior access drives of 35' to 17' along Fir Rd and to 0' along Day Rd for proposed Lot 2; 4) from the minimum required side setback for parking and interior access drives of 20' to 7' along the south side line and to 0' along the north side line for proposed Lot 2; 5) from the required minimum side setback of 20' to 17.3' along the north side line for proposed Lot 2 and 6) from the minimum required front freestanding sign setback of 5' to 0' for proposed Lot 2, property located at 54790, 54794 Fir Road , Penn Township. Zoned R: Single Family District (County).** *(Audio Position: 15:00)*

PETITIONER

TERRY LANG of Lang Feeney & Associates, with offices located at 715 S. Michigan St., South Bend, IN spoke on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

There were two people that spoke in remonstrance of the petition. They were:
DEB MCARTHUR, residing at 22150 CR 10 Elkhart, IN.
RON GEYER, residing at 20633 Meadow Lane Goshen, IN.

REBUTTAL

TERRY LANG of Lang Feeney & Associates, with offices located at 715 S. Michigan St., South Bend, IN presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Robert Hawley and unanimously carried, a petition by NEW LIFE BIBLE CENTER INC seeking the following variances: 1) from the minimum required side setback of 20' to 2.2' for proposed Lot 1; 2) from the minimum required front setback for parking and interior access drives of 35' to 17' for proposed Lot 1; 3) from the minimum required front setback for parking and interior access drives of 35' to 17' along Fir Rd and to 0' along Day Rd for proposed Lot 2; 4) from the minimum required side setback for parking and interior access drives of 20' to 7' along the south side line and to 0' along the north side line for proposed Lot 2; 5) from the required minimum side setback of 20' to 17.3' along the north side line for proposed Lot 2 and 6) from the minimum required front freestanding sign setback of 5' to 0' for proposed Lot 2 was approved as presented, and the Area Board of Zoning Appeals will issue written Findings of Fact.

Robert Hawley - Yes
Joe Velleman - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

A. Approval of the Findings of Fact from the December 11, 2019 meeting.

(Audio Position: 24:40)

Upon a motion by Jack Young, being seconded by Robert Hawley and unanimously carried, the Findings of Fact from the December 11, 2019 meeting were approved.

2. Minutes

A. Approval of the Minutes from the December 11, 2019 meeting. *(Audio Position: 26:00)*

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, the minutes from the December 11, 2019 meeting were approved.


2. Other Business

LARRY MAGLIOZZI presented this agenda item stating that there are more appointments to come in order to have a complete board for the February ABZA

meeting. He also expressed the need for all of the board members to receive a refresher course of the rules and procedures of the ABZA. Larry Magliozzi mentioned that there would be an audio upgrade and pointed out that there will be five petitions for the February ABZA meeting.


4. Adjournment at 2:09 p.m.

RESPECTFULLY SUBMITTED,



JOE VELLEMAN,
VICE CHAIRMAN OF THE BOARD

ATTEST:



LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE BOARD