

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

Wednesday, February 14, 2018
4th Floor, Council Chambers

1:30 p.m.
County-City Building

REGULAR MEEETING

MEMBERS PRESENT: Kathy Schuth
Robert Hawley
Jack Young
John Leszczynski
Randy Matthys

MEMBERS ABSENT: Brendan Crumlish
Michael Urbanski

ALSO PRESENT: Angela Smith
Larry Magliozzi
Jordan Wyatt
Jennifer Henthorn
Brandie Ecker

The regular meeting of the Area Board of Zoning Appeals of St. Joseph County/City of South Bend, Indiana was called to order at 1:30 p.m. in the 4th Floor Council Chambers, 227 W. Jefferson Blvd., South Bend, Indiana.

MS. SCHUTH: Before we get going with Petition Number 1 we have one order of Special Business. We have a Resolution to present to the Board. We've been told that we don't think this Board has ever passed a Resolution, so I am really pleased. I really need somebody by my side to do this. This is somebody who has been by our side the entire time, Carolyn, would you join me at the podium? I'd like to present to the Board and welcome Resolution No. 1-2018 a Resolution of the Area Board of Zoning Appeals of St. Joseph County, Indiana honoring and commending Carolyn Anne Henry for extraordinary and dedicated service to the Area Board of Zoning Appeals of St. Joseph County, Indiana.

Whereas, public service represents, in the truest and purest sense, a dedication unmatched by any other profession; and

Whereas, on May 21, 1984 Carolyn Anne Henry began her service with the St. Joseph County Building Department as a permit clerk, and through diligence and hard work was tasked with the responsibility of secretary of the Area Board of Zoning Appeals; and

Whereas, on January 1, 1992, the St. Joseph County and City of South Bend Building Departments merged, and through that transition, Carolyn continued her responsibilities as the secretary of the Area Board of Zoning Appeals; and

Whereas, Carolyn was a key staff member instrumental in the successful merger of the St. Joseph County and City of South Bend Building Departments, and is currently the longest serving staff member of the St. Joseph County /South Bend Building Department; and

Whereas, Carolyn has unselfishly performed her duties as secretary of the Area Board of Zoning Appeals with distinction, efficiency, honor and compassion for the betterment of the community.

Therefore, be it resolved, that the Area Board of Zoning Appeals, on behalf of its member jurisdictions and the greater St. Joseph County community, wishes to formally express their thanks and gratitude to Carolyn Anne Henry for her dedicated public service to the Area Board of Zoning Appeals, and extends its best wishes to Carolyn for continued success and happiness as she pursues her life goals.

Passed by the Area Board of Zoning Appeals of St. Joseph County, Indiana this 14th day of February 2018.

CAROLYN HENRY: Thank you. This is really unexpected. You said you wanted me to help you today. Ha, you tricked me into coming over.

KATHY SCHUTH: Before I seek a motion on this Resolution, would the Board like to add any additional comments?

ROBERT HAWLEY: Here, Here.

JOHN LESZCZYNSKI: You said it very well. You have been excellent. It has been fun. I really enjoy working with you. We're going to miss you.

CAROLYN HENRY: Same here, same here.

RANDY MATTHYS: Carolyn has been excellent to work with, very obliging.

JACK YOUNG: Very pleasant woman, constantly helping. Thank you.

CAROLYN HENRY: Thank you. It has been a pleasure working with all the gentlemen and lady.

KATHY SCHUTH: Thank you, ma'am.

After due consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Robert Hawley and unanimously carried, Resolution 1-2018 was passed.

- 1. The petition of Felix & Lorraine D'Souza seeking the following variance(s): 1) from the maximum height of 40' for an integrated center pole sign to 41'-6"; 2) from the maximum sign area of 140 sq. ft. to 226.4 sq.ft.; and 3) from the minimum 10' side yard setback to 1', property located at 1807 LINCOLN WAY EAST, Portage Township. Zoned CB Community Business District.**

RICHARD RUSSO: Good Afternoon. My name is Richard Russo of Professional Permits. Our offices are located at 51871 Dragonfly Court Osceola, IN 46561. I am here today representing Felix and Lorraine D'Souza and Arby's restaurants. We request approval of our sign variance from the allowed 40' tall integrated center pole sign to 41'-6"; from the allowed maximum sign surface area of 140 sq. ft. to 226.4 sq. ft.; and from the allowed 10' side yard setback to 1'. The new sign reflects the new corporate branding Arby's is incorporating throughout the country. The approval of the sign will not be injurious to the public health, safety, morals and general welfare of the community. The Arby's portion of the sign results in a reduction in overall height and square footage of the total integrated center pole sign. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The restaurant is undergoing an entire remodel and incorporating the current required corporate branding signage. This is an improvement in the property and thus will not affect adjacent properties in a substantially adverse manner. The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property. To bring the sign into compliance would require major sign modifications for the other tenant of the property. We appreciate the time it took to review our application and will do my best to answer any questions you might have.

KATHY SCHUTH: Thank you. Any questions board or Staff? This looks pretty straight forward. The request, just to summarize, is to replace only the Arby's portion of the top of the sign, which is slightly smaller than the existing.

RICHARD RUSSO: Correct. The sign will be a reduction in the overall height and square footage.

KATHY SCHUTH: No additional questions? Now I'll open this hearing to the public.

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 due consideration the following action was taken:

Upon a motion by Robert Hawley, being seconded by Randall Matthys and unanimously carried, a petition by Felix & Lorraine D'Souza seeking the following variances: 1) from the maximum height of 40' for an integrated center pole sign to 41'-6"; 2) from the maximum sign area of 140 sq.ft. to 226.4 sq.ft.; and 3) from the minimum 10' side yard setback to 1' was approved as presented, and will issue written Findings of Facts.

- 2. The petition of Eugene A and Linda M. Matzat seeking the following variance(s): 1) from the required minimum 20 acres to 1.745, property located at 26520 RILEY, Liberty Township. Zoned A: Agricultural District.**

CHRIS MARBACH: Good Afternoon. I am Chris Marbach with Marbach Palm, 8888 E. US Highway 20, New Carlisle representing Eugene and Linda Matzat. They currently own an 80-acre parcel outlined in blue on your map. In the very northeast corner of that parcel is an old homestead for the farm on that piece. They would like to be able to cut that homestead out and be able to sell it. They currently live on the next parcel to the west and they don't need to maintain two homes. So, they would like to be able to create this one lot minor subdivision. It takes away no additional agricultural ground. The rest of the farm will remain as it is. No new construction is proposed either on the site so, that is for your consideration. I would be happy to answer any questions.

KATHY SCHUTH: Are there any questions Board or Staff? Seeing none, I'll open this up to public hearing.

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 due consideration the following action was taken:

Upon a motion by Randall Matthys, being seconded by Robert Hawley and unanimously carried, a petition by Eugene A and Linda M. Matzat seeking the following variances: 1) from the required minimum 20 acres to 1.745 was approved as presented, and will issue written Findings of Facts.

- 3. The petition of Brian & Jamie Blakely seeking the following variance(s): 1) from the maximum allowed 6' fence height to 9' for a solid privacy fence; and 2) from the minimum 8' rear yard setback to 0' for pool and deck, property located at 20089 CROSSWELL ST, Clay Township. Zoned R: Single Family District.**

JAMIE BLAKELY: My name is Jamie Blakely. I live at 20089 Crosswell Street in South Bend. I am petitioning to keep the back portion of my fence 3' higher than what is allowed because of the swimming pool. I am also petitioning, I guess, to keep my swimming pool where it is. I was told by the Building Department when I called about it that I might as well go ahead and apply for a variance for the pool because it looked close to the property line. Basically, I just want the extra privacy in the back corner by the swimming pool because the house next to that field there is a rental property with lots of different tenants coming and going. We've had a lot of problems over there with peeking over the fence and kids throwing stuff over the fence. My husband built a 3' high lattice just in that back corner just for a little privacy by the pool and to keep kids from throwing stuff over. I am petitioning to keep the fence how it is and keep the swimming pool where it is.

KATHY SCHUTH: Thank you. Could you describe the approximate distance of that 3' section?

JAMIE BLAKELY: Yeah, I kind of drew it on there but you can't really tell.

KATHY SCHUTH: Yes, it's just difficult.

JAMIE BLAKELY: Basically just where the pool is. There is a playground right there. Probably right where the playground goes, right to the back corner. So yeah, right where that red dot is (pointing at the screen) to the back corner. Because the house right there, as you can see, there are trucks and they kind of hang out there right next to where our swimming pool is. We just built a little lattice extra on top of the fence to kind of keep it private over there. We have lived there for 13 years and that has been a rental. We've just had a lot of people coming and going that we're not comfortable with peeking over our fence at us.

ROBERT HAWLEY: This is an above pool, isn't it? Above ground?

JAMIE BLAKELY: Yeah. Above ground, yes.

ROBERT HAWLEY: How far would that be from say the ground level to maybe the deck. How far does that come out of the ground?

JAMIE BLAKELY: Like how high is the above ground pool?

ROBERT HAWLEY: Yes.

JAMIE BLAKELY: It is about 4' tall.

ROBERT HAWLEY: Four foot. Okay.

RANDY MATTHYS: The fence and the pool all look to be existing. Was there an issue that came before the Board?

JAMIE BLAKELY: The only thing was, I believe, the tenant that rents the property next door called about the studs. He thought that they were in his property. Our property goes to the tree stumps, so that wasn't the case. When he called the Building Department to kind of tell on us they just noticed that the fence was too tall so I got a violation. It is not the entire fence. It is just like I said the back corner by the swimming pool.

KATHY SCHUTH: Do you intend that the stud supports remain?

JAMIE BLAKELY: We didn't have them there originally but it was kind of tilting so we put it up there just for safety precautions. But it is in our property.

KATHY SCHUTH: Thank you. Any additional questions for the Board or Staff at this time?

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.

KATHY SCHUTH: There is nobody here present. However, I will say that we did receive one letter in remonstrance against this petition by Robert and Tamara Dowd. They feel like it is haphazard construction and a tripping hazard with the posts. Perhaps a safety concern about the location of the pool so close to the fence.

JAMIE BLAKELY: May I respond?

KATHY SCHUTH: Yes. The public portion is closed. Yes, please respond.

JAMIE BLAKELY: It would not be a tripping hazard if the people that rented the property next door didn't hang out right next to our fence because it is in our property line. So, they shouldn't even be over there because it is our property.

KATHY SCHUTH: How much farther does your property line extend from this?

JAMIE BLAKELY: It goes to the utility pole, which is kind of a bad angle. But there are some tree stumps. We could have taken our fence out quite a ways probably another 6 ft. but we didn't because of the tree stumps and it would have been hard to put the privacy fence right around the tree stumps. So our fence could have went out quite a ways further. We just didn't take it in because of the tree stumps. It would have been hard to put the posts up. So, our property goes to that pole. It is kind of a weird angle. Nobody should be there walking next to our fence because that it our property anyways.

KATHY SCHUTH: Any additional questions? I was asking about how long that is because I have some interest in perhaps not extending the 9 ft. high. If we have a variance for 9 ft. height on your property it could then be anywhere on the property and I have an interest in limiting that to the pool area. I was trying to figure out how we could describe, a length that we could limit it to for that back corner.

JAMIE BLAKELY: I don't know exactly how long it is. It is just basically to the pool.

KATHY SCHUTH: I'm not sure if I have enough information.

KATHY SCHUTH: Does the rest of the Board have any thoughts on that?

ROBERT HAWLEY: I think that is good. Yeah, I agree with you.

JAMIE BLAKELY: We've had neighbors dancing to our music when we have family get togethers. We have them peeking over the fence. We have had then throwing things over. We are just trying to ask for a little privacy.

KATHY SCHUTH: Do you have a recommendation?

ANGELA SMITH: A rough scale of it would be about 50 ft., the northern 50 ft. of the property line. You can limit it to that or you could also do as presented which would be the area that they show.

KATHY SCHUTH: That would be probably the way to go.

JOHN LESZCZYNSKI: I would suggest that we move it to maybe 75 ft. or something. Give them some extra room so they are not back here. It just doesn't seem like it is enough fence for what they are trying to exclude somebody to go around it or something. I would go 75 or 80 ft. or something to give them some extra. And if they can get rid of those posts. That is not one of our requirements but it is easy to get rid of them because it would be a trip hazard and it is your responsibility.

ANGELA SMITH: 80' would be close to getting towards the front of the house. The property length is 120 ft. long. About halfway would look like it's probably about a little bit beyond in front of the rear building line. 60 ft. would give you, probably, about where the playground is back.

JOHN LESZCZYNSKI: Well then 60 ft. or something like that would be fine.

KATHY SCHUTH: Would you like to make a motion?

After due consideration the following action was taken:

Upon a motion by John Leszcynski, being seconded by Randall Matthys and unanimously carried, a petition by Brian & Jamie Blakely seeking the following variances: 1) from the maximum allowed 6' fence height to 9' for a solid privacy fence; and 2) from the minimum 8' rear yard setback to 0' for pool

and deck was approved as presented subject to the increased fence height being limited to the northern 60' of the property, and will issue written Findings of Facts.

4. The petition of U-Haul Real Estate Company seeking the following variance(s): 1) from the required 30' side residential bufferyard setback to 15' on the south, property located at 3410 WESTERN, Portage Township. Zoned GB General Business District.

CORNELL QUARRELL: Good Afternoon. My name is Cornell Quarrell and I am the owner's representative of Americo Company which is the parent company of U-Haul and the owner of record of the property in question. Ms. Ballesteros is in route. I believe she got held up in a meeting. She is on the list, I authored the petition there as narrative. Basically, what we are seeking to do is relief of the 30-ft. requirement. It is a canopy. We use it for customers to return vehicles. It provides shelter, if you will, from in climate conditions, sun and or rain, when they return trucks. Also, when we dispatch trucks, we dispatch it from that location. It serves as a landmark, if you will, for customers to know where to return the vehicles to. It contains lighting also, which for that area is important. It lights up that area. Right now, there is not a lot of light in that particular portion of the lot. So it will discourage any, I'll say, criminal behavior because it is, of course, additional lighting. To move it wouldn't be feasible because it would eliminate some of our ADA parking space that we have now. We got to make sure that we have enough parking space for the Americans with Disabilities Act requirements. Pretty much that is where we are at. I don't believe there were any other variances required for this particular project.

KATHY SCHUTH: It is simply a setback variance. Can you describe the construction of the canopy? Is that a permanent structure or is it like a canvas canopy?

CORNELL QUARRELL: Yes, it is a permanent structure, canvas canopy, 6-inch upright poles, 6-inch poles at the top. Nylon cover that is secured with not only bolts but a steel 1-inch cable. It is bolted to the concrete with 5-inch bolts. There are 8 in each pole and there is additional epoxy was set in there to make sure that the poles don't back out. So it meets all the construction requirements, I believe not for only Indiana, but national standards.

KATHY SCHUTH: Thank you. And you have electricity ran out to it? You have lights on it?

CORNELL QUARRELL: Yes, ma'am. Also, the lights are on a timer and a GFCI, a ground fault circuit interrupter, for safety.

KATHY SCHUTH: Thank you. Any additional questions?

JOHN LESZCZYNSKI: It is a 20' setback?

ANGELA SMITH: Because the property to the south, which they own and is Zoned Residential, it would be counted as a Residential Bufferyard because it is from the property line.

JOHN LESZCZYNSKI: The petition is required to go to a 20' setback, right? It is 15 in the advertisement.

ANGELA SMITH: Oh, I am sorry. They did amend to ask to go to 15' after the petition was filed. I'm sorry. The agenda is correct and it was properly advertised as 15'.

JOHN LESZCZYNSKI: Okay.

KATHY SCHUTH: Thank you. So we are looking to go from required 30' to 15'. Thanks for that clarification. Any additional questions?

RANDY MATTHYS: Was there a complaint? It all looks existing.

ANGELA SMITH: It was a response to a zoning violation filed with the Building Department for construction without a permit, I believe.

RANDY MATTHYS: Okay.

KATHY SCHUTH: Any additional questions or comments before I open it up to the public?

IN FAVOR

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

REMONSTRANCE

DANIELLE OROZCO: Danielle Orozco, 16601Barryknoll Granger, Indiana. I just had a question. Will that affect my property which is south of it? It looks like it is outlined in red. I was just wondering if that setback will be on my property, which is just south of it on Lake Street. It looks like it is outlined from the other street so I am just not quite sure if that was going to be affecting my property there.

KATHY SCHUTH: Thank you. I think we can answer that straight away. I don't believe it will impact your property as far as it is not going on to your property. Are you saying that that the actual outline of this picture is incorrect? Is that your concern?

DANIELLE OROZCO: No, it looks like the outline is not on my property, but I am not quite sure.

ANGELA SMITH: The petitioner's request is for a setback on their own property.

KATHY SCHUTH: Yes.

ANGELA SMITH: So they will actually be 15' north of the alley. There is still a significant distance between them and the first property not owned by them to the south. If approved as presented it would be limited to the structure presented here today it would not be from that southern property line.

KATHY SCHUTH: That's correct. And actually, if it helps you further even though we usually ask for variances in advance of construction, this tent is already here so nothing would be changing from what you see today as far as the existing canopy structure.

DANIELLE OROZCO: Okay, I just wasn't quite sure if that was going to affect my property.

KATHY SCHUTH: Yeah, yeah. No, I appreciate the question.

DANIELLE OROZCO: Okay, that was it.

KATHY SCHUTH: Thank you.

DANIELLE OROZCO: Alright, thanks.

KATHY SCHUTH: Would anyone else like to speak in remonstrance against the petition or ask additional information? Seeing none I open it back up to the Board for additional questions or for a motion.

After due consideration the following action was taken:

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, a petition by Uhaul Real Estate Company seeking the following variances: 1) from the required 30' side residential bufferyard setback to 15' on the south was approved as presented, and will issue written Findings of Facts.

- 5. The petition of Schafer Ridge Farm LLC seeking the following variance(s) 1) from the required minimum 20 acres to 2.2 acres, property located at 64720 MIAMI HIGHWAY, Union Township. Zoned A: Agricultural District.**

TERRY LANG: My name is Terry Lang from Lang, Feeney & Associates. Our address is 715 S. Michigan Street, South Bend. I represent the petitioner, Schafer Ridge Farm LLC. The petition before you is for a 10 acre piece that we going to be cutting off the house and 2.2 acres with that house. Basically the area you see on the aerial map right there that is contained within the area where the trees are around the home is what we are creating the parcel for. The balance of the Agricultural property then will continue to be Agricultural farmed by the parcel owner. The staff recommendation was for that parcel to be merged or created as an outlet which is standard practice and we have no objection to that.

KATHY SCHUTH: Thank you. Any questions Board or Staff?

IN FAVOR

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

REMONSTRANCE

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

KATHY SCHUTH: I will open this back up to the Board. Discussion or do I have a motion for approval. I would say approval subject to the remainder of the property being an outlet.

After due consideration the following action was taken:

Upon a motion by Randall Matthys, being seconded by Robert Hawley and unanimously carried, a petition by Schafer Ridge Farm LLC seeking the following variances: 1) from the required minimum 20 acres to 2.2 acres was approved as presented, subject to the remainder either being platted as an outlet on a recorded subdivision or combined with an adjacent parcel on a recorded deed and will issue written Findings of Facts.

6. The petition of Peter L and Lois J Holmgren seeking the following variance(s): 1) from required 30' side yard setback to 5', property located at 23599 OSBORNE RD, Union Township. Zoned A: Agricultural District.

CHRIS KEMPF: Chris Kempf at 23597 Osborne Road, South Bend, Indiana.

KATHY SCHUTH: Thank you. If you both plan to present could I get both of your names and addresses.

PETER HOLMGREN: I am Peter Holmgren 23599 Osborne Road. Property Owner.

CHRIS KEMPF: We are asking to change the ordinance from 30' setback to a 5' setback so we can put up a barn, an Agricultural barn.

KATHY SCHUTH: Maybe you can elaborate a little bit more why you want it so close to the property line.

CHRIS KEMPF: Well, in the future that will be re.....

ROBERT HAWLEY: Reconfigured?

CHRIS KEMPF: Yes, thank you. My brother and I, when my parents pass, will take over the whole entire 53 acres. It will be split. So, instead of trying to reconfigure our 1-acre lot right now we're just asking for the variance to put the barn up on their property and then we will reconfigure the property later in the future. It will be split between my brother and I.

KATHY SCHUTH. Thank you. So the intent would be, and I am looking at your map which shows a future redivision is that you would own, that that barn would then sit kind of squarely in the middle of the property that you would use.

CHRIS KEMPF: Yes.

KATHY SCHUTH: Any additional questions Board or Staff?

ROBERT HAWLEY: Did you say 52 acres was there?

CHRIS KEMPF: Fifty-Three. My brother owns an acre. I own an acre and then they own 51.

ROBERT HAWLEY: Thank you.

KATHY SCHUTH: Oh I see, so you already own the house, the parcel with the house that the barn would be on.

CHRIS KEMPF: Yes.

KATHY SCHUTH: That makes sense.

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.

MS. SCHUTH: Any additional discussion or questions? Or do I have a motion?

After due consideration the following action was taken:

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, a petition by Peter L and Lois J Holmgren seeking the following variances: 1) from required 30' side yard setback to 5' was approved as presented, and will issue written Findings of Facts.

- 7. The petition of MADISON STREET DEVELOPMENT LLC seeking the following variance(s): 1) from the required landscaping of required perimeter yards on east side of property to none; 2) from the required 15' minimum parking setback to 6' along Madison Street; and 3) from the required interior off-street parking area landscaping to alternate islands at the exterior corners of the lot, property located at 402 MADISON ST, Portage Township. Zoned CBD Central Business District.**

KATHY SCHUTH: We have a request to table this petition until the next meeting.

After due consideration the following action was taken:

Upon a motion by Jack Young, being seconded by Robert Hawley and unanimously carried, a petition by MADISON STREET DEVELOPMENT LLC seeking the following variance(s): 1) from the required landscaping of required perimeter yards on east side of property to none; 2) from the required 15' minimum parking setback to 6' along Madison Street; and 3) from the required interior off-street parking area landscaping to alternate islands at the exterior corners of the lot, property located at 402 MADISON ST, Portage Township. Zoned CBD Central Business District, was tabled to the March 14, 2018 ABZA meeting.

- 8. The petition of University of Notre Dame seeking the following variance(s): 1) from the required 25' front yard setback to a 15' front yard setback, property located at 745 N ST PETER STREET, Portage Township. Zoned SF2 Single Family & Two-Family District.**

KATHY SCHUTH: We have a request to withdraw this petition.

After due consideration the following action was taken:

Upon a motion by John Leszcynski, being seconded by Robert Hawley and unanimously carried, a petition by University of Notre Dame seeking the following variances: 1) from the required 25' front yard setback to a 15' front yard setback was withdrawn.

9. The petition of Charles B. & Marian M. Miller seeking the following variance(s): 1) from the maximum allowed 6' fence height to 8'-9" for a solid fence, property located at 1223 HONAN DRIVE, Portage Township. Zoned SF2 Single Family & Two-Family District.

FRED CARLSON: Good afternoon. My name is Fred Carlson. I am with Abonmarche Consultants located at 715 Lincolnway East here in South Bend. I am here to represent Charles and Marian Miller for this variance for height of a fence around their current, existing pool. This variance is being requested due to the existing ground being lower than the existing pool. Our client would like to maintain the same level of height of the fence surrounding that pool. They have safety concerns for small children so they wouldn't be able to climb over it and be injured. I would be happy to answer any questions that you might have at this time. Thank you.

KATHY SCHUTH: The portion of the fence that is higher, is that the portion that we see right here closest to the street?

FRED CARLSON: That is their existing fence. They are going to be constructing a new fence.

KATHY SCHUTH: I see.

FRED CARLSON: I believe up closer to the house. It is 6' and all they are trying to do is the ground slopes away is maintain the same level.

KATHY SCHUTH: They want the top to be level?

FRED CARLSON: Yes, ma'am. That is correct.

ANGELA SMITH: I have a question. You indicated the fence is going to move closer to the property line? Or just closer to the front of the house?

FRED CARLSON: It is going to be back behind the house.

ANGELA SMITH: Oh, back further from the house.

FRED CARLSON: Yes, and it is wooded to the north and west in the back so it is not visible to any of the neighbors and even if it was it would be more pleasing than the existing fence.

KATHY SCHUTH: Any additional questions of comments Board or Staff?

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 due consideration the following action was taken:

Upon a motion by Randall Matthys, being seconded by Robert Hawley and unanimously carried, a petition by Charles B. & Marian M. Miller seeking the following variances: 1) from the maximum

allowed 6' fence height to 8'-9" for a solid fence was approved as presented, and will issue written Findings of Facts.

- 10. The petition of 1st Source Leasing Inc seeking a Special use to allow a Coffee Shop with Drive Through/up Window, and seeking the following variance(s): 1) from the required minimum 30' front setback to 0' on the north and 16' on the west; 2) from the required minimum 15' front parking setback to 0'; 3) from the required minimum 20' side residential bufferyard to 10'; 4) from the required Type B Residential Bufferyard Landscaping on the south to none; 5) from the required foundation landscaping on the north to none; and 6) from the required off-street parking area screening to none, property located at 2602 MISHAWAKA, Portage Township. Zoned LB Local Business District.**

RYAN SMITH: My name is Ryan Smith. I am from Caskie Capital Management located at 325 Enterprise Drive Breckenridge, MI 48615. I am the proposed future owner of the subject property.

KATHY SCHUTH: Thank you. Can you walk us through your petition?

RYAN SMITH: Yes. I am petitioning for all the items as read. No changes to what was mentioned. I've bought a diagram there for you to look at and giving you drawings that are color coded for the variances that I am requesting. Nothing's changed from the drawing that is presented on the screens to the ones that you have in your hand other than I added color to them so you can easily see them. I would also like to add that the proposed request will not be injurious to the public health, safety, comfort, community, moral standards or the general welfare. I would also like to add that the proposed variances will not injure or adversely affect the use of the adjacent property values. I would also like to add that it is consistent with the character in the district which it is located and lastly, I'd like to add that it is compatible with the recommendation of the City of South Bend's comprehensive plan. Mainly it is a former site of a bank. We would like to have a Biggby Coffee come in and operate at that location. We would like to use the existing drive thru that is there as a drive thru for the coffee shop so that is the reason for the exception permit. Then obviously the building, as it stands now, does not fit the local ordinances for setbacks and so it would be extremely difficult to use that building as it stands not with the ordinances the way they are so we are asking for the variances.

KATHY SCHUTH: Thank you. There is one item I am puzzling over that I am not sure about. Is the requirement for the 5' setback on the east?

ANGELA SMITH: Again, the Agenda had been corrected from the required 30' front setback to 0' on the north and 16' on the west. One of the things we have had the opportunity to do in our new process is catch these things before they are advertised. They have been changed from the application but it was properly advertised to 16' on the west. It's the front and the west that they needed.

RYAN SMITH: I believe it is where the trees are.

ANGELA SMITH: Yeah. So right here. Along 26th Street.

KATHY SCHUTH: Which way is north? Make sure I am looking at this correctly.

ANGELA SMITH: North is up.

KATHY SCHUTH: North is up? Okay.

ANGELA SMITH: So you have the setback to 0' along Mishawaka Avenue and then the setback to 16' on the west. They don't need a setback on the east.

KATHY SCHUTH: But they are requesting one?

ANGELA SMITH: No. In the Agenda it says for 0' on the north and 16' on the west.

KATHY SCHUTH: Do you have an updated Agenda?

JOHN LESZCZYNSKI: It is just using the same exact that is there now, right? Nothing is changing.

ANGELA SMITH: Right.

KATHY SCHUTH: I see.

ANGELA SMITH: The bank (financial institutions) is a permitted use in LB. It had a drive thru facility. Unfortunately we need to switch to a coffee shop, classified under restaurant even though it is not a restaurant, it is just a coffee shop. But to have a drive thru in LB requires a special exception. When you apply for a special exception, you have to bring everything up to standards. All the variances requested are to keep the existing conditions as they are. Something in the ordinance that we are looking to correct.

ROBERT HAWLEY: I think you used the word future. Has this property been purchased or is it subject to?

RYAN SMITH: I have the purchase agreement contingent on approval from this Commission and then the subsequent second approval in two weeks at the next hearing.

ROBERT HAWLEY: Good. Okay. Thank you, that clarifies it.

RYAN SMITH: Yes, sir.

KATHY SCHUTH: Any additional questions Board or Staff?

IN FAVOR

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

REMONSTRANCE

TOMMY MARSHALL: Hello there my name is Tommy Marshall and I live at 927 S. 27th Street just across the alley and a little bit to the south of this area. What I am seeing right now is the heavy traffic. Myself, I clear out all the neighbors snow blowing and everything all the way down behind 27th Street and between 26th. We go out Mishawaka Avenue way there and you have to have the car pulled out all the way past the sidewalk in order to see because there is a building right next, right to the east of that on Mishawaka Avenue and the building comes all the way to the pavement, all the way to the sidewalk. Now I see this little drive I see so much more traffic coming into this area and problem being is right up the street there on the opposite side of the alley is where the Child Care Center will be which is in the next petition. So I don't know if there is going to be little kids out there messing around or what, you know. I have no idea what they plan on doing to that property yet either until that is the next one coming up. So I just feel uncomfortable about the traffic in that area. Right now, that whole parking lot is full of snow and it is really hard to get out onto Mishawaka Avenue even during the dry, summer months. Thank you very much.

KATHY SCHUTH: Thank you. Would you like to respond?

RYAN SMITH: Yes. The only thing I can say to the gentlemen's comments were that the drive-thru is there existing and we're not requesting to change anything or make any modifications to it. So it seems to be working as it is now. We would just like to continue the way it is.

JACK YOUNG: Your keeping the drive-thru that is there now?

RYAN SMITH: Yes, we will need to alter it slightly during our remodeling to be able to hand coffee and things out of it. But yes, the same window cut out that is in the building will be reused.

JACK YOUNG: You're not going to use the little drawer anymore though?

RYAN SMITH: No. I don't think that is good for coffee.

JACK YOUNG: Small cups only.

After due consideration the following action was taken:

Upon a motion by Jack Young, being seconded by Robert Hawley and unanimously carried, a petition by 1st Source Leasing Inc seeking the following variances: 1) from the required minimum 30' front setback to 0' on the north and 16' on the west; 2) from the required minimum 15' front parking setback to 0'; 3) from the required minimum 20' side Residential Bufferyard to 10'; 4) from the required Type B Residential Bufferyard Landscaping on the south to none; 5) from the required foundation landscaping on the north to none; and 6) from the required off-street parking area screening to none was approved as presented, and will issue written Findings of Facts.

Upon a motion by Jack Young, being seconded by John Leszczynski and unanimously carried, a petition by 1st Source Leasing Inc seeking a Special Use for a Coffee Shop with Drive Through/up Window for property located at 2602 MISHAWAKA, City of South Bend, was sent to the Council with a favorable recommendation.

- 11. The petition of Rite of Passage seeking a Special Exception Use to allow a Child Caring Institution, and seeking the following variance(s): 1) from required minimum 14 off-street parking spaces to 12; 2) from required 15' side residential bufferyard building setback to 4'; 3) from required 15' rear and side parking setback to 0' on west side and south side; 4) from maximum gross floor area of 5,000 sq. ft. to 9,550 sq. ft.; 5) from required landscaping of required perimeter yards to none; 6) from required off-street parking area screening to none; 7) from required 25' front building setback to 20' and 8) from required minimum 24' vehicle maneuvering aisle to 0' along the alley, property located at 915 27TH, Portage Township. Zoned OB Office Buffer District.**

BILL BRUINSMA: Good afternoon. My name is Bill Bruinsma, Executive Director of Rite of Passage, 3116 Weist Lane, South Bend, Indiana 46614. We're requesting these variances as read, given that the property was a nursing home for a long time and it has been sitting vacant for a couple of years, and in order to put in a Child Care Institution. It is going to be a step down group home independent living for young men who have completed their residential treatment. They are stepping back into the community and have nowhere else to go, no family, things like that. We see the variances here. Do you want me to go into detail on them?

KATHY SCHUTH: If you think there is anything. My understanding and just to clarify is that the variances are similar to the last petition we heard. This is an existing building with existing nonconforming conditions that now that we are seeking a special use change we need to bring the entire thing up to compliance. Is that correct?

BILL BRUINSMA: That is correct.

KATHY SCHUTH: None of these are actual new construction changes.

BILL BRUINSMA: No.

KATHY SCHUTH: This would be utilizing the existing building, the existing site for new use.

BILL BRUINSMA: Right, correct.

KATHY SCHUTH: I'd like to hear a little more about the use. I see from your program description you have...

BILL BRUINSMA: So I gave a program description out. The intent of it is we work with the Department of Child Services. We receive children into residential treatment programs, one of which is in South Bend. It is the DePaul Academy. 60% of our young men there have no families or anyone to go back to. In order to help them get back into the community and get them on their feet, my hope is to try to get them through high school, the first two years of college and then launch them out like we would our children. Our company has a

scholarship foundation that once you get a high school diploma, we like to scholarship them through the first two years of college. The young men living here, there will be 12 there. The staff ratio will 4 to 1. I will have an office there myself. The idea is to give them a normal experience as possible. Some will be going to the area high schools to get their high school diploma. Others will be going to, hopefully, IUSB. They all will have to have part time jobs and be working in the community. Also, in our program the expectations are that all the young men have to give back to the neighborhood and the community in which they live in. So we will hopefully be participating with the neighborhood in doing community service in terms of cleaning up parks, streets, things like that.

KATHY SCHUTH: That sounds excellent. Is it a shared common space? Cooking area or like cafeteria style?

BILL BRUINSMA: Yes, the nursing home had a nice kitchen in there. There is a nice dining room. My hope is that I am going to get a table big enough for about 20 people to sit around like a family and we will have a cook and a janitor. The boys will take turns helping to cook the meals, just like a normal home experience, as close as you can get it.

ROBERT HAWLEY: What's the path for them to be involved in this? You said they must be in the age area of 14-21. How did they get there to begin with?

BILL BRUINSMA: When you are sent by the State to residential treatment, you either go through the Department of Child Services, which is you were abandoned, neglected or abused by your family and you need treatment, or you were placed by the Courts and you had similar issues, the juvenile court and they want to help you in terms of your rehabilitation. So these children would be a step down from those kinds of programs. The young men that would have to go here or would want to go there are young men that don't have another place to go. Otherwise, they would be homeless on the street or something like that. That is what we want to provide is a homelike environment to launch them out. We won't accept any young man that doesn't want to be there. Even if they are there for a while and don't want to be there, we just call up their case worker and say okay, they don't want to be here anymore.

ROBERT HAWLEY: Thank you.

BILL BRUINSMA: The idea is to provide a normal experience and launch them into society.

KATHY SCHUTH: If I were a direct neighbor of this property and having it switched from a nursing home to, I guess, I forget it has an official name here...

BILL BRUINSMA: Woodford Home.

KATHY SCHUTH: Yeah, to Woodford Home. I would be concerned about noise, probably about teenagers lounging in the parking lot maybe. I'd like to hear your response to what might be some initial neighbor concerns.

BILL BRUINSMA: Sure. One of the things is I had boys myself. Of course, they are going to have to abide by all the house rules. They are going to be participating in high school. They will be in high school sports, whatever high school or college level. There are rules to the home. We mandate a certain amount of health requirements. Down the block there is a nice track there, so we require a certain amount of physical activity every day. We usually do a couple miles of running every day, things like that. I think the big thing will be is that with our programs, we run lots of them across the United States, is that we like to be contributors to the community. This weekend we were out shoveling in front of the home. The neighbor next door needed help getting their car out. We want to be able to be helpful with that. I would like to, maybe eventually, put in a basketball hoop in the back if that is possible. If that is too much noise, we wouldn't do it. There are plenty of parks around and we are probably going to get some passes for the Y, for the boys, for them to play basketball and do other sports. Things like that, recreational things.

ROBERT HAWLEY: Can they have a car?

BILL BRUINSMA: No, they won't have cars but we are along the transportation line there. What you will see

probably is that we will probably buy bikes so that they can get back and forth to school. They will have to lock them up in the back when they come home. I don't know what else I can say about it.

ROBERT HAWLEY: That is good.

BILL BRUINSMA: I would think if I was the neighbor, a nursing home they don't have people in and out as much except for visitors. The visitors coming here would be either case workers visiting their students or if they did have distant relatives coming to see them on the weekend or have a meal with them and staff of course, myself included being there.

RANDY MATTHYS: Is there currently a home? Are you located currently at another location or will this be all new?

BILL BRUINSMA: No, we just have an Academy in the area. I have an Academy down in Cincinnati that has South Bend boys there. I am hoping to bring them back to where they grew up.

ROBERT HAWLEY: Good for you.

BILL BRUINSMA: We hope to be a benefit to the community. I know we do have some homelessness in terms of teenagers in this area. That is part of the reason why we just don't want to get them back to a bad place afterwards.

KATHY SCHUTH: Thank you. Any additional questions Board or Staff?

IN FAVOR

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

REMONSTRANCE

GWEN STINES: My name is Gwen Stines and I live at 51305 Oak Lined Dr. in Granger and I am here speaking on behalf of my sister in-law who will be 93 in June and has lived at 930 27th Street for 61 years. We are worried about safety for the residents there. I'd like to know what kinds of crimes put these boys in this home. I would like to know what type of security you are going to provide for the neighborhood and whether these boys will have a time when they have to in in the evening or whether they are going to be wandering the neighborhood at 11:00 at night. I also want to bring to the forefront the issue of property values. I think that in the future it is going to be extremely difficult to sell properties in River Park. You have had two petitions here today. One was for a coffee shop that is going to use the alley that runs directly alongside this home. That is a safety issue for the boys from the home. It is also a safety issue for the neighbors. You probably have never been down 27th Street but there is not a lot of room there to turn into the alleys or turn out of the alleys. In addition to that, please City of South Bend, often those alleys are not plowed in the winter time. That's an issue. I am wondering how many people, there are many elderly people in that neighborhood all the way from 24th Street clear down to 36th Street. How many people are going to feel safe with children who are not supervised. You're not going to send a worker out with that child to make sure what they do. How many garages are going to be broken into? How many people are going to feel very unsafe with this. They are going to be going to the South Bend Schools, I wonder if they have been notified that they are going to be receiving students who are living in a home. I want to know what kind of security you are going to provide for the neighborhood. How many staff are going to be there overnight to make sure that nobody sneaks out at 3:00 in the morning to break into someone's garage? I wonder how many of you would like to live across the street from people who may or may not be safe. Honestly, I am thinking that for these people, for my sister in-law who has lived in that house, kept it up, and paid taxes for 61 years. I wonder how fair this is to the tax payer. A whole neighborhood is going to be ruined. It is like a flood. When one street is ruined, it moves to the next street. Property values go down, houses become rentals. As the one girl who talked up here today, rental houses are often not desirable in neighborhoods. I am asking you to think about the elderly. Think about the women in this neighborhood who are raising children alone. Little children alone in yards. Walking to school alone. Do we want adjudicated youth to be on the same streets unsupervised? They are not going to send

somebody out with every boy. I have great sympathy. I have worked with kids all my life. I have great sympathy for kids that are in that situation. I worked at Madison Center. I worked in South Bend Schools and I know exactly the youth he is talking about, but they should be in the country someplace where they are not next to people who are just trying to live in that neighborhood and to make it and people who have lived there for 61 years and enjoyed their neighborhood. So I am going to ask that you seriously consider this, that you look into the other homes that are being maintained, see what's happened to those neighborhoods, see how many crimes may have been committed in that neighborhood. But I am asking for my sister-in-law whom I have loved since I was five years old when she married my brother. We do not want her hurt in any way. There are many other people in that neighborhood who are as elderly as she and who are as incapacitated. So I ask your very careful consideration for safety for people. Thank you for hearing me.

TOMMY MARSHALL: Again, my name is Tommy Marshall and I live at 927 S. 27th Street, two properties just to the south of the nursing home there, well, the prior nursing home. I can't see this with the traffic and these kids coming in here. That was a fine gesture the gentlemen told us about his guys came out and helped dig out the next-door neighbor there. That was over there. They stood around for about 10 minutes and they were gone. I never saw them again. That is the first time I ever saw them. I don't know if that was a good gesture or just a put on. I've lived at my house now since 1978 and I take care of all the elder neighbors on both sides of the street over there with my snow blower which takes me up to 3 hours, both of the alley ways, their garage paths and the front streets and sidewalks. So I've been there for a lot of years. I've been there before it was a, well even when it was a nursing home. When you heard a bell go off you go running out your door and you try to escort one of the older people back to the nursing home, which happened on a regular basis over there. Now to see these younger kids in this area I just don't feel comfortable. Right now, within the block just to the south of that building, we have 5 families with kids under six years old. All new families and I don't know if that would be a very good thing there with that. The gas station across the street from the building, three weeks ago, was robbed by gun point twice. We already have got our problems starting to come in from all over the area there and I don't want to see more of that happen. Your coffee shop, that bank was broken into so many times, that's why they gave up the bank. That's why it is going to be a coffee shop. I don't want to see this happen two houses away from my property. Thank you, guys, very much.

AUDIENCE MEMBER: May I add one more thing?

KATHY SCHUTH: Please come up to the microphone and you may. Please restate your name and address.

GWEN STINES: My name is Gwen Stines and I live at 51305 Oak Lined Dr. in Granger. This property is within a block and half of Nuner school and there are many children from all the different streets that are walking to school. If there is anyone there who has ever committed a sex crime and there may well be. I am not saying that there is but there could be. That isn't fair to those property owners and those parents. It is an interesting situation, isn't it?

JIM KINCAID: Jim Kincaid 3641 Saint Charles Place, St. Joseph, Michigan. I moved into the neighborhood in 1958. That is my mom sitting over there. I watched that building being built when I was a child. Like Tommy said I remember many, many times watching the elderly dash out that side door there on the side and the nurses running after them. A fourteen to twenty-one-year-old who would leave there may not be caught. We don't know what anybody's history is that has been moving in there. There are no facilities like that in River Park past the avenue, most of it is Residential. It's still an affordable area to live for just your average family. I grew up there until after I was in college. I was just wondering if it was your mom that lived across the street, would you want that facility to be going in there and letting fourteen to twenty-one-year-old boys living there. They are almost men.

REBUTTAL:

BILL BRUINSMA: I'm respectful of their thoughts and I understand what they are talking about. In regard to the young men that would go there, they've been through some residential treatment already. The young men that we would have go there are kids that are going to be graduates of the programs. They would have to be allowed to go there by the courts and they would have to have done their treatment and things like that. Usually at that point in time those young men are pretty respectful with what is going on. I would hope that we would be of value to your mom in terms of being a help in the neighborhood. They are going to be supervised. It is

going to be a four to one ratio. In terms of licensing, I can't even have one boy in there with one staff. I would have to have two staff with one boy in there. The way it's regulated in terms of a group home is every student will have to give a plan of the week to the staff so we know when they plan to be at school or when they are planning to be at work. I will have hired a therapist for them there because of transitional issues and counseling. There will be a case manager so we will be checking in on them at school and work to see how they are doing and get reports. It is truly a step down. I don't have an answer about what the backgrounds of all the young men are because a lot of that is confidential but they have been through the court system. A lot of them have not had crimes. Some of them, their only crime is they have been abused and neglected. There are some who have done bad things and run in foul of the law and they are trying to change their ways. I would want to work as much as we can before we would open. We will do an open house and, we would invite the neighbors to be part of what the activities are in the home. I have some people that have volunteered that they would want to come in and teach some of the boys some vocational skills and things like that like you would do for your kids. She was asking would I put this next to my house. Given that I have worked in this field since 1978, yes, I would be comfortable doing that. I am not taking any boys that are just coming right out of detention into this. We have taken in boys that we have worked with for, on average, between nine to fifteen months so we will know these young men. Rite of Passage has a pretty good history in terms of serving this type of population. I don't know what else I can offer to that.

KATHY SCHUTH: One of the questions that was raised is how much staff you would have overnight or are there other security things in place. I think I'd be curious, will the boys be required to be indoors from a certain required hour?

BILL BRUINSMA: Yes. They have to present the plan of the week. That means like if Johnny has school during the week he has to go to school and he has a part time job. So he has to give us the plan on what his plan is for the week. A lot of times our staff will have to transport them to the part time job, say if it is in Mishawaka by Grape Road or wherever it is, we will have to get them there. The staffing ratio is one to four. Which you can't have just one student there. You always have to have two staff with one student because of the licensing regulations. That is a constant and it will be operated so we know who comes in and out of the house. Our staff will also have a sleepover staff. We will have a wake staff all the time and we will have sleepover staff during the night time.

ROBERT HAWLEY: Do you have a security system at the facility and if so do they have keys that they can get in and out or a code? How does that work?

BILL BRUINSMA: Yes, so there is going to be a security system. We just brought the property, but the nursing home had a security system in it. It has a camera system that will be installed. You have to have the push bar for the alarm to go off just like the nursing home had if anyone was walking out the side doors. It's not a lock down facility. It's not a detention. It's not a residential treatment center. It's basically a child care institution that will function as a group home.

RANDY MATTHYS: Is there a curfew?

BILL BRUINSMA: Yes, there will be a curfew. We expect the boys if they are working in the evening that after work they will be back home. Our hope is that most of the days of the week we are eating dinner as a family.

RANDY MATTHYS: How is all this funded?

BILL BRUINSMA: Funded? Through all kinds of various sources. Mostly Four E funds, the State. The State draws money down from Four E and that is how it is funded. Medicaid in terms of the clinical things that have to happen. Medical, nursing, counseling that kind of thing.

ROBERT HAWLEY: Does each resident there have their own room? Or are there more than one in a room?

BILL BRUINSMA: There is three to a room. The rooms are large enough in most of the rooms to have single beds. In a couple of them there will be bunk beds. I think two rooms will have bunk beds.

ROBERT HAWLEY: You actually have purchased the facility?

BILL BRUINSMA: It is purchased. I don't know if I have answered all your questions.

ROBERT HAWLEY: How long was the nursing home there? Do you know what the history is on that?

BILL BRUINSMA: A long time from what I understand. I know it has been vacant for a couple of years.

ROBERT HAWLEY: 1968? But it has been vacant for quite a while.

BILL BRUINSMA: For a couple of years, I believe. That is why we have to have the variances. It is kind of considered like new construction. We are going to have to put in ADA bathrooms and different things like that inside there.

KATHY SCHUTH: So we have in front of us a request for the special exception use to allow the child caring institution in the seeking of eight variances on the property all of which would bring existing conditions into conformance. Any questions about the variances? I don't think we had any discussion about those. I don't think there are any concerns. It doesn't look like there is any additional discussion on that that you guys desire. Do I have, does anyone want to propose a motion on the special use?

After due consideration the following action was taken:

Upon a motion by John Leszczynski, being seconded by Jack Young and carried, a petition by Rite of Passage seeking a Special Use for a Child Caring Institution for property located at 915 27TH, City of South Bend, was sent to the Council with a favorable recommendation.

Upon a motion by John Leszczynski, being seconded by Randall Matthys and unanimously carried, a petition by Rite of Passage seeking the following variances: 1) from required minimum 14 off-street parking spaces to 12; 2) from required 15' side residential bufferyard building setback to 4'; 3) from required 15' rear and side parking setback to 0' on west side and south side; 4) from maximum gross floor area of 5,000 sq. ft. to 9,550 sq. ft.; 5) from required landscaping of required perimeter yards to none; 6) from required off-street parking area screening to none; 7) from required 25' front building setback to 20' and 8) from required minimum 24' vehicle maneuvering aisle to 0' along the alley was approved as presented, and will issue written Findings of Facts.

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

A. Findings of Fact for January 3, 2018

JOHN LESZCZYNSKI: I have got one point. Number two, the Rusk Builders. I somehow didn't vote. I know I did, I was here.

ROBERT HAWLEY: Yeah, your right. You did.

ANGELA SMITH: We will indicate that you voted. We will make that correction.

JOHN LESZCZYNSKI: Yeah, that's fine. All the rest are okay.

Upon a motion by Robert Hawley being seconded by John Leszczynski and unanimously approved the Findings of Fact of January 3, 2018 as amended.

ALL: Ay.

2. Minutes

Approval of the minutes from the January 3, 2018 meeting of the Area Board of Zoning Appeals.

After due consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Robert Hawley and unanimously carried, the minutes from the January 3, 2018 meeting of the Area Board of Zoning Appeals were approved.

OTHER BUSINESS

KATHY SCHUTH: Is there any other business with staff?

ANGELA SMITH: I will just give you a quick update. The transition seems to be going pretty well. We are working out some things with everything but we are learning our processes with the new procedure to have the Staff handle the advertising and the notifications, we were able to catch three incorrect variances, two of which were on the old Agenda that you got, that we caught as we were reviewing them prior to legal advertisement. That allowed us to keep the petitions on track without having to table them for readvertisement or anything, or playing that phone catch up to tell them to go down there and pay again to readvertise. We have been following that process. We have another filing tomorrow and we already have some petitions in. We are moving along. Please feel free to communicate with us as we go on if there are things that are working or don't work for you. We found out today that without drop box, you guys are unable to see pictures ahead of time. We are going to work on a share site and you'll be able to see pictures ahead of time or email you guys the presentation ahead of time so you can see it that way as well and work on something like that where you can see pictures.

KATHY SCHUTH: I just want to check in. That is how I would usually look at that information. Would you only look at the printed materials or would you also look at the files online, the pictures and things like that?

JOHN LESZCZYNSKI: I prefer email. I don't even need the paper. I bring it up on my phone and go through it all.

ROBERT HAWLEY: My flip phone won't bring it up.

ANGELA SMITH: We did modify the applications slightly to have the contact information on a separate page. So one of the things we are considering is actually putting the entire petition online minus the contact information. We weren't comfortable putting that individuals contact information online. We just haven't quite gotten to that point yet. But once we do that you guys will also be able to view all the petitions on there. We'll still be emailing them to you with the full information.

ROBERT HAWLEY: Perfect.

KATHY SCHUTH: The main image I was missing that could maybe be added would be the aerial. Is that an aerial map of the property?

ANGELA SMITH: We run those frequently so we can have those in your packets in the future.

KATHY SCHUTH: That would be helpful to me. Like even when we were looking at the outlot situations, we just saw the one-acre parcel without being able to see the contacts.

ANGELA SMITH: Okay, that's an easy change.

JOHN LESZCZYNSKI: The only other thing I had is, I liked when we were rotating who was first to vote. This time Mr. Young got stuck with being the first one and sometimes when they are controversial issues or something. It is nice to rotate.

KATHY SCHUTH: Oh, I see. Yeah.

ROBERT HAWLEY: I would agree with that.

JOHN LESZCZYNSKI: We rotate them back and forth.

KATHY SCHUTH: You're not always the first one to have to pipe up.

JOHN LESZCZYNSKI: Right.

KATHY SCHUTH: I see what you mean.

ANGELA SMITH: We can work on that as well.

ROBERT HAWLEY: Good point, John.

JOHN LESZCZYNSKI: That's the way it used to be.

RANDY MATTHYS: I agree, that worked well.

ANGELA SMITH: The way it was set up before had to do with who made the motion, the way Carolyn did it.

CAROLYN HENRY: I did it by the Roberts Rules.

ANGELA SMITH: So the Chair is always last to vote. Whoever made the motion second to last to vote, whoever seconded the motion is third to last to vote and then you go around. That is how it always got shuffled.

KATHY SCHUTH: How did she do that?

ANGELA SMITH: I don't know how she did that.

ROBERT HAWLEY: It's called job security.

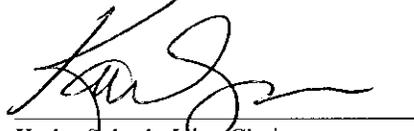
ANGELA SMITH: We will work on that but in the meantime please be patient.

The meeting was adjourned at 2:56 p.m.

ATTESTED:


Lawrence P. Magliozzi,
Secretary to the Board

RESPECTFULLY SUBMITTED:


Kathy Schuth, Vice Chairman