

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

MINUTES

Wednesday, June 13, 2018
1:30 p.m.

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

MEMBERS PRESENT:

Robert Hawley
Michael Urbanski
Jack Young
Brendan Crumlish

MEMBERS ABSENT:

Randy Matthys
Kathy Schuth
John Leszczynski

ALSO PRESENT:

Angela Smith
Jennifer Henthorn

PUBLIC HEARINGS:

- 1 The petition of FCPT HOLDINGS LLC seeking the following variance(s): 1) to allow a trash enclosure between the front façade of the building and the front lot line, property located at 4207 S MICHIGAN ST, Centre Township. Zoned CB Community Business District (South Bend). (Petition not read due to recording difficulties).**

PETITIONER

JENNY C. BURBIDGE of CEI with offices located at 3108 SW Regency Parkway Suite 2, Bentonville, AR 72712 presented 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 Jack Young, being seconded by Robert Hawley and unanimously carried, a petition by FCPT HOLDINGS LLC seeking the following variances: 1) to allow a trash enclosure between the front façade of the building and the front lot line was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

- 2 The petition of MICHAEL W AND PATRICIA L BETTCHER seeking the following variance(s): 1) from the minimum 20-acre lot area to 6, property located at 23481 TYLER RD, Union Township. Zoned A: Agricultural District (County).** (Petition not read due to recording difficulties. Petitioner speaks at Audio Position 0:02)

PETITIONER

MICHAEL ROZYCKI of Abonmarche Consultants with offices located at 750 Lincolnway East, South Bend, IN presented on behalf of the petitioner.

MIKE BETTCHER of 23481 Tyler Road, Lakeville, IN presented 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 Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by MICHAEL W AND PATRICIA L BETTCHER seeking the following variances: 1) from the minimum 20-acre lot area to 6 was approved as presented, SUBJECT TO: combining the balance of the property on a recorded deed, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

- 3 The petition of AARON M AND CAROLINA WARKENTIN seeking the following variance(s): 1) from the maximum allowed 2,584 sq. ft. for an accessory structure to 4,116 sq. ft. and 2) from the maximum allowed height of 19' for an accessory structure to 25.5', property located at 23335 ADAMS RD, German Township. Zoned R: Single Family District (County). (Audio Position 14:47)**

ANGELA SMITH: I'll just quickly note for the record that this is the tabled petition from last month, however, we have re-advertised it with the correct variances.

PETITIONER

AARON WARKENTIN of 23335 Adams Road, South Bend, IN presented 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 Michael Urbanski, being seconded by Jack Young and unanimously carried, a petition by AARON M AND CAROLINA WARKENTIN seeking the following variances: 1) from the maximum allowed 2,584 sq. ft. for an accessory structure to 4,116 sq. ft. and 2) from the maximum allowed height of 19' for an accessory structure to 25.5' was tabled.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

- 4 The petition of MIGUEL A. BECERRIL seeking the following variance(s): 1) from the maximum allowed 19' in height and 1 story for a detached accessory structure to 24' and 2-story, property located at 56091 OAK RD, Portage Township. Zoned R: Single Family District (County). (Audio Position 23:08)**

PETITIONER

ROSA MENDOZA of 56091 Oak Road, South Bend, IN presented on behalf of the petitioner.

MIGUEL BECERRIL of 56091 Oak Road, South Bend, IN presented on behalf of the petitioner.

IN FAVOR

There were two people that spoke in favor of the petition. They both live across the street and are not against the petition. They were:

EUGENE WILLIAMS of 23922 Fillmore, South Bend, IN.

ROBERT PAULINSKI of 56076 Oak Road, South Bend, IN.

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 Michael Urbanski, being seconded by Jack Young and unanimously carried, a petition by MIGUEL A. BECERRIL seeking the following variances: 1) from the maximum allowed 19' in height and 1 story for a detached accessory structure to 24' and 2-story was denied as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

- 5 The petition of JASON M AND JENNIFER N NEWGENT and STEVEN & CANDY MEREDITH seeking the following variance(s): 1) from the maximum 1 allowed detached accessory structure to 2, property located at 903 S EDISON AV, Portage Township. Zoned SF2 Single Family & Two-Family District (South Bend).
(Audio Position 42:49)**

PETITIONER

STEVE MEREDITH of 903 S. Edison Avenue, South Bend, IN presented 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 Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by JASON M AND JENNIFER N NEWGENT seeking the following variances: 1) from the maximum 1 allowed detached accessory structure to 2 was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

- 6 The petition of BTW HOLDINGS LLC and Insite RE, Inc. and seeking the following variance(s): 1) to collocate a wireless communication facility on an existing structure that is less than 50' tall, property located at 1820 E SOUTH BEND AV, Clay Township. Zoned GB General Business District (South Bend). (Audio Position 46:09)**

PETITIONER

BRIAN DONLEY of Insite RE Inc. representing BTW Holdings and Verizon Wireless, with offices located at 1s660 Midwest Road, Oakbrook Terrace, IL 60181 presented on behalf of the petitioner.

IN FAVOR

There was one person that had additional comments. He said there is one additional location that has communication equipment installed in it and it is the location adjacent to St. Joseph High School. What will extend above the billboard is only a couple of feet and you won't even know it is there. He was:

TERRY O'BRIEN of Burkhart Advertising, with offices located at 1335 Mishawaka Avenue, South Bend, IN.

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 Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by BTW HOLDINGS LLC seeking the following variances: 1) to collocate a wireless communication facility on an existing structure that is less than 50' tall was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

- 7 The petition of CARDNO INC seeking the following variance(s): 1) from the 40' rear yard setback to 16', property located at 130 SUNSET DR, Lincoln Township. Zoned R: Single Family District (County) and A: Agricultural District (County). (Audio Position 56:38)**

PETITIONER

JOEL FISHER of Cardno Representative with offices located at 128 Sunset Drive, Walkerton, IN presented 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 Michael Urbanski and unanimously carried, a petition by CARDNO INC seeking the following variances: 1) from the 40' rear yard setback to 16' was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

8 The petition of GARY M AND JANET L CHEVILLET W LIFE ESTATE FOR ALICE A SCHUSTER seeking the following variance(s): 1) from the 25' front setback to 16', property located at 1214 E EATON DR, Centre Township. Zoned SF1 Single Family & Two-Family District (South Bend). (Audio Position 1:00:16)

PETITIONER

JANET CHEVILLET of 1214 E. Eaton Drive, South Bend, IN presented 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 Jack Young, being seconded by Robert Hawley and unanimously carried, a petition by GARY M AND JANET L CHEVILLET W LIFE ESTATE FOR ALICE A SCHUSTER seeking the following variances: 1) from the 25' front setback to 16' was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

- 9 The petition of MOLDING PRODUCTS LLC seeking the following variance(s): 1) from the 10' side setback to 0' on the north; 2) from the required landscaping of required perimeter yards to none on the north, west and south and 3) from the required minimum 7 parking spaces to 0, property located at 1545 S OLIVE ST, Portage Township. Zoned GI General Industrial District (South Bend).
(Audio Position 1:03:25)**

PETITIONER

ERIC NAUMANN, of Interplastic Corporation with offices located at 1055 E County Road E, St. Paul, MN representing Molding Products LLC, 1545 S. Olive Street, South Bend, IN presented 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 Jack Young, being seconded by Robert Hawley and unanimously carried, a petition by MOLDING PRODUCTS LLC seeking the following variances: 1) from the 10' side setback to 0' on the north; 2) from the required landscaping of required perimeter yards to none on the north, west and south and 3) from the required minimum 7 parking spaces to 0 was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

10 The petition of GREATER LOWELL HOLDINGS LLC seeking the following variance(s): 1) from the 15' parking setback to 0' on the north and west; 2) from the 24' maneuvering aisle to 12' and 3) from the minimum 22' front façade height to 12', property located at 504 E LASALLE AV, Portage Township. Zoned CBD Central Business District (South Bend). (Audio Position 1:09:16)

PETITIONER

FRANK PERRI of Greater Lowell Holdings LLC with offices at 3617 McKinley Avenue, 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 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 GREATER LOWELL HOLDINGS LLC seeking the following variances: 1) from the 15' parking setback to 0' on the north and west; 2) from the 24' maneuvering aisle to 12' and 3) from the minimum 22' front façade height to 12' was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

11 The petition of MATTHEW R MICHELE seeking the following variance(s): 1) from the 40' rear setback to 36', property located at 54255 FAYE DR, Penn Township. Zoned R: Single Family District (County). (Audio Position 1:13:54)

PETITIONER

KENDRICK MORRIS of Classical Contracting LLC, 808 W. Lowell Avenue, Mishawaka, IN presented 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 Jack Young, being seconded by Robert Hawley and unanimously carried, a petition by MATTHEW R MICHELE seeking the following variances: 1) from the 40' rear setback to 36' was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

12 The petition of JOSEPH T. IAMS seeking the following variance(s): 1) from the 10' rear setback to 1.5' for the dumpster enclosure; 2) from the 30' front residential bufferyard to 16' for parking; 3) from the required 30' front setback to 13' for vacuum machines; 4) from the required 12' bailout lane to 10'; 5) from the required landscaping of required perimeter yards to none; 6) from the required foundation landscaping to none and 7) from the required dumpster enclosure screening to none, property located at 17253 DOUGLAS, Clay Township. Zoned CB: Community Business District (South Bend). (Audio Position 1:16:44)

PETITIONER

BRIAN MCMORROW Senior Project Manager at Abonmarche Consultants with offices located at 750 Lincoln Way East, South Bend, IN presented on behalf of the petitioner.

IN FAVOR

One person spoke in favor.

KULJIT SINGH of 14612 Carrigan Ct., Granger, IN.

One person asked questions about hours of operation, screening, and noise.

DAVID SHOCK of 17346 McErlain Street, South Bend, IN.

REMONSTRANCE

Two people spoke and three letters were received in opposition. Their concerns were: 1) Decreased property values; 2) Additional traffic congestion in the area around Douglas and State Road 23; 3) Increased noise from the car wash, the vacuums and drying machines; 4) Run-off of water, soap and other chemicals could contaminate nearby Juday Creek and nearby designated wetlands; and 5) Buffering.

CAROLYNE WALLACE of 17160 Cherokee Drive, South Bend, IN.

DAVID SHOCK of 17346 McErlain Street, South Bend, IN.

DONNA SURGES TATUM of 17220 McErlain Street, South Bend, IN.

WANDA SHOCK of 17346 McErlain Street, South Bend, IN.

CAROLYNE WALLACE of 1001 Bethel Circle, Mishawaka, IN.

REBUTTAL

BRIAN MCMORROW presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Jack Young and carried, a petition by JOSEPH T. IAMS seeking the following variances: 1) from the 10' rear setback to 1.5' for the dumpster enclosure; 2) from the 30' front residential bufferyard to 16' for parking; 3) from the required 30' front setback to 13' for vacuum machines; 4) from the required 12' bailout lane to 10'; 5) from the required landscaping of required perimeter yards to none; 6) from the required foundation landscaping to none and 7) from the required dumpster enclosure screening to none was tabled.

Brendan Crumlish - No
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - No
Jack Young - Yes

13 The petition of CIVIL CITY OF SOUTH BEND seeking the following variance(s):
1) from the maximum 8' height for a monument sign to 9'5", property located at
209 S CHAPIN ST, Portage Township. Zoned O Office District (South Bend).
(Audio Position 1:46:22)

PETITIONER

MELISSA FRANKIEWICZ of Burkhart Sign Systems with offices located at 1247 Mishawaka Ave, South Bend, presented on behalf of the petitioner.

IN FAVOR

One letter was received in favor of this petition saying the sign is a very good idea and better signage is needed to reflect this asset of a museum to the community.

DON LINDNER, CEO of Avanti Museum & Guest House, LLC located at 900 Thomas Street, South Bend.

REMONSTRANCE

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

REBUTTAL

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by Jack Young and unanimously carried, a petition by CIVIL CITY OF SOUTH BEND seeking the following variances: 1) from the maximum 8' height for a monument sign to 9'5" was tabled.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

**14 The petition of WILLIAM V & THEDA K NIXON REV LIVING TRUST WILLIAM V & THEDA K NIXON TRUSTEES RES LIFE EST seeking the following variance(s):
1) from the minimum lot area of 20 acres to 1.5 acres; 2) from the 35' front yard setback to 16' and 3) from the 30' side yard setback to 17' on the west and 29' on the east, property located at 22005 MADISON RD, Greene Township. Zoned A: Agricultural District (County). (Audio Position 1:56:16)**

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan Street, South Bend, presented 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 Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by WILLIAM V & THEDA K NIXON REV LIVING TRUST seeking the following variances: 1) from the minimum lot area of 20 acres to 1.5 acres; 2) from the 35' front yard setback to 16' and 3) from the 30' side yard setback to 17' on the west and 29' on the east was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

15 The petition of THADDEUS M JONES SR REV TRUST seeking the following variance(s): 1) from the minimum lot area of 20 acres to 2.62 acres and 2) from the 30' side yard setback to 11' along the northwesterly property, property located at 19451 QUINN RD, Union Township. Zoned A: Agricultural District (County) (Audio Position 2:00:29)

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan Street, South Bend, presented 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 Michael Urbanski, being seconded by Jack Young and unanimously carried, a petition by THADDEUS M JONES SR REV TRUST seeking the following variances: 1) from the minimum lot area of 20 acres to 2.62 acres, subject to the remainder either being platted as an outlot on a recorded subdivision or combined with an adjacent parcel on a recorded deed and 2) from the 30' side yard setback to 11' along the northwesterly property was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

16 The petition of LEGACY LAND OPERATIONS LLC seeking the following variance(s): 1) from the minimum lot area of 20 acres to 2 acres for proposed Lots 1 - 4, property located at 52855 BEECH RD, Harris Township. Zoned A: Agricultural District (County) (Audio Position 2:05:44)

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan Street, South Bend, requested to table the petition to next month's meeting.

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 Michael Urbanski, being seconded by Jack Young and unanimously carried, a petition by LEGACY LAND OPERATIONS LLC seeking the following variances: 1) from the minimum lot area of 20 acres to 2 acres for proposed Lots 1 - 4 was tabled.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Absent
Randy Matthys - Absent
Kathy Schuth - Absent
Michael Urbanski - Yes
Jack Young - Yes

17 The petition of GETHSEMANE CHURCH OF GOD seeking a Special Exception Use to allow an off-site parking lot within 500' of an existing church, and seeking the following variance(s): 1) from the 25' front setback to 3' on the south and 6' on the west; 2) from the 20' side yard setback to 3' on the north and east; 3) from the required parking stops to none; 4) from the required 2 interior off-street parking landscape islands to none and 5) from the required landscaping of required perimeter yards to none, property located at 1235 W NAPIER ST, Portage Township. Zoned SF2 Single Family & Two-Family District (South Bend) (Audio Position 2:06:20)

PETITIONER

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

KARL NICHOLS of 1530 College Street, South Bend spoke on behalf of the petitioner.

IN FAVOR

There were two people that spoke in favor of the petition saying it would enhance the beauty of the area, increase property values and help the church assist the community. They were:

KEVIN VETTERLY of 25053 State Road 2, South Bend, IN

DOROTHEA JONES of 1120 North Lawrence, South Bend, IN

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 Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by GETHSEMANE CHURCH OF GOD seeking a Special Use for an off-site parking lot within 500' of an existing church for property located at 1235 W NAPIER ST, City of South Bend, was sent to the Council with a favorable recommendation and will issue written Findings of Fact.

Upon a motion by Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by GETHSEMANE CHURCH OF GOD seeking the following variances: 1) from the 25' front setback to 3' on the south and 6' on the west; 2) from the 20' side yard setback to 3' on the north and east; 3) from the required parking stops to none; 4) from the required 2 interior off-street parking landscape islands to none and 5) from the required landscaping of required perimeter yards to none was approved as presented, and will issue written Findings of Fact.

- Brendan Crumlish - Yes
- Robert Hawley - Yes
- John Leszczynski - Absent
- Randy Matthys - Absent
- Kathy Schuth - Absent
- Michael Urbanski - Yes
- Jack Young - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

(Audio Position 2:27:00)

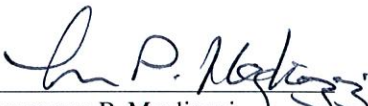
A. Findings of Fact for April 11, 2018 and May 9, 2018
After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski and seconded by Robert Hawley and unanimously carried the Findings of Fact from the April 11, 2018 meeting of the Are Board of Zoning Appeals were APPROVED.

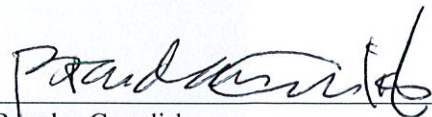
Upon a motion by Michael Urbanski and seconded by Robert Hawley and unanimously carried the Findings of Fact from the May 9, 2018 meeting of the Area Board of Zoning Appeals were APPROVED.

The meeting was adjourned at 4:10 p.m.

ATTESTED:


Lawrence P. Magliozzi,
Secretary of the Board

RESPECTFULLY SUBMITTED:


Brendan Crumlish,
Chairman of the Board