

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

MINUTES

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

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

MEMBERS PRESENT:

Dan Caruso
John O'Brien
Sidney Shafer
Joe Velleman

MEMBERS ABSENT:

Michael Urbanski

ALSO PRESENT:

Ryan D. Fellows
Shawn Klein
Samantha Keultjes
Brandie Ecker

EXECUTIVE SESSION:

Upon a motion by Dan Caruso, being seconded by Sidney Shafer and unanimously carried, the Area Board of Zoning Appeals appointed Joe Velleman as Chairman.

Upon a motion by Dan Caruso, being seconded by Joe Velleman and unanimously carried, the Area Board of Zoning Appeals appointed John O'Brien as Vice Chairman.

PUBLIC HEARINGS:

- 1. The petition of GROWING KIDS SOUTH LLC AN INDIANA LIMITED LIABILITY CO seeking the following variance(s): 1) from the maximum copy area of 32 square feet each for two signs for a school or other institutional use to allow for two signs with a copy area of 64 square feet each, property located at 17850 IRELAND RD, Penn Township. Zoned R: Single Family District (County).** *(Audio Position: 7:00)*

PETITIONER

RANDY WHITEMAN of U.S. Signcrafters, with offices located at 216 Lincolnway E, Osceola, 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 Dan Caruso, being seconded by Sidney Shafer and unanimously carried, a petition by GROWING KIDS SOUTH LLC AN INDIANA LIMITED LIABILITY CO seeking the following variances: 1) from the maximum copy area of 32 square feet each for two signs for a school or other institutional use to allow for two signs with a copy area of 64 square feet each was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Dan Caruso – Yes

Joe Velleman – Yes
John O'Brien - Yes

- 2. The petition of TIMOTHY F AND ADRIENNE M PASSWATER seeking the following variance(s): 1) to allow for an accessory structure on a parcel without road frontage, property located at 51005 LILAC RD, German Township. Zoned R: Single Family District (County).** *(Audio Position: 14:30)*

PETITIONER

TIM PASSWATER residing at 51005 Lilac Rd. South Bend, IN presented 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 Dan Caruso, being seconded by John O'Brien and unanimously carried, a petition by TIMOTHY F AND ADRIENNE M PASSWATER seeking the following variances: 1) to allow for an accessory structure on a parcel without road frontage was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Dan Caruso - Yes

Joe Velleman - Yes
John O'Brien - Yes

- 3. The petition of Melissa Ann Laidig seeking the following variance(s): 1) from the required minimum lot area of 20 acres to 6.2 acres, property located at 68323 Dogwood Road, Madison Township. Zoned A: Agricultural District (County).**

(Audio Position: 21:45)

PETITIONER

TERRY LANG of Lang, Feeney & Associates, Inc. with offices located at 715 S Michigan St., 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 Sidney Shafer, being seconded by Dan Caruso and unanimously carried, a petition by LAIDIG MELISSA ANN seeking the following variances: 1) from the required minimum lot area of 20 acres to 6.2 acres was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Dan Caruso - Yes

Joe Velleman - Yes
John O'Brien - Yes

- 4. The petition of CS VENTURES LLC seeking the following variance(s): 1) from the minimum required side setback abutting a residential use of 50' to 10' , property located at 12951 MCKINLEY HWY and 12951 MCKINLEY HWY, Penn Township. Zoned I: Industrial District (County). *(Audio Position: 24:15)***

Upon a motion by Sidney Shafer, being seconded by Dan Caruso and unanimously carried, a petition by CS VENTURES LLC seeking the following variances: 1) from the minimum required side setback abutting a residential use of 50' to 10' was withdrawn as presented.

- 5. The petition of DOLAN TAYLOR seeking the following variance(s): 1) from the minimum required front setback of 35' to 6', property located at 22005 Madison Rd, Greene Township. Zoned A: Agricultural District (County). *(Audio Position: 25:50)***

PETITIONER

HEIDI DOLAN residing at 63704 Maple Rd., 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 Dan Caruso, being seconded by Sidney Shafer and unanimously carried, a petition by DOLAN TAYLOR seeking the following variances: 1) from the minimum required front setback of 35' to 6' was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Dan Caruso - Yes

Joe Velleman - Yes
John O'Brien - Yes

- 6. The petition of LITTLE FLOWER VENTURES LLC seeking the following variance(s): 1) from the minimum required lot width of 60' to 40' and 2) from the minimum required side setback of 6' to 4', property located at 18325 Bailey Ave and Vacant Parcel to East, Clay Township. Zoned R: Single Family District (County).**

(Audio Position: 36:30)

PETITIONER

MIKE HUBER of Abonmarche, with offices located at 315 W Jefferson Blvd., South Bend, IN presented on behalf of the petitioner.

IN FAVOR

There were five people present to speak in favor of this petition. They were:
JACKIE DIMPEL residing at 54140 Burdette St., South Bend, IN
MIKE HASTINGS residing at 50643 Chestnut Rd., Granger, IN
GAIL WALTON residing at 20818 Whispering Creek Ct., South Bend, IN
LAURA SULLIVAN residing at 54278 Ivy Rd., South Bend, IN
TOM SULLIVAN residing at 54278 Ivy Rd., South Bend, IN

REMONSTRANCE

There were five people present to speak in remonstrance of this petition. They were:
PETER J AGOSTINO, of Anderson Agostino & Keller, P.C., with offices located at 131 S Taylor St., South Bend, IN
MIKE DOBSON, residing at 54165 Willis St., South Bend, IN
THOMAS SINGLETON residing at 54195 Willis St., South Bend, IN

FRANK TURATTA residing at 54220 Burdette St., South Bend, IN
JOHN FUJAWA residing at 18284 Bailey Ave., South Bend, IN

REBUTTAL

MIKE HUBER of Abonmarche, with offices located at 315 W Jefferson Blvd., South Bend, IN presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Dan Caruso, being seconded by Sidney Shafer and carried, a petition by LITTLE FLOWER VENTURES LLC seeking the following variances: 1) from the minimum required lot width of 60' to 40' and 2) from the minimum required side setback of 6' to 4' was tabled as presented.

- 7. The petition of LARRY JR AND TINA KLINE seeking the following variance(s): 1) from the requirement that all lots have frontage on a public street to allow for a private street, property located at 13638 DAY RD, Penn Township. Zoned R: Single Family District (County).** *(Audio Position: 1:28:50)*

PETITIONER

MIKE HUBER of Abonmarche, with offices located at 315 W Jefferson Blvd., 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 were two people present to speak in remonstrance of this petition. They were:
RODNEY STOECKINGER residing at 54969 Currant Rd., Mishawaka, IN
LORI YOUNG residing at 54957 Currant Rd., Mishawaka, IN

REBUTTAL

MIKE HUBER of Abonmarche, with offices located at 315 W Jefferson Blvd., South Bend, IN presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Sidney Shafer, being seconded by Dan Caruso and unanimously carried, a petition by LARRY JR AND TINA KLINE seeking the following variances: 1) from the requirement that all lots have frontage on a public street to allow for a private street was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes Joe Velleman - Yes
Dan Caruso - Yes John O'Brien - Yes

- 8. The petition of YOUN & SUK PARK seeking the following variance(s): 1) from the landscaping shown on the approved site plan to the relocation of two shade trees and elimination of one shade tree, property located at 51340 BITTERSWEET RD, Harris Township. Zoned B: Business District (County).** *(Audio Position: 1:49:00)*

PETITIONER

SUK PARK residing at 51340 Bittersweet Rd., Granger, IN presented 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 Dan Caruso, being seconded by John O'Brien and unanimously carried, a petition by YOUN & SUK PARK seeking the following variances: 1) from the landscaping shown on the approved site plan to the relocation of two shade trees and elimination of one shade tree was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes Joe Velleman - Yes
Dan Caruso - Yes John O'Brien - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

A. Approval of the Findings of Fact from the June 25, 2020 ABZA Meeting

(Audio Position: 1:52:00)

Upon a motion by Sidney Shafer, being seconded by Dan Caruso and unanimously carried, the Findings of Fact from the June 25, 2020 ABZA Meeting were approved.

2. Minutes

A. Approval of the Minutes from the June 25, 2020 ABZA Meeting

(Audio Position: 1:52:25)


Upon a motion by Dan Caruso, being seconded by Sidney Shafer and unanimously carried, the Minutes from the June 25, 2020 ABZA Meeting were approved.

3. Other Business

None at this time.


4. Adjournment at 3:22 p.m.

RESPECTFULLY SUBMITTED,



JOE VELLEMAN,
CHAIRMAN OF THE BOARD

ATTEST:



ABBY WILES,
SECRETARY OF THE BOARD