

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

MINUTES

Wednesday, July 11, 2018
1:30 p.m.

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

MEMBERS PRESENT:

Robert Hawley
Michael Urbanski
John Leszczynski
Jack Young
Brendan Crumlish

MEMBERS ABSENT:

Randy Matthys
Kathy Schuth

ALSO PRESENT:

Angela Smith
Brandie Ecker
Jennifer Henthorn

PUBLIC HEARINGS:

- 1 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 3:47)**

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 John Leszczynski and 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 approved as presented, and will issue written Findings of Fact.

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

- 2 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 13:33)

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 applicants request 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 withdrawn.

- 3 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 14:04)**

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 applicants request 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 to August 8, 2018.

- 4 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 14:15)**

PETITIONER

TERRY LANG of 715 S. Michigan St., South Bend, IN spoke on behalf of the petitioner and asked for the petition to be tabled 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 Robert Hawley 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 as presented and will issue written Findings of Fact.

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

5 The petition of ANGELA M BUTISTE seeking the following variance(s): 1) from the maximum allowed 19' for an accessory building to 23 ft., property located at 24285 GREENBRIER LN, Greene Township. Zoned R: Single Family District (County). (Audio Position 15:05)

PETITIONER

ANGELA WORKMAN (BUTISTE) 24285 Greenbrier Ln, 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 one person to speak in opposition to the petition. His concerns included proximity, impact on wildlife, and general size and location. He was:

ADAM GONZALEZ of 62213 Oak Road, South Bend, IN.

REBUTTAL

ANGELA WORKMAN (BUTISTE) presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by John Leszczynski and unanimously carried, a petition by ANGELA M BUTISTE seeking the following variances: 1) from the maximum allowed 19' for an accessory building to 23 ft. was approved as presented and will issue written Findings of Fact.

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

6 The petition of KEVIN D BERZAI seeking the following variance(s): 1) to allow a detached accessory structure between the front building line and front lot line, property located at 3439 S LOCUST RD, Portage Township. Zoned SF1 Single Family & Two-Family District (South Bend). (Audio Position 21:30)

PETITIONER

KEVIN BERZAI of 3439 Locust Road, South Bend, IN spoke on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

There were two people that spoke in opposition of the petition. Their concerns were proximity to property line, storage of junk on property and crime. They were:

STEVE OVERMYER of 3447 S. Locust Road, South Bend, IN.

JUDITH OVERMYER of 3447 S. Locust Road, South Bend, IN.

REBUTTAL

KEVIN BERZAI presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Michael Urbanski and carried, a petition by KEVIN D BERZAI seeking the following variances: 1) to allow a detached accessory structure between the front building line and front lot line was approved as presented and will issue written Findings of Fact.

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

- 7 The petition of LAKSHMANA LLC seeking the following variance(s): 1) from the required 30' front yard setback to 25 ' to align with existing building and 2) from the required 18 parking spaces to 17, property located at 3811 LINCOLN WAY W, Portage Township. Zoned LB Local Business District (South Bend).
(Audio Position 36:43)**

PETITIONER

PAT BROWN of SiteScapes, Inc. with offices located at 626 Indiana Avenue, Mishawaka, IN spoke on behalf of the petitioner.

VINAY PATEL, the petitioner who resides at 50726 Lakeside Drive, Granger, IN spoke.

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 LAKSHMANA LLC seeking the following variances: 1) from the required 30' front yard setback to 25 ' to align with existing building and 2) from the required 18 parking spaces to 17 was approved as presented and will issue written Findings of Fact.

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

8 The petition of CITY OF SOUTH BEND seeking the following variance(s): 1) from the allowed maximum 12' setback to a maximum of 26' along South St. Louis Blvd and 2) from the minimum 18' façade height to 14', property located at 219 S ST LOUIS BLVD, Portage Township. Zoned MU Mixed Use District (South Bend). (Audio Position 41:58)

BRENDAN CRUMLISH recuses himself from this petition. He is a paid sub consultant on the project.

ANGELA SMITH makes a recommendation to amend the by-laws. When the chairman and vice chairman are unavailable the members present can elect someone to operate as the chairman for that petition.

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by Jack Young and unanimously carried, Brendan Crumlish is recused from this petition.

Upon a motion by Michael Urbanski, being seconded by Jack Young and unanimously carried, Robert Hawley is appointed as acting chairman for this petition.

PETITIONER

PATRICK SHERMAN of the City of South Bend, Venues, Parks, and Arts, with offices located at 1002 High 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 Jack Young, being seconded by John Leszczynski and unanimously carried, a petition by CITY OF SOUTH BEND seeking the following variances: 1) from the allowed maximum 12' setback to a maximum of 26' along South St. Louis Blvd and 2) from the minimum 18' façade height to 14' was approved as presented and will issue written Findings of Fact.

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

9 The petition of LESLIE A HAMBY seeking the following variance(s): 1) from the 35' front setback to 25' for a porch addition and 5' for a detached accessory structure, property located at 52241 FORESTBROOK AV, Clay Township. Zoned R: Single Family District (County). (Audio Position 48:19)

PETITIONER

RAYMOND TAVERNIER of 54868 Belmont Stakes, 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 Michael Urbanski, being seconded by Jack Young and unanimously carried, a petition by LESLIE A HAMBY seeking the following variances: 1) from the 35' front setback to 25' for a porch addition was approved as presented and will issue written Findings of Fact.

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

10 The petition of IRISH RENTALS LLC seeking the following variance(s): 1) from the 4,000 sq. ft. lot minimum area to 3,550 sq. ft. for Parcels A and C; 2) from the 25' minimum front yard setback to 15'; 3) from the 5' minimum side yard setback to 3'; 4) from the 40' minimum lot width to 38.55'; 5) from the 20' minimum rear yard setback to 13' for Parcel D; 6) from the maximum 50% lot coverage to 51% for Parcel D and 7) from the 18' minimum driveway in the NNZO to 13' for Parcel D, property located at 1012 & 1015 N. STANFIELD ST. AND 309 & 319 E. HOWARD ST., Portage Township. Zoned SF2 Single Family & Two-Family District (South Bend). (Audio Position 55:47)

PETITIONER

MIKE DANCH of Danch, Harner & Associates with offices located at 1643 Commerce 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

One letter was received in opposition stating any future builds would be too close to her property. She was:

ANGELIA FORREST, 1017 Stanfield St., South Bend, IN.

REBUTTAL

MIKE DANCH presented the rebuttal.

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 IRISH RENTALS LLC seeking the following variances: 1) from the 4,000 sq. ft. lot minimum area to 3,550 sq. ft. for Parcels A and C; 2) from the 25' minimum front yard setback to 15'; 3) from the 5' minimum side yard setback to 3'; 4) from the 40' minimum lot width to 38.55'; 5) from the 20' minimum rear yard setback to 13' for Parcel D; 6) from the maximum 50% lot coverage to 51% for Parcel D and 7) from the 18' minimum driveway in the NNZO to 13' for Parcel D was approved as presented and will issue written Findings of Fact.

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

11 The petition of RICHARD G & ELIZABETH HARTE seeking the following variance(s): 1) from the maximum 3' decorative fence in the front yard and 5' in the rear yard to 4' in the front yard and 6' in the rear yard, property located at 804 N HILL ST, Portage Township. Zoned SF2 Single Family & Two Family District (South Bend). (Audio Position 1:05:12)

PETITIONER

RICH HARTE and LIZ HARTE of 804 N. Hill 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 Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by RICHARD G & ELIZABETH HARTE seeking the following variances: 1) from the maximum 3' decorative fence in the front yard and 5' in the rear yard to 4' in the front yard and 6' in the rear yard was approved as presented and will issue written Findings of Fact.

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

12 The petition of ST JOSEPH COUNTY PUBLIC LIBRARY seeking the following variance(s): 1) from the maximum 3' fence height to 6', property located at 52655 IRONWOOD RD, Clay Township. Zoned R: Single Family District (County).
(Audio Position 1:10:05)

PETITIONER

BRUCE BURNETT Facilities Manager with St. Joseph County Public Library, 304 S. Main 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 John Leszczynski, being seconded by Robert Hawley and unanimously carried, a petition by ST JOSEPH COUNTY PUBLIC LIBRARY seeking the following variances: 1) from the maximum 3' fence height to 6' was approved as presented and will issue written Findings of Fact.

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

**13 The petition of ZION UNITED CHURCH OF CHRIST seeking the following variance(s): 1) from the minimum 5' front yard setback to 0' on Wayne Street for a parking lot; 2) from the minimum 20' side yard setback for a non-residential use to 6' on the North property line for a parking lot and 3) from the required off-street parking area screening to none along Wayne Street, property located at THE NORTHEAST CORNER OF ST. LOUIS AND WAYNE, Portage Township. Zoned MF1 Urban Corridor Multifamily District (South Bend).
(Audio Position 1:13:39)**

PETITIONER

MIKE HUBER of Abonmarche Consultants with offices located at 750 Lincolnway East, 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 ZION UNITED CHURCH OF CHRIST seeking the following variances: 1) from the minimum 5' front yard setback to 0' on Wayne Street for a parking lot and 2) from the minimum 20' side yard setback for a non-residential use to 6' on the North property line for a parking lot was approved as presented and will issue written Findings of Fact.

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

14 The petition of GERALD A REED seeking the following variance(s): 1) from the minimum 20-acre lot area to 18.84 acres for Proposed Lot 1 and 2) from the minimum 20-acre lot area to 1.81 acres for Proposed Lot 2, property located at 15401 NEW RD, Madison Township. Zoned A: Agricultural District (County). (Audio Position 1:17:41)

PETITIONER

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

IN FAVOR

Two people spoke in favor of the petition saying they want to be close to their grandkids. They were:

JERRY REED 15401 New Rd. Mishawaka, IN

SARAH BURGER no address given.

REMONSTRANCE

One letter was received in opposition to the petition stating they were against whatever Mr. Reed was doing. The letter was signed with the initials JLS and no return address was on the letter or envelope.

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by Robert Hawley and carried, a petition by GERALD A REED seeking the following variances: 1) from the minimum 20-acre lot area to 18.84 acres for Proposed Lot 1 and 2) from the minimum 20-acre lot area to 1.81 acres for Proposed Lot 2 was approved as presented and will issue written Findings of Fact.

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

15 The petition of RICHARD L AND LINDA L FORD seeking a Special Use to allow to allow an accessory parking lot, and seeking the following variance(s): 1) from the 12' maximum setback to 35' for 50% of the building elevation along Rex Street; 2) from the 12' minimum parking setback to 5'; 3) from a 24' parking maneuvering aisle to 14'; 4) from the required landscaping of required perimeter yards to landscaping as shown on Site Plan and 5) from the required off-street parking area screening to screening as shown on Site Plan, property located at 906, 908-910 PORTAGE AVE, 736 CALIFORNIA AVE, 808-838 PORTAGE AVE, 719 W. REX ST., Portage Township. Zoned MU Mixed Use District (South Bend). (Audio Position 1:25:14)

KATHY SCHUTH submitted a letter providing background on the proposed project and clarifying current and proposed property ownership.

PETITIONER

BRIAN POZAN of The Englewood Group with offices located at 860 E. 86th St., Ste 5 Indianapolis, IN presented on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

SHANNON CASSLER 732 California, South Bend, IN spoke in opposition to the petition stating she doesn't want it turned into a parking lot. Her family has always taken care of the triangular lot next to her property and they want to keep it that way.

After careful consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by John Leszczynski and unanimously carried, a petition by RICHARD L AND LINDA L FORD seeking a Special Use for to allow an accessory parking lot for property located at 906, 908-910 PORTAGE AVE, 736 CALIFORNIA AVE, 808-838 PORTAGE AVE, 719 W. REX 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 Jack Young and unanimously carried, a petition by RICHARD L AND LINDA L FORD seeking the following variances: 1) from the 12' maximum setback to 35' for 50% of the building elevation along Rex Street; 2) from the 12' minimum parking setback to 5'; 3) from a 24' parking maneuvering aisle to 14'; 4) from the required landscaping of required perimeter yards to landscaping as shown on Site Plan and 5) from the required off-street parking area screening to screening as shown on Site Plan was approved subject to the approval of the Special Exception and will issue written Findings of Fact.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

(Audio Position 1:36:11)

A. Findings of Fact for June 13, 2018

After careful consideration, the following action was taken:

Upon a motion by Jack Young and seconded by Robert Hawley and unanimously carried the Findings of Fact from the June 13, 2018 meeting of the Area Board of Zoning Appeals were APPROVED.

2. Other Business

(Audio Position 1:36:36)

Miguel Becerril 56091 Oak Road, South Bend

The meeting was adjourned at 3:14 p.m.

ATTESTED:

RESPECTFULLY SUBMITTED:

Lawrence P. Magliozzi,
Secretary of the Board

Brendan Crumlish,
Chairman of the Board