

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

MINUTES

Wednesday, September 12, 2018
1:30 p.m.

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

MEMBERS PRESENT:

Robert Hawley
Michael Urbanski
Kathy Schuth
John Leszczynski
Jack Young
Brendan Crumlish

MEMBERS ABSENT:

Randy Matthys

ALSO PRESENT:

Angela Smith
Jordan Wyatt
Brandie Ecker
Jennifer Henthorn

PUBLIC HEARINGS:

- 1 The petition of AMY R GATCHELL seeking the following variance(s): 1) from the maximum allowed 6 ft. fence height to 9.5 ft., property located at 1804 E HILLSDALE RD, Portage Township. Zoned SF1 Single Family & Two-Family District (South Bend) (Audio Position 3:26)**

PETITIONER

AMY GATCHELL of 1804 Hillsdale 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 one person to speak in opposition of the petition who also submitted a letter and pictures to the Board. Her concerns were safety, comfort and enjoyment of her adjacent property, obstruction of sun and decreased property values as a result of the structure. She was:

EMILY MAGIERA of 1805 Tudor Lane, South Bend, IN.

REBUTTAL

AMY GATCHELL 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 AMY R GATCHELL seeking the following variances: 1) from the maximum allowed 6 ft. fence height to 9.5 ft. was denied as presented, and will issue written Findings of Fact.

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

- 2 The petition of DEV HT LLC & DEV IRONWOOD & IRELAND, LLC seeking the following variance(s): 1) from the required pole sign for an off-premise sign to a monument sign; 2) from the 30' minimum front yard setback to 5' for an off-premise sign; 3) from the 750' minimum linear spacing of off-premise signs oriented to the same street to 60'; 4) from the 300' minimum radial spacing of off-premise signs to 130' and 5) from the 200' minimum linear spacing from a residential district to 80', property located at 4340 S IRONWOOD DR, Penn Township. Zoned CB Community Business District (South Bend). (Audio Position: 19:15)**

PETITIONER

GREG SHEARON 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

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

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Robert Hawley and unanimously carried, a petition by DEV HT LLC & DEV IRONWOOD & IRELAND, LLC seeking the following variances: 1) from the required pole sign for an off-premise sign to a monument sign; 2) from the 30' minimum front yard setback to 5' for an off-premise sign; 3) from the 750' minimum linear spacing of off-premise signs oriented to the same street to 60'; 4) from the 300' minimum radial spacing of off-premise signs to 130' and 5) from the 200' minimum linear spacing from a residential district to 80', subject to limiting the size of the sign to 48 sq.ft. and 6' in height 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 - Yes
Michael Urbanski - Yes
Jack Young - Yes

- 3 The petition of ROSANA L BALMER seeking the following variance(s): 1) from the minimum 20 acre lot area to 5.13 acres, property located at 23091 RILEY RD, Union Township. Zoned A: Agricultural District (County). (Audio Position: 26:23)**

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan 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 Kathy Schuth, being seconded by Michael Urbanski and unanimously carried, a petition by ROSANA L BALMER seeking the following variances: 1) from the minimum 20 acre lot area to 5.13 acres 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 - Yes
Michael Urbanski - Yes
Jack Young - Yes

- 4 The petition of HACK PROPERTIES, LLC seeking the following variance(s): 1) from the maximum allowable 3,752 sq. ft. for detached accessory buildings to 6,467 sq. ft.; 2) from the maximum allowable 19' height for detached accessory buildings to 30.5'; and 3) from the 8' minimum side yard to 6.8', property located at 14196 BRICK RD, Harris Township. Zoned R: Single Family District (County). (Audio Position: 29:15)**

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan 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 Robert Hawley, being seconded by Jack Young and unanimously carried, a petition by HACK PROPERTIES, LLC seeking the following variances: 1) from the maximum allowable 3,752 sq. ft. for detached accessory buildings to 6,467 sq. ft.; 2) from the maximum allowable 19' height for detached accessory buildings to 30.5'; and 3) from the 8' minimum side yard to 6.8' 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 - Yes
Michael Urbanski - Yes
Jack Young - Yes

5 The petition of TIMOTHY R & ADAM J KUHN W LIFE ESTATE FOR DIANA L KUHN seeking the following variance(s): 1) from the 20 acre minimum lot area to 4.60 acres, property located at 18945 SHIVELY RD., Union Township. Zoned A: Agricultural District (County). (Audio Position: 32:31)

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan 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 TIMOTHY R & ADAM J KUHN W LIFE ESTATE FOR DIANA L KUHN seeking the following variances: 1) from the 20 acre minimum lot area to 4.60 acres 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 - Yes
Michael Urbanski - Yes
Jack Young - Yes

6 The petition of ETHEL ANDERSON seeking the following variance(s): 1) from the 12' maximum setback to 18' for the primary building on Lincolnway West and 52' for the accessory building on College Street and Rupel Street, property located at 1636 LINCOLN WAY W, Portage Township. Zoned MU Mixed Use District (South Bend). (Audio Position: 34:40)

PETITIONER

ANN MANNIX of 724 W. Washington Street, South Bend, IN presented on behalf of the petitioner.

IN FAVOR

There were two people that had questions about the potential use as residential, expressing concern about the scope of the project, conflict between residential and commercial, and the impact on the neighborhood. They were:

JEFF NICKLAS of 702 College Street, South Bend, IN.

BERNITA KELLY of Adams Street, South Bend, IN.

There was one person that spoke in favor. She stated this project will continue cleaning up contamination on the site and improve the neighborhood. She was:

ETHEL ANDERSON of 1636 Lincoln Way West, South Bend, IN.

REMONSTRANCE

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

REBUTTAL

ANN MATTIX presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by Kathy Schuth and unanimously carried, a petition by ETHEL ANDERSON seeking the following variances: 1) from the 12' maximum setback to 18' for the primary building on Lincolnway West and 52' for the accessory building on College Street and Rupel Street 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 - Yes
Michael Urbanski - Yes
Jack Young - Yes

- 7 **The petition of CENTURY BUILDER INC. seeking a Special Use to allow for a four-family dwelling in the R: Single Family District, and seeking the following variance(s): 1) from the 6,000 sq. ft. minimum lot area to 3,793 sq. ft.; 2) from the 35' minimum front yard and building setback to 17.8' for parcels B, C, G and F; 3) from the 75' minimum lot width to 36.3'; 4) from the required public or municipal water system to wells; 5) from the 20' combined side yard setback to 0' and 6) from the required frontage on an improved public road to no frontage for parcels B, C, G and F, property located at EAST SIDE OF CHERRY ROAD APPROXIMATELY 350' NORTH OF SR 23, Harris Township. Zoned R: Single Family District (County). (Audio Position: 48:55)**

PETITIONER

BRIAN MCMORROW 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 were three people that spoke in opposition to the petition. Their concerns were drainage, allowing and 8-family dwelling in a single family area, it being out of character for the area, no acceptable parking, aesthetics and screening. They were:

MIKE MARKHAM of 13168 Adams Road, Granger, IN.

ZACH DYLEWSKI of 13370 Adams Road, Granger, IN.

CHRIS CARNES of 13362 Adams Road, Granger, IN.

There was also a letter of opposition received from:

JACOB DYLEWSKI of 13376 Adams Road, Granger, IN.

REBUTTAL

BRIAN MCMORROW presented the 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 CENTURY BUILDER INC. seeking a Special Use for a four-family dwelling in the R: Single Family District for property located at EAST SIDE OF CHERRY ROAD APPROXIMATELY 350' NORTH OF SR 23, St. Joseph County, 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 Kathy Schuth and unanimously carried, a petition by CENTURY BUILDER INC. seeking the following variances: 1) from the 6,000 sq. ft. minimum lot area to 3,793 sq. ft.; 2) from the 35' minimum front yard and building setback to 17.8' for parcels B, C, G and F; 3) from the 75' minimum lot width to 36.3'; 4) from the required public or municipal water system to wells; 5) from the 20' combined side yard setback to 0' and 6) from the required frontage on an improved public road to no frontage for parcels B, C, G and F was approved as presented subject to the Special Use being approved and will issue written Findings of Fact.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact (Audio Position: 1:12:55)
 - A. Findings of Fact for August 8, 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 August 8, 2018 meeting of the Area Board of Zoning Appeals were APPROVED.

2. Approval of the minutes from the June 13, 2018 meeting of the Area Board of Zoning Appeals. (Audio Position: 1:13:15)

After careful consideration, the following action was taken:

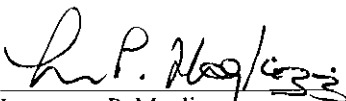
Upon a motion by Michael Urbanski and seconded by Robert Hawley and unanimously carried, the minutes from the June 13, 2018 meeting of the Area Board of Zoning Appeals were APPROVED.

3. Other Business (Audio Position: 1:13:41)

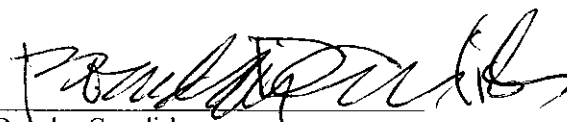
Update on the departure of the City of South Bend from the Area Plan Commission.

The meeting was adjourned at 2:44 p.m.

ATTESTED:


Lawrence P. Magliozzi,
Secretary of the Board

RESPECTFULLY SUBMITTED:


Brendan Crumlish,
Chairman of the Board