AREA BOARD OF ZONING APPEALS
Of
St. Joseph County, Indiana

AGENDA

Wednesday, February 12, 2020 - 1:30 p.m.
County-City Building
Fourth-Floor Council Chambers

PUBLIC HEARING:

1. Location: 28725 STATE ROAD 23
   Owner: STEVEN & DOMINIQUE FUTA AND PAUL W JR FUTA
   Requested Action: Variance(s): 1) from the minimum required side setback of 30' to 18'
   Zoning: A: Agricultural District (County)

2. Location: 30560 OSBORNE RD
   Owner: TERRY LEE SZCZYPIORSKI & ANDREA CASTLE
   Requested Action: Variance(s): 1) from the minimum required lot area of 20 acres to 16.40 acres for proposed Lot 1; 2) from the minimum required frontage of 200' to 80.19' of frontage for proposed Lot 1; 3) from the minimum required lot area of 20 acres to 6.00 acres for proposed Outlot A and 4) from the minimum required frontage of 200' to 0' for proposed Outlot A
   Zoning: A: Agricultural District (County)

3. Location: 66501 & 66521 MIAMI HWY
   Owner: RICHARD D CARR & BARBARA J CARR TRUSTEE & DONALD & JANA INGLE
   Requested Action: Variance(s): 1) from the minimum required lot area of 20 acres to 0.59 acres for proposed Lot 1; 2) from the minimum required rear setback of 30' to 10' for proposed Lot 1 and 3) from the minimum required 600' of frontage to 365.96' for proposed Lot 2
   Zoning: A: Agricultural District (County)

ITEMS NOT REQUIRING A PUBLIC HEARING:

1. Findings of Fact
   A. Approval of the Findings of Fact from the January 8, 2020 meeting
   B. Approval of the Findings of Fact from the November 13, 2019 meeting

2. Minutes
   A. Approval of the Minutes from the January 8, 2020 meeting
   B. Approve of the Minutes from the October 9, 2019 meeting

3. Other Business
   A. Discussion and approval of new Area Board of Zoning Appeals bylaws

4. Adjournment

The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County’s compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings or the proposed project have been given an opportunity to provide input throughout the process.
**DATE:** January 31, 2020

**TO:** Area Board of Zoning Appeals

**FROM:** Shawn Klein, Planner

**SUBJECT:** February 12, 2020 Area Board of Zoning Appeals Hearing

The following comments are being made concerning items to be heard at the Area Board of Zoning Appeals meeting on February 12, 2020. The absence of comments on any particular item should not be construed to mean that the staff agrees with the request.

### Variances

A variance from any of the development standards of the Zoning Ordinance may only be approved upon the Board of Zoning Appeals making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and,
3. The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

#### 1. Petition of Steven & Dominique Futa and Paul W Futa JR

The staff recommends denial of the variance. The petitioners have not adequately demonstrated practical difficulty in locating the accessory structure 30’ from the east property line. The parcel appears to offer other suitable locations which meet the setback. Approval of this variance could adversely affect the use of the abutting agricultural property by threatening the neighboring property owner’s ability to conduct farming activities near the property line which generate dust, odor, glare, or fumes and are incompatible with the petitioners’ residential use.

#### 2. Petition of Terry Lee Szczypiorski & Andrea Castle

The staff recommends approval of these variances. No additional buildable lots will be created, and adjacent properties will not be affected.
3. Petition of Richard D Carr & Barbara J Carr Trustee & Donald & Jana Ingle
The staff recommends approval of these variances. The variances will increase the conformity of Lot 2 and potentially allow for improved street access to the agriculturally productive portion of this lot. No additional buildable lots will be created by these variances or the subsequent subdivision. The size of Lot 1 and its proximity to structures on Lot 2 pose a practical difficulty in conforming with the 30’ rear setback. Furthermore, the portion of Lot 2 abutting Lot 1 to the west is devoted to residential uses, and therefore a reduced accessory structure setback is appropriate.
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 005-1011-009002

The property address:
28725 State Road 23
North Liberty, IN, 46554

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area: Enter legal description

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to] Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) Accessory Building must be 30 feet away from the property line. Request is to build Accessory Building 18 feet away from the property line to avoid building on top of septic system and avoiding the low spot further North which will avoid future water concerns.

2) A statement on how each of the following standards for the granting of variances is met:

   (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: The Accessory building is in a location that is not close to other residences and will not result in community interaction.

   (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: Land around the property is farm land. The land will not be affected at all by the Accessory Building being 18 feet away instead of 30 feet.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The Accessory Building would be very close if not right on top of the septic system if it were to be built to the 30 feet from property line ordinance. The ideal placement would be 18 feet away. The Accessory Building's location is also ideal due to the property dropping in elevation from South to North. Moving the Accessory Building back would result in potential water issues. At this point, all water continues to roll away from the home and barn if it stays in the proposed location.

SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested: Insert text

2) A statement on how each of the following standards for the granting of a Special Use is met:

   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: Please explain how your Special Use petition addresses this criterion

   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: Please explain how your Special Use petition addresses this criterion

   (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: Please explain how your Special Use petition addresses this criterion
(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Please explain how your Special Use petition addresses this criterion*

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

Property owner to have a 56'x40' Accessory building (with a 10' porch with overhang for a total 56'x50' footprint) built 18 feet away from the property line.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:

Steven Futa
28725 State Road 23
North Liberty, IN, 46554
574-780-1913
stevefuta@hotmail.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner:

Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional property owners, if applicable:

CONTACT PERSON:

Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: #007-1024-0365

The property address: 30560 Osborne Road, North Liberty, Indiana 46554

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

A part of the Southwest Quarter of the Southwest Quarter of the Fractional Section 19, Township 36 North, Range 1 East of the 2nd Principal Meridian, Liberty Township, St. Joseph County, Indiana being more particularly as follows: Commencing a 5/8" Rebar found marking the Southeast corner of the Southwest Quarter of the Southwest Quarter of the said Fractional Section 19 for the Point of Beginning; Thence South 89°57'50" West, (assumed bearing) along the South line of the Southwest Quarter of the Southwest Quarter of the said Fractional Section 19, a distance of 986.34 feet to a 5/8" Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S0-523; Thence North 20°54’13” East, a distance of 1127.76 feet to a 5/8” Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S-0523; Thence North 89°54’34” West, parallel with the North line of the Southwest Quarter of the Southwest Quarter of the said Fractional Section 19, a distance of 20.16 feet to a 5/8” Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S-0523; Thence North 21°43’15” East, to the North line of the Southwest Quarter of the Southwest Quarter of said Fractional Section 19, a distance of 284.00 feet to a 5/8” Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S-0523; Thence South 89°54’34” East, along the North line of the Southwest Quarter of the Southwest Quarter of said Fractional Section 19 to the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Fractional Section 19, a distance of 507.00 feet to a 5/8” Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S-0523; Thence South 00°20’52” West, along the East line of the Southwest Quarter of the Southwest Quarter of said Fractional Section 19, a distance of 1316.00 feet to the Point of Beginning.

Containing 22.44 acres more or less, subject to all legal easements, right of ways and references of record.

VARIANCE INFORMATION:

1) A variance from the required 20 acres to 16.40 acres for Lot 1
   A variance from the required 200’ of frontage to 80.19’ of frontage for Lot 1
   A variance from the required 20 acres to 6.00 acres for Outlot A
   A variance from the required 200’ of frontage to 0’ of frontage for Outlot A

2) A statement on how each of the following standards for the granting of variances is met:

   (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: We are delineating 6.00 acre off the North side of said parcel to be sold to adjacent owner.

   (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: we are establishing A new property lines around the 6.00 acre thus not creating any adverse effects on the surrounding area.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the petitioners to benefit from the most applicable use of the property
SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested: N/A

2) A statement on how each of the following standards for the granting of a Special Use is met:

   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: N/A

   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: N/A

   (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: N/A

   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. N/A

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

PROJECT INFORMATION:
The owners of the entire parcel is wishing to sell 6 acres off the rear of their property. This parcel is being purchased by the adjacent owner and joined with tillable acreage. The adjacent owner currently owns property both the east and to the west.
PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
   Terry Szczybiorski & Andrea Castle
   30560 Osborne Road
   North Liberty, Indiana 46554

   Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the owner):

   Dennis Small
   44947 Snowberry Road
   North Liberty, Indiana 46544

   Name and address of additional property owners, if applicable:

CONTACT PERSON:

   LANG, FEENEY & ASSOCIATES, INC.
   715 South Michigan Street
   South Bend, Indiana 46601
   574-233-1841

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

X Signature: Terry Szczybiorski

X Signature: Andrea Castle
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 019-1048-0740 & 019-1048-07403

The property address: 66501 & 66521 Miami Road, Bremen, Indiana 46506

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

A part of the Northeast Quarter and the Northwest Quarter of Section 32, Township 36 North, Range 3 East of the 2nd Principal Meridian, Union Township, St. Joseph County, Indiana being a 29.24 acre parcel and more particularly described as follows:

Commencing at the Harrison Monument as referenced by the St. Joseph County Surveyor’s Office marking the Southeast corner of the Northwest Quarter of said Section 32, also being the Southwest corner of the of the Northeast Quarter of said Section 32 for the Point of Beginning; Thence South 89°42’07” West, along the South line of the Northwest Quarter of said Section 32, to the West line of the Southeast Quarter of the Northwest Quarter of said Section 32, a distance of 1315.05 feet to a 5/8” Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S-0523; Thence North 00°13’18” East, along the East line to the North line of the Southeast Quarter of the Northwest Quarter of said Section 32, a distance of 1330.76 feet to a 5/8” Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S-0523; Thence North 89°32’23” East, along the North line of the Southeast Quarter of the Northwest Quarter of said Section 32, a distance of 528.49 feet to a 5/8” Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S-0523; Thence South 00°14’20” West, parallel with the East line of the Northwest Quarter of said Section 32, a distance of 664.00 feet to a 5/8” Rebar set with cap Lang, Feeney & Associates, Inc. S-0309/S-0523; Thence North 89°32’23” East, parallel with the North line of the Southeast Quarter of the Northwest Quarter of said Section 32 to the centerline of Miami Road, a distance of 787.24 feet to a point; Thence Southeasterly along the centerline of Miami Road being a curve to the left, having a radius of 1000.00 feet, an arc length of 245.34 feet, a chord distance of 244.72 feet to a point; Thence South 08°02’00” East and a chord distance of 244.72 feet to a point; Thence South 15°03’42” East, along the centerline of Miami Road to the South line of the Northeast Quarter of said Section 32, a distance of 444.28 feet to a point; Thence North 89°40’58” West, along the South line of the Northeast Quarter of said Section 32, a distance of 152.68 feet to the Point of Beginning;

Containing 29.24 acres more or less, subject to all legal easements, right of ways and references of record.

VARIANCE INFORMATION:

1) A variance from the required 20 acres to 0.59 acres for Lot 1
   A variance from the required 30’ rear yard setback to 10’ rear yard setback for Lot 1
   A variance from the required 600’ of frontage to 365.96’ of frontage for Lot 2.

2) A statement on how each of the following standards for the granting of variances is met:

   (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: We are simply establishing new property lines between said parcels to for the purpose of a proposed garage building to be built at a later date.

   (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: we are simply establishing new property lines with the exchange of property thus not creating any adverse effects on the surrounding area.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the petitioners to benefit from the most applicable use of the property
SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1. The Special Use(s) being requested: N/A
2. A statement on how each of the following standards for the granting of a Special Use is met:
   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: N/A
   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: N/A
   (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: N/A
   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. N/A

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:
The owners of Lot 1 currently have a garage built on their rear property line. They wish to expand the size of this garage. In order to achieve this and satisfy the adjacent owner, a property trade shall occur. This trade will increase the frontage for Lot 2 and then provide a 10’ rear yard for the proposed accessory garage on Lot 1. (Lot 1 is residential use only, not ag related.)

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Donald & Jana Ingle
66501 Miami Road
Bremen, Indiana 46505
and
Richard D. Carr and Barbara J. Carr, Trustees of
The Richard D. Carr and Barbara J. Carr Revocable Trust Dated March 6, 2001
6003 Aberdeen Drive
South Bend, Indiana 46614

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner:
Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional property owners, if applicable:

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIPTED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):

[Signatures]

X Donald Ingle

X Jana Ingle

X Richard D. Carr and Barbara J. Carr Revocable Trust Dated March 6, 2001
Findings of Fact – January 8, 2020 Meeting
FINDINGS OF FACT

JASON M & ASHLEY E KEOUGH
13201 ROOSEVELT RD
St. Joseph County

On Tuesday, January 8, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

**APPROVED** 1) from the minimum required front setback of 75' to 47'

**APPROVED** 2) from the minimum required rear setback of 30' to 25'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.

The approval will not be injurious to the public health, morals, and general welfare of the community. The reduced front setback adequately protects the safety of motorists.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

A front setback of 47' from the centerline of the road will place the dwelling approximately 37’ from the edge of the road pavement, which is similar to the separation from the road surface resulting from the minimum setback in residential districts. A single family dwelling within 25' of the rear property line will have minimal impact on the abutting agricultural property.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

The approximately .5 acre lot of record is far smaller than the lot size anticipated by the minimum setbacks of the agricultural district.

Roll Call:

Sidney Shafer - Yes
Robert Hawley - Yes
Jack Young - Yes
Joe Velleman - Yes
Michael Urbanski - Yes

The Minutes of the January 8, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020.

Michael Urbanski, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

TIMOTHY & VALERI WATERS
30529 US 20 Highway
St. Joseph County

On Tuesday, January 8, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

**APPROVED**
1) from the required minimum lot area of 20 acres to 1.039 acres for proposed Lot 1
2) from the required minimum lot width of 200’ to 137’ for proposed Lot 1
3) from the required minimum lot frontage of 200’ to 137’ for proposed Lot 1
4) from the required side yard setback of 30’ to 24’ for proposed Lot 1

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The approval will not be injurious to the public health, safety, morals of the community.
   Allowing productive farmland to remain in a single lot serves the general welfare of the community by increasing the likelihood that this land remains useful for food production.

(2) 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 Zoning Ordinance would allow for the creation of two 20 acres parcels from the existing parcel. Creating a smaller lot for residential purposes helps to ensure that a greater percentage of land remains in agricultural production. The variances will not result in additional development beyond what is already permitted in the agricultural district by right.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   The strict application of the terms of this Chapter would result in viable farmland being needlessly split to allow the property owner to sell the existing house.

Roll Call:
   Sidney Shafer - Yes
   Robert Hawley - Yes
   Jack Young - Yes
   Joe Velleman - Yes
   Michael Urbanski - Yes

The Minutes of the January 8, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020.

Michael Urbanski, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliogetti, Executive Director
FINDINGS OF FACT

JOHN E & WENDY E GLON
29900 GRANT RD
St. Joseph County

On Tuesday, January 8, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED 1) from the required minimum lot area of 20 acres to 1.194 acres for proposed Lot 1
APPROVED 2) from the required minimum lot area of 20 acres to 18.056 acres for proposed Outlot A

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The approval will not be injurious to the public health, safety, morals and general welfare of the community.

(2) 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 remaining 18.056 acres will be placed into an unbuildable outlot, thereby not allowing for further residential development in the agricultural district and effectively reserving this land for agricultural production.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   The strict application of the terms of this Chapter would not allow for subdivision of the property, potentially denying full utilization of the agricultural land or the existing house.

Roll Call:
   Sidney Shafer - Yes
   Robert Hawley - Yes
   Michael Urbanski - Yes
   Jack Young - Yes
   Joe Velleman - Yes

The Minutes of the January 8, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020.

Michael Urbanski, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Maglioizzi, Executive Director
FINDINGS OF FACT

NEW LIFE BIBLE CENTER INC
54790, 54794 Fir Road
St. Joseph County

On Tuesday, January 8, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED
1) from the minimum required side setback of 20' to 2.2' for proposed Lot 1
APPROVED
2) from the minimum required front setback for parking and interior access drives of 35' to 17' for proposed Lot 1
APPROVED
3) from the minimum required front setback for parking and interior access drives of 35' to 17' along Fir Rd and to 0' along Day Rd for proposed Lot 2
APPROVED
4) from the minimum required side setback for parking and interior access drives of 20' to 7' along the south side line and to 0' along the north side line for proposed Lot 2
APPROVED
5) from the required minimum side setback of 20' to 17.3' along the north side line for proposed Lot 2
APPROVED
6) from the minimum required front freestanding sign setback of 5' to 0' for proposed Lot 2

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The approval will not be injurious to the public health, safety, morals and general welfare of the community.

(2) 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 front setback variances are for existing structures, and the impacts of the side setback variances will be limited to the proposed parcels within the existing property. Therefore, the surrounding neighborhood will not be affected.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   The strict application of the terms of this Chapter would not allow the existing church and school buildings to be owned and utilized by separate entities.

Roll Call:
   Sidney Shafer - Yes
   Robert Hawley - Yes
   Jack Young - Yes
   Joe Velleman - Yes
   Michael Urbanski - Yes

The Minutes of the January 8, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020.

Michael Urbanski, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzii, Executive Director
Findings of Fact – November 13, 2019 Meeting
FINDINGS OF FACT

KF REAL ESTATE LLC
206 LINCOLNWAY
Town of Osceola

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the Town of Osceola Zoning Ordinance:

APPROVED
1) from the maximum allowed height for a fence located between the front building line and front lot line of 4' to 8'
APPROVED
2) from the minimum required open space for a fence located between the front building line and front lot line of 50% to 0%
APPROVED
3) to allow outdoor storage between a front building line and front lot line
APPROVED
4) from the required durable dust-free surface for outdoor storage to crushed stone
DENIED
5) from the required perimeter landscaping to none

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
   Brendan Crumlish - Yes
   Robert Hawley - Yes
   John Leszczynski - Yes
   Kathy Schuth - Yes
   Sidney Shafer - Yes
   Michael Urbanski - Yes
   Jack Young - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

WILLARD ANDREW & LOIS JEAN SEARFOSS
55079 CURRANT RD
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

**APPROVED** 1) from the minimum required side setback of 8' to 6' for an accessory structure on proposed Lot 1

**WITHDREW** 2) to allow accessory structures without a primary structure

**APPROVED** 3) from the minimum required lot width of 100' to 50' for proposed Lot 2

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczymski - Yes
Kathy Schuth - Yes

Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

BINDER FREDERICK A IV
56340 MILLER AVE
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

**APPROVED**

1) from the maximum allowed height for an accessory structure of 19' to 22'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes          Sidney Shafer - Yes
Robert Hawley - Yes            Michael Urbanski - Yes
John Leszczyński - Yes        Jack Young - Yes
Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

STANZ REALTY Co, LLP
1840 COMMERCE DR
City of South Bend

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the City of South Bend Zoning Ordinance:

**APPROVED**
1) to allow a trash container between a front facade and a front lot line and in a minimum front yard;

**APPROVED**
2) from the required trash container enclosure to the existing loading ramp

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes  Sidney Shafer - Yes
Robert Hawley - Yes  Michael Urbanski - Yes
John Leszczynski - Yes  Jack Young - Yes
Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

LANNY G & DONNA L FUCHS
20151 PATTERSON RD
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following
actions on the variances from the Development Standards of the St. Joseph County Zoning
Ordinance:

APPROVED 1) from the required minimum lot area of 20 acres to 5 acres for
proposed Lot 1
APPROVED 2) from the required 600' of frontage to 450' for proposed Outlot A
3) From the required 600' of frontage for a parcel over 20 acres to 221'
for proposed Outlot A frontage on Kenilworth Rd.

(1) The approval will not be injurious to the public health, safety, morals and general welfare
of the community.
   Development and use as presented will comply with all building, fire safety, traffic,
and parking regulations as to not being injurious to the public health, safety, morals,
and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not
devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in
the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different
condition for this property.

Roll Call:
Brendan Crumlish - Yes  Sidney Shafer - Yes
Robert Hawley - Yes  Michael Urbanski - Yes
John Leszczynski - Yes  Jack Young - Yes
Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are
hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th
day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

TEENS INC
25765 Edison Road
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED
1) from the required hard surface to gravel for parking areas and interior access drives

APPROVED
2) from the requirement to provide curbs and lines to none

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
 Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
 Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes  Sidney Shafer - Yes
Robert Hawley - Yes  Michael Urbanski - Yes
John Leszczynski - Yes  Jack Young - Yes
Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Maglioizzi, Executive Director
FINDINGS OF FACT

CHERYLL J BOREN
1205 HICKORY RD
City of South Bend

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the City of South Bend Zoning Ordinance:

**APPROVED** 1) to allow an accessory structure between the front building lot and the front lot line

**APPROVED** 2) to allow more than one detached accessory structure

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

**ATTEST:**

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

ERIC & CARLEEN GATES JANTZEN
1127 WOODWARD AVE
City of South Bend

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the City of South Bend Zoning Ordinance:

APPROVED

1) from the minimum required side setback of 5' to 0' for a detached accessory structure, subject to the recording of a maintenance easement

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - No
Michael Urbanski - Yes
Jack Young - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

ROBERT J & MARY B STEIF
16434 ELMWOOD AVE
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED

1) from the maximum allowed size for accessory structures of 2,220 sq. ft. to 3,868 sq. ft.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:

Brendan Crumlish - Yes          Sidney Shafer - Yes
Robert Hawley - Yes             Michael Urbanski - Yes
John Leszcynski - Yes           Jack Young - Yes
Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

BRAD C & DONNA BEUTTER
1154 COLFAX AVE
City of South Bend

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the City of South Bend Zoning Ordinance:

APPROVED 1) from the maximum allowed height for a fence with less than 70% open space of 6' to 8'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
   Brendan Crumlish - Yes   Sidney Shafer - Yes
   Robert Hawley - Yes      Michael Urbanski - Yes
   John Leszcynski - Yes    Jack Young - Yes
   Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

RAYMOND E & NANCY E ANDREWS
11721 MCKINLEY HWY
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED  1) from the minimum required side setback for parking of 5' to 2.5' for proposed Lot 2

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
   Brendan Crumlish - Yes            Sidney Shafer - Yes
   Robert Hawley - Yes              Michael Urbanski - Yes
   John Leszcynski - Yes            Jack Young - Yes
   Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

GREYSTONE DEVELOPERS LLC
16391, 16390, 16450, and 16480 GREYSTONE DR
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

1) from the minimum required front setback of 35' to 25' excluding along Grape Rd.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.

Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

 Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

MIDDLETON RIDGE LLC
16977 ADAMS RD
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED 1) from the minimum required front setback for an accessory structure of 25' to 4'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community. Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes  Sidney Shafer - Yes
Robert Hawley - Yes  Michael Urbanski - Yes
John Leszczynski - Yes  Jack Young - Yes
Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

GROWING KIDS SOUTH LLC
17850 IRELAND RD
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED  1) to allow a trash container between a front facade and a front lot line

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. MaglioZZzi, Executive Director
FINDINGS OF FACT

ANTONIO ESPINOSA
321 EAST FOX ST
City of South Bend

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the City of South Bend Zoning Ordinance:

APPROVED
1) from the minimum required side setback of 5' to 1.65'
2) from the required 20' rear yard to 11'
3) from the maximum lot coverage of 50% to 56%

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
FINDINGS OF FACT

PHILLIP G & JIMITA B POTTER
50663 CANYON LN
St. Joseph County

On Tuesday, November 13, 2019, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED 1) from the minimum required rear setback of 40' to 30'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Development and use as presented will comply with all building, fire safety, traffic, and parking regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.

(2) 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 variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.

Roll Call:
   Brendan Crumlish - Yes  Sidney Shafer - Yes
   Robert Hawley - Yes  Michael Urbanski - Yes
   John Leszcynski - Yes  Jack Young - Yes
   Kathy Schuth - Yes

The Minutes of the November 13, 2019 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on this 12th day of February, 2020

Joe Velleman, Vice Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Lawrence P. Magliozzi, Executive Director
Minutes – January 8, 2020
Meeting
AREA BOARD OF ZONING APPEALS  
ST. JOSEPH COUNTY, INDIANA

MINUTES

Wednesday, January 8, 2020 4th Floor, Council Chambers  
1:30 p.m. County-City Building, South Bend, IN

MEMBERS PRESENT:  
Robert Hawley  
Sidney Shafer  
Michael Urbanski  
Joe Velleman  
Jack Young

ALSO PRESENT:  
Lawrence P. Magliozzi  
Shawn Klein  
Ryan Fellows  
Samantha Keultjes

EXECUTIVE SESSION:

1. Appointment of the Chair and Vice Chair.

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Robert Hawley and unanimously carried, the Area Board of Zoning Appeals appointed Michael Urbanski as Chair.

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, the Area Board of Zoning Appeals appointed Joe Velleman as Vice Chair.

PUBLIC HEARINGS:

1. The petition of JASON M & ASHLEY E KEOUGH seeking the following variance(s):  
   1) from the minimum required front setback of 75' to 47' and 2) from the minimum required rear setback of 30' to 25', property located at 13201 ROOSEVELT RD, Penn Township. Zoned A: Agricultural District (County). (Audio Position: 4:50)

PETITIONER

JASON M & ASHLEY E KEOUGH, residing at 13201 Roosevelt Rd., Mishawaka, IN presented the petition 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 Robert Hawley, being seconded by Jack Young and unanimously carried, a petition by JASON M & ASHLEY E KEOUGH seeking the following variances: 1) from the minimum required front setback of 75' to 47' and 2) from the minimum required rear setback of 30' to 25' was approved as presented, and the Area Board of Zoning Appeals will issue written Findings of Fact.

Robert Hawley - Yes
Joe Velleman - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

2. The petition of TIMOTHY & VALERI WATERS seeking the following variance(s): 1) from the required minimum lot area of 20 acres to 1.039 acres for proposed Lot 1; 2) from the required minimum lot width of 200' to 137' for proposed Lot 1; 3) from the required minimum lot frontage of 200' to 137' for proposed Lot 1 and 4) from the required side yard setback of 30' to 24' for proposed Lot 1, property located at 30529 US 20 Highway, Olive Township. Zoned A: Agricultural District (County).

(Please provide audio position)

PETITIONER

TONY HIATT of Marbach Palm, Inc. with offices located at P.O. Box 960, New Carlisle, 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 Joe Velleman, being seconded by Sidney Shafer and unanimously carried, a petition by TIMOTHY & VALERI WATERS seeking the following variances: 1) from the required minimum lot area of 20 acres to 1.039 acres for proposed Lot 1; 2) from the required minimum lot width of 200' to 137' for proposed Lot 1; 3) from the required minimum lot frontage of 200' to 137' for proposed Lot 1 and 4) from the required side yard setback of 30' to 24' for proposed Lot 1 was approved as presented, and the Area Board of Zoning Appeals will issue written Findings of Fact.

Robert Hawley - Yes
Joe Velleman - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

3. The petition of JOHN E & WENDY E GLON seeking the following variance(s): 1) from the required minimum lot area of 20 acres to 1.194 acres for proposed Lot 1 and 2) from the required minimum lot area of 20 acres to 18.056 acres for proposed Outlot A, property located at 29900 GRANT RD, Olive Township. Zoned A: Agricultural District (County).

PETITIONER

TONY HIATT of Marbach Palm, Inc. with offices located at P.O. Box 960, New Carlisle, 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 JOHN E & WENDY E GLON seeking the following variances: 1) from the required minimum lot area of 20 acres to 1.194 acres for proposed Lot 1 and 2) from the required minimum lot area of 20 acres to 18.056 acres for proposed Outlot A was approved as presented, and the Area Board of Zoning Appeals will issue written Findings of Fact.
4. The petition of NEW LIFE BIBLE CENTER INC seeking the following variance(s): 1) from the minimum required side setback of 20' to 2.2' for proposed Lot 1; 2) from the minimum required front setback for parking and interior access drives of 35' to 17' for proposed Lot 1; 3) from the minimum required front setback for parking and interior access drives of 35' to 17' along Fir Rd and to 0' along Day Rd for proposed Lot 2; 4) from the minimum required side setback for parking and interior access drives of 20' to 7' along the south side line and to 0' along the north side line for proposed Lot 2; 5) from the required minimum side setback of 20' to 17.3' along the north side line for proposed Lot 2 and 6) from the minimum required front freestanding sign setback of 5' to 0' for proposed Lot 2, property located at 54790, 54794 Fir Road, Penn Township. Zoned R: Single Family District (County). (Audio Position: 15:00)

PETITIONER

TERRY LANG of Lang Feeney & Associates, with offices located at 715 S. Michigan St., 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 remonstrance of the petition. They were: DEB MCARTHUR, residing at 22150 CR 10 Elkhart, IN. RON GEYER, residing at 20633 Meadow Lane Goshen, IN.

REBUTTAL

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

After careful consideration, the following action was taken:
Upon a motion by Joe Velleman, being seconded by Robert Hawley and unanimously carried, a petition by NEW LIFE BIBLE CENTER INC seeking the following variances: 1) from the minimum required side setback of 20' to 2.2' for proposed Lot 1; 2) from the minimum required front setback for parking and interior access drives of 35' to 17' for proposed Lot 1; 3) from the minimum required front setback for parking and interior access drives of 35' to 17' along Fir Rd and to 0' along Day Rd for proposed Lot 2; 4) from the minimum required side setback for parking and interior access drives of 20' to 7' along the south side line and to 0' along the north side line for proposed Lot 2; 5) from the required minimum side setback of 20' to 17.3' along the north side line for proposed Lot 2 and 6) from the minimum required front freestanding sign setback of 5' to 0' for proposed Lot 2 was approved as presented, and the Area Board of Zoning Appeals will issue written Findings of Fact.

Robert Hawley - Yes
Joe Velleman - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

   A. Approval of the Findings of Fact from the December 11, 2019 meeting.  
   (Audio Position: 24:40)

   Upon a motion by Jack Young, being seconded by Robert Hawley and unanimously carried, the Findings of Fact from the December 11, 2019 meeting were approved.

2. Minutes

   A. Approval of the Minutes from the December 11, 2019 meeting.  
   (Audio Position: 26:00)

   Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, the minutes from the December 11, 2019 meeting were approved.

2. Other Business

   LARRY MAGLIOZZI presented this agenda item stating that there are more appointments to come in order to have a complete board for the February ABZA
meeting. He also expressed the need for all of the board members to receive a refresher course of the rules and procedures of the ABZA. Larry Maglioazzi mentioned that there would be an audio upgrade and pointed out that there will be five petitions for the February ABZA meeting.

4. Adjournment at 2:09 p.m.

RESPECTFULLY SUBMITTED,

________________________________
JOE VELLEMAN,
VICE CHAIRMAN OF THE BOARD

ATTEST:

________________________________
LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE BOARD
Minutes – October 9, 2019
Meeting
MEMBERS PRESENT:

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

ALSO PRESENT:

Athelia Diamond
Brandie Eckert
Ryan Fellows
Lawrence P. Magliozzi
Jordan Wyatt

PUBLIC HEARINGS:

1. The petition of CASSEL CRAIG A seeking the following variance(s): 1) from the minimum required 75' setback to 40'7" on the north and 47'2" on the west, property located at 64018 MIAMI HWY, Union Township. Zoned A: Agricultural District (County).

   (Audio Position: 1:35)

   After careful consideration, the following action was taken:

   Upon a motion by Jack Young, being seconded by Robert Hawley and carried, a petition by CASSEL CRAIG A seeking the following variances: 1) from the minimum required 75' setback to 40'7" on the north and 47'2" on the west, was tabled to the end of meeting due to the petitioner not being present.

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

   Mr. Urbanski had a late arrival to the meeting of 1:38 p.m. Mr. Urbanski was present for petitions 2-8 and petition 1 that was presented at the end of meeting.

2. The petition of SPP NET LEASE REAL ESTATE FUND II LLC seeking the following variance(s): 1) to allow outdoor seating between a side building line and side residential bufferyard; 2) from the minimum required side setback of 10' to 4' for a dumpster enclosure and 3) from the minimum required front setback for parking of 15 ft. to 9.5 ft., property located at 1315 IRELAND RD, Centre Township. Zoned CB Community Business District (South Bend).

   (Audio Position: 1:36)
Bob Polk of Farnsworth Group, Inc. office located at 20 Allen Ave, Suite 200, St Louis Missouri presented the petition 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 SPP NET LEASE REAL ESTATE FUND II LLC seeking the following variances: 1) to allow outdoor seating between a side building line and side residential bufferyard; 2) from the minimum required side setback of 10' to 4' for a dumpster enclosure and 3) from the minimum required front setback for parking of 15 ft. to 9.5 ft. was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

3. The petition of RONALD E & SANDRA N PIERCE seeking the following variance(s): 1) from the maximum allowable square footage for accessory structures of 950 sq. ft. to 1,584 sq. ft., property located at 11558 LINCOLNWAY, Penn Township. Zoned R: Single Family District (County).

PETITIONER

Sandra Pierce, who resides at 11558 Lincolnway, South Bend, presented the petition 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 Kathy Schuth, being seconded by Robert Hawley and unanimously carried, a petition by RONALD E & SANDRA N PIERCE seeking the following variances: 1) from the maximum allowable square footage for accessory structures of 950 sq. ft. to 1,584 sq. ft. was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski -Yes
Kathy Schuth -Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

4. The petition of ELES SHURN & DEANNA SKINNER-SHURN seeking the following variance(s): 1) from the minimum required front setback of 35' to 25', property located at 26135 BYRON AVE, Warren Township. Zoned R: Single Family District (County).

PETITIONER
Deanna Skinner-Shurn, who resides at 1213 Mossy Lane, Mishawaka, presented the petition as the petitioner.

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

REMONSTRANCE
There were three people present that spoke in remonstrance of this petition. They were:
Walt Bukowski, who resides at 56066 Ritschard Ave.
Mike Swedah, who resides at 26115 Byron Ave.
James Ball, who resides at 56215 Ritschard Ave.

REBUTTAL
Deanna Skinner-Shurn, who resides at 1213 Mossy Lane, Mishawaka, presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by John Leszczynski and carried, a petition by ELES SHURN & DEANNA SKINNER-SHURN seeking the following variances: 1) from the minimum required front setback of 35' to 25' was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - No
Robert Hawley - Yes
5. The petition of KYLE PATTI seeking the following variance(s): 1) from the maximum allowable square footage for accessory structures of 1959.60 sq. ft. to 3965.31 sq. ft., property located at 10685 FENNER LN, Penn Township. Zoned R: Single Family District (County).

PETITIONER

Terry Lang of Lang, Feeney, and Associates, Inc. with office at 715 South Michigan Street, South Bend, presented the petition 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 Michael Urbanski and unanimously carried, a petition by KYLE PATTI seeking the following variances: 1) from the maximum allowable square footage for accessory structures of 1959.60 sq. ft. to 3965.31 sq. ft. was approved as amended, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

6. The petition of DALE G & KRISTINE L MOORE seeking the following variance(s): 1) from the minimum required rear setback of 40’ to 35’, property located at 15088 DURHAM WAY, Harris Township. Zoned R: Single Family District (County).
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 DALE G & KRISTINE L MOORE seeking the following variances: 1) from the minimum required rear setback of 40’ to 35’ was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski -Yes
Kathy Schuth -Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

7. The petition of CITY OF SOUTH BEND BOARD OF PUBLIC WORKS seeking a Special Exception Use to allow a Group Residence, property located at 510 MAIN ST, Portage Township. Zoned CBD Central Business District (South Bend).

(Petitioner) Pam Meyer of City of South Bend Public Works, presented the petition on behalf of the City.
David Vanderveen of Hope Ministries, presented the petition on behalf of the City.

IN FAVOR

Michael Alexander, who resides at 2557 Corpus Christi Drive spoke in favor of this petition.

REMONSTRANCE

There were five people that spoke in remonstrance of this petition. They were:
Evie Horton, who works at 107 Monroe Street.
Terry Lang of Lang, Feeney, and Associates, Inc. with office at 715 South Michigan Street.
Leo Pramer, who resides at 431 South Main Street.
Jose Caselco- address unknown
James Masters, who works at 350 Columbia Street.

REBUTTAL

Pam Meyer of City of South Bend Public Works, presented the rebuttal on behalf of the City.
David Vanderveen of Hope Ministries, presented the rebuttal on behalf of the City.
After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by John Leszczynski and carried, a petition by CITY OF SOUTH BEND BOARD OF PUBLIC WORKS seeking a Special Exception Use for a Group Residence for property located at 510 MAIN ST, City of South Bend, is sent to the Common Council with a favorable recommendation, subject to the written commitment that the Special Exception Use shall have an end date of May 1, 2021, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - No
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - No
Michael Urbanski - Yes
Jack Young - Yes

8. The petition of FIVE CORNERS LLC seeking a Special Exception Use to allow for a Drive-Through Facility, and seeking the following variance(s): 1) from the maximum allowed front setback of 12' and 5' in the NNZO to 51' from SR 23 and 67' from Corby Street; 2) from the requirement of locating parking areas and interior access drives a minimum of 5' behind the front building line to what is shown on the site plan; 3) from the NNZO minimum setback for parking areas from building facades of 15' to 5'; 4) from the required off-street parking area screening to none along Corby Street; 5) from the minimum required front facade height of 18' and 22' in the NNZO to 16'; 6) to allow parking areas in the minimum front yard; and 7) to allow dedicated off-street parking for an individual business, property located at 1024 CORBY BLVD and 1026 CORBY BLVD and 819 EDDY ST and 826 EDDY ST, Portage Township. Zoned MU Mixed Use District (South Bend).

PETITIONER

Mike Danch of Danch, Harner, and Associates, Inc. with office at 1643 Commerce Drive, presented the petition on behalf of the petitioner.

IN FAVOR

There were two people that spoke in favor of the petition. They were:
Angela Smith of City of South Bend Community Investment.
Margaret Taylor who resides at 714 East Corby.

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 carried, a petition by FIVE CORNERS LLC seeking a Special Exception Use for a Drive-Through Facility for property located at 1024 CORBY BLVD and 1026 CORBY BLVD and 819 EDDY ST and 826 EDDY ST, City of South Bend, is sent to the Common Council with a favorable recommendation, subject to 1) the primary building material will be brick or stone; and 2) the drive-through will utilize the same building materials and feature the same roof style as the primary building; and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes

Upon a motion by Kathy Schuth, being seconded by Michael Urbanski and unanimously carried, a petition by FIVE CORNERS LLC seeking the following variances: 1) from the maximum allowed front setback of 12’ and 5’ in the NNZO to 51’ from SR 23 and 67’ from Corby Street; 2) from the requirement of locating parking areas and interior access drives a minimum of 5’ behind the front building line to what is shown on the site plan; 3) from the NNZO minimum setback for parking areas from building facades of 15’ to 5’; 4) from the required off-street parking area screening to none along Corby Street; 5) from the minimum required front facade height of 18’ and 22’ in the NNZO to 16’; 6) to allow parking areas in the minimum front yard and 7) to allow dedicated off-street parking for an individual business was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Kathy Schuth - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young – Yes

1. The petition of CASSEL CRAIG A seeking the following variance(s): 1) from the minimum required 75’ setback to 40’7” on the north and 47’2” on the west, property located at 64018 MIAMI HWY, Union Township. Zoned A: Agricultural District (County).

(Audio Position: 3:26)

PETITIONER

Jason Bucker of Power Homes Solar, LLC, office located at 919 North Main Street, Mooresville, NC, presented the petition 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 carried, a petition by CASSEL CRAIG A seeking the following variances: 1) from the minimum required 75' setback to 40'7" on the north and 47'2" on the west, was approved as presented.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

Upon a motion by Jack Young, being seconded by Robert Hawley, and unanimously carried the Findings of Fact from the September 11, 2019 ABZA meeting were approved.

2. Minutes

3. Other Business

4. Adjournment 3:38 p.m.

RESPECTFULLY SUBMITTED,

JOE VELLEMAN,
VICE-CHAIRMAN OF THE BOARD

ATTEST:

________________________________________
LAWRENCE P. MAGLIOZZI,
SECRETARY OF THE BOARD