AREA BOARD OF ZONING APPEALS
St. Joseph County, Indiana

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

Join meeting in-person:
227 W. Jefferson Blvd.
County-City Building
4th-Floor Council Chambers

Or join meeting by phone:
Call: 312-626-6799
Meeting ID: 925 7900 4737
Password: 425510

Or, click to join Area Board of Zoning Appeals

A) ROLL CALL

B) EXECUTIVE SESSION

1. Election of Officers

C) PUBLIC HEARINGS

1. Location: 17850 IRELAND RD
   Owner: GROWING KIDS SOUTH LLC AN INDIANA LIMITED LIABILITY CO
   Requested Action: Variance(s): 1) from the maximum copy area of 32 square feet each for two signs for a school or other institutional use to allow for two signs with a copy area of 64 square feet each
   Zoning: R: Single Family District (County)

2. Location: 51005 LILAC RD
   Owner: TIMOTHY F AND ADRIENNE M PASSWATER
   Requested Action: Variance(s): 1) to allow for an accessory structure without road frontage
   Zoning: R: Single Family District (County)

3. Location: 68323 DOGWOOD RD
   Owner: LAIDIG MELISSA ANN
   Requested Action: Variance(s): 1) from the required minimum lot area of 20 acres to 6.2 acres
   Zoning: A: Agricultural District (County)

4. Location: 12951 MCKINLEY HWY and VACANT PARCEL TO NORTH
   Owner: CS VENTURES LLC
   Requested Action: Variance(s): 1) from the minimum required side setback abutting a residential use of 50' to 10'
   Zoning: I: Industrial District (County)

5. Location: 22005 MADISON ROAD
   Owner: DOLAN TAYLOR
   Requested Action: Variance(s): 1) from the minimum required front setback of 35' to 6'
   Zoning: A: Agricultural District (County)
6. **Location:** 18325 BAILEY AVE and VACANT PARCEL TO EAST  
   **Owner:** LITTLE FLOWER VENTURES LLC  
   **Requested Action:** Variance(s): 1) from the minimum required lot width of 60' to 40' and 2) from the minimum required side setback of 6' to 4'  
   **Zoning:** R: Single Family District (County)

7. **Location:** 13638 DAY RD  
   **Owner:** LARRY JR AND TINA KLINE  
   **Requested Action:** Variance(s): 1) from the requirement that all lots have frontage on a public street to allow for a private street  
   **Zoning:** R: Single Family District (County)

8. **Location:** 51340 BITTERSWEET RD  
   **Owner:** YOUN & SUK PARK  
   **Requested Action:** Variance(s): 1) from the landscaping shown on the approved site plan to the relocation of two shade trees and elimination of one shade tree  
   **Zoning:** B: Business District (County)

**D) ITEMS NOT REQUIRING A PUBLIC HEARING**

1. Findings of Fact  
   A. Approval of the Findings of Fact from the June 25, 2020 ABZA Meeting  
2. Minutes  
   A. Approval of the Minutes from the June 25, 2020 ABZA Meeting  
3. Other Business

**E) 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.
Division of Planning and Zoning

MEMORANDUM

DATE: June 29, 2020

TO: Area Board of Zoning Appeals

FROM: Shawn Klein, Planner

SUBJECT: July 8, 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 July 8, 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 Growing Kids South LLC
The staff recommends approval of the variance. Although the property is zoned R: Single Family District, the majority of the properties in the immediate area are commercially-zoned, and this portion of Ireland Road is commercial in character. Therefore, allowing the damaged sign to be replaced is not expected to have any adverse effect on surrounding properties. At 64 square feet, the sign will be smaller than the 100 square foot freestanding sign maximum permitted on surrounding properties within the City of South Bend which are zoned C: Commercial.

2. Petition of Timothy F and Adrienne M Passwater
The staff recommends approval of this variance. In February of 2020, the County Council approved an amendment to the St. Joseph County Zoning Ordinance to permit accessory structures to be constructed on parcels without a primary use or structure if the parcel abuts an associated primary use and is under the same ownership. In this case, the petitioners would like to construct an accessory structure on the 3.22 acre parcel immediately to the rear of the parcel containing their home. The variance is needed as
the parcel lacks frontage, and if therefore not a buildable lot. An accessory structure on this property will not have any greater impact on adjacent properties than if all of the petitioners’ property were contained in one parcel, in which case the structure would be permitted by right. The lack of frontage will actually reduce the chance of abuse of the new accessory without primary rule in this instance, as it is unlikely that this parcel, which lacks road access, would ever be sold separately from the parcel with the dwelling unit.

3. Petition of Melissa Ann Laidig (68323 Dogwood Road)
The staff recommends approval of the variance. The remaining 13.8 acres will be placed in an outlot during the subsequent subdivision. Therefore, no additional buildable lots will be created in the A: Agricultural District and the currently cultivated land will only be suitable for cultivation in the future.

4. Petition of CS Ventures LLC (12951 McKinley Hwy And Vacant Parcel to North)
The staff has yet to finalize a recommendation for this variance. A warehouse setback 10’ from a residential use could have a substantial adverse effect on this residential use. However, in this case it appears that the petitioner owns the residentially-used property in question, so they may be the only party to bear the long-term impact, and based on the industrial character of the area, the future viability of this property for residential use is already questionable.

5. Petition of Taylor Dolan (22005 Madison Road)
The staff recommends denial of the variance. The County Engineer’s office reports that a structure within 10’ of a right-of-way may be injurious to public safety. Additionally, while the petitioner may prefer a front porch, outdoor seating areas could be constructed elsewhere on the property. Therefore, sufficient practical difficulty has not been demonstrated.

6. Petition of Little Flower Ventures LLC (18325 Bailey Ave and Vacant Parcel to East)
The staff recommends approval of these variances. The lot width and side yard setback reductions will allow the petitioner to create a denser residential development which is appropriate for parcels with sewer and water service and consistent with the trend towards greater density near the University of Notre Dame. A 2’ side yard setback reduction should not affect adjacent properties in any substantially adverse manner, particularly considering the property to the east appears to have structures within its side yard. However, staff may amend their recommendation on the side yard setback variance based upon remonstrance presented at the public hearing.

7. Petition of Larry Jr and Tina Kline (13638 Day Road)
The staff recommends approval of the variance. Access to the proposed parcels will be ensured through the creation of a private road easement during the subdivision process. This will not impact any properties outside the subdivision.

8. Petition of Youn and Suk Park (51340 Bittersweet Road)
The staff recommends approval of the variance. The relocated trees will provide similar screening of the petitioners’ storage building while allowing their sign to be visible from the road. Elimination of one of the shade trees west of the main business building will allow the petitioners to retain an existing mature tree which offers similar screening.
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 014-1034-058 101

The property address:
17850 Ireland Road, South Bend, IN 46614

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: Lot A1 Growing Kids Ireland Rd Minor Sub

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) 154.390(F): Nursing homes, religious uses, school and other institutional uses: 64 square feet in copy area, or two such signs, a maximum of 64 square feet each in copy area, where 32 square feet in copy area each is allowed.

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 subject site is zoned residential by way of the compliant "USE and OCCUPANCY" as a children's learning (daycare) facility. All other physical aspects of the structure and development are built in the commercial standard specifically; material, dimensions, scale and installation. The property recently was razed and removed following a natural disaster (TORNADO). The redevelopment plan as approved by St. Joseph County included; an increase in land and expansion of the detention area along the Ireland Road street frontage. The detention basin expansion both in area and depth includes an earthen slope along the North property line intersecting with West property line at the NW corner of the development where the proposed freestanding sign will be located. The applicant seeks approval for one (1) freestanding sign 64 square feet in sign area consistent with the commercial design of the development and one (1) non-illuminated wall sign 64 square feet in sign area located on the North (front) façade where the building is set-back from Ireland Road.

(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: St. Joseph County Area Plan Commission, Board of Zoning Appeals and Building Department authorized and issued all-applicable building approvals to rebuild and expand the Growing Kids Learning Center development site to allow for the continued use and occupancy by the applicant. The properties to adjacent to the subject site all maintain COMMERCIAL sign signage to the West and North. The applicant does not propose signage of any type facing the East or South adjacent properties. Therefore, approval of the variance will NOT have an adverse or negative impact on the adjacent uses or commerical corridor.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The strict application of the ordinance as administered for the subject site provides for general signage located in a residential and agricultural zone. The redeveloped site with land, access and detention expansion(s) in aggregate with the primary structure design and build in the COMMERCIAL standard will be harmed by the strict application and terms of the ordinance. The redeveloped site is located at the Eastern end of the Ireland Road - Commercial Corridor. Granting relief will provide for one non-illuminated wall sign facing the Ireland road access point and one (1) freestanding sign located adjacent to the Middleboro Street access point.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:
Growing Kids Learning Centers, respectfully seek approval to allow the
redevelopment site (Natural Disaster - Tornado) relief to permit one (1) freestanding
and one (1) wall sign with 64 square feet sign area each, where 32 square feet sign
area each for two (2) signs is allowed by ordinance.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
GROWING KIDS SOUTH LLC AN INDIANA LIMITED LIABILITY CO.
56533 Magnetic Drive
Mishawaka, IN 46545
574.220.6402

Name and address of additional property owners, if applicable:

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

Name and address of additional property owners, if applicable:

CONTACT PERSON:
Randy Whiteman
216 Lincolnway East
Osceola, IN 46561
574-631-8028
randy@ussigncrafters.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-
DESCRIBED REAL ESTATE AUTHORIZATE 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):

[Signature]
member, Growing Kids South, LLC

-FILED-
MAY 29 2020
One (1) D/F Illuminated Freestanding Pylon Sign / 65 sqft Total

Illuminated Cabinet with Flat Lexan Faces & Cut Translucent Vinyl Graphics

65 sq. ft. per side

Two (2) Sets of 7" Tall FCO Black Acrylic Letters Flush Mounted to Both Sides

MP 02770FTATAAAN

Signature & Date
MAY 29 2020

Scale 1:40

This drawing is property of US Signcrafters Inc and Building Impressions. No reproductions or exhibitions are permitted without the expressed written consent of US Signcrafters Inc. An assessed value of the artwork and concepts provided is a $2,500.00 fee to be charged for any misuse or use without consent. By signing, you, your company and employer understand and accept that this artwork, all aspects, specification, sizes, colors and spelling are approved for production. The color of the artwork are approximate and might not match the actual production colors.

3 of 5
2/21/2020
• Note: Sign is to be installed 5' back from the property line, with a minimum of 25' to leading edge of pavement, 43' to the center line of Ireland Rd.
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:
The property Tax Key Number(s) is/are: Enter property tax key number(s)
004-1007-009217

The property address:
Address (if none, give the general location with the nearest intersection)
City, State Zip Code
S1005 Lilac Road
South Bend, IN 46628

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) Insert list of variances. For multiple variances, separate by number (1, 2, 3, etc.)
Build a accessory building on lot without Road Frontage

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: Please explain how your variance petition addresses this criterion

(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: Please explain how your variance petition addresses this criterion

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: Please explain how your variance petition addresses this criterion

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:
Insert narrative
To build a detached garage

PETITIONER INFORMATION:
Name and address of property owner(s) of the petition site:
Name: Tim + Adrienne Passwater
Address: 51005 Lilac Road
City, State Zip Code: South Bend, IN. 46628
Phone number with Area Code: Home 574-273-0104 Cell 574-815-7150
E-Mail Address: jawbustes@att.net

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):
Tim Passwater
Adrienne Passwater
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:
The property Tax Key Number(s) is/are: (Lot 4) 014-1042-074501 & (Lot 3) 014-1042-074503

The property address:
12951 McKinley Highway and 55770 Evergreen Plaza Drive, Mishawaka Indiana 46545.

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: LOTS 3 AND 4 OF THE RECORDED PLAT OF EVERGREEN PLAZA MAJOR SUBDIVISION (SECTION ONE) AS RECORDED BY DOCUMENT NUMBER 0820867 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

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) From the required 50-ft building setback abutting a residential use to a minimum of 10 feet along the east property line to allow the construction of a warehouse building as shown on the attached site plan.

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 approval will not be injurious to the public health, safety, morals and general welfare of the community because the construction will adhere to all state and local codes and requirements.

   (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: The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed building will still comply with the required 10-ft building setback along the east property line and the existing residential structure which presently sets on property zoned Industrial. The existing home on the adjacent property would still have a separation from the proposed warehouse building by approximately 46 feet. Furthermore, the proposed use is warehouse only and no industrial manufacturing is proposed on site.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property. The property is approximately 232-ft wide. To move the proposed building further to west to comply with the 50-ft building setback would not allow sufficient space for proposed parking area and would not allow semi-trucks to efficiently maneuver through the site to access the proposed loading area along the north of the building. Furthermore, moving the building further north beyond the 160-ft common line between the project site and the residential use, would limit the ability for future expansion of the warehouse facility and use. The site as laid out would keep the proposed parking area and the loading dock area at a maximum distance from the residential use and the proposed building would serve as an additional buffer between the parking area and the loading dock.

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

1) The Special Use(s) being requested:

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:

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

(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:

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

* 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 petitioner proposes to construct a 300' x 100' warehouse building on property located on the northeast corner of McKinley Highway and Evergreen Plaza Drive. In addition to the warehouse, parking is proposed in front of the building with a loading dock area located at the north of the building. Access to the site will be by means of two access drives of Evergreen Plaza Drive. The property is zoned I-industrial with adjacent property to the east also zoned I-Industrial. However, the abutting property along the southeast, approximately 160-ft north/south, is an existing residential use. Because of this residential use, the Zoning Ordinance would require a minimum building setback of 50-ft from the east property line adjacent to this residential use. The petitioner desires to construct the proposed building with a setback of 10-ft along the east property line. In order to construct the proposed warehouse and site improvements as shown on the attached site plan, the petitioner is requesting the following variance: 1) A variance from the required 50 foot setback from a residential use to a minimum of 10 feet.

-FILED-

MAY 12 2020
PETITIONER INFORMATION:

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

CS Ventures, LLC
1906 Clover Road
Mishawaka, Indiana 46545
574-220-9508
jcunningham@midwestfinishing.com

Name and address of additional property owners, if applicable:

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

Same as above

Name and address of additional property owners, if applicable:

CONTACT PERSON:

Jeffrey Ballard - Danch, Harner and Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003
jballard@danchharner.com

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):
PETITIONER INFORMATION:

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

CS Ventures, LLC  
1906 Clover Road  
Mishawaka, Indiana 46545  
jenningsham@midwestfinishing.com

Name and address of additional property owners, if applicable:

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

Same as above

Name and address of additional property owners, if applicable:

CONTACT PERSON:

Jeffrey Ballard - Danch, Harner and Associates, Inc.  
1643 Commerce Drive  
South Bend, Indiana 46628  
574-234-4003  
jballard@danchharner.com

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

[Signatures]

[Signatures]
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are:  (Parcel 1) 005-1026-0322

The property address:
22005 Madison Rd
South Bend In 46614

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:  Lot 1 Nixons Madison rd Minor

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) A) Front set back of 35 ft (porch will be 8 ft away from)
   B) East side set back

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:  House is currently closer to property line and is legally not conforming causing no risks or safety concerns.

   (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:  Porch in proposed space will not impact farm land on east side and agriculture production will not be affected.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:  If original ordinance had to be followed, the proposed porch would not allowed.

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:
Raised covered porch on 3 sides of the residence (South East, South and South West sides of the building). Extending from the existing foundation up to 10 feet.

PETITIONER INFORMATION:
Name and address of property owner(s) of the petition site:
Taylor Dolan
22005 Madison Road
South Bend, IN, 46614
(574)485-3620
tegf06@aol.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:
Taylor Dolan
22005 Madison Road
South Bend, IN, 46614
(574)485-3620
tegf06@aol.com

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

[Signature]

[Signature]
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 002-1085-3945; 002-1085-3948

The property address:
54196 Burdette St and Vacant Parcels on Bailey
South Bend, IN 46637

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) From the minimum required lot width of 60' to 40'
2) From the minimum required side setback of 6' to 4'

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 approval of these variances would not be injurious to the public health, safety, morals and general welfare of the community. Reducing the lots widths and allowing smaller sides yards between the new homes would allow for new investment in this neighborhood in traditional urban forms. All building codes will be complied with to ensure the safety of buildings located in within the proposed distance of each other.

(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: Because the side yards would mainly between the homes the developer will be constructing, approving a reduction should not affect the use and value of adjacent properties. The neighborhood features numerous structures that are located within the required side setback and the proposed setback is consistent with properties within the neighborhood. Reducing the lot widths will not affect the use and value of adjacent properties.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The strict application of this Ordinance would make it difficult to achieve the desired density to make this project appeal to prospective home buyers. We would like to invest new construction to help improve this neighborhood.

-FILED-
MAY 0 4 2020
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

It is proposed to remove the existing structures and subdivide the lots to allow the construction of new homes.
The lots are proposed to be approximately 40' by 150' and the homes will be 32' by 80'.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Little Flower Ventures LLC
ATTN: Brian Giuffrida
3600 Silver Dollar Cir
Austin, TX 78744
(512) 705-6582
brian@littleflowerventures.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner(s):
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:
Abonmarche Consultants
ATTN: Mike Huber
750 Lincolnway East
South Bend, IN 46601
(574) 347-4610
mhuber@abonmarche.com

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):

[Signature] 01/21/2020

FILED -
MAY 04 2020
Certificate of Formation
Limited Liability Company

Article 1 - Entity Name and Type
The filing entity being formed is a limited liability company. The name of the entity is:

Little Flower Ventures, LLC

Article 2 – Registered Agent and Registered Office
A. The initial registered agent is an organization (cannot be company named above) by the name of:

OR

☑️ B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:
Brian Giuffrida

C. The business address of the registered agent and the registered office address is:

Street Address:
3600 Silver Dollar Circle  Austin TX 78744

Consent of Registered Agent
A. A copy of the consent of registered agent is attached.

OR

☑️ B. The consent of the registered agent is maintained by the entity.

Article 3 - Governing Authority
A. The limited liability company is to be managed by managers.

OR

☑️ B. The limited liability company will not have managers. Management of the company is reserved to the members.
The names and addresses of the governing persons are set forth below:

Managing Member 1: Brian Giuffrida  Title: Managing Member
Address: 3600 Silver Dollar Circle  Austin TX, USA 78744

Managing Member 2: Jacqueline Dimpel  Title: Managing Member
Address: 2219 Sawdust Road  #1401  The Woodlands TX, USA 77380

Managing Member 3: John Dimpel  Title: Managing Member
Address: 2219 Sawdust Road  #1401  The Woodlands TX, USA 77380

Managing Member 4: Sharon Giuffrida  Title: Managing Member
Address: 3600 Silver Dollar Circle  Austin TX, USA 78744

Article 4 - Purpose
The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

Supplemental Provisions / Information

As authorized by the provisions of Section 101.601 of the Texas Business Organizations Code, the filing entity may establish or provide for the establishment of one or more designated series of members, managers, membership interests, or assets that: (1) has separate rights, powers, or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations; or (2) has a separate business purpose or investment objective.

In accordance with the provisions of Section 101.602 of the Texas Business Organizations Code: (1) the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to a particular series shall be enforceable against the assets of that series only, and shall not be enforceable against the assets of the filing entity generally or any other series; and (2) none of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the filing entity generally or any other series shall be enforceable against the assets of a particular series.

[The attached addendum, if any, is incorporated herein by reference.]

Organizer

The name and address of the organizer are set forth below.
Arendes, Green, Richtermeyer & Stahl, PLLC 717 Santaluz Path, Austin, Texas 78732

Effectiveness of Filing

✓ A. This document becomes effective when the document is filed by the secretary of state.

OR

□ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Adam Stahl, Member, Arendes, Green, Richtermeyer & Stahl, PLLC

Signature of Organizer

FILING OFFICE COPY

-FILED-
MAY 04 2020
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 014-1061-127428

The property address:
13638 Day Road
Mishawaka, IN 46545

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) From the required lot frontage on a public street to frontage on a private street.

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: Approval of this variance will not affect the health, safety, morals and general welfare of the community.

(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: Because the private street will only serve the lots of the proposed subdivision the use and value of the adjacent property will not be negatively affected.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The strict application of this Ordinance will prohibit the layout of the street as proposed by requiring it to meet County standards. To meet the needs of the subdivision we believe a private street is an appropriate option.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

The project will be a small subdivision with no additional connections other than on Day Road. A private street is proposed.

PETITIONER INFORMATION:

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

Larry Jr. and Tina Kline
13638 Day Road
Mishawaka, IN 46545

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:

Mike Huber, Abonmarche Consultants
750 Lincolnway East
South Bend, IN 46601
5743474610
mhuber@abonmarche.com

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):

[Signature]

-FILED-
MAY 04 2020
VARIANCE OR SPECIAL USE PETITION IN
Unincorporated St. Joseph County

Submittal Deadline and Place of Filing:  12:00 Noon, Area Plan Commission, 11th Floor of the County-City Building. Filing deadlines can be found at http://sjcindiana.com/DocumentCenter/View/13127

1. Submissions for a Variance or Special Use should include the following:
   - Submit 2 physical copies of the Petition. Submit 1 additional copy by email to planning@sjcindiana.com.
   - Submit 2 physical copies, and 1 copy by email to planning@sjcindiana.com, of a Site Development Plan drawn to scale showing the following:
     - North Arrow, written and graphic scale
     - Boundary of property with dimensions
     - All existing and proposed structures with distances from all property lines
     - Septic location
     - Existing and/or proposed landscaping, if applicable to application
     - Existing and/or proposed parking, if applicable to application
     - Existing and/or proposed signs, if applicable to application
     - Sign and/or building elevations, if seeking sign or architectural variances
     - If the property is greater than 3 acres, the site plan does not need to be drawn to scale
   - Filing Fees: **Cash, check, or money order payable to the Area Plan Commission.**
     - Variances: $125 for the first variance, plus $50 for each variance
     - Special Use: $300 for the Special Use, plus $50 for each variance
     - Conditional Use: $300 for the Conditional Use, plus $50 for each variance

2. The staff will prepare the legal notice for publication and notice to surrounding property owners.

3. The staff will prepare the Ordinance for Special Use and submit it to the County Council, if applicable.

4. During the review by the staff, additional information, clarification, or corrections may be requested. Changes are submitted directly to the staff.

5. The petition will not be set for a public hearing unless all required documentation, clarifications, or corrections are submitted prior to the publication of the legal ad. It is the responsibility, of you or your representative, to respond in a timely manner.

6. The petitioner or a representative must be present at the Area Board of Zoning Appeals meeting. If the petition involves a Special use, the petitioner or a representative must also be present at the County Council Land Use Committee and the County Council meetings. Please consult the County Council secretary for Council meeting dates and times.

Press TAB to complete the attached Petition.
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 006-1018-024202

The property address:
51340 Bittersweet Road
Granger, IN 46530

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) Insert list of variances. For multiple variances, separate by number (1, 2, 3, etc):

From the required front yard landscaping of five new shade trees per the approved site plan to proposing a relocation of two new shade trees and the removal of one shade tree, as shown in the proposed site plan.

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: Please explain how your variance petition addresses this criterion.
   
   The modifications to the front yard landscaping will promote a pleasant and safer environment by opening a visual corridor and connection from the main building to the entry curb cut and right-of-way of Bittersweet Road. This condition will allow for natural daylight to enhance and further activate the interior spaces along the west elevation. The added visibility and presence of the main building from the right-of-way will create an inviting and welcoming experience for tenants and visitors of the property’s business use. The new proposed locations near the south property line is intended to screen the storage barn building from public view.

   (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: Please explain how your variance petition addresses this criterion.
   
   The requested variance is intended for the front yard landscaping requirements only, which will not impact the use and value of any area adjacent to the property.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: Please explain how your variance petition addresses this criterion.
   
   The following are items illustrating difficulties in use of the property created by the strict application of the terms of this Ordinance:
   
   1. Limited Physical Presence and Visibility as Business Use. The main building currently sits approximately 55 ft. from the east edge of Bittersweet Road. Though there is a significant physical separation, the main building is visible from the public right-of-way in its current condition. At the request of the county, the existing sign was relocated to be setback further. Refer to attached photos and proposed site plan. As shown in the approved site plan, the five new shade trees (noted as T1-T5) in addition to the large existing tree will create a visual and physical barrier from the road to the main building and new sign location. As a business and retail use, the tenant will have challenges with limited presence and visibility from the public right-of-way.

   2. Limited Natural Daylight. The new tree line is less than 30 ft. from face of building to center of tree. The new trees will limit natural daylight access on the western façade of the main building and will continue to cast a larger footprints of shade and shadow as the trees grow. This will make it challenging for the tenant, who plans to use the west facing interior spaces to promote business
initiatives and display retail products. The lack of natural daylight will also detract from the business and retail experience of visitors and potential patrons.

3. Additional Existing Conditions in Approved Site Plan. The approved site plan does not show the locations of an existing utility pole and existing septic tank along the west property line. In addition, the location of an existing large tree is not accurately represented. These locations are highlighted in the attached photos and noted on the proposed site plan.

a. The new shade tree located directly west of the main building is proposed within the same location as the existing large tree. In order to achieve this, the existing large tree will need to be removed at additional cost to the property owner. Due to the existing tree’s proximity to the existing utility pole and overhead lines, this effort will also need to be coordinated with the utility company to ensure safety and prevent damages.

b. The new shade tree located furthest north is proposed within close proximity of the existing large tree and existing septic tank. The new shade tree may damage the roots of the existing large tree and create additional costs for its removal in the future. The installation of the new shade tree may also damage the septic tank lid, riser, and system below grade.

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:

On October 15th, 2019, the Area Plan Commission approved the rezoning of the property from B: Business District and R: Single Family District to B: Business District. As shown in the approved site plan, five new shade trees were to be planted along the western property line to meet the front yard landscaping requirements. Due to the concerns and hardships outlined under Variance Information, we would like to propose the following:

1. Relocate the new shade tree (noted as T1) away from existing large tree and existing septic tank. The new proposed location will screen the storage barn building from public view.
2. Remove the new shade tree (noted as T2), since the existing large tree meets the front yard landscaping requirements.
3. Relocate the new shade tree (noted as T3) to maintain visibility of main building and new sign location. The new proposed location will screen the storage barn building from public view.

We believe that these modifications to the approved site plan will create an inviting and welcoming experience for tenants and visitors, activate and enhance the commercial corridor of Bittersweet Road, and promote a safer environment for the surrounding community.

PETITIONER INFORMATION:

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

Youn Park
51340 Bittersweet Road
Granger, IN 46530
574-360-3763
youmpark@hotmail.com

Name and address of additional property owners, if applicable: Suk Y. Park

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:

Youn Park
51340 Bittersweet Road
Granger, IN 46530
574-360-3763
youmpark@hotmail.com

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):

[Signatures]
EXISTING SITE CONDITIONS
FINDINGS OF FACT

LONN A & PATTI J REINHARDT
14250 PIERCE RD
St. Joseph County

On Tuesday, June 25, 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 rear setback of 30' to 5'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The reduced rear setback will not result in a barn location which poses a threat to 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.
   Only the property to the rear of the petitioners' property will be affected by this variance, and in this case not to a greater degree than it has been for the past 37 years. The agricultural use of this neighboring parcel 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 petitioner to replace an existing barn. Other suitable locations in conformance with the ordinance do not exist on the parcel due to the need for a replacement septic system and the fact that the parcel is smaller than that contemplated by the greater setback requirements of the Agricultural District.

Roll Call:

   Sidney Shafer - Yes          Joe Velleman - Yes
   Michael Urbanski - Yes      John O'Brien - Yes

The Minutes of the June 25, 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 July 8, 2020.

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

ATTEST:

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

FRANK A & PATRICIA L VELLUCCI
69733 OAK RD
St. Joseph County

On Tuesday, June 25, 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 3.88 acres

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The approval will have no effect on public health, safety, and morals. The approval will allow for the concentration of tillable farmland into a larger parcel, therefore increasing its viability and enhancing the 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 use and value of adjacent property will not be affected in an adverse manner, as separating the residential portion of the existing lot from the agricultural portion will not impact neighboring agricultural and residential uses.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Strict application of the terms of this Chapter would not allow the property owner to retain the existing Residentially used property and transfer the agricultural portion to the neighboring farm.

Roll Call:

Sidney Shafer - Yes  Joe Velleman - Yes
Michael Urbanski - Yes  John O'Brien - Yes

The Minutes of the June 25, 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 July 8, 2020.

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

ATTEST:

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

WARREN C & ANN M GANSER
11557 RIVERVIEW BLVD
St. Joseph County

On Tuesday, June 25, 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 35' to 17'
APPROVED 2) from the minimum required side setback of 8' to 2.5'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Allowing an accessory structure to be located closer to the side and front property lines will have no affect on public health, morals, and general welfare. Furthermore, at 17', the structure will still be adequate setback from the public right-of-way such that public safety will not be adversely affected.

(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 reduced setbacks are consistent with the setbacks for existing accessory structures on neighboring lots.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Strict application of the terms of this Chapter would not allow the petitioner to replace an existing accessory structure in a location which is consistent with the placement of accessory structures on neighboring lots.

Roll Call:

Sidney Shafer - Yes        Joe Velleman - Yes
Michael Urbanski - Yes    John O'Brien - Yes

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Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on July 8, 2020.

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

ATTEST:

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

KERRY R AND ROSEMARIE KNAPE
27340 STANTON RD and 27250 STANTON RD
St. Joseph County

On Tuesday, June 25, 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 20 acres to 4.73 acres for proposed Lot 1 |
| APPROVED | 2) from the required minimum 20 acres to 4.73 acres 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 public health, safety, and morals, and will potentially promote general welfare by allowing more agriculturally productive land to remain in one parcel.

(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 use and value of the adjacent agricultural land will not be adversely affected as the variances will not allow the creation of developable lots in excess of what zoning ordinance already allows. The variances promote ongoing agricultural use by allowing residentially used portions of the existing lots to be subdivide off while concentrating the bulk of the tillable farm land into one parcel.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Under a strict application of the terms of this Chapter, the desired subdivision would result in an unnecessary fragmentation of productive farmland.

Roll Call:

Sidney Shafer - Yes
Michael Urbanski - Yes
Joe Velleman - Yes
John O’Brien - Yes

The Minutes of the June 25, 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 July 8, 2020.

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

ATTEST:

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

TIMOTHY R & KRISTIE L THIELKA
11727 STROHM DR
St. Joseph County

On Tuesday, June 25, 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 35' to 15' along the west lot line

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The variance will have no effect on public health, morals, or general welfare. It will not be injurious to public safety because the house will still be set back a safe distance from the public right-of-way.

(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 portion of the house to be extended is distant enough from adjacent homes such that it should not affect the use and value of the area adjacent. The addition will enhance the existing home, potentially improving the value of adjacent properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   As a corner lot, the parcel effectively has two front setbacks to meet, resulting in a practical difficulty in utilizing the parcel to the same extent permitted by non-corner lots.

Roll Call:

Sidney Shafer - Yes  Joe Velleman - Yes
Michael Urbanski - Yes  John O'Brien - Yes

The Minutes of the June 25, 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 July 8, 2020.

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

ATTEST:

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

KORN FAMILY FARM LLC
27386 ALDEN RD
St. Joseph County

On Tuesday, June 25, 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 3.81 acres

(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 public health, safety, and morals, and will potentially promote general welfare by allowing more agriculturally productive land to remain in one parcel.

(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 use and value of the adjacent agricultural land will not be adversely affected as the variances will not allow the creation of developable lots in excess of what the zoning ordinance already allows. The variances promote ongoing agricultural use by allowing the residentially used portion of the existing lot to be subdivide off while concentrating the bulk of the tillable farm land into one parcel.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Under a strict application of the terms of this Chapter, the desired subdivision would result in an unnecessary fragmentation of productive farmland.

Roll Call:

Sidney Shafer – Yes          Joe Velleman - Yes
Michael Urbanski - Yes      John O’Brien - Yes

The Minutes of the June 25, 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 July 8, 2020.

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

ATTEST:

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

CHAD M & ABIGAIL L ZAHNER
10251 PIERCE RD
St. Joseph County

On Tuesday, June 25, 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 5.19 acres

(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 public health, safety, and morals, and will potentially promote general welfare by allowing more agriculturally productive land to remain in one parcel.

(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 use and value of the adjacent agricultural land will not be adversely affected as the variances will not allow the creation of developable lots in excess of what zoning ordinance already allows. The variances promote ongoing agricultural use by allowing the residentially used portion of the existing lot to be subdivide off while concentrating the bulk of the tillable farm land into one parcel.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Under a strict application of the terms of this Chapter, the desired subdivision would result in an unnecessary fragmentation of productive farmland.

Roll Call:

Sidney Shafer - Yes  Joe Velleman - Yes
Michael Urbanski - Yes  John O’Brien - Yes

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Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on July 8, 2020.

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

ATTEST:

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

THE VILLAGE DEVELOPMENT LLC
12001 CLEVELAND and 13030 ANDERSON RD
St. Joseph County

On Tuesday, June 25, 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 front setback of 35' to 25' for proposed lots 1-4, 11-69, 74-78, 81, 84-87, 94-133, 137-166, and 168-230

(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 public health, safety, and morals. The general welfare of the community is potentially enhanced by allowing for the development of a more dense residential neighborhood that is appropriate for areas served by water and sewer, thereby broadening the variety of housing options in St. Joseph County.

(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.
   No properties outside the development will be substantially 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 for the creation of a more dense residential neighborhood which has been deemed to be desirable to certain home-buyers.

Roll Call:

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<tbody>
<tr>
<td>Sidney Shafer</td>
<td>Yes</td>
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<tr>
<td>Joe Velleman</td>
<td>Yes</td>
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<tr>
<td>Michael Urbanski</td>
<td>Yes</td>
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<tr>
<td>John O'Brien</td>
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Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on July 8, 2020.

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

ATTEST:

Ryan D. Fellows, Interim Executive Director
PUBLIC HEARINGS:

1. The petition of LONN A & PATTI J REINHARDT seeking the following variance(s): 1) from the minimum required rear setback of 30' to 5', property located at 14250 PIERCE RD, Madison Township. Zoned A: Agricultural District (County).

(PETITIONER)

LONN REINHARDT residing at 14250 Pierce Rd. Bremen, IN presented as the petitioner.

(IN FAVOR)

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

(REMONSTRANCE)

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

After careful consideration, the following action was taken:

Upon a motion by Sidney Shafer, being seconded by Joe Velleman and unanimously carried, a petition by LONN A & PATTI J REINHARDT seeking the following variances: 1) from the minimum required rear setback of 30' to 5' was approved as presented, and will issue written Findings of Fact.

Sidney Shafer – Yes
Michael Urbanski -Yes
Joe Velleman - Yes
John O'Brien - Yes
2. The petition of FRANK A & PATRICIA L VELLUCCI seeking the following variance(s): 1) from the required minimum lot area of 20 acres to 3.88 acres, property located at 69733 OAK RD, Liberty Township. Zoned A: Agricultural District (County).

PETITIONER

MIKE DANCH, of Danch, Harner & Associates, Inc. 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 Joe Velleman, being seconded by John O'Brien and unanimously carried, a petition by FRANK A & PATRICIA L VELLUCCI seeking the following variances: 1) from the required minimum lot area of 20 acres to 3.88 acres was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Michael Urbanski -Yes
Joe Velleman - Yes
John O'Brien - Yes

3. The petition of WARREN C & ANN M GANSER seeking the following variance(s): 1) from the minimum required front setback of 35' to 17' and 2) from the minimum required side setback of 8' to 2.5', property located at 11557 RIVERVIEW BLVD, Penn Township. Zoned R: Single Family District (County).

PETITIONER

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

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Sidney Shafer and unanimously carried, a petition by WARREN C & ANN M GANSER seeking the following variances: 1) from the minimum required front setback of 35' to 17' and 2) from the minimum required side setback of 8' to 2.5' was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Michael Urbanski - Yes
Joe Velleman - Yes
John O'Brien - Yes

4. The petition of KERRY R AND ROSEMARIE KNAPE seeking the following variance(s): 1) from the required minimum 20 acres to 4.73 acres for proposed Lot 1 and 2) from the required minimum 20 acres to 4.73 acres for proposed Lot 2, property located at 27340 STANTON RD and 27250 STANTON RD, Liberty Township. Zoned A: Agricultural District (County).

PETITIONER

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

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Sidney Shafer and unanimously carried, a petition by KERRY R AND ROSEMARIE KNAPE seeking the following variances: 1)
from the required minimum 20 acres to 4.73 acres for proposed Lot 1 and 2) from the required minimum 20 acres to 4.73 acres for proposed Lot 2 was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Michael Urbanski - Yes
Joe Velleman - Yes
John O'Brien - Yes

4. The petition of TIMOTHY R & KRISTIE L THIELKA seeking the following variance(s): 1) from the minimum required front setback of 35' to 15' along the west lot line, property located at 11727 STROHM DR, Penn Township. Zoned R: Single Family District (County).

PETITIONER

TIM THIELKA, residing at 11727 Strohm Dr. Mishawaka, IN presented as the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Sidney Shafer and unanimously carried, a petition by TIMOTHY R & KRISTIE L THIELKA seeking the following variances: 1) from the minimum required front setback of 35' to 15' along the west lot line was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Michael Urbanski - Yes
Joe Velleman - Yes
John O'Brien – Yes

5. The petition of KORN FAMILY FARM LLC seeking the following variance(s): 1) from the required minimum lot area of 20 acres to a lot area of 3.81 acres, property located at 27386 ALDEN RD, Warren Township. Zoned A: Agricultural District (County).

(Audio Position: 23:25)
PETITIONER

CHRIS MARBACH of Marbach-Palm, Inc., with offices located at 8888 US-20 New Carlisle, IN presented on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Sidney Shafer, being seconded by Joe Velleman and unanimously carried, a petition by KORN FAMILY FARM LLC seeking the following variances: 1) from the required minimum lot area of 20 acres to 3.81 acres was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Michael Urbanski - Yes
Joe Velleman - Yes
John O'Brien - Yes

6. The petition of CHAD M & ABIGAIL L ZAHNER seeking the following variance(s): 1) from the required minimum lot area of 20 acres to 5.19 acres, property located at 10251 PIERCE RD, Madison Township. Zoned A: Agricultural District (County).

PETITIONER

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

IN FAVOR

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

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.
After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Sidney Shafer and unanimously carried, a petition by CHAD M & ABIGAIL L ZAHNER seeking the following variances: 1) from the required minimum lot area of 20 acres to 5.19 acres was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Michael Urbanski - Yes
Joe Velleman - Yes
John O'Brien - Yes

8. The petition of THE VILLAGE DEVELOPMENT LLC seeking the following variance(s): 1) from the required minimum front setback of 35' to 25' for proposed lots 1-4, 11-69, 74-78, 81, 84-87, 94-133, 137-166, and 168-230; ; 2) from the required minimum side setback of 8' to 6' for proposed lots 6-9, 14, 24-25, 40-43, 58, 60-73, 81, 89-90, 106-107, 135-136, 143, 145-161, 167-168, 172, 194-195, 230 and 3) from the required lot width of 100' to 0' for proposed lot 230, property located at 12001 CLEVELAND and 13030 ANDERSON RD, Harris Township. Zoned R: Single Family District (County).

PETITIONER

MIKE DANCH, of Danch, Harner & Associates, Inc. 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 Joe Velleman, being seconded by Sidney Shafer and unanimously carried, a petition by THE VILLAGE DEVELOPMENT LLC seeking the following variances: 1) from the required minimum front setback of 35' to 25' for proposed lots 1-4, 11-69, 74-78, 81, 84-87, 94-133, 137-166, and 168-230; ; 2) from the required minimum side setback of 8' to 6' for proposed lots 6-9, 14, 24-25, 40-43, 58, 60-73, 81, 89-90, 106-107, 135-136, 143,
145-161, 167-168, 172, 194-195, 230 and 3) from the required lot width of 100' to 0' for proposed lot 230 was approved as presented, and will issue written Findings of Fact.

Sidney Shafer - Yes
Michael Urbanski -Yes
Joe Velleman - Yes
John O'Brien - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

   A. Approval of the Findings of Fact from the March 11, 2020 ABZA meeting

   (Audio Position: 49:30)

   Upon a motion by Joe Velleman, being seconded by Sidney Shafer and unanimously carried, the Findings of Fact from the March 11, 2020 ABZA meeting were approved.

2. Minutes

   A. Approval of the Minutes from the March 11, 2020 ABZA meeting

   (Audio Position: 50:40)

   Upon a motion by Joe Velleman, being seconded by Sidney Shafer and unanimously carried, the Minutes from the March 11, 2020 ABZA meeting were approved.

3. Other Business

   Mike Urbanski announced that he is stepping down as Chairman and would like to nominate Joe Velleman as Chairman. Mike Urbanski will still be a member of the board.

4. Adjournment at 2:31 p.m.

   RESPECTFULLY SUBMITTED,

   ____________________________________________
   MICHAEL URBANSKI,
   CHAIRMAN OF THE BOARD

   ATTEST:

   ____________________________________________
   RYAN D. FELLOWS,
   Interim Secretary of the Board