AGENDA
Wednesday, September 9, 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: 948 3592 3917 Password: 4276313

PUBLIC HEARING:

1. Location: 60010 MAYFLOWER RD and 60200 MAYFLOWER RD
   Owner: JC Beall & Katrina Higgins
  Requested Action: Variance(s): 1) to allow an accessory structure without a primary structure
   Zoning: R: Single Family District (County)

2. Location: 10401 SUNSET LN
   Owner: CHRISTOPHER WAYNE & VICTORIA ANN SQUINT
   Requested Action: Variance(s): 1) from the required minimum rear setback of 40' to 27'
   Zoning: R: Single Family District (County)

3. Location: 56599 OAK RD
   Owner: MICHAEL JR GROVES AND JENNIFER GUEDEMAN
   Requested Action: Variance(s): 1) from the minimum required side setback of 8' to 5'.
   Zoning: R: Single Family District (County)

4. Location: 66000 PINE RD
   Owner: FRANK M BEIGELBECK JR
   Requested Action: Variance(s): 1) from the required minimum rear setback of 30' to 8' from the east property line and 2) from the required minimum front setback of 35' to 30.5' from the north property line
   Zoning: A: Agricultural District (County)

5. Location: 19475 EDINBURGH DR
   Owner: JEFFREY A & SALLY P ANGLEMYER
   Requested Action: Variance(s): 1) from the required minimum front setback of 35' to 20' from the west lot line
   Zoning: R: Single Family District (County)
6. **Location:** 15604 STATE ROAD 23 HWY  
**Owner:** MIRADOR AT 23 LLC  
**Requested Action:** Variance(s): 1) from the required front yard landscaping of 8 shade trees to 2 shade trees and 14 shrubs; 2) from the required Type 2 residential landscaping to existing landscaping and 3) from the required foundation landscaping to what is shown on the site plan  
**Zoning:** B: Business District (County)

**ITEMS NOT REQUIRING A PUBLIC HEARING:**

1. Findings of Fact  
   A. Approval of the Findings of Fact from the August 12, 2020 ABZA meeting.  
2. Minutes  
   A. Approval of the Minutes from the August 12, 2020 ABZA meeting.  
3. Other Business  
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: August 31, 2020

TO: Area Board of Zoning Appeals

FROM: Shawn Klein, Planner

SUBJECT: September 9, 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 September 9, 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. **Location:** 60010 MAYFLOWER RD and 60200 MAYFLOWER RD
   
   Owner: JC Beall & Katrina Higgins
   
   **Requested Action:** Variance: 1) to allow an accessory structure without a primary structure
   
   **Zoning:** R: Single Family District (County)

   The staff recommends approval of this variance on the condition that a single family dwelling be constructed on the property within 3 years of the variance being granted.

   (1) Petitioners have expressed an intent build a house, and the 3-year deadline protects against the risk of the accessory structure ultimately being used for non-residential purposes. As such, the approval will not be injurious to public health, safety, morals and general welfare of the community.

   (2) The proposed accessory structure would not likely be visible from the wooded adjacent properties or any houses in the vicinity. Therefore, the use and value of the area adjacent to petitioners’ property is not expected to be affected in a substantially adverse manner.

   (3) The strict application of the terms of the zoning ordinance would prevent petitioners from storing equipment on the property which they will utilize to prepare the site for construction of a home. Please note that the property in question is a single buildable lot of record. The former railroad right-of-way which once bisected the lot has since been vacated.
2. Location: 10401 SUNSET LN  
Owner: CHRISTOPHER WAYNE & VICTORIA ANN SQUINT  
Requested Action: Variance: 1) from the required minimum rear setback of 40' to 27'  
Zoning: R: Single Family District (County)

The staff recommends approval of the variance. Approval of the variance will allow the petitioners to replace the existing deck with a small “4 season” room.

(1) The addition will have no impact on public health, safety, morals, or general welfare of the community.
(2) Only the neighboring property to the north will be affected by this variance, and not to a degree which could be considered substantially adverse. The setback reduction will place the addition within 27’ of the side lot line this adjacent parcel. If petitioners’ property were not a corner lot, they would be able to build within 8’ of this property line. Therefore, the impact upon the neighboring property is far less than the zoning ordinance would permit by right if the petitioners’ lot were a typical single frontage parcel.
(3) The strict application of the terms of the zoning ordinance would impose practical difficulties on petitioners. The orientation of the house relative to the dimensions of the lot result in a relatively small backyard, and it would be impractical to construct this addition elsewhere rather than utilize the existing backdoor.

3. Location: 56599 OAK RD  
Owner: MICHAEL JR GROVES AND JENNIFER GUDEMAN  
Requested Action: Variance: 1) from the minimum required side setback of 8’ to 5’.
Zoning: R: Single Family District (County)

The staff recommends approval of the variance.

(1) Public health, safety, morals, and general welfare will not be affected by allowing a garage to be constructed 3’ closer to a property line than the zoning ordinance permits.
(2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed setback is identical to an existing garage which will be demolished and replaced. The affected neighbor to the south has been notified of the variance request and will have the opportunity to voice his concerns.
(3) Practical difficulty is posed by the septic system location. Additionally, at approximately 12,197 square feet, the parcel is only slightly larger than a 12,000 square foot parcel which would qualify for a reduced side setback of 6’ under the zoning ordinance. This reduced setback is only 1’ greater than what is being requested.

4. Location: 66000 PINE RD  
Owner: FRANK M BEIGELBECK JR  
Requested Action: Variances: 1) from the required minimum rear setback of 30’ to 8’ from the east property line and 2) from the required minimum front setback of 35’ to 30.5’ from the north property line  
Zoning: A: Agricultural District (County)

The staff recommends approval of the variances.

(1) Public health, morals, and general welfare will not be affected. The setback from State Road 4 would still be adequate for public safety.
(2) Allowing a garage to be placed within 8’ of the eastern property line should not impact the use and value of the adjacent agricultural land.
(3) The size of the lot and the orientation of the existing building create considerable practical difficulty in meeting the front and side setbacks of the agricultural district. The requested setbacks are appropriate for the residential use.
5. Location: 19475 EDINBURGH DR
Owner: JEFFREY A & SALLY P ANGLEMYER
Requested Action: Variance: 1) from the required minimum front setback of 35' to 20' from the west lot line
Zoning: R: Single Family District (County)

The staff recommends denial of the variance.
(1) The variance would not be injurious to public health, safety, morals, and general welfare.
(2) The use and value of adjacent properties could be affected in a substantially adverse manner as the variance would allow the petitioner to build 15’ closer to Fellows Street than 3 similar corner lots in the immediate vicinity, undermining neighborhood character.
(3) The above referenced comparable properties are meeting the required setback, therefore it is difficult to find adequate practical difficulty associated with petitioners’ property.
Allowing a property owner to not comply with a development standard without sufficient justification creates a precedent for arbitrarily inconsistent application of the zoning ordinance.

6. Location: 15604 STATE ROAD 23 HWY
Owner: MIRADOR AT 23 LLC
Requested Action: Variances: 1) from the required front yard landscaping of 8 shade trees to 2 shade trees and 14 shrubs; 2) from the required Type 2 residential landscaping to existing landscaping and 3) from the required foundation landscaping to what is shown on the site plan
Zoning: B: Business District (County)

Variance 1) The staff recommends denial of the variance from the required front yard landscaping of 8 shade trees to 2 shade trees and 14 shrubs.

Approval of this variance could be injurious to the general welfare and could adversely affect the use and value of adjacent properties by allowing for development which has a greater visual impact on the public right-of-way than what is typically permitted by the zoning ordinance. Petitioner has not demonstrated adequate practical difficulty. Trees could be clustered to preserve building and sign visibility without reducing the number of trees provided.

Variance 2) The staff recommends approval of the variance from the required Type 2 residential landscaping to existing landscaping.

The existing landscaping provides adequate screening to protect the use and value of adjacent property. Furthermore, due to the unique configuration of the lots in this area, the portion of the adjacent lot to the east which would effectively be screened by the required residential landscaping is 341’ from the road and therefore not likely to contain a residential use which requires protection from petitioner’s business use.

Variance 3) The staff recommends denial of the variance from the required foundation landscaping as presented but would recommend a variance if 12 additional potted plants are provided along the front façade (20 total).

The petitioner has demonstrated sufficient practical difficulty in providing conventional foundation landscaping due to the unique modular design, but additional potted plants would still allow this flexibility while providing a visual break from the expanse of paved surface which is equivalent to what is ordinarily required.
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: TAX ID#005-1038-0517 & TAX ID#005-1038-051804

The property address:
60010 MAYFLOWER 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: SECTION 32, TOWNSHIP 37 NORTH, RANGE 2 EAST

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) Variance for building 30x48 storage building on the property before homestead permit is pulled. (NOTE: We are applying for this variance on the understanding that, if granted, we must pull a homestead/house-construction permit within 3 years of construction of the target storage building.)

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 will be putting up a 30x48 storage structure for basic maintenance equipment while we maintain our property and also prepare to build in the next 2-3 years (maximum 3 years for pulling permit to build homestead). There is no threat to public health, safety or any negative effects on the general welfare, as this is simply a private storage building on a private parcel.

   (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 main adjacent property, owned by Mr. Ralph Garber and currently farmed by Mr. Eddie Ort, is an agricultural field that our construction (and use thereof) will in no way affect. Similarly, the Bralick’s homestead to the north of our driveway will not be affected by the storage building. (We’ve spoken with both neighbors.)

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: We have recently moved to Indiana (viz., South Bend), and we have purchased the Mayflower Rd property that we are going to make our home. To maintain and work on the property, we need basic equipment (and room to dry fallen timber and/or firewood, etc.). We hope to have our house built in the next two years, but certainly no later than three years; however, we want to get a simple driveway in, storage building, eventually electric to storage building (just for basic tools and lighting for winter work), and start managing the property. Without a storage building, it will be difficult to move forward. (Our house in South Bend is very small, and we cannot store very much at the house.)

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
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

We are building a 30x48 pole barn for storing maintenance equipment, any materials and/or equipment to be used when our house is built (in the next 3 years), and some miscellaneous garden equipment.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Jc Beall & Katrina Higgins  
(Joint property owners)
1302 N Lafayette Blvd
South Bend IN 46617
860-230-4391
jcbeall@gmail.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:
Jc Beall
1302 N Lafayette Blvd
South Bend IN 46617
860-230-4391
jcbeall@gmail.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):
Jc Beall (spouse of Higgins): 
Katrina Higgins (spouse of Beall):
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)
The property address:
10401 Sunset land Osceola Indiana 46561

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:  Four Season Room

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)

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.
VARIANCE INFORMATION:

2a) Room Addition (4 Season) 16' x 12' 0"

2b) Local Properties Should Rise in Value

2c) No

PREFERRED ROOFING SYSTEMS
12131 ADAMS RD.
Suite "L"
GRANGE, IN. 46530

FILED
JUL 20 2020
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:
The property Tax Key Number(s) is/are: 017-1057-2216
The property address:
56599 Oak Road South Bend In 46619

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) Proposed to keep existing 5 foot set back on south side of property line to tear down and build new proposed garage in same footprint and exempt of the 8 foot required set back off property line due to septic line.

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: Due to proposed new garage is within existing 5 foot setback and in same footprint as existing there should be no adverse affects to compromise 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:
   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the 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: 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:
   Removal of existing garage to accommodate new construction. New garage is to be
   pushed back 4 feet. New garage is to follow the existing 5 ft set back off south
   property line. Garage is to be 22 ft x 40 ft with a 4ftx16ft covered porch notch on
   the northwest corner.

PETITIONER INFORMATION:
Name and address of property owner(s) of the petition site:
   Michael Groves
   56599 Oak Road
   South Bend IN 46619
   574-303-2988
   76linkin76@gmail.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):

[Signature]

[Signature]

[Signature]

[Signature]
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) 007-1044-0750

The property address:
Address (if none, give the general location with the nearest intersection) 66,000 PINE ROAD
City, State Zip Code 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) Insert list of variances. For multiple variances, separate by number (1, 2, 3, etc)
   REQUESTING REZONING TO BUILD GARAGE 8 FEET OFF EAST PROPERTY LINE
   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

   EAST PROPERTY LINE IS ADJACENT TO FARM LAND

   (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 ONLY OTHER RESIDENCE IS 180 FEET SOUTH OF PROPERTY LINE

   (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

   THERE IS NO PRACTICAL WAY TO POSITION GARAGE WITHIN THE 30 FOOT ORDNANCE

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:

TO EXCAVATE AND POUR CONCRETE PAO. THEN BUILD GARAGE WITH
4-10x10 DOORS ON WEST SIDE. BUILDING WILL HAVE STEEL FRAME, ROOF, AND SIDING.

PETITIONER INFORMATION:

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

Name: FRANK M. BEIGELBECK JR.
Address: 66,000 PINE ROAD
City, State Zip Code: NORTH LIBERTY, IN 46554
Phone number with Area Code: 574-485-7733
E-Mail Address: Beagle659@yahoo.com

Name and address of additional property owners, if applicable:

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

Name: FRANK M. BEIGELBECK SR.
Address: 455 W. MEADOWOOD DR
City, State Zip Code: VALPARAISO, IN 46385
Phone number with Area Code: 219-531-6699
E-Mail Address: beigelbeck@comcast.net

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):

FRANK M. BEIGELBECK JR., power of attorney

FRANK JR. is in Iraq, hopefully to be home at end of August

LED
AUG 5 2020
LEGAL DESCRIPTION:
A PARCEL OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 36
NORTH, RANGE 2 EAST, LIBERTY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 89°47'15" EAST
ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 214.50 FEET; THENCE SOUTH
00°19'15" WEST, A DISTANCE OF 392.00 FEET; THENCE NORTH 89°47'15" WEST, A DISTANCE OF
214.50 FEET TO THE WEST LINE OF SAID SECTION 31; THENCE NORTH 00°19'15" EAST ALONG SAID
WEST LINE, A DISTANCE OF 392.00 FEET TO THE PLACE OF BEGINNING.

AREA BOARD OF ZONING APPEALS
PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 36 NORTH,
RANGE 2 EAST, LIBERTY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA
FOR
JAMES & DEBORAH HANEY
& FRANK BEIGELBECK

PROPERTY ADDRESS:
007-1044-0751
66,066 PINE ROAD
NORTH LIBERTY, INDIANA 46554

007-1044-075101
66,066 PINE ROAD
NORTH LIBERTY, INDIANA 46554

VARIANCES REQUESTED:
PROPOSED LOT 1
- FROM THE REQUIRED 20 ACRES TO 0.75 ACRES;
- FROM THE REQUIRED 75' FRONT YARD BUILDING SETBACK TO 72.1' FRONT YARD BUILDING SETBACK;
- FROM THE REQUIRED 30' SIDE YARD SETBACK TO 27.0' SIDE YARD SETBACK.

PROPOSED LOT 2
- FROM THE REQUIRED 20 ACRES TO 1.18 ACRES;
- FROM THE REQUIRED 30' SIDE YARD SETBACK TO 25.2' SIDE YARD SETBACK.
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.
ST. JOSEPH COUNTY (UNINCORPORATED)  
PETITION FOR VARIANCE and/or SPECIAL USE  

PROPERTY INFORMATION:  
The property Tax Key Number(s) is/are: 001-1103-3404  
The property address:  
19475 Edinburgh Drive  
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:  

Land situated in the Township of Centre, County of St Joseph, State of Indiana, and is described as follows: Lot 69 McCrackens, Orchard Heights, Section 3.  

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) Variance for the requirement of 35' setback along Fellows Street. We are requesting to build 15' into the setback along the Fellows Street side. The front setback along Edinburgh will not be affected.  

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 attached photos are typical of our neighborhood. We had vehicle broken in 10 years ago, and since have always parked both vehicles inside our garage. As seen in the photo Exhibits B-1, B-2 and B-3, many in the neighborhood park several cars not just in the drive, but along the street. If the intent is to provide clearance and eliminate nuisance, we would maintain that a small encumbrance into the setback would be more in keeping with general welfare and neighborhood beauty than the alternative. The 15’ we are requesting will continue to provide appropriate site lines for cars approaching the intersection of Edinburgh and Fellows. As seen in Exhibit C-1 and C-2, the addition indicated by stakes would have minimal affect on traffic.  

(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: As seen in the attached Exhibit D-1 and D-2, the addition will be of high quality construction and materials. The color palette and materials will be selected to be contextual with the surrounding properties and add value to the neighborhood. There is precedent for properties closer to the road along Fellows. A neighboring property to the north has a current wing that is 10’ closer to the centerline of Fellows.  

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: Two vehicles of modest size occupy the available garage space, making storage of equipment for lawn, tree and landscape care not available. We prefer not to have a depreciating structure i.e. yard barn on the property for storage of lawn and maintenance equipment.  

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.

* 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:

We would like to add an addition on to the west side, (Fellows Street) of our home. Attached as Exhibit ## are images of a plan and rendering for proposed addition. The original home was built in 1973 and the garage is very minimal. We are looking to ad a very complementary addition to allow for lawn equipment etc... that is currently not able to be stored.

PETITIONER INFORMATION:

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

Jeff and Sally Anglemyer
19475 Edinburgh Drive
South Bend, IN 46614
574-229-1717
jaa@arkosdesign.com

Name and address of additional property owners, if applicable:

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

CONTACT PERSON:

Jeff Anglemyer
19475 Edinburgh Drive
South Bend, IN 46614
574-229-1717
jaa@arkosdesign.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):

Jeff Anglemyer
Sally Anglemyer
CERTIFICATE OF SURVEY:

TAX DESCRIPTION: (DEED NOT PROVIDED)
LAND SITUATED IN THE TOWNSHIP OF CENTRE, COUNTY OF ST. JOSEPH, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:

LOT 69 MCCrackens Orchard Hts Sec 3

LEGEND

- 5/8" REBAR SET FLUSH
- IRON PIN FOUND
- SPIKE FOUND
- R RECORD
- P PRORATED
- C/L CENTERLINE
- ASPHALT

BEARING BASIS IS USING ISPCs, EAST ZONE, PER MOST CORS NETWORK. INDIANA'S NETWORK WAS NOT OPERATING ON THIS DATE.

ALL BEARINGS AND DISTANCES ARE FIELD MEASURED UNLESS OTHERWISE NOTED.

NOTE: THIS DOCUMENT CERTIFIES THE BOUNDARY ONLY. ALL BUILDING LOCATIONS ARE FOR VISUAL PROXIMITIES ONLY AND SHOULD NOT BE USED FOR ANY TYPE OF CONSTRUCTION PURPOSES.

NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.

TO: JEFF ANGLEMYER

I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION.

THOMAS A. STEPHENSON, PS NO. LS20900185

ADDRESS: 19475 EDINBURGH DR.
DATE: 4/27/2020
SCALE: 1" = 50'
DRAWN BY: SM
TC: NONE

SLS Stephenson Land Surveying

www.stephensonls.com
email: sls@stephensonls.com

MAIN OFFICE 27873 White Street • Cassopolis, Michigan 49031 • Office 269 / 445-8903 • Fax 269 / 445-8510
KALAMAZOO BRANCH 251 N. Rose Street, Ste. 200 • Kalamazoo, Michigan 49007 • Office 269 / 649-1036 • Fax 269 / 445-8510
NILES AREA 269 / 687-1787 • Fax 269 / 445-8510
INDIANA AREA 574 / 389-1368 • Fax 269 / 445-8510
CERTIFICATE OF SURVEY:

SURVEYOR’S REPORT

IN ACCORDANCE WITH TITLE 865 ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 29 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATION OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

A) VARIANCES IN THE REFERENCE MONUMENTS;
B) DISCREPANCIES IN RECORD DESCRIPTION AND PLATS;
C) INCONSISTENCIES IN LINES OF OCCUPATION;
D) RANDOM ERROR IN MEASUREMENT (THEORETICAL UNCERTAINTY)

THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES.

THIS SURVEY IS WITHIN THE GUIDELINES FOR A SUBURBAN SURVEY OF 0.13 PLUS 100 PARTS PER MILLION AS DEFINED IN IAC 865 1–12–7.

UNLESS SPECIFICALLY SHOWN HEREIN, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS, STORAGE TANKS, ASBESTOS, CONTAMINANTS, OR ENVIRONMENTALLY INJURIOUS MATERIALS; AND THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY ARE AS FOLLOWS:

DUE TO VARIANCES IN REFERENCE MONUMENTS;
DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION;
DUE TO INCONSISTENCIES IN LINES OF OCCUPATION;

THE PROPERTY CORNERS WERE FOUND OR SET BASED ON EXISTING MONUMENTATION AND SURVEY INFORMATION PROVIDED AND RESEARCHED.


NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.

TO: JEFF ANGLEMYER
I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION.

THOMAS A. STEPHENSON
RGS NO. 900185
SLS
Stephenson Land Surveying

ADDRESS: 19475 EDINBURGH DR.
DATE: 4/27/2020
SCALE: 1" = 50
DRAWN BY: SM
TC: NONE

www.stephensonslds.com
email: sls@stephensonslds.com

SHEET 2 OF 2 SHEETS
CERTIFICATE OF SURVEY:

TAX DESCRIPTION: (DEED NOT PROVIDED)
LAND SITUATED IN THE TOWNSHIP OF CENTRE, COUNTY OF ST. JOSEPH, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:

LOT 69 MCCRECKENS ORCHARD HTS SEC 3

NOTE: THIS DOCUMENT CERTIFIES THE BOUNDARY ONLY. ALL BUILDING LOCATIONS ARE FOR VISUAL PROXIMITIES ONLY AND SHOULD NOT BE USED FOR ANY TYPE OF CONSTRUCTION PURPOSES.

NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.

TO: JEFF ANGLEMYER
I, THE UNDESIGNATED, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION.

THOMAS A. STEPHENSON, PS NO. LS20900185

www.stephensonsls.com
email: sls@stephensonsls.com

MAIN OFFICE 27873 White Street • Cassopolis, Michigan 49031 • Office 269 / 445-8903 • Fax 269 / 445-8510
KALAMAZOO BRANCH 251 N. Rose Street, Ste. 200 • Kalamazoo, Michigan 49007 • Office 269 / 694-1036 • Fax 269 / 445-8510
NILES AREA 269 / 687-1787 • Fax 269 / 445-8510
INDIANA AREA 574 / 389-1368 • Fax 269 / 445-8510
View from Northwest

View from Southwest
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 006-1007-007012

The property address:
15604 SR 23
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: Lots 11, 12, and 13 in a proposed plat of Eastdale in Harris Township, St. Joseph County, Indiana, excluding therefrom all public rights-of-way.

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) 1) From the required front yard landscaping of 8 shade trees to 2 shade trees and 14 shrubs
   2) From the required Type 2 residential landscaping to existing landscaping
   3) From the required foundation landscaping to what is shown on the 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: Approval of the variances will not be injurious to the public health, safety, morals and general welfare of the community because alternative landscaping options available in the ordinance are being utilized and a similar number of landscaping is being provided on different locations on the site. Public safety is recognized and is the intent of these variance requests. The property owners want to ensure great visibility on SR 23, which is 50mph at this location and heavily traveled, for people coming in and out of the site.

   (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 adjacent property will not be adversely affected because a similar amount of landscaping is being provided and the residential property will continued to be screened by the existing dense trees and vegetation.

   (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 prevent the use of the desired building design. It is proposed to be a modular building where the façade and doors can be adjusted depending on the user’s needs. This form would help ensure continued occupancy of this building by adjusting to tenant needs. The strict application of this ordinance would prevent the property owner from ensuring there is proper visibility on this highly traveled and fast road.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

*The proposed use is no different that what was originally proposed during the original rezoning. This will be a small retail center will multiple uses. After discovering difficulties in laying out the landscaping, the variances are needed.*

PETITIONER INFORMATION:

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

*Mirador at 23 LLC*
*1251 N Eddy St*
*South Bend, IN 46617*

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*
*315 W. Jefferson Blvd.*
*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):

________________________________________
________________________________________
________________________________________
PUBLIC HEARINGS:

1. The petition of LITTLE FLOWER VENTURES LLC seeking the following variance(s):
   1) from the minimum required lot width of 60’ to 45’ and 2) from the minimum
   required side setback of 6’ to 5’, property located at 18325 BAILEY AVE and
   VACANT PARCEL TO EAST, Clay Township. Zoned R: Single Family District
   (County).

   (Audio Position: 3:00)

PETITIONER

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

IN FAVOR

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

REMONSTRANCE

There were five people present to speak in remonstrance of this petition. They were:
PETER J AGOSTINO, of Anderson Agostino & Keller, P.C., with offices located at 131 S
Taylor St., South Bend, IN.
MIKE HASTINGS, residing at 50643 Chestnut Rd., Granger, IN
MIKE DOBSON, residing at 54165 Willis St., South Bend, IN
TOM SULLIVAN, residing at 54278 Ivy Rd., South Bend, IN
ANDY KOSTIELNEY, President of the St. Joseph County Board of Commissioners, with
offices located at 227 W Jefferson Blvd., South Bend, IN
There were also 19 letters of opposition that were received and distributed to the Board members
prior to the meeting.
REBUTTAL

MIKE HUBER of Abonmarche, with offices located at 315 W Jefferson Blvd., South Bend, IN presented the rebuttal.
BRIAN GIUFFRIDA of Little Flower Ventures, LLC, with offices located at 3600 Silver Dollar Cir., Austin, TX also presented the rebuttal.

After careful consideration, the following action was taken:

Dan Caruso made a motion to approve the variance subject to signing an amended Written Commitment not permitting student housing. The motion died for lack of a second.

Mike Urbanski motioned to table the petition. The motion died for lack of a second.

Upon a motion by Joe Velleman, being seconded by Michael Urbanski and carried, a petition by LITTLE FLOWER VENTURES LLC seeking the following variances: 1) from the minimum required lot width of 60' to 45' and 2) from the minimum required side setback of 6' to 5' was denied as presented, and will issue written Findings of Fact.

John O'Brien – No
Michael Urbanski -Yes
Joe Velleman - Yes
Sidney Shafer - Yes
Dan Caruso -Yes

2. The petition of RICK A & SHARON RIEFF seeking the following variance(s): 1) from the minimum required side setback of 8' to 4' 8", property located at 51699 PRIMROSE RD, Warren Township. Zoned R: Single Family District (County).

(Audio Position: 1:07)

PETITIONER

RICK A RIEFF, residing at 51699 Primrose Rd., South Bend, IN presented as the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:
Upon a motion by Sidney Shafer, being seconded by Michael Urbanski and unanimously carried, a petition by RICK A & SHARON RIEFF seeking the following variances: 1) from the minimum required side setback of 8' to 4' 8" was approved as presented, and will issue written Findings of Fact.

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

3. The petition of JESSE A AND JENNIFER J HOLMES seeking the following variance(s): (1) from the minimum required front setback of 35' to 14' and (2) from the minimum required side setback of 30' to 26', property located at 65657 BEECH RD, Madison Township. Zoned A: Agricultural District (County). (Audio Position: 1:09:30)

PETITIONER

JESSE A HOLMES, residing at 65657 Beech Rd., Wakarusa, 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. There was one anonymous letter that was sent in and distributed to the Board members prior to the meeting.

REBUTTAL

JESSE A HOLMES, residing at 65657 Beech Rd., Wakarusa, IN presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by John O'Brien and unanimously carried, a petition by JESSE A AND JENNIFER J HOLMES seeking the following variances: (1) from the minimum required front setback of 35' to 14’ and (2) from the minimum required side setback of 30' to 26’ was approved as presented, and will issue written Findings of Fact.

John O'Brien - Yes  
Michael Urbanski - Yes  
Sidney Shafer - Yes  
Joe Velleman - Yes  
Dan Caruso - Yes
4. The petition of ROBERT EARL AND SANDRA KAY GRIGGS seeking the following variance(s): 1) from the maximum square foot area for accessory buildings of 1200 square feet to 2180 square feet, property located at 418 W SUPERIOR ST, Penn Township. Zoned R1 Single Family District (Osceola). (Audio Position: 1:14:45)

PETITIONER

ROBERT EARLY GRIGGS, residing at 421 W Superior St., Osceola, IN presented as the petitioner.

IN FAVOR

There was one person present to speak in favor of this petition. She was:
Denese Thornburg, the Town of Osceola Clerk Treasure, with offices located at 850 Lincolnway West, Osceola, IN

REMONSTRANCE

There was one person present to speak in remonstrance of this petition. He was:
SCOTT STEVENS, residing at 205 St. Joseph St., Osceola, IN
There was also one letter of opposition received and distributed to the Board members prior to the meeting.

REBUTTAL

ROBERT EARLY GRIGGS, residing at 421 W Superior St., Osceola, IN presented as the petitioner.

After careful consideration, the following action was taken:

John O’Brien made a motion to approve the variance as presented. The motion died for lack of a second.

Mike Urbanski made a motion to deny the variance as presented. The motion died for lack of a second.

Mike Urbanski made a motion to approve the variance subject to a commitment not permitting a bathroom and constructing a driveway extension. The motion died for lack of a second.

Upon a motion by Michael Urbanski, being seconded by Sidney Shafer and carried, a petition by ROBERT EARL AND SANDRA KAY GRIGGS seeking the following variances: 1)
from the maximum square foot area for accessory buildings of 1200 square feet to 2180 square feet was approved as presented, and will issue written Findings of Fact.

John O'Brien - Yes   Sidney Shafer - Yes
Michael Urbanski -Yes Dan Caruso -No
Joe Velleman - Yes

5. The petition of MICHAEL H BOLIN AND REBECCA JOYCE PODELL-BOLIN seeking the following variance(s): 1) to allow for an accessory structure on a parcel without road frontage, property located at 51455 SIMMONS DR, Clay Township. Zoned R: Single Family District (County). (Audio Position: 1:37:20)

PETITIONER

MICHAEL & REBECCA BOLIN, residing at 51455 Simmons Dr., South Bend, IN presented as the petitioner.

IN FAVOR

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

REMONSTRANCE

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

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by Sidney Shafer and unanimously carried, a petition by MICHAEL H BOLIN AND REBECCA JOYCE PODELL-BOLIN seeking the following variances: 1) to allow for an accessory structure on a parcel without road frontage was approved as presented, and will issue written Findings of Fact.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

A. Approval of the Findings of Fact from the July 8, 2020 Area Board of Zoning Appeals meeting. (Audio Position: 1:44:50)
Upon a motion by Dan Caruso, being seconed by Sidney Shafer and unanimously carried, the Findings of Fact from the July 8, 2020 Area Board of Zoning Appeals meeting were approved.

2. Minutes

A. Approval of the minutes from the July 8, 2020 Area Board of Zoning Appeals meeting.  

(Audio Position: 1:45:00)

Upon a motion by Dan Caruso, being seconded by Sidney Shafer and unanimously carried, the minutes from the July 8, 2020 Area Board of Zoning Appeals meeting were approved.

3. Other Business

None at this time.

4. Adjournment at 3:20 p.m.

RESPECTFULLY SUBMITTED,

______________________________
JOE VELLEMAN,  
Chairman of the Board

ATTEST:

______________________________
ABBY WILES,  
Secretary of the Board
FINDINGS OF FACT

JESSE A AND JENNIFER J HOLMES
65657 BEECH RD
St. Joseph County

On Tuesday, August 12, 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 14'
**APPROVED** (2) from the minimum required side setback of 30' to 26'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The approval would have no impact on public health, morals, or general welfare of the community. The variances would not be injurious to public safety because the structure would still be over 38' from the pavement of Beech Road.

(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.
   Since the side setback will only be reduced by 4', the agricultural use and value of the adjacent property will not be affected in a substantially adverse manner.

(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 practical difficulties in residential use of the property due to the difficulty in meeting the setbacks of the agricultural district on a small triangular lot.

Roll Call:
John O'Brien - Yes  Joe Velleman - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Dan Caruso - Yes

The Minutes of the August 12, 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 September 9, 2020.

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

ATTEST:

Abby Wiles, Executive Director
FINDINGS OF FACT

LITTLE FLOWER VENTURES LLC
18325 BAILEY AVE and VACANT PARCEL TO EAST
St. Joseph County

On Tuesday, August 12, 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:

**DENIED** 1) from the minimum required lot width of 60' to 40'
**DENIED** 2) from the minimum required side setback of 6' to 4'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Approval of the variances will have no impact on public safety, morals, or general welfare of the community. It will not be injurious to public health as the increased density facilitated by these variance can only be actualized through the subdivision process once public sewer is provided.

(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.
   As evidenced by strong neighborhood remonstrance, increased density in this neighborhood will affect the value and quiet enjoyment of the adjacent properties in an adverse manner.

(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 result in practical difficulties in the use of the property as single family residential development potential in conformance with the development standards of the zoning ordinance exists.

Roll Call:
   John O’Brien - No  Joe Velleman - Yes
   Sidney Shafer - Yes
   Michael Urbanski - Yes
   Dan Caruso - Yes

The Minutes of the August 12, 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 September 9, 2020.

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

ATTEST:

Abby Wiles, Executive Director
FINDINGS OF FACT

ROBERT EARL AND SANDRA KAY GRIGGS
418 W SUPERIOR ST
Town of Osceola

On Tuesday, August 12, 2020, 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 square foot area for accessory buildings of 1200 square feet to 2180 square feet

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Allowing the construction of a larger accessory structure will not be injurious 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.
   The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the size of the accessory structure is consistent with other accessory structures in the immediate neighborhood. Additionally, the structure will be partially screened from adjacent neighbors by an existing privacy fence.

(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 petitioners to store personal property on their lot in a manner which is supported by the Town of Osceola.

Roll Call:
   John O'Brien - Yes  Joe Velleman - Yes
   Sidney Shafer - Yes
   Michael Urbanski - Yes
   Dan Caruso - No

The Minutes of the August 12, 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 September 9, 2020.

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

ATTEST:

Abby Wiles, Executive Director
FINDINGS OF FACT

MICHAEL H BOLIN AND REBECCA JOYCE PODELL-BOLIN
51455 SIMMONS DR
St. Joseph County

On Tuesday, August 12, 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) to allow for an accessory structure on a parcel without road frontage

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The proposed accessory structure will be subject to the same development standards enacted to protect public health, safety, morals, and general welfare as any other accessory structure constructed on a residential parcel in the County. The proposed accessory structure does not pose a greater threat to public health, safety, morals, and general welfare merely because petitioners' property is split into two lots such that one does not have road frontage. Accessory structures on separate lots with frontage actually pose a greater threat to general welfare, as there is a risk that they will be sold separately and continue to be used without an associated primary residential use.

(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.
   As the proposed accessory structure is subject to setbacks and size and height restrictions of the zoning ordinance, its impact on the use and value of surrounding properties will be no greater than the resulting impact of an accessory structure under any circumstances. By right, petitioners could replat the property into one lot and constructed a structure with an identical impact on the adjacent area.

(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 prevent the petitioners from utilizing the full acreage of their yard in a manner consistent with single family residential use.

Roll Call:
   John O'Brien - Yes               Joe Velleman - Yes
   Sidney Shafer - Yes
   Michael Urbanski - Yes
   Dan Caruso - Yes

The Minutes of the August 12, 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 September 9, 2020.

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

ATTEST:

Abby Wiles, Executive Director
FINDINGS OF FACT

RICK A & SHARON RIEFF
51699 PRIMROSE RD
St. Joseph County

On Tuesday, August 12, 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 8' to 4' 8"

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   As the variance will not result in any change in existing conditions, the approval will not be injurious to public health, safety, morals and general welfare.

(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 area adjacent to the property will not be affected in a substantially adverse manner. Impact on adjacent properties will be no greater than has been the case since the construction of the house in 2001 and is minimal, as the house to the north was constructed approximately 30’ north of the property line.

(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 the Zoning Ordinance could hinder petitioners’ ability to use and potentially sell the existing house.

Roll Call:
John O’Brien - Yes             Joe Velleman - Yes
Dan Caruso - Yes              
Michael Urbanski - Yes        
Sidney A. Shafer - Yes        

The Minutes of the August 12, 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 September 9, 2020.

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

ATTEST:

Abby Wiles, Executive Director