AGENDA

Wednesday, October 14, 2020 - 1:30 p.m.

Join Meeting In-Person:  Or Join Meeting By Phone:
227 W. Jefferson Blvd.  Call: 312-626-6799
County-City Building  Meeting ID: 961 927 8889
4th Floor Council Chambers  Password: 3E7KGP

Join Zoom Meeting

PUBLIC HEARING:

1. Location: 63251 MULBERRY RD
Owner: GUTIERREZ FLORIBERTO MARTINEZ AND DAVALOS MARICELA SANCHEZ
Requested Action: Variance(s): 1) from Section 154.092 (D), the minimum required side setback of 30' to 8' for a pole barn
Zoning: A: Agricultural District (County)

2. Location: 11375 BRUNDYDGE DR
Owner: BENJIE L & TRACY L SHULT
Requested Action: Variance(s): 1) from Section 154.107 (C)(1), the minimum required front setback of 35' to 0' for a shed and 27' for a pool and 2) from Section 154.107 (C)(2), the minimum required side setback of 8' to 0' for a shed
Zoning: R: Single Family District (County)

3. Location: 54820 BELMONT STAKES DR
Owner: CHARLES A AND ALICIA A SULLIVAN
Requested Action: Variance(s): 1) from Section 154.107 (C)(2), the minimum required side setback of 8' to 5' for a garage addition
Zoning: R: Single Family District (County)

4. Location: 66390 FIR RD
Owner: DONALD C DESCHEPPER
Requested Action: Variance(s): 1) from Section 154.092 (A), the minimum required lot area of 20 acres to 5.65 acres for Lot 1 of a proposed subdivision
Zoning: A: Agricultural District (County)
5. **Location:** the northwest corner of Cleveland Road and Beech Road  
   **Owner:** LEGACY LAND OPERATIONS LLC  
   **Requested Action:** Variance(s): 1) from Section 154.092 (A), the minimum required lot area of 20 acres to 2 acres for proposed Lots 1, 2, 3, and 4 of a proposed subdivision  
   **Zoning:** A: Agricultural District (County)

6. **Location:** 14733 BRANDYCHASE DR  
   **Owner:** CHRISTIAN C BENSON  
   **Requested Action:** Variance(s): 1) from Section 154.107 (C)(1), the minimum required front setback of 35’ to 30’ for a front porch addition  
   **Zoning:** R: Single Family District (County)

**ITEMS NOT REQUIRING A PUBLIC HEARING:**

1. Findings of Fact  
   A. Approval of the Findings of Fact from the September 9, 2020 ABZA meeting.

2. Minutes  
   A. Approval of the Minutes from the September 9, 2020 ABZA meeting.

3. Other Business

4. Adjournment

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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: October 5, 2020

TO: Area Board of Zoning Appeals

FROM: Abby Wiles, AICP, Executive Director (Petition 1)
Shawn Klein, Planner (Petitions 2, 4, & 5)
Ryan D. Fellows, Senior Planner (Petitions 3 & 6)

SUBJECT: October 14, 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.

**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: 63251 MULBERRY RD**

**Owner:** Floriberto Martinez Gutierrez and Maricela Sanchez Davalos

**Requested Action:** Variance: 1) from Section 154.092 (D), the minimum required side setback of 30' to 8' for a pole barn

**Zoning:** A: Agricultural District (County)

Staff recommends denial of this variance, as the use and value of the area adjacent could potentially be adversely affected and strict application to the terms of the Zoning Ordinance does not result in a practical difficulty in the use of the property.

1. Approval would not be injurious to the public health, safety, morals and general welfare, as these types of structures are common and permitted in the Agricultural District.

2. The use and value of the area adjacent to the property could potentially be affected in a substantially adverse manner, as the Agricultural District requires increased setbacks to maintain a rural character. The proposed 8’ setback would be more characteristic of a residential neighborhood, not a rural area.
(3) Strict application of the terms of the Zoning Ordinance would not result in a practical difficulty in the use of the property. With a lot width of approximately 372’, there is sufficient area to meet the requirements of the Zoning Ordinance. Additionally, the septic field is located in the front yard and does not interfere with locating the structure in such a way that meets the Zoning Ordinance requirements.

2. Location: 11375 BRUNDYDGE DR
Owner: BENJIE L & TRACY L SHULT
Requested Action: Variances: 1) from Section 154.107 (C)(1), the minimum required front setback of 35’ to 0’ for a shed and 27’ for a pool, and 2) from Section 154.107 (C)(2), the minimum required side setback of 8’ to 0’ for a shed
Zoning: R: Single Family District (County)

The staff recommends approval of the variances, as approval would not be injurious to public health, safety, morals and general welfare, the use and value of the area adjacent to the property would not be affected in a substantially adverse manner, and strict application of the Zoning Ordinance would result in practical difficulties in the use of the property.

(1) Approval would not be injurious to public health, safety, morals and general welfare. The pool and shed are setback far enough from the road surface to protect public safety.

(2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The pool and shed are well-screened from Edison Road and the neighboring properties by a solid fence and landscaping. Other sheds in the neighborhood do not meet the minimum side yard setback. Therefore, the location of the shed is not a threat to neighborhood character and should have little impact on the value of adjacent properties.

(3) Strict application of the terms of the Zoning Ordinance would result in practical difficulties in the use of the property. The petitioner’s parcel has two front property lines, and therefore two front yard setbacks to meet, and contains a retention easement which covers the entire western half. Strict application of the terms of the Zoning Ordinance would substantially limit the establishment of conventional accessory uses.

3. Location: 54820 BELMONT STAKES DR
Owner: CHARLES A AND ALICIA A SULLIVAN
Requested Action: Variance: 1) from Section 154.107 (C)(2), the minimum required side setback of 8’ to 5’ for a garage addition
Zoning: R: Single Family District (County)

The staff recommends denial of this variance petition.

(1) Adding a garage only 5’ away from the property line increases the ease and speed a fire could spread, causing a public safety threat.

(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.

(3) The proposed garage could be built farther to the east and allow for the full setback. Sufficient information has not been provided as to why the Zoning Ordinance requirements cannot be met.
4. Location: 66390 FIR RD  
Owner: DONALD C DESCHEPPER  
Requested Action: Variance: 1) from Section 154.092 (A), the minimum required lot area of 20 acres to 5.65 acres for Lot 1 of a proposed subdivision  
Zoning: A: Agricultural District (County)

The staff recommends approval of the variance, as approval would not be injurious to public health, safety, morals and general welfare, the use and value of the area adjacent to the property would not be affected in an adverse manner, and strict application of the Zoning Ordinance would result in practical difficulties in the use of the property.

(1) Approval would not be injurious to public health, safety, morals and general welfare. The existing parcel contains approximately 60 acres and has over 1300' of road frontage. By right, this parcel could be divided into two parcels of 20 or more acres. If the variance is granted, the subdivision which follows will create a 5.65-acre lot and a parcel with approximately 54 acres and 850' of road frontage. The road frontage of the larger parcel will ensure that it cannot be divided further, as lots zoned agricultural must have at least 600'. This arrangement better serves the goals of the Agricultural district, and therefore the general welfare of the community, than two parcels of greater than 20 acres. The petitioner will not be granted the ability to create any more buildable lots than they are already entitled to by the Zoning Ordinance. This will help to prevent residential sprawl and over-extension of public resources, while placing the majority of the cultivated acreage on one lot, thus protecting its ongoing viability as productive farmland.

(2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. The variance will protect the agricultural use and value of adjacent property, as the 54-acre agricultural parcel will act as a buffer between adjacent properties and the smaller residential parcel.

(3) The strict application of the terms of the Zoning Ordinance would result in practical difficulties in the use of the property. Strict application would not allow a subdivision of land which enhances the future viability of the tillable land for agricultural use and the existing house for residential use.

5. Location: Property on the north side of Cleveland Road, approximately 435' west of Beech Road  
Owner: LEGACY LAND OPERATIONS LLC  
Requested Action: Variance: 1) from Section 154.092 (A), the minimum required lot area of 20 acres to 2 acres for Lots 1, 2, 3, and 4 of a proposed subdivision  
Zoning: A: Agricultural District (County)

The staff recommends approval of the variance, on the condition that the four proposed lots share one access drive onto Beech Road and that this access be located no closer to the intersection than the proposed common lot line between Lot 1 and Lot 2 as shown on the site plan. The variance as presented would be injurious to public safety and general welfare.

(1) Approval of the variance as presented would be injurious to public safety and general welfare. However, if access onto Beech Road is restricted to one point which is safely distanced from the intersection, injury to public safety will be prevented and the variance would promote general welfare. The existing parcel has sufficient acreage and lot frontage to allow for the creation of four buildable lots by right. The goal of the Agricultural District in protecting productive farmland, and thereby general welfare, is best served by allowing smaller lots to be created, thus concentrating more cultivated land onto one large parcel. As the number of lots permitted would not be increased
beyond what the Zoning Ordinance already allows, the lot size variance would not compromise the equally important goal of the Agricultural District of preventing residential sprawl and the accompanying overreach of County resources.

However, the existing parcel only has a little over 1300' of frontage along Cleveland Road. Therefore, only two lots fronting Cleveland could be created by right, as the minimum road frontage of a 20' parcel, the smallest lot which can be created without a variance in the Agricultural District, is 600'. Therefore, granting the variances based on the proposed lot layout would allow the petitioner to place more buildable lots along this span of Cleveland Road than the Zoning Ordinance would otherwise permit. The resulting outcome would be injurious to public safety by creating the added hazard that comes with two additional properties accessing Cleveland Road within a 1300' stretch. Limiting access to one drive, as requested by the County Engineer, will eliminate the risk of public safety and general welfare posed by strip residential development along a major arterial. The variance will have no impact on public health or morals.

(2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. Allowing smaller lots to be created would protect the agricultural use and value of the adjacent area by concentrating 100 acres of tillable farmland on one outlot, thereby retaining its economic viability of agricultural use and essentially restricting future use of the property to agricultural production. Furthermore, this outlot will serve as a buffer between the majority of adjacent agricultural properties and the future residential uses on the 2-acre parcels.

(3) The strict application of the terms of the Zoning Ordinance would result in practical difficulties in the use of the property. Strict application would not allow a subdivision of land which ensures future viability of over 100 acres of tillable land for agricultural use while allowing for residential use, limited in extent to a degree consistent with the goals of the agricultural district, on a portion of the property where soil is less favorable for agricultural production.

6. Location: 14733 BRANDYCHASE DR  
Owner: CHRISTIAN C BENSON  
Requested Action: Variance(s): 1) from Section 154.107 (C)(1), the minimum required front setback of 35' to 30' for a front porch addition  
Zoning: R: Single Family District (County)

The staff recommends approval of this variance.

The Zoning Ordinance establishes a 25’ setback for cul-de-sacs because they are different in nature from a regular street. The subject property is located on a bump-out of the street, which is similar to a cul-de-sac. In this specific situation, the cul-de-sac standard of 25’, as opposed to 30’ or 35’, is appropriate for this request.

(1) Approval would not be injurious to public health, safety, morals and general welfare. Because the road bump-out is similar to a cul-de-sac, the potential detriment to the public health, safety, morals and general welfare is alleviated.

(2) The use and value of the area adjacent to the property will not be affected in a substantially adverse manner, as the bump-out is more characteristic of a cul-de-sac, which warrants a smaller setback.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property. A reduced setback is warranted, as the property is located on a bump-out.
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 005-1028-036301

The property address:
63251 Mulberry Road
South Bend, IN 46614-9464

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: Parcel ID# 71-13-17-200-003.000-010
5 acre tract IN SE COR N ½ NE ¼ SEC 17-36-2E

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 30’ side set back in an agricultural zoned property to 8’ side set back required in a residential zoned property.

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.

(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.

(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 will not 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
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

Proposed project is a 40' X 60' pole barn to be built 8' from South side of property line for residential use.

Trying to connect partially to the existing garage. If moved 30' that wouldn't be a possibility and it wouldn't line up with the driveway.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Gutierrez Floriberto Martinez and Davalos Maricela Sanchez
63251 Mulberry Road
South Bend, IN 46614-9464
574-358-9127
E-Mail Address

Name and address of additional property owners, if applicable:

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

Name and address of additional property owners, if applicable:

CONTACT PERSON:
Schwartz Construction Sam Schwartz
P.O. Box 177
Osceola, IN 46561
574-220-7103
construction127@yahoo.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]

-F I L E D-
SEP 02 2020
FILED
SEP 02 2020

SCALE 1" = 10'

Property = 5 Acres

Mulberry Road

Gutierrez Floriberto Martinez &
Duvalos Maricela Sanchez
65251 Mulberry Rd.
South Bend, IN 46614

Proposed New Pole Barn
60' between existing & proposed new.

Existing Garage
40'

Septic Field

Well IN Basement

Property Owner/Address
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:  
Address (if none, give the general location with the nearest intersection)  
City, State  Zip Code  

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)  

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*

PETITIONER INFORMATION:

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Beujie Shult</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>11375 Brundidge Dr.</td>
</tr>
<tr>
<td>City, State Zip Code</td>
<td>Osceola, FL 34761</td>
</tr>
<tr>
<td>Phone number with Area Code</td>
<td>574-876-5264</td>
</tr>
<tr>
<td>E-Mail Address</td>
<td><a href="mailto:bshult64@gmail.com">bshult64@gmail.com</a></td>
</tr>
</tbody>
</table>

Name and address of additional property owners, if applicable:

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Beujie, Tracy Shult</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>11375 Brundidge Dr.</td>
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<td>E-Mail Address</td>
<td><a href="mailto:bshult64@gmail.com">bshult64@gmail.com</a></td>
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Name and address of additional property owners, if applicable:

CONTACT PERSON:

<table>
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</tr>
<tr>
<td>E-Mail Address</td>
<td><a href="mailto:bshult64@gmail.com">bshult64@gmail.com</a></td>
</tr>
</tbody>
</table>

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]

-FILED-
SEP 08 2020
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:
The property Tax Key Number(s) is/are: 014-1062-129529

The property address:
54820 Belmont Stakes Dr
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 8' set back to 5' set back for garage addition

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: Adding a garage addition to the side of the house does not effect the public health, safety, morals and the general welfare of the public

   (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 garage addition is completely within the property and is significant distance from the right away. This should not effect the adjacent property value

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: This would be a hardship on the family due to some disabilities in the family.

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:
Add on to the house a 22'x37' garage addition

PETITIONER INFORMATION:
Name and address of property owner(s) of the petition site:
Charles A. & Alicia A. Sullivan
54820 Belmont Stakes Dr
Mishawaka, IN 46545
574-302-6157
asulli@eyeofthecrusader.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner:
Raymond D Tavernier
54868 Belmont Stakes Dr
Mishawaka, IN 46545
574-210-5951
dj@rivervalleycg.com

Name and address of additional property owners, if applicable:

CONTACT PERSON:
DJ Tavernier
54868 Belmont Stakes Dr
Mishawaka, IN 46545
574-210-5951
dj@rivervalleycg.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):

-Chare A. Sullivan

-Alicia A. Sullivan

-FILED-
SEP 08 2020
ST. JOSEPH COUNTY (UNINCORPORATED)  
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 011-1043-0563

The property address:
66390 Fir Road
Bremen, Indiana 46506

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area: Part of the Northwest Quarter of Section 35, Township 36 North, Range 3 East, Madison Township, St. Joseph County, Indiana and being that 6.08 acre parcel surveyed by Lang, Feeney & Associates, Inc. Terance D. Lang, Indiana Professional Surveyor No. 80040523 and shown on a Site Plan of that survey dated on August 28, 2020 (all monuments referenced herein are set or found on the aforesaid Lang survey), being more particularly described as follows:
Commencing at the northwest corner of said Northwest Quarter of Section 35; thence South 00°00'00" West along the west line of said Northwest Quarter, a distance of 1696.84 feet to the point of beginning; thence North 90°00'00" East, a distance of 566.78 feet to a 5/8" rebar iron set with Lang Feeney S0309 S0523 cap; thence South 00°00'00" West parallel with said west line of Northwest Quarter, a distance of 467.00 feet to a 5/8" rebar iron set with Lang Feeney S0309 S0523 cap; thence South 90°00'00" West, a distance of 566.78 feet to a point on said west line; thence North 90°00'00" East, a distance of 467.00 feet to the point of beginning.

Subject to the legal rights of a public highway, any easements, covenants or restrictions of record.

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 variance from the require 20 acres to 5.65 acres.

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 request for this acreage variance will not be injurious to the public health, safety, morals or general welfare of the community. This lot is the division of house and outbuilding from the farm acres. The lot size will support the existing septic and future septic as well.

(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: No changes to the current function shall occur therefore not affecting the use and value of the adjacent areas,

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the owners the most applicable use of their property.

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

1) The Special Use(s) being requested: n/a

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

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: n/a
(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: n/a

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

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

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

PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:
The owner wishes to separate the house and outbuilding from the tillable acreage. The operating functions of the site are not changing.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Donald C. DeSchepper
66390 Fir Road
Bremen, Indiana 46506
574-360-5802
DonDeschepper60@icloud.com

Name and address of additional property owners, if applicable:

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

n/a

Name and address of additional petitioner, if applicable:

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-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):

Donald C. DeSchepper

-FILED-
SEP 08 2020
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:
The property Tax Key Number(s) is/are: part of 006-1020-0271

The property address:
Vacant, wooded land 434.31’ west of Beech Road on the north side of Cleveland Road in Harris Township.

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area: A parcel of land being a part of the Southeast Quarter of Section 20, Township 38 North, Range 4 East, Harris township, St. Joseph County, Indiana and being more particularly described as follows:
Commencing at the southeast corner of said Southeast Quarter of Section 20; thence North 89°33'42" West along the south line of said Southeast Quarter, a distance of 434.31 feet to the point of beginning; thence continuing North 89°33'42" West along said south line, a distance of 893.65 feet to a point of intersection with the north-south centerline of said Southeast Quarter; thence North 00°23'42" West along said north-south centerline, a distance of 430.00 feet; thence South 89°33'42" East, a distance of 893.65 feet; thence South 00°23'42" East, a distance of 430.00 feet to the point of beginning.

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 from the required 20 acres to 2 acres for the proposed Lots 1, 2, 3 and 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 single family lots created and any new construction shall comply with all codes and restrictions listed by the County.

   (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 of this wooded parcel shall follow the continuity of the surrounding area.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the owner the most applicable use of their property. The original parcel is over 100 acres and zoned agricultural. This allows 5 parcels to be created. We are utilizing wooded property to confine these parcels all together in the non-tillable area. Therefore, allowing the balance of the property to remain in agricultural production.

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

1) The Special Use(s) being requested: n/a

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

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

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

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

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

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

The original parcel is over 100 acres and zoned agricultural. This parcel would qualify for the division of up to 5 parcels, at 20 acres each according to the ordinance. We are asking that un tillable, wooded property be allowed to have 4 of these parcels. This location would have the least impact on the tillable acres. The balance, being the fifth parcel shall contain all tillable acres, being approximately 100 ac.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Legacy Land Operations, LLC
Ed Leininger
52855 Beech Road
Granger, Indiana 46530
574-210-1327
JandJLeininger1@comcast.com

Name and address of additional property owners, if applicable:

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

Name and address of additional petitioner, if applicable:

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-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):

Legacy Land Operations, LLC
Ed Leininger

FILED-
SEP 08 2020
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 71-04-14-127-001.000-011

The property address: 14733 Brandychase North, 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) From the required 35' front set back to 30' front 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: This variance would not extend the residence past existing residences to the east of this property.

   (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 of the property will be the same. A variance to the front of the property will not effect the property or the value of the adjacent land.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: This property sets on a partial culdesac. The front set back of a full culdesac is 25'. The 35' front setback of this house on the partial culdesac actually resulted in the house being set back further than the residence to the east. The 30' setback blends the two standards of a traditional lot that sits on a straight road and a lot that sits on a culdesac.

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:

*Extend the front porch from 3' to 6' deep to improve the curb appeal of the front elevation.*

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Chris Benson
14733 Brandy Chase North
Granger, IN. 46530
(574) 532-6916
cbenson309@aol.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner:
Will Miller
Provision Construction & Design, LLC.
309 W. Rigg St.
New Carlisle, IN. 46552
(574) 532-5663
will@provisionbuilt.com

Name and address of additional property owners, if applicable:

CONTACT PERSON:
Will Miller
Provision Construction & Design, LLC.
309 W. Rigg St.
New Carlisle, IN. 46552
(574) 532-5663
will@provisionbuilt.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]

[Signature]

[Signature]

-FILED-
SEP 08 2020
FINDINGS OF FACT

MIRADOR AT 23 LLC
15604 STATE ROAD 23 HWY
St. Joseph County

On Wednesday, September 9, 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 front yard landscaping of 8 shade trees to 2 shade trees and 14 shrubs

**APPROVED**
2) from the required Type 2 residential landscaping to existing landscaping

**APPROVED**
3) from the required foundation landscaping to what is shown on the site plan plus an additional 8 potted plants

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

   The variance, as approved, will have no impact on public health, safety, and moral. General welfare of the community will be protect by the installation of alternative forms of landscaping to replace what is not 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.

   Existing landscaping provides adequate screening to protect the use and value of adjacent property.

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

   Requiring 8 shade trees could reduce visibility from the street due to the angle of the building relative to the street and high traffic speeds on State Road 23. Residential screening landscaping would restrict the developable area of the site without providing any material benefit to the adjacent residential parcel. The petitioner has demonstrated sufficient practical difficulty in providing conventional foundation landscaping due to the unique modular design of the building.

Roll Call:

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

The Minutes of the September 9, 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 October 14, 2020.

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

ATTEST:

Abby Wiles, Executive Director
FINDINGS OF FACT

FRANK M BEIGELBECK JR
66000 PINE RD
St. Joseph County

On Wednesday, September 9, 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 rear setback of 30' to 8' from the east property line
APPROVED 2) from the required minimum front setback of 35' to 30.5' from the north property line

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Public health, morals, and general welfare will not be affected. The setback from State Road 4 would still be adequate for public safety.

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

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

The Minutes of the September 9, 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 October 14, 2020.

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

ATTEST:

Abby Wiles, Executive Director
FINDINGS OF FACT

JEFFREY A & SALLY P ANGLEMYER
19475 EDINBURGH DR
St. Joseph County

On Wednesday, September 9, 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 20' from 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 would not be injurious to public health, morals, and general welfare. A 20' setback from the right-of-way of Fellows Street adequately protects public safety.

(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 substantial manner as there are other structures within the vicinity of this property which have been constructed closer to the right-of-way than the minimum required front setback of 35'.

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

Petitioners' property is a corner lot, meaning they have the additional practical difficulty which results from having an additional front setback rather than a side setback. Minimum required front setbacks are substantially greater than minimum required side setbacks.

Roll Call:

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

The Minutes of the September 9, 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 October 14, 2020.

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

ATTEST:

Abby Wiles, Executive Director
FINDINGS OF FACT

JC Beall & Katrina Higgins  
60010 MAYFLOWER RD and 60200 MAYFLOWER RD  
St. Joseph County  

On Wednesday, September 9, 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 an accessory structure without a primary structure, on the condition that a primary structure be constructed on the property within 3 years of the grant of this variance

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

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

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 this Chapter would result in practical difficulties in the use of the property.

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.

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

The Minutes of the September 9, 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 October 14, 2020.

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

ATTEST:  
Abby Wiles, Executive Director
FINDINGS OF FACT

CHRISTOPHER WAYNE & VICTORIA ANN SQUINT
10401 SUNSET LN
St. Joseph County

On Wednesday, September 9, 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 rear setback of 40’ to 27’

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The addition will have no impact on public health, safety, morals, or 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 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 of 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 this Chapter would result in practical difficulties in the use of the property.
   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.

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

The Minutes of the September 9, 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 October 14, 2020.

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

ATTEST:

Abby Wiles, Executive Director
FINDINGS OF FACT

MICHAEL JR GROVES AND JENNIFER GUDEMAN
56599 OAK RD
St. Joseph County

On Wednesday, September 9, 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 5'.

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

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 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 proposed setback is identical to an existing garage which will be demolished and replaced. The affected neighbor to the south was notified of the variance request and did not provide written or oral remonstrance.

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

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.

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

Joe Velleman - Yes

The Minutes of the September 9, 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 October 14, 2020.

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

ATTEST:

Abby Wiles, Executive Director
AREA BOARD OF ZONING APPEALS
ST. JOSEPH COUNTY, INDIANA

MINUTES

Wednesday, September 9, 2020
1:30 p.m.
4th Floor, Council Chambers
County-City Building, South Bend, IN

MEMBERS PRESENT: Dan Caruso
John O'Brien
Sidney Shafer
Michael Urbanski
Joe Velleman

MEMBERS ABSENT: Robert Hawley

ALSO PRESENT: Abby Wiles
Ryan D. Fellows
Shawn Klein
Samantha Keultjes

PUBLIC HEARINGS:

1. The petition of JC Beall & Katrina Higgins seeking the following variance(s): 1) to allow an accessory structure without a primary structure, property located at 60010 MAYFLOWER RD and 60200 MAYFLOWER RD, Greene Township. Zoned R: Single Family District (County).

PETITIONER

TERRY LANG of Lang, Feeney & Associates, Inc. with offices located at 715 S 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 Michael Urbanski, being seconded by John O'Brien and unanimously carried, a petition by JC Beall & Katrina Higgins seeking the following variances: 1) to allow an accessory structure without a primary structure 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
2. The petition of CHRISTOPHER WAYNE & VICTORIA ANN SQUINT seeking the following variance(s): 1) from the required minimum rear setback of 40' to 27', property located at 10401 SUNSET LN, Penn Township. Zoned R: Single Family District (County). (Audio Position: 7:55)

PETITIONER

CHRISTOPHER SQUINT, residing at 10401 Sunset Ln., Osceola, 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 Dan Caruso, being seconded by Michael Urbanski and unanimously carried, a petition by CHRISTOPHER WAYNE & VICTORIA ANN SQUINT seeking the following variances: 1) from the required minimum rear setback of 40' to 27' 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

3. The petition of MICHAEL JR GROVES AND JENNIFER GUDEMAN seeking the following variance(s): 1) from the minimum required side setback of 8' to 5', property located at 56599 OAK RD, Portage Township. Zoned R: Single Family District (County). (Audio Position: 10:45)

PETITIONER

MICHAEL GROVES, residing at 56599 Oak 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 Michael Urbanski, being seconded by Sidney Shafer and unanimously carried, a petition by MICHAEL JR GROVES AND JENNIFER GUDEMAN seeking the following variances: 1) from the minimum required side setback of 8' to 5'. 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

4. The petition of FRANK M BEIGELBECK JR seeking the following 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, property located at 66000 PINE RD, Liberty Township. Zoned A: Agricultural District (County).

PETITIONER
FRANK BEIGELBECK SR, residing at 459 W Meadow Wood Dr., Valparaiso, IN presented on behalf of the petitioner.

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

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

After careful consideration, the following action was taken:

Upon a motion by John O'Brien, being seconded by Michael Urbanski and unanimously carried, a petition by FRANK M BEIGELBECK JR seeking the following 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 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
5. The petition of JEFFREY A & SALLY P ANGLEMYER seeking the following variance(s): 1) from the required minimum front setback of 35’ to 20’ from the west lot line, property located at 19475 EDINBURGH DR, Centre Township. Zoned R: Single Family District (County).

PETITIONER

JEFF ANGLEMYER, residing at 19475 Edinburgh Dr., South Bend, IN presented as the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition. There was one letter in support of the petition signed by four neighbors that was submitted prior to the meeting.

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 Dan Caruso, being seconded by Sidney Shafer and unanimously carried, a petition by JEFFREY A & SALLY P ANGLEMYER seeking the following variances: 1) from the required minimum front setback of 35’ to 20’ from the west lot line 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

6. The petition of MIRADOR AT 23 LLC seeking the following 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, property located at 15604 STATE ROAD 23 HWY, Harris Township. Zoned B: Business District (County).

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 were two people present to speak in favor of this petition. They were:

STEVE STODDILL, residing at 15546 SR 23 Hwy., Granger, IN
DAVE CHERrone, residing at 18355 Auten Rd., South Bend, IN

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 MIRADOR AT 23 LLC seeking the following 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 plus an additional 8 potted plants 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 August 12, 2020 ABZA meeting.
      (Audio Position: 40:00)

   Upon a motion by Michael Urbanski, being seconded by Dan Caruso and unanimously carried, the Findings of Fact from the August 12, 2020 ABZA meeting were approved.

2. Minutes

   A. Approval of the Minutes from the August 12, 2020 ABZA meeting.
      (Audio Position: 40:20)

   Upon a motion by Dan Caruso, being seconded by Michael Urbanski and unanimously carried, the Minutes from the August 12, 2020 ABZA meeting were approved.

3. Other Business

   None at this time
4. Adjournment at 2:15 p.m.

RESPECTFULLY SUBMITTED,

________________________________
JOE VELLEMAN,
Chairman of the Board

ATTEST:

________________________________
ABBY WILES,
Secretary of the Board