

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

MINUTES

Wednesday, January 09, 2019
1:30 p.m.

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Robert Hawley

ALSO PRESENT:

Angela Smith
Brandie Ecker
Jordan Wyatt
Jennifer Henthorn

EXECUTIVE SESSION:

(Audio Position: :30)

A. Election of Officers

BRANDIE ECKER: We are going to start the meeting with a nomination for Chairman.

After careful consideration, the following action was taken:

Upon a motion by Jack Young, being seconded by John Leszczynski and unanimously carried, Brendan Crumlish was appointed as Chairman of the Area Board of Zoning Appeals for 2019.

BRENDAN CRUMLISH: I will entertain a nomination for Vice Chairman.

After careful consideration, the following action was taken:

Upon a motion by Jack Young, being seconded by John Leszczynski and unanimously carried, Kathy Schuth was appointed as Vice Chairman of the Area Board of Zoning Appeals for 2019.

PUBLIC HEARINGS:

- 1 The petition of BRADLEY MANAGEMENT LLC seeking the following variance(s):**
1) from the 100' minimum lot width and frontage to 20' for proposed Lot 2,
property located at 57455 POPPY RD, Warren Township. Zoned R: Single Family
District (County). (Audio Position: 5:02)

PETITIONER

TERRY LANG of Lang, Feeney & Associates with office located at 715 S. Michigan Street, South Bend, presented on behalf of the petitioner.

IN FAVOR

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

REMONSTRANCE

There was one person concerned that this is the beginning of making the property light industrial or

commercial. He was:

DAN LISENKO of 57505 Ravenhill Drive, South Bend, IN.

REBUTTAL

TERRY LANG presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by Kathy Schuth and unanimously carried, a petition by BRADLEY MANAGEMENT LLC seeking the following variances: 1) from the 100' minimum lot width and frontage to 20' for proposed Lot 2 was approved as presented, and will issue written Findings of Fact.

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

- 2 The petition of DONALD D & NANCY A PARCELL seeking the following variance(s): 1) from the 20-acre minimum lot area to 2 acres; and 2) from the 30' minimum side yard setback to 8' along the west line, property located at 10128 PIERCE RD, Madison Township. Zoned A: Agricultural District (County). (Audio Position: 11:39)**

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan Street, South Bend, 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 Leszczynski, being seconded by Michael Urbanski and unanimously carried, a petition by DONALD D & NANCY A PARCELL seeking the following variances: 1) from the 20-acre minimum lot area to 2 acres; and 2) from the 30' minimum side yard setback to 8' along the west line was approved as presented, and will issue written Findings of Fact.

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

- 3 The petition of KLINE CUSTOM HOMES, INC. seeking the following variance(s): 1) from the 35' minimum front yard setback to 25' for Lots 2-19, property located at Cobblestone Square Subdivision (Gumwood between Cleveland and Brick), Clay Township. Zoned R: Single Family District (County). (Audio Position: 15:19)**

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan Street, South Bend 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.

REBUTTAL

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Jack Young and unanimously carried, a petition by KLINE CUSTOM HOMES, INC. seeking the following variances: 1) from the 35' minimum front yard setback to 25' for Lots 2-19 was approved as presented, and will issue written Findings of Fact.

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

- 4 The petition of JUPITER SOUTH BEND LLC seeking a Special Exception Use to allow processing and storage of aggregate materials, including on-site crushing of materials and to allow storage in excess of 50% of the total lot area, and seeking the following variance(s): 1) from the 30' minimum front yard setback of Parcel B and 10' rear yard setback of Parcel A to 0'; 2) from the required screening of outdoor storage to a 10' solid fence for 780' along the east, 1120' along the west, none on the south, and use of the existing building wall on the north; 3) from the required landscaping of required perimeter yards to none; and 4) from the required foundation landscaping to the existing landscaping, property located at 3602 W SAMPLE ST, Portage Township. Zoned GI General Industrial District (South Bend). (Audio Position: 22:28)**

PETITIONER

MIKE DANCH of Danch, Harner & Associates, 1643 Commerce Drive, South Bend, presented on behalf of the petitioner.

IN FAVOR

There was one person that asked questions. He was:

DAVE BERGERON of 25946 Brick Road, South Bend, IN speaking on behalf of the next door property at 3502 Sample Street.

REMONSTRANCE

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

REBUTTAL

MIKE DANCH presented the rebuttal.

After careful consideration, the following action was taken:

Upon a motion by Jack Young, being seconded by Michael Urbanski and unanimously carried, a petition by JUPITER SOUTH BEND LLC seeking a Special Exception Use for processing and storage of aggregate materials, including on-site crushing of materials and to allow storage in excess of 50% of the total lot area for property located at 3602 W SAMPLE ST, City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

Upon a motion by Kathy Schuth, being seconded by Jack Young and unanimously carried, a petition by JUPITER SOUTH BEND LLC seeking the following variances: 1) from the 30' minimum front yard setback of Parcel B and 10' rear yard setback of Parcel A to 0'; 2) from the required screening of outdoor storage to a 10' solid fence for 780' along the east, 1120' along the west, none on the south, and use of the existing building wall on the north; 3) from the required landscaping of required perimeter yards to none, subject to installation of perimeter landscaping along Sample; and 4) from the required foundation landscaping to the existing landscaping was approved as presented, subject to the approval of the Special Exception Use by the Common Council, and will issue written Findings of Fact.

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

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact (Audio Position: 40:15)
 - A. Findings of Fact for December 12, 2018

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, and seconded by Jack Young and unanimously carried, the Findings of Fact from the December 12, 2018 meeting of the Area Board of Zoning Appeals were APPROVED.

The meeting was adjourned at 2:12 p.m.

ATTESTED:



Lawrence P. Magliozzi,
Secretary of the Board

RESPECTFULLY SUBMITTED:



Brendan Crumlish,
Chairman of the Board